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THESIS

**BLACK FLAGS OF THEIR FATHERS: THE ISLAMIC
STATE'S RETURNING FOREIGN FIGHTER YOUTHS
AND THE IMPLICATIONS FOR U.S. DOMESTIC
SECURITY**

by

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December 2017

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**BLACK FLAGS OF THEIR FATHERS: THE ISLAMIC STATE'S RETURNING
FOREIGN FIGHTER YOUTHS AND THE IMPLICATIONS FOR U.S.
DOMESTIC SECURITY**

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ABSTRACT

The Islamic State's strategic resources are dissolving as fast as they once appeared. The fear is that, as the Islamic State deteriorates, it will expand its operations outside the region through the use of returning foreign fighters. Evidence suggests that Islamic State children are subject to indoctrination and training that give them the tools to plan, organize, and execute terrorist attacks. These children also have the motive, means, and opportunity to attack the West while *in* the West.

This thesis contains both quantitative and qualitative analyses that help assess the dangers that Islamic State returning foreign fighter youths pose to the domestic security of the United States. Three significant findings emerged out of this work. First, avenues exist for youth fighters indoctrinated and socialized by the Islamic State to plan, conduct, and execute terrorist operations in the United States. Second, youth fighters of the Islamic State share similarities with the child soldiers of other armed groups that influence whether they will have the propensity to engage in future terrorist attacks. Lastly, U.S. policies are geared toward addressing the humanitarian crisis that emerges out of the use of child soldiers, yet we treat the child soldiers of terrorist organizations like criminals. These findings have long-lasting implications for U.S. domestic security.

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LIST OF ACRONYMS AND ABBREVIATIONS

BRAT	<i>Building Resilience Against Terrorism</i> (Canada)
CTC	Combatting Terrorism Center (West Point)
EU	European Union
FF	foreign fighter
HVE	homegrown violent extremist
ICCT	International Centre for Counter-Terrorism
LRA	Lord's Resistance Army
nd	no data
PART	Action Plan Against Radicalization and Terrorism (France)
PCSO	policy community support officer (UK)
PEO	prevent engagement officer (UK)
PNR	passenger name record
RCMP	Royal Canadian Mounted Police
RFF	returning foreign fighter
TEO	Temporary Exclusion Order (UK)
TPIM	terrorism prevention and investigation measures
UN	United Nations
VE	violent extremist
VWP	Visa Waiver Program
YCJA	Youth Criminal Justice Act (Canada)

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EXECUTIVE SUMMARY

The Islamic State has sent young children to their deaths on the battlefield and in suicide attacks. For the most part, the carnage inflicted by these youth terrorist fighters has been contained to the areas where the Islamic State has held territory. Fortunately, this phenomenon has not yet manifested in fatalities in the United States. However, a threat from IS youth fighters approaches on the horizon.

This thesis challenges the notion that it is difficult, if not impossible, for the children of the Islamic State to travel to the United States from Syria or Iraq to carry out organized terrorist attacks on American soil. Adults and children from foreign lands have fought on behalf of the Islamic State, and recent reports indicate that the Islamic State is increasing its use of children to conduct attacks.¹ The Islamic State's strategic resources—land, money, and fighters—are dissolving as fast as they once appeared. The fear is that as the Islamic State deteriorates, it will attempt to expand its operations outside the region through the use of returning foreign fighters (RFFs). As the Islamic State continues to lose ground in Iraq and Syria and more foreign fighters of all ages return to countries around the world, nations must understand the complexity of the situation.

Evidence suggests that children of the Islamic State are subject to Islamic extremism indoctrination and training that give them the tools to plan, organize, and execute an attack. The research in this thesis reveals that the Islamic State's child soldiers have the motive and means to attack the West while *in* the West, but not all possess the opportunity to leave the region. This thesis demonstrates how the RFF phenomenon is a carrier that could deliver dangerous Islamic State children to the United States and other Western countries.

This thesis contains both quantitative and qualitative analyses. Quantitative analysis is important because the number of Islamic State foreign fighters has been

¹ Mia Bloom, John Horgan, and Charlie Winter, "Depictions of Children and Youth in the Islamic State's Martyrdom Propaganda, 2015–2016," *CTC Sentinel* 9, no. 2 (February 2016): 29–32.

identified by policy analysts as a potential indicator of future attacks in the West. However, it is hard to define the RFF threat based on quantitative data alone because governments may be overestimating or underestimating the numbers. The main thrust of this thesis is a comparative analysis of government policies intended to counter returning foreign fighters. Three countries with Western-style governments—Canada, the United Kingdom, and France—were studied to examine how they are coping with the issue of returning foreign fighter youth. The overarching counterterrorism policies of the countries were coded and classified and were analyzed on a spectrum ranging from “hard” to “soft,” in which hard policies are punitive measures, and soft policies involve the adoption of social programs. The policies addressing youth foreign fighters were also analyzed on a spectrum.

Three significant findings of this study emerged from this work. First, avenues exist for youth fighters indoctrinated and socialized by the Islamic State to plan, conduct, and execute terrorist operations in the United States. Second, youth fighters of the Islamic State share similarities with the child soldiers of other armed groups that influence whether they will have the propensity to engage in future terrorist attacks. Lastly, U.S. policies are geared toward addressing the humanitarian crisis that emerges out of the use of child soldiers, yet we treat the child soldiers of terrorist organizations like criminals. Each of these findings has repercussions for U.S. domestic security.

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The inspiration for the subject matter of this thesis originated from a single picture on the internet. The picture was grainy, as if it were a photo taken of a photo. Amidst a rubble-strewn desert background, young boys in camouflage battle dress uniforms sat, ankles crossed, with AK-47s lain across their laps as they diligently read the Koran. Around their heads, bandannas with the unmistakable insignia of the Islamic State stretched thin. Text, superimposed at the bottom corner of the image, read, “Our children are a trust from Allah.” It sparked the thought: Will my sons face a threat from these boys in the future? This thesis is dedicated to my sons, Elliot, Von, and Avery. While currently they are too young to read, much less understand, the concepts presented in this work, one day they will be able to understand why I wrote it. It’s possible the international landscape will look completely different by then, and the material that follows will be inconsequential. Let’s hope that is the case.

Perhaps in the years to come, they will understand the problem of child soldiers is like a jigsaw puzzle without corner pieces or flat sides. A puzzle that remains on a card table unsolved for years. Sometimes one can spend an entire afternoon working on a section, while other times someone picks away at it as he walks by. The puzzle occasionally recruits visitors to help, hoping a separate set of eyes will spot something that has been missed over the years. Larger puzzles get passed down to generations from their elders, who spent their waning days looking at the disassociated jagged pieces—each piece, to them, a part of the larger whole they may never see.

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I. INTRODUCTION

In 2017, the Islamic State released a video showcasing the story of Yusuf, a ten-year-old American boy who traveled to join the Islamic State with his mother when he was only eight years old.¹ His closely cropped hair, big brown eyes, and flaring ears—not to mention the space between his two front teeth—hint at the pre-adolescent innocence shared by many children his age. However, Yusuf is different. Instead of ballfields and parks, he plays on deserted playgrounds and fields of destruction piled high with debris from the Syrian insurgency. He speaks English with smatterings of Arabic dialogue dispersed throughout his manifesto as an Islamic chant wails in the background. Standing in front of a building razed by war, Yusuf stares into the camera as if in a trance-induced state and addresses the U.S. president directly:

Allah promises us victory, and he has promised you defeat. This battle is not going to end in Raqqa or Mosul. It is going to end in your lands. By the will of Allah, we will have victory. So get ready for the fighting has just begun.²

The final scenes show Yusuf and his seven-year-old best friend from Sinjar Province preparing a sniper perch and taking instruction from a black-clad Islamic State insurgent. Yusuf lifts the stock of a U.S. government-issued M-16 rifle to his shoulder and stares down a Zeiss scope mounted on top of the receiver. The video concludes as he clicks the fire selector switch from “safe” to “semi-automatic.”

If his story is true, then Yusuf and his family are a few of the estimated 250 people who have left the United States for the Islamic State in Iraq and Syria.³ The Islamic State has recruited, indoctrinated, and used children as young as four years old to

¹ Aaron Y. Zelin, “New Video Message from the Islamic State: ‘The Fertile Nation #4—Wilāyat Al-Raqqah,’” *Jihadology* (blog), August 23, 2017, <http://jihadology.net/2017/08/23/new-video-message-from-the-islamic-state-the-fertile-nation-4-wilayat-al-raqqah/>.

² Zelin.

³ “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq,” The Soufan Group, December 2015, 10, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf.

further its agenda, and this scene captures the looming threat they pose.⁴ Adopting similar techniques as rebel groups in Africa and Asia, the Islamic State has sent young children to their deaths on the battlefield and in suicide attacks. For the most part, the carnage inflicted by these youth terrorist fighters has been contained to the areas where the Islamic State has held territory. Yemen, Libya, Nigeria, Iraq, and Syria saw almost ninety youths perish under the Islamic State flag in suicide attacks or military operations over a one-year span from 2015 to 2016.⁵ Fortunately, this phenomenon has not yet manifested in fatalities in the United States. However, a threat from this demographic approaches on the horizon.

A. PROBLEM STATEMENT

This thesis challenges the notion that it is difficult, if not impossible, for the children of the Islamic State to travel to the United States from Syria or Iraq to carry out organized terrorist attacks on American soil. How could a child successfully navigate his or her way out of the Islamic State and into the United States? Would he or she have the skills and training to evade detection and be able to perpetrate an attack once inside the United States? This thesis shows that not only is this plausible, but in some aspects it is easier for children to infiltrate the U.S. borders to carry out attacks than it is for adults. In addition, foreign youth fighters are potentially dangerous. Evidence suggests that they are subject to Islamic extremist indoctrination and training that give them the tools to plan, organize, and execute an attack. Using children as an asymmetric attack vector would not only inflict physical damage to the victims, but also cause them to suffer aggravated emotional and psychological afflictions.

As the Islamic State deteriorates, it will attempt to expand its operations outside the region to project power. Deploying foreign fighters to conduct operations outside of the Islamic State is one way in which the West could face additional attacks. The Islamic

⁴ Lizzie Dearden, "Isis Training Children of Foreign Fighters to Become 'Next Generation' of Terrorists," *Independent*, July 29, 2016, <http://www.independent.co.uk/news/world/middle-east/isis-training-children-of-foreign-fighters-to-become-next-generation-of-terrorists-a7162911.html>.

⁵ Mia Bloom, John Horgan, and Charlie Winter, "Depictions of Children and Youth in the Islamic State's Martyrdom Propaganda, 2015–2016," *CTC Sentinel* 9, no. 2 (February 2016): 29–32.

State's strategic resources—land, money, and fighters—are dissolving as fast as they once appeared. As of 2014, the Islamic State held approximately 34,000 square miles of territory in Iraq and Syria.⁶ This is roughly the equivalent to the landmass of Maine.⁷ By the time this thesis was written in 2017, its territory had shrunk by more than 32 percent, to 23,320 square miles, or slightly smaller than West Virginia.⁸ Some estimates place its losses even higher.⁹ Also, the Islamic State's finances are receding. From a height of approximately \$1.9 billion in 2014, recent estimates reveal a decline in revenue of 80 percent.¹⁰ Researchers claim that the Islamic State is generating \$192 million per year from oil sales, taxes, and other sources.¹¹ In prior years, the Islamic State amassed as much as \$972 million annually.¹² Along with the contraction of territory and finances, the number of foreign fighters flowing into Syria and Iraq has dried up; constricted flow, defection, and battlefield attrition have resulted in recent estimates of less than half its total of approximately 42,000 fighters.¹³

B. RESEARCH QUESTION

Adult and child foreign fighters have fought under the black flag of the Islamic State and they are now returning to their home countries. The danger returning foreign fighters pose was a subject of debate long before the existence of the insurgencies in Iraq and Syria. Conflicts such as the Soviet-Afghan and Bosnian wars attracted large numbers

⁶ "ISIS Fast Facts," CNN, August 24, 2017, <http://www.cnn.com/2014/08/08/world/isis-fast-facts/index.html>.

⁷ "States Ranked by Size & Population," ipl2, accessed September 17, 2017, <http://www.ipl.org/div/stateknow/popchart.html>.

⁸ CNN, "ISIS Fast Facts"; ipl2, "States."

⁹ "Islamic State and the Crisis in Iraq and Syria in Maps," BBC News, September 21, 2017, <http://www.bbc.com/news/world-middle-east-27838034>.

¹⁰ Charles Riley, "ISIS Is Losing Mosul and Most of its Income," CNN, June 29, 2017, <http://money.cnn.com/2017/06/29/news/isis-finances-territory/index.html>.

¹¹ Riley.

¹² Riley.

¹³ Griff Witte, Sudarsan Raghavan, and James McAuley, "Flow of Foreign Fighters Plummets as Islamic State Loses Its Edge," *Chicago Tribune*, September 10, 2016, <http://www.chicagotribune.com/news/nationworld/ct-islamic-state-foreign-fighters-plummet-20160910-story.html>; Marije Meines et al., "Manual Responses to Returnees: Foreign Terrorist Fighters and Their Families" (RAN manual, Radicalisation Awareness Network, 2017), 15, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf.

of foreign fighters which precipitated discussions on what may happen when the fighters returned. The research derived from these battles may provide insight for countries eager to assess the potential impact returnees will have on domestic security. However, the current landscape is slightly different. First, the number of Islamic State foreign fighters has surpassed the number of foreign fighters in both of these conflicts. Second, the foreign fighters are more diverse as they originate from more countries than in previous conflicts. Third, the Islamic State's use of children in martyrdom operations and on the battlefield adds a new dimension to the existing debate. This thesis seeks to answer the following research question:

What are the domestic security ramifications posed by the youth terrorist fighters indoctrinated by the Islamic State?

To answer this main question, this thesis explores the following sub-questions:

- What role does the Islamic State's socialization of children play in the returning foreign fighter (RFF) phenomenon?
- How do current U.S. policies account for RFFs of all ages, and what have other Western-style governments done to address the issue?
- What are the implications of treating the child soldiers of the Islamic States as victims rather than criminal terrorists, or vice versa?

Europe has a burgeoning security problem because of the number of foreign fighters who might return home and carry out attacks. This is based on the theory that the numbers of Islamic State foreign fighters directly correlates to a threat for the countries that are expecting the return of these fighters. This thought is grounded in the belief that an influx of returning foreign fighters will stress the receiving country's intelligence and law-enforcement apparatuses. Thus, a large number of returnees may overwhelm the current systems. Governments that do not adopt new policies and practices or recruit more counterterrorism operatives face the reality that some returning foreign terrorist fighters will slip through the cracks—as they did in Paris and Brussels.

Although the actual number of American RFFs may be lower than in Western Europe, aggregated foreign fighter totals do not give us an accurate picture of the foreign fighter domestic threat. I have found that the danger posed by RFFs is more complex and nuanced than a series of numbers on a spreadsheet. Equating the number of returning foreign fighters to a future threat is too simplistic; there is a need to prove that there are pathways for these returnees. Once pathways are identified, nations can begin to move countermeasures into place to manage the flows.

Before the 2015 attack in Paris, there had only been one other instance of a returning Islamic State foreign fighter committing an act of terror on Western soil.¹⁴ The attacks in Paris and later in Brussels validated prior speculations that Islamic State RFFs could successfully plan and conduct attacks in the West.

With approximately 5–16 percent of the American foreign fighters returning to the United States, some have minimized the threat to America from RFFs.¹⁵ Researchers assert, “We have not seen a case of a foreign fighter from another Western country traveling to the United States to conduct an attack,” but they concede “it is not beyond the realm of possibility.”¹⁶ Some in Congress believe an attack by Islamic State RFFs is inevitable due to issues surrounding the Visa Waiver Program and other border-crossing policies.¹⁷ They contend that there remain conduits to America that RFFs can test and potentially exploit.

¹⁴ Kevin Rawlinson, “Jewish Museum Shooting Suspect ‘Is Islamic State Torturer,’” *Guardian*, [www.theguardian.com](https://www.theguardian.com/world/2014/sep/06/jewish-museum-shooting-suspect-islamic-state-torturer-brussels-syria), September 6, 2014, <https://www.theguardian.com/world/2014/sep/06/jewish-museum-shooting-suspect-islamic-state-torturer-brussels-syria>.

¹⁵ Soufan Group, “Foreign Fighters Update,” 10; Peter Bergen et al., *ISIS in the West: The Western Militant Flow to Syria and Iraq* (Washington, DC: New America, 2016), 13–18, <https://static.newamerica.org/attachments/12898-isis-in-the-west-march-2016/ISIS-in-the-West-II.8a0c30a894ec4b96a8340d5b26779456.pdf>; Richard Barrett, “Beyond the Caliphate: Foreign Fighters and the Threat of Returnees,” The Soufan Center, October 2017, 13, <http://thesoufancenter.org/wp-content/uploads/2017/10/Beyond-the-Caliphate-Foreign-Fighters-and-the-Threat-of-Returnees-TSC-Report-October-2017.pdf>.

¹⁶ Bergen et al., “ISIS in the West,” 18.

¹⁷ *Combatting Terrorist Travel: Does the Visa Waiver Program Keep Our Nation Safe?*, Hearing before the Subcommittee on Border and Maritime Security, 114th Cong. 1 (2015), www.gpo.gov/fdsys/pkg/CHRG-114hhrg94579/html/CHRG-114hhrg94579.htm.

Not every returnee is dangerous. If policymakers assume that not only adults but also children return from the Islamic State, do they place an equal amount of suspicion on these children as they do on the adults? The subjugation and exploitation of children in the Islamic State should raise concern, both from a humanitarian and from a counterterrorism perspective. Aside from the threat of returning foreign fighters evading local authorities, RFFs possess particular skills that may make them just as lethal as homegrown violent extremists (HVEs). In this respect, neither the academic community nor international security services have fully explored the potential consequences of the “veteran effect” or the “lag-time challenge” phenomena of the Islamic State’s child soldiers.¹⁸ For instance, do returning foreign fighters act as mentors to youths, and is there an incubation period during which young combatants mature into adult terrorists? The authors of a Europol report conducted in 2016 were concerned about this issue when they discovered Islamic State propaganda touting the creation of a “next generation of fighters.”¹⁹

Some American foreign fighters were as young as eighteen when they traveled to Syria and Iraq.²⁰ Other foreign fighters emigrated with their families as children or were born in Islamic State hospitals.²¹ Estimates in 2016 placed approximately 1,500 child soldiers in the Islamic State.²² These children, dubbed the “cubs of the caliphate,” have

¹⁸ Thomas Hegghammer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice between Domestic and Foreign Fighting,” *American Political Science Review* 107, no. 1 (February 2013): 1–15, <https://doi.org/10.1017/S0003055412000615>; David Malet, “Sleeper Agents or Big Yawn? Waiting for Returned Foreign Fighters,” *Political Violence at a Glance*, January 18, 2016, <https://politicalviolenceataglance.org/2016/01/18/sleeper-agents-or-big-yawn-waiting-for-retained-foreign-fighters/>.

¹⁹ European Police Office (Europol), “European Union Terrorism Situation and Trend Report (TE-SAT) 2016” (report, Europol, 2016), 29.

²⁰ Jeffrey Imm, “American ISIS—15 of 58 American ISIS Recruits from Minnesota,” *Responsible for Equality and Liberty (R.E.A.L.)* (blog), September 30, 2015, <http://www.realcourage.org/2015/09/american-isis-recruits-minnesota/>.

²¹ Dearden, “Isis Training Children.”

²² Charlotte Alfred, “A Shocking Number of Kids Are Fighting and Dying For ISIS,” *Huffington Post*, February 19, 2016, http://www.huffingtonpost.com/entry/isis-child-soldiers_us_56c779b9e4b0ec6725e28d90.

conducted suicide bombings and carried out executions of Islamic State prisoners.²³ Islamic State indoctrination and socialization techniques raise questions about the group's strategic use of children.²⁴ Governments face the reality that adolescent Islamic State fighters have proven formidable combatants, may have been groomed to carry out a multi-generational war, and have pathways to immigration or non-immigrant reentry. In this respect, the conversation about how to deal with RFFs should extend to fighters of all ages.

In response to the threat from international terrorist organizations, European countries and the United States have re-examined their immigration, visitor, and non-immigrant reentry policies. Although some have enacted policies to curb the RFF threat, specific policies addressing Islamic State returning families and children are rare.²⁵ Most of the current policies applicable to children used in conflict zones were fashioned in response to wars in places such as Africa and Asia. Those policies may be insufficient as the Islamic State's exploitation of its youth is more than a humanitarian problem. It is also a counterterrorism issue.

C. MAJOR FINDINGS

- (1) **Finding 1:** Avenues exist for youth fighters indoctrinated and socialized by the Islamic State to plan, conduct, and execute terrorist operations in the United States.

Islamic State terrorists could disguise themselves among refugees or asylum seekers, and enter the United States through legal immigration procedures. The asylum process is the most vulnerable immigration procedure that could lead to the entry of unaccompanied minors of the Islamic State into the United States. The risk these children pose is not nonexistent, but we cannot yet say how dangerous they are.

²³ S. J. Prince, "New ISIS Video Shows Child Soldiers Executing & Beheading 5 'Kurdish Fighters,'" *Heavy*, August 26, 2016, <http://heavy.com/news/2016/08/new-isis-islamic-state-amaq-news-pictures-videos-kurdish-ypg-peshmerga-execution-beheading-by-boy-child-foreign-soldiers-raqqa-syria-telegram-full-uncensored-youtube-mp4-download/>.

²⁴ Cole Pinheiro, "The Role of Child Soldiers in a Multigenerational Movement," *CTC Sentinel* 8, no. 2 (February 2015): 12.

²⁵ Elizabeth Pineau, "In Iraq, Hollande Vows to Tackle Foreign Fighters and Their Children," *Reuters*, January 2, 2017, <http://in.reuters.com/article/mideast-crisis-iraq-hollande-idINKBN14M0A1>.

- (2) **Finding 2:** Youth fighters of the Islamic State share similarities with the child soldiers of other armed groups that influence whether or not they will have the propensity to engage in future terrorist attacks.

The Islamic State's recruitment, use, and exploitation of children are similar to the methods employed by many other groups that send youths into battle. Removing children from the conflict zone and keeping them out should be the primary focus of any nation concerned with the threat from the Islamic State's child soldiers. It is important to remember that the conflict they need to be removed from is not only the physical battles being waged in Syria and Iraq, but also the ideological conflict found in violent jihad.

- (3) **Finding 3:** U.S. policies are geared toward addressing the humanitarian crisis that emerges out of the use of child soldiers, yet we treat the child soldiers of terrorist organizations like criminals.

If we use a spectrum from hard to soft to assess U.S. counterterrorism policies, we see that punitive policies outweigh social programs. When minors are arrested on suspicion of terrorism, they end up in the juvenile criminal justice system or, in some cases, imprisoned as adults. Currently, the United States lacks diversity in the counterterrorism policy spectrum, which limits the opportunities for each child returnee to be evaluated according to his or her individual barriers to resiliency.

D. LITERATURE REVIEW

The 2015 terrorist attacks in Paris changed the way the international community views the threat of returning foreign fighters (RFFs), reinforcing some people's perceptions of danger and providing a pivot point for others to change their opinions about the severity of the threat. In response, governments in western Europe and the United States have examined their existing counterterrorism policies and drafted new ones designed to address the RFF threat. Punitive ("hard") and humanitarian ("soft") policies were proposed and implemented by some, designed to lessen the impact of the returnees. Although some of the new policies were borne out of emergency legislation, others were the result of enhancements to existing laws. However, few have instituted any specific legislation that directly addresses adolescent RFFs or the children of returning foreign fighters.

The literature suggests that RFFs can be explored in two camps: the “alarmists” and the “optimists.” The alarmists point to the “veteran effect” as a factor that demonstrates a returnee’s effectiveness and lethality. This camp also contends that a “lag time” exists, and RFFs are “ticking time bombs” capable of launching attacks in their home countries. The optimists challenge both the veteran effect and lag-time concept, using empirical data to demonstrate that the occurrence of RFF attacks is infrequent, and the threat is manageable. The dichotomy of the two camps is most prevalent among academics and researchers. However, the discourse among governments is slightly different. Government policymakers debate whether hard policies, soft policies, or a combination of both most effectively address the threat from RFFs.

1. Do Returning Foreign Fighters Pose a Serious Threat?: Alarmists and Optimists Weigh In

Thomas Hegghammer was one of the first to address the issue of RFFs.²⁶ Focusing on the period between 1990 and 2010, he uses empirical data to assess the threat from foreign fighters and debates whether foreign fighters are “lethal terrorists-in-the-making” or “harmless freedom fighters.”²⁷ Hegghammer limits his work to North America, western Europe, and Australia, and in this context defines a foreign fighter as “someone who leaves the West to fight somewhere else.”²⁸ While examining the motivations of Western radical Islamists, he attests that most foreign fighters are not predisposed to return to the West to wage jihad, but some develop an impetus as they mature as combatants. He found that although foreign fighters preferred to fight overseas rather than domestically, this inclination decreased over the review period.²⁹

While Hegghammer focused his research on a broad set of radical Islamists, others have focused their research specifically on groups that are waging jihad against the

²⁶ Hegghammer, “Should I Stay or Should I Go.”

²⁷ Hegghammer, 1.

²⁸ Hegghammer, 1.

²⁹ Hegghammer, 10.

Syrian government and Shiite groups.³⁰ Bakker, Paulussen, and Entenmann estimate that the number of Europeans who left to fight in Syria increased three-fold during a nine-month period at the beginning of 2014.³¹ Citing the 2014 attack at a Jewish museum in Brussels, the growing numbers of returning foreign fighters, and the potential for similar attacks in the future, they recognize that assessing the threat from RFFs is difficult because of the problem's complex nature. They conclude that the threat is "growing...real...multifaceted...and very difficult to assess."³²

Although the 2014 museum attack in Brussels sparked a global conversation about the threat from RFFs, some pointed out that the threat might be over-inflated. After years of researching the foreign fighter phenomenon, David Malet argues that historical evidence shows "extremely few foreign fighters appear to engage in militant activity after their returns."³³ In this respect, he echoes Hegghammer's findings but also challenges Hegghammer's widely accepted "veteran effect" concept.³⁴

In 2010, Hegghammer calculated that 11 percent (1 in 9) of foreign fighters return to conduct operations domestically.³⁵ In 2014, he revised this estimate to 5 percent after conducting more research on the fighters returning from Syria.³⁶ He ultimately claims that data show it might even be as low as one-third of 1 percent from that region. However, the lower estimates focused on the likelihood of attacks, not their effectiveness. Hegghammer's 2010 research included analysis of the impact of RFFs centered around their ability to launch *successful* terrorist attacks once they returned from abroad. He found that domestic plots that involved the participation of veteran foreign fighters were

³⁰ Edwin Bakker, Christoph Paulussen, and Eva Entenmann, "Returning Jihadist Foreign Fighters: Challenges Pertaining to Threat Assessment and Governance of This Pan-European Problem," *Security and Human Rights* 25, no. 1 (2014): 13.

³¹ Bakker, Paulussen, and Entenmann, 14.

³² Bakker, Paulussen, and Entenmann, 18.

³³ David Malet, "What Does the Evidence Tell Us about the Impact of Foreign Fighters on Home-Grown Radicalization?," *Radicalisation Research*, July 6, 2015, <http://www.radicalisationresearch.org/debate/malet-foreign-fighters-home-grown-radicalization/>.

³⁴ Malet, "What Does the Evidence Tell Us."

³⁵ Hegghammer, "Should I Stay or Should I Go," 10.

³⁶ Thomas Hegghammer, "Will ISIS 'Weaponize' Foreign Fighters?," CNN, October 17, 2014, <http://www.cnn.com/2014/10/16/opinion/hegghammer-isis-foreign-fighters/index.html>.

1.5 times more likely to be executed than operations that did not involve a veteran foreign fighter. Additionally, he discovered that veterans were 2.3 times more likely to execute a plot that would result in the deaths of others. He concluded that his “data thus corroborate[d] existing evidence of a ‘veteran effect’ that makes returnees more lethal operatives.”³⁷ Instead of conceding to this finding, Malet challenges Hegghammer’s data and claims that the use of social media by modern foreign fighters in theater dilutes the impact that returning foreign fighters have in the radicalization process. Malet emphasizes that, to aspiring jihadis, the social media sites of those fighters who chose to stay in theater may be more exciting than the returnees.³⁸ Also, he argues that returnees have “rarely been at the center of recruitment efforts.”³⁹ Malet contends that returning foreign fighters may not be as effective as Hegghammer suggests.⁴⁰ Others, such as Daniel Byman and Jeremy Shapiro, also warn of exaggerating the threat from returning foreign fighters.⁴¹

As scholars and governments debated the scope and legitimacy of the RFF threat, Abdelhamid Abaaoud mobilized the terrorist cell that eventually attacked Paris in 2015 and validated the concerns of many. Before the Paris attacks, government officials and some researchers claimed that RFFs were potential “ticking time bombs.”⁴² A 2013 investigation found that some Dutch foreign fighters who returned from Syria wished to continue waging jihad, while others returned “disillusioned.”⁴³ After the Paris attacks, French officials expressed similar concerns that RFFs could enter the country and lie

³⁷ Hegghammer, “Should I Stay or Should I Go?,” 11.

³⁸ Malet, “What Does the Evidence Tell Us.”

³⁹ Malet.

⁴⁰ Malet, “Sleeper Agents or Big Yawn?”

⁴¹ Daniel L. Byman and Jeremy Shapiro, “Homeward Bound? Don’t Hype the Threat of Returning Jihadists,” Brookings, November 30, 2001, <https://www.brookings.edu/articles/homeward-bounddont-hype-the-threat-of-returning-jihadists/>.

⁴² Colum Lynch, “Europe’s New ‘Time Bomb’ Is Ticking in Syria,” *Foreign Policy*, July 9, 2013, <https://foreignpolicy.com/2013/07/09/europes-new-time-bomb-is-ticking-in-syria/>; Yaakov Lappin, “Syrian Recruits Are ‘Ticking Time Bomb,’ Study Says. Experts: Foreign Militia Forming Global Jihad Networks Back Home,” *Jerusalem Post*, May 14, 2014, sec. News.

⁴³ Ronald Sandee and Michael S. Smith II, “Inside the Jihad: Dutch Fighters in Syria,” Kronos Advisory, October 2013, 25, http://www.kronosadvisory.com/Kronos_DUTCH.FIGHTERS.IN.SYRIA.pdf.

dormant while plotting the next attack.⁴⁴ Malet counters these claims: “If returned jihadis are sleepers waiting to strike, then we should see evidence of it.”⁴⁵ He claims that if a “lag time” exists, we should be witnessing attacks from the fighters that returned years ago from places like Somalia, Afghanistan, and Pakistan. He concludes, “There is no evidence that they present any particular long-term threat of delayed attack.”⁴⁶

By 2016, European countries had acknowledged that the threat from returning foreign fighters was real. A Europol report attests, “The main concern reported by [European Union] Member States continues to be jihadist terrorism and the closely related phenomenon of foreign terrorist fighters traveling to and from conflict zones.”⁴⁷ The 2015 report estimates that 5,000 Europeans have left to fight for the Islamic State. The International Centre for Counter-Terrorism (ICCT) in The Hague estimates the number of foreign fighters is slightly lower (between 3,922 and 4,294).⁴⁸ The ICCT claims that France, Germany, the United Kingdom, and Belgium make up the four countries with the largest European foreign fighter population. Although France has the highest absolute number of foreign fighters, Belgium has the highest per capita distribution. The Europol report and the ICCT report both estimate that 20 to 30 percent of foreign fighters have returned from the Islamic State. That puts the number of returning foreign fighters in Europe somewhere between 784 and 1,500. Applying Hegghammer’s statistics would suggest that in 2016 there were between thirteen and 250 returning foreign fighters in Europe plotting an attack. As it would turn out, seven out of the nine main perpetrators of the 2015 attacks in Paris had returned from the Islamic State in Syria.⁴⁹

⁴⁴ “Ticking Time Bomb of Foreign Fighters Returning to France from Syria,” *National*, September 9, 2016, <http://www.thenational.ae/world/europe/ticking-time-bomb-of-foreign-fighters-returning-to-france-from-syria>.

⁴⁵ Malet, “Sleeper Agents or Big Yawn?”

⁴⁶ Malet.

⁴⁷ Europol, “TE-SAT 2016,” 6.

⁴⁸ Bérénice Boutin et al., *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats, and Policies* (The Hague: International Centre for Counter-Terrorism, 2016), 3, <http://icct.nl/publication/report-the-foreign-fighters-phenomenon-in-the-eu-profiles-threats-policies/>.

⁴⁹ Jean-Charles Brisard, “The Paris Attacks and the Evolving Islamic State Threat to France,” *CTC Sentinel*, Special Issue 8, no. 11 (December 2015): 7.

Compared to other Western countries, the number foreign fighters in the United States is much lower. In 2015, The Soufan Group estimated that forty out of 150–250 American foreign fighters had returned to the United States.⁵⁰ As of early 2016, reports claim that six Islamic State returnees from Syria had been arrested in the United States; one of them, Abdirahaman Sheik Mohamud, was accused of planning an attack in the United States.⁵¹ According to a database compiled by the National Consortium for the Study of Terrorism and Responses to Terrorism (START), from 1980 to 2016 seventy-four foreign fighters were implicated in schemes to attack the United States.⁵² Although almost 90 percent of these plots failed, it only took nine attackers in six different attacks to amass twenty-four deaths and 1,330 casualties.

2. Child Soldiers of the Islamic State

The mastermind of the Paris attacks allegedly traveled to Syria with his adolescent brother in 2014.⁵³ At the time, Abdelhamid Abaaoud's brother was one of the many child soldiers operating in the Islamic State. In a study on "the number of children and youth militants," researchers at West Point's Combatting Terrorism Center (CTC) found data that "far exceeds current estimates."⁵⁴ The amount of literature on the child soldiers of the Islamic State continues to increase as more information flows out of Syria and Iraq.

This literature reveals that the group's methods for recruitment and use of children are similar to the methods used by other groups that deploy children into battle. Michael Wessells and J. P. Singer have conducted extensive research on the child

⁵⁰ Soufan Group, "Foreign Fighters Update," 10, 19.

⁵¹ Peter Bergen and David Serman, "Will Returning Syria Fighters Strike U.S.?", CNN, March 25, 2016, <http://www.cnn.com/2016/03/25/opinions/terrorist-fighters-return-from-syria-bergen-serman/index.html>.

⁵² Michael Jansen and Patrick James, "Profiles of Individual Radicalization in the United States—Foreign Fighters: Infographics," National Consortium for the Study of Terrorism and Responses to Terrorism, accessed November 3, 2017, 4, https://www.start.umd.edu/pubs/START_PIRUS-FF_Infographic_Oct2017.pdf.

⁵³ Ben Farmer, "Who Is Salah Abdeslam and Who Were the Paris Terrorists? Everything We Know about the ISIL Attackers," *Telegraph*, March 18, 2016, <http://www.telegraph.co.uk/news/worldnews/europe/france/11996120/Paris-attack-what-we-know-about-the-suspects.html>.

⁵⁴ Bloom, Horgan, and Winter, "Depictions of Children."

soldiers of Africa and Asia. In comparison, John Horgan and Mia Bloom have focused much of their research on the Islamic State's use of child soldiers. In a recent journal article, Horgan et al. identified five sources from which the Islamic State obtains its child soldiers—the last four overlap with those indicated by Wessells and Singer:

1. Children of internally displaced people and foreigners (including foreign fighters) who travel to Islamic State-controlled territory;
2. Children volunteered by local fighters and civilians;
3. Children recruited from local orphanages;
4. Children involuntarily taken from their parents (i.e., through abduction and/or slavery); and
5. Children volunteers, many of whom are runaways.⁵⁵

The first source, children born to foreign fighters or emigrants, was not identified by Wessells or Singer as a source of child recruitment in African case studies.⁵⁶

Horgan et al. also address the process in which children progress from passive recruits to battle-ready soldiers.⁵⁷ Referencing Singer's work on child recruitment and indoctrination processes, they contend that it is "not just three phases but much more in an elaborate, institutionalized effort that is both highly structured and efficient."⁵⁸ They also point out that the Islamic State's use of social media and propaganda showcases to the world how it recruits and trains children. The scholars claim that this is a fundamental difference from what other groups in the world have done.

While there are similarities between the way African and Asian rebel groups and the Islamic State recruit their child soldiers, there are also significant differences. Bloom contends that some recruitment measures, as well as the "role the parents and community play in recruitment," highlight the areas where the Islamic State diverges from other

⁵⁵ John Horgan et al., "From Cubs to Lions: A Six Stage Model of Child Socialization into the Islamic State," *Studies in Conflict & Terrorism* 40, no. 7 (2017): 8, <http://dx.doi.org/10.1080/1057610X.2016.1221252>.

⁵⁶ Michael Wessells, *Child Soldiers: From Violence to Protection* (Cambridge, MA: Harvard University Press, 2006), 33–66; P. W. Singer, *Children at War* (Berkeley, CA: University of California Press, 2006), 57–69.

⁵⁷ Horgan et al., "From Cubs to Lions."

⁵⁸ Horgan et al., 7.

groups.⁵⁹ A report from the Quilliam Foundation agrees with Bloom's assessment and offers additional knowledge about how the Islamic State recruits, trains, and uses children.⁶⁰ The authors point out that schooling and education play a critical role in the process, which is in contrast to other groups. The authors emphasize that Islamic State schools provide the future and hope for the state. They argue that there is a close correlation to the way in which Hitler's Third Reich educated some German youths, and "used socialisation to create an adolescent Nazi identity."⁶¹ Researchers at the Quilliam Foundation discovered Islamic State curricula designed to create the next generation of jihadi terrorists.⁶²

As researchers discover more information about Islamic State youth and government officials draft policies to confront the issue, foreign fighters of all ages from Iraq and Syria are returning home. For this reason, the future threat imposed by these children needs to be addressed now.

E. METHODS OF ANALYSIS

This thesis contains both qualitative and quantitative analyses of the problem space. Quantitative analysis is important because the number of Islamic State foreign fighters has been identified by policy analysts as a potential indicator of future attacks in the West. The data analyzed in this thesis includes foreign fighter estimates originating from multiple sources. Forecasts of foreign fighters compiled by The Soufan Group, New America, the International Center for Counter-Terrorism (ICCT), and the University of Maryland's National Consortium for the Study of Terrorism and Responses to Terrorism (START) were used throughout the work. The datasets varied in size and scope. In October 2017, The Soufan Group released an update to its 2015 report. While most of the datasets were analyzed before the release of this latest report, some of the updated Soufan

⁵⁹ Mia Bloom, "How the ISIS Recruits And Coerces Children," *The Wire* (blog), September 6, 2016, <http://thewire.in/64133/cubs-of-the-caliphate-how-isis-coerces-children-into-its-fold/>.

⁶⁰ Noman Benotman and Nikita Malik, *The Children of Islamic State* (London: Quilliam Foundation, 2016), <https://f.hypotheses.org/wp-content/blogs.dir/2725/files/2016/04/the-children-of-islamic-state.pdf>.

⁶¹ Benotman and Malik, 21.

⁶² Benotman and Malik.

estimates are included in this text. In some instances, the reports and accompanying datasets cited in this work contained analyses that provided statistics for foreign fighter totals and rates of return or death. However, some did not provide this information. In those instances, I calculated the foreign fighter death and returnee averages using the foreign fighter totals, death totals, and return totals provided by the sources. The formula used in Equation 1 was not derived from any sources.⁶³ It was contrived to help reinforce the “potential returnee” conceptual model.

The main thrust of this thesis is a comparative analysis of government policies intended to counter returning foreign fighters. Three countries with Western-style governments were chosen based on three variables: (1) the number of RFFs, (2) the existence of past terrorist attacks by RFFs, and (3) proximity to the U.S. mainland. The strategic counterterrorism policies of Canada, the United Kingdom, and France were collected from their respective government websites and reviewed. Many of the policies found in the case studies were enacted out of emergency legislation aimed at addressing the RFF threat. Canada’s Building Resilience Against Terrorism (BRAT), the United Kingdom’s CONTEST strategy, and France’s Action Plan Against Radicalization and Terrorism (PART) served as the primary sources for this research. However, some policies were also based on the countries’ preexisting legal frameworks. In instances when counterterrorism legislation was rooted in the civil or criminal code, I expanded my research to examine the specific statutes, rules, and laws. For these occurrences, Criminal Code Canada, UK Parliament, and the France Civil Code were the primary sources of research. The laws governing juvenile detention and delinquency were also included in the country comparison analysis. The information in this thesis about juvenile criminal procedures was obtained from the respective countries’ judicial websites and other documentation.

Canada, the United Kingdom, and France were chosen for the country comparative analysis primarily based on the information presented in the following sections.

⁶³ Equation 1 is presented in Chapter II, Section C1.

1. Canada

The RFF demographics of Canada and the United States are similar. However, while not as prolific as they are in Europe, Canadian RFFs may pose more of a threat to the United States because of their proximity to the U.S. mainland. The United States and Canada share approximately 9,000 kilometers of international border.⁶⁴ The areas of the northern border, which are less protected than areas of the southern border, increase the potential for undetected Canadian RFFs to cross into the United States. Even though there has not been a scourge of recent terrorist attacks in Canada, previous operations such as the 2001 “millennium” plot have used the international border as a point of embarkation.

2. France

The French Republic was chosen for analysis for a number of reasons. First, as of December 2015, the total number of foreign fighters (1,700) surpassed all other Western countries, and the number of returnees (250+) ranked second.⁶⁵ As of 2017, the estimate of French foreign fighters was as high as 1,910.⁶⁶ Second, France has a history of terrorist attacks directed and executed by young Islamic State RFFs. Lastly, it is a U.S. Visa Waiver Program participant, therefore generating U.S. border and immigration concerns. Every effort was made to find authorized translations of the documents cited in the research and analysis. When this was not possible, the documents were translated by Google Chrome’s translate feature.

3. United Kingdom

In 2016, the ICCT released a research paper that I used to determine the European countries that faced the most significant threat from returning foreign fighters.⁶⁷ To date, it is one of the most comprehensive RFF datasets in existence. The ICCT claims that Belgium, France, Germany, and the United Kingdom are the European countries that

⁶⁴ “The World Factbook—North America: Canada,” Central Intelligence Agency, accessed June 21, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

⁶⁵ Soufan Group, “Foreign Fighters Update,” 7–10.

⁶⁶ Barrett, “Beyond the Caliphate,” 10.

⁶⁷ Boutin et al., *The Foreign Fighters Phenomenon*.

have the highest foreign fighter population.⁶⁸ Although France was already selected for this work, I thought it was necessary to include a second European country for analysis. The United Kingdom was selected based on my assessment that it faces a higher potential for exposure to young Islamic State RFFs than either Germany or Belgium (see the Appendix for more information).

The overarching counterterrorism policies of the countries examined in this work were not compared and contrasted with one another. Rather, the policies and methods were analyzed to determine what works, what does not, and how those lessons can be applied to U.S. policies. These policies were coded and classified and were analyzed on a spectrum ranging from hard to soft, where hard policies are punitive measures and soft policies involve the adoption of social programs. Although the case studies were limited to these three countries, the classification techniques can be applied to any counterterrorism policy of any country. Finally, policies addressing youth foreign fighters were also analyzed on a spectrum. This spectrum emulated the classification process used to analyze the overarching counterterrorism policies of the comparative countries.

F. THESIS OVERVIEW

Chapter II defines the threat from RFFs by scrutinizing the concepts introduced in the literature review. This section also identifies why foreign fighters are essential to the Islamic State and places the number of foreign fighters and RFFs into context. In this chapter, I develop a model that challenges the conventional wisdom that correlates the threat of RFFs to quantities of foreign fighters. This model interprets why volume can be a false metric for assessing danger. Finally, this chapter delved into the methodology of what I call the “threat triumvirate.” This concept is based on criminal investigation techniques in which motive, means, and opportunity are assessed to determine whether a legitimate danger is present.

The issues surrounding the definition, recruitment, and use of child soldiers are examined in Chapter III. This chapter discusses the evolving trends of children in combat and how the Islamic State is using child soldiers. Also, this chapter demonstrates that

⁶⁸ Boutin et al., 3.

pathways to the United States exist for child soldiers of the Islamic State and introduces a geo social-based model that helps scrutinize the threat to the U.S. homeland from Islamic State youth. The chapter concludes with the international and domestic policy implications of dealing with Islamic State child soldiers.

Chapters IV, V, and VI showcase country comparisons to demonstrate how the examined countries are coping with the RFF phenomenon. It is a probe of the overarching counterterrorism policies of Canada, the United Kingdom, and France. The country comparison culminates in the development of a model through which policies are synthesized, categorized, and aligned along a policy spectrum. Child-specific country policies are also investigated and aligned along the spectrum. In Chapter VII, I conclude the project by re-examining the research question and discussing the findings of the research analysis.

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II. RETURNING HOME PART ONE: DEFINING THE THREAT

A. WHAT IS A FOREIGN FIGHTER?

Defining the term *foreign fighter* is an important first step in understanding the concepts surrounding the returning foreign fighter (RFF) phenomenon. However, this is often easier said than done because this phenomenon is not relegated solely to transnational terrorist groups or insurgencies. For example, nation-states have used cadres of foreign military personnel to augment forces in times of need, and currently there are American civilians and military veterans fighting against the Islamic State in Iraq and Syria.⁶⁹

Thomas Hegghammer defines a foreign fighter as “someone who leaves or tries to leave the West to fight somewhere else.”⁷⁰ He uses this definition in his research to explain the dichotomy that exists between domestic and foreign jihadi fighters. This particular interpretation allows him to define a new set of data when assessing Western RFF impact.

In an earlier work, Hegghammer defines a foreign fighter as “an agent who (1) has joined, and operates within the confines of an insurgency, (2) lacks citizenship of the conflict state or kinship to its warring factors, (3) lacks affiliation to an official military organization, and (4) is unpaid.”⁷¹ He applies these constraints to exclude specific groups like private military contractors—such as the company formerly known as Blackwater—and foreign national military branches—such as the French Foreign Legion—in the context of examining the rise of foreign fighters in the Muslim world. Applying all of

⁶⁹ Roc Morin, “American Peshmerga in the Fight Against ISIS,” *Atlantic*, January 29, 2016, <https://www.theatlantic.com/international/archive/2016/01/peshmerga-isis-western-volunteers/433803/>.

⁷⁰ Hegghammer, “Should I Stay or Should I Go,” 1.

⁷¹ Thomas Hegghammer, “The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad,” *International Security* 35, no. 3 (2010): 57–58.

Hegghammer's foreign fighter criteria to the Islamic State would not be appropriate for this work as the Islamic State has paid its foreign fighters as much as \$1,000 per month.⁷²

In his book *Foreign Fighters*, Malet defines foreign fighters as “noncitizens of conflict states who join insurgencies during civil conflicts.”⁷³ Malet refines his definition to include three requirements. He states, “I defined a *foreign fighter* as a member of an insurgency who is not a citizen of the state in which civil conflict occurs, has traveled for the purpose of becoming an armed belligerent in an intrastate conflict, and is not in the employ of a regular state military force.”⁷⁴ Malet's delineation also excludes specific groups such as mercenaries, private security contractors, and nation-state military units consisting of diverse nationalities.⁷⁵ Malet comingles the terms *foreign fighters* and *transnational insurgents* throughout his text. He explains that an insurgency is an “armed conflict within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of hostilities.”⁷⁶ This definition of an insurgency applies to the Islamic State since the group is engaged in battle with the Iraqi government and Syrian regime for land and influence.

In addition to the nuanced variations among definitions, the nomenclature for foreign fighters also varies depending on the part of the world from which the author or governing body originates. For example, in Europe, *foreign terrorist fighter* and *terrorist foreign fighter* are the preferred terms, whereas in the United States *foreign fighter* and *foreign terrorist fighter* are used interchangeably. In Canada, the popular government vernacular is *extremist traveler*.⁷⁷ In an examination of returning foreign jihadist fighters,

⁷² “ISIS Pays Foreign Fighters \$1,000 a Month: Jordan King,” NBC News, September 24, 2014, <http://www.nbcnews.com/storyline/isis-terror/isis-pays-foreign-fighters-1-000-month-jordan-king-n209026>.

⁷³ David Malet, *Foreign Fighters: Transnational Identity in Civil Conflicts* (New York: Oxford University Press, 2013), 9.

⁷⁴ Malet, 220.

⁷⁵ Malet, 9.

⁷⁶ Malet, 10.

⁷⁷ Alastair Reed and Johanna Pohl, “Disentangling the EU Foreign Fighter Threat: The Case for a Comprehensive Approach,” *RUSI Newsbrief* 37, no. 1 (February 2017): 1; Public Safety Canada, *2014 Public Report on the Terrorist Threat to Canada* (Ottawa: Government of Canada, 2016), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2014-pblc-rpr-trrst-thrt/index-en.aspx>.

Bakker, Paulussen, and Entenmann suggest that the diaspora of definitions and terminology creates confusion and hampers cooperation and understanding of how to deal with foreign fighters both before they leave and upon their return. They suggest, “Ideally, the definition of a foreign fighter should be unified on a European level.”⁷⁸ Likewise, Reed and Pohl assess that Europe’s inability to reach common ground on a definition, has “led to much confusion, [and] it has also resulted in a lack of a shared perception of the foreign fighter threat.”⁷⁹

B. FOREIGN FIGHTER IMPORTANCE TO THE ISLAMIC STATE

Foreign fighters have been an integral component for groups and nations engaged in armed combat for thousands of years, and the roles they play vary from conflict to conflict. Like the foreign fighters of other wars, those of the Islamic State insurgency are an essential element of its fighting force. Daniel Byman believes that “foreign fighters play an important—and unusual—role in this endeavor, offering the group scores of dedicated fighters, with many assuming leading roles.”⁸⁰ In 2015, The Soufan Group estimated that 31,000 people from eighty-six countries had taken up arms for the Islamic State.⁸¹ By 2017, estimates rose to over 42,000 from over 120 countries.⁸² This is an increase in the numbers that were reported in the Soviet–Afghan War and more than al-Qaeda has ever been able to recruit.⁸³ In the Soviet–Afghan conflict, 20,000 foreign fighters from Saudi Arabia, Pakistan, and other countries fought to expel infidels.⁸⁴

Foreign fighters are a valuable resource to the Islamic for several reasons, including their use as propaganda, battlefield reinforcements, and as returnees. Videos

⁷⁸ Bakker, Paulussen, and Entenmann, “Returning Jihadist Foreign Fighters,” 28.

⁷⁹ Reed and Pohl, “Disentangling the EU,” 1.

⁸⁰ Daniel Byman, “Understanding the Islamic State—A Review Essay,” *International Security* 40, no. 4 (Spring 2016): 130, doi:10.1162/ISEC_r_00235.

⁸¹ Soufan Group, “Foreign Fighters Update,” 4.

⁸² Meines et al., “Manual Responses to Returnees,” 15.

⁸³ Swati Sharma, “Map: How the Flow of Foreign Fighters to Iraq and Syria Has Surged Since October,” *Washington Post*, January 27, 2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/01/27/map-how-the-flow-of-foreign-fighters-to-iraq-and-syria-has-surged-since-october/>; Bruce Hoffman, “Return of the Jihadi,” *National Interest*, February 2016.

⁸⁴ Masood Farivar, “The Foreign Fighters and Me,” *International New York Times*, April 2, 2014.

released on internet sites and social media outlets are examples of the messaging campaign that foreign fighters have undertaken. Stern and Berger explain, “ISIS propaganda and messaging is disproportionately slanted toward foreign fighters, both in its content and its target audience. Important ISIS messages are commonly released simultaneously in English, French, and German, then later translated into other languages, such as Russian, Indonesian, and Urdu.”⁸⁵ The videos and messages do more than target foreign recruits; foreign fighters are the key actors in some of the videos, which show Islamic State fighters beheading prisoners, calling for *hijra* to the caliphate, and delivering Islamist diatribes to the camera encouraging jihad.⁸⁶

The flow of foreign fighters into the Islamic State reached its peak in late 2015. In an eighteen-month period, from June 2014 to December 2015, the amount of Islamic State foreign fighters doubled, surpassing 30,000.⁸⁷ Compiling recruits on a global scale, almost all of the continents have seen fighters travel to Iraq and Syria, with Europe and Asia contributing the most. At the height of its foreign fighter numbers, the Islamic State held approximately 33 percent of the land in both Iraq and Syria.⁸⁸ This illustrates that the more foreign fighters the Islamic State had, the more land it controlled. It is also a tangible representation of the value that foreign fighters represent to the Islamic State.

In addition to providing reinforcements, the Center for American Progress claims, “These foreign fighters fill leadership roles within the organization’s hierarchy and seem to be disproportionately responsible for the atrocities and brutality for which [the Islamic State] has become infamous.”⁸⁹ Perhaps one of the most brutal Islamic State foreign

⁸⁵ Jessica Stern and J.M. Berger, “ISIS and the Foreign-Fighter Phenomenon,” *Atlantic*, March 8, 2015, <https://www.theatlantic.com/international/archive/2015/03/isis-and-the-foreign-fighter-problem/387166/>.

⁸⁶ Olivia Becker, “Pro-ISIS Recruitment Video Encourages Foreign Fighters to Join Jihad,” *VICE News*, June 21, 2014, <https://news.vice.com/article/pro-isis-recruitment-video-encourages-foreign-fighters-to-join-jihad>; Prince, “New ISIS Video Show Child.”

⁸⁷ Soufan Group, “Foreign Fighters Update,” 4.

⁸⁸ Henry Johnson, “Mapped: The Islamic State Is Losing Its Territory—and Fast,” *Foreign Policy* (blog), March 16, 2016, <https://foreignpolicy.com/2016/03/16/mapped-the-islamic-state-is-losing-its-territory-and-fast/>.

⁸⁹ Hardin Lang and Muath Wari, *The Flow of Foreign Fighters to the Islamic State: Assessing the Challenge and the Response* (Washington, DC: Center for American Progress, 2016), 1.

fighters, Mohamed Emwazi—also known as Jihadi John—reportedly traveled to the Islamic State in 2013 after changing his name and evading British authorities.⁹⁰ Hegghammer points out that there are more foreign fighters than local fighters participating in these vicious acts.⁹¹ Peter Neumann, director of the International Center for the Study of Radicalisation and Political Violence, suggests foreign fighters are prone to committing such acts because “they are typically people who are not invested in a local situation...they often see the conflict in very ideological terms.”⁹² As an example, Neumann cites how foreign fighters had split into ethno-sectarian lines during the Bosnian and Chechnyan conflicts and exacerbated the situation.

Not only does the adult population of foreign fighters provide value to the Islamic State, so does the younger generation of foreign fighters, who serve as propagandists and a ready-reserve fighting force. The children of foreign fighters from Britain, Egypt, Kurdistan, Tunisia, and Uzbekistan have conducted executions for the United States that were captured on video.⁹³ Adult foreign fighters have posted images on social media sites of their children holding weapons and explosives, and the Islamic State has created a martyrdom website eulogizing the deaths of its young soldiers.⁹⁴ Deaths have come in the form of lone suicide operations as well as in units on the battlefield. A Europol report states, “In their propaganda, [the Islamic State] has shown that they train these minors to become the next generation of foreign terrorist fighters, which may pose a future security threat to member states.”⁹⁵ However, little data exists to illuminate exactly how many

⁹⁰ Patrick Sawyer, “Who Is Jihadi John, and How Did Mohammed Emwazi Become the Symbol of ISIL?,” *Telegraph*, November 2015, <http://www.telegraph.co.uk/news/2016/03/16/who-is-jihadi-john-and-how-did-mohammed-emwazi-become-the-symbol/>.

⁹¹ Joshua Holland, “Why Have a Record Number of Westerners Joined the Islamic State?,” *BillMoyers.com* (blog), October 10, 2014, <http://billmoyers.com/2014/10/10/record-number-westerners-joined-islamic-state-great-threat/>.

⁹² Zack Beauchamp, “The Number of Foreigners Fighting in Syria and Iraq Just Hit an Alarming New Record,” *Vox*, January 26, 2015, <https://www.vox.com/2015/1/26/7915741/foreign-fighters-isis>.

⁹³ Prince, “New ISIS Video Show Child.”

⁹⁴ Dearden, “Isis Training Children”; Bloom, Horgan, and Winter, “Depictions of Children,” 29–32.

⁹⁵ Europol, “TE-SAT 2016,” 7.

children are interred on the front lines. Some of their common roles are as spies, preachers, soldiers, executioners, and suicide bombers.⁹⁶

Byman recognizes the foreign fighter population is an asset to the Islamic State, and its dependence on foreign fighters is a soft spot that could weaken over time.⁹⁷ Byman posits many foreign fighters are “poorly trained,” “incompetent,” and breeders of discontent between their ranks and the local fighters.⁹⁸ He also states they can be a significant operating expense for the Islamic State. John Mueller and Mark Stewart view foreign fighters as a weakness for the Islamic State as well, noting, “the group is likely to be penetrated by foreign intelligence operatives.”⁹⁹ Although the Islamic State expends time and resources to mitigate this problem, some interlopers are bound to infiltrate.¹⁰⁰ The Islamic State routinely publicly executes spies and subversives to deter this type of behavior.¹⁰¹

The flow of foreign fighters into Iraq and Syria has diminished. With the decrease in foreign fighters, Islamic State control of territory has also waned. As many as 2,000 recruits per month crossed over into Syria at one time. However, this surge dwindled in 2016.¹⁰² If 2015 represented a foreign fighter–fertile period, then the middle of 2016 represented a drought. In April 2016, the *Washington Post* reported that foreign fighter recruitment by the Islamic State had declined by 90 percent.¹⁰³ However, some see Islamic State foreign fighter statistical trends as a “lagging indicator,” meaning that the factors causing the decline may have been affecting the group for some time.¹⁰⁴

⁹⁶ Benotman and Malik, *Children of the Islamic State*, 41–44.

⁹⁷ Byman, “Understanding the Islamic State,” 130, 151.

⁹⁸ Byman, 151.

⁹⁹ John Mueller and Mark G. Stewart, “Misoverestimating ISIS: Comparison with Al-Qaeda,” *Perspectives on Terrorism* 10, no. 4 (August 2016): 35.

¹⁰⁰ Byman, “Understanding the Islamic State,” 152.

¹⁰¹ Mueller and Stewart, “Misoverestimating ISIS,” 35.

¹⁰² Witte, Raghavan, and McAuley, “Flow of Foreign Fighters Plummets.”

¹⁰³ Thomas Gibbons-Neff, “Number of Foreign Fighters Entering Iraq and Syria Drops by 90 Percent, Pentagon Says,” *Washington Post*, April 26, 2016, <https://www.washingtonpost.com/news/checkpoint/wp/2016/04/26/number-of-foreign-fighters-entering-iraq-and-syria-drops-by-90-percent-pentagon-says/>.

¹⁰⁴ Gibbons-Neff.

Regardless, many governments are fearing what can be considered an unintended consequence of the Islamic State's loss of territory—returning foreign fighters.

Finally, foreign fighters are of value to the Islamic State for their potential to return to their home countries to launch terrorist attacks. There is a debate among academics and government intelligence agencies as to the nature of the threat from RFFs. The comparatively larger number of Islamic State returnees—compared to other conflicts—complicates the issue.

C. RETURNING FOREIGN FIGHTERS BY THE NUMBERS

According to Hegghammer, in 2014 the number of foreign fighters in Iraq and Syria was more than “[the] number in all previous conflicts combined.”¹⁰⁵ Between late 2015 and late 2017, groups such as the International Centre for Counter-Terrorism (ICCT), The Soufan Group, and New America released reports cataloging the numbers of foreign fighters in Iraq and Syria. They compiled their data independent of one another and the foci of the reports varied. As a result, some of the metrics differ and at times conflict. Statistics aggregating the number of foreign terrorist fighters and RFFs have been used in media reports to imply that a direct correlation exists between the number of fighters and the severity of their threat. I propose that it is more complex than this.

1. Three Types of Foreign Fighters

As stated previously, at the height of foreign fighter involvement in the conflict, the Islamic State had between 27,000 and 42,000 foreign terrorist fighters at its disposal.¹⁰⁶ The conventional wisdom is that there are three types of foreign fighters: those who stay, those who die, and those who return. Byman explains, “Many of them will never go home at all, instead dying in combat or joining new military campaigns elsewhere, or they will return disillusioned and not interested in bringing the violence with them.”¹⁰⁷

¹⁰⁵ Holland, “Why Have a Record Number.”

¹⁰⁶ Soufan Group, “Foreign Fighters Update,” 4; Meines et al., “Manual Responses to Returnees,” 15.

¹⁰⁷ Byman and Shapiro, “Homeward Bound.”

Estimates of those that stay, die, and return varies depending on the availability of source country data. The ICCT and New America both include data from European member states; however, the New America data includes other Western countries such as the United States and Australia. New America also uses a much smaller dataset (604 fighters) than the ICCT study (4,294 fighters).¹⁰⁸ As of April 2016, the ICCT estimated that among the three types, a majority (47 percent) of European foreign fighters remained abroad, while 14 percent died, 30 percent returned, and 9 percent were unknown.¹⁰⁹ New America places the overall death rate much higher (40 percent) and shows that mortality rates of individual countries vary from 8.2 percent (France) to 18.8 percent (Norway).¹¹⁰ A report by the *Guardian* claims that the United States believes that 25,000 of 30,000 (83 percent) of foreign fighters have perished in the conflict.¹¹¹ This number is much higher than most estimates and conflicts with the belief that most foreign fighters will live to fight another day.

Although it is common to think of three distinct groups of foreign fighters—those who die, those who stay, and those who return—when assessing numbers and thus the potential threat to a country, it is more complicated than it seems. The existing datasets mentioned previously were compiled cumulatively over a set number of months and recorded as a single snapshot in time. Academics and analysts frequently cite death and return rates to project the potential threat from returnees. The problem with this method is that these rates represent historical averages and are lagging indicators. Simply stated, as soon as the data is published it becomes stale. For this reason, the death and return rates may not provide policymakers with enough information.

Also, the three-group model assumes that those who remain will stay forever and are incapable of dying on the battlefield or returning home. I contend that a foreign fighter does not face an either-or fate. Of the three types, countries perceive the greatest

¹⁰⁸ Bergen et al., *ISIS in the West*, 7; Boutin et al., *The Foreign Fighters Phenomenon*, 49.

¹⁰⁹ Boutin et al., *The Foreign Fighters Phenomenon*, 49.

¹¹⁰ Bergen et al., *ISIS in the West*, 11–12.

¹¹¹ Martin Chulov, Jamie Grierson, and Jon Swain, “Isis Faces Exodus of Foreign Fighters as its ‘Caliphate’ Crumbles,” *Guardian*, April 26, 2017, <https://www.theguardian.com/world/2017/apr/26/isis-exodus-foreign-fighters-caliphate-crumbles>.

domestic threat from the returnees because deceased fighters do not pose a risk and fighters that stay are limited to operations in Iraq or Syria. I argue that those fighters who choose to remain in Iraq and Syria should not be discarded from the risk assessment of RFFs since they behave as rational actors and have options available to them, unlike the fighters that have died. For this reason, those fighters that stay in theater should be recast in the model as *potential returnees*.

Viewing the group that stays as potential returnees changes the statistical analysis of RFFs. The following cause-and-effect model demonstrates this concept:

If a fighter does not die, then it is logical that he or she will either stay or return.

If a fighter remains, then we can consider this individual a potential returnee, as the options available to the fighter are: perish, continue to stay, or return to a country that may or may not be the fighter's home. This cycle continues as long as there is a potential returnee cache.

A simplistic way to calculate the number of possible returnees is to subtract the returnees and those who have died from the total number of foreign fighters in a particular country. The remainder would be the number of individuals who could potentially return. The potential returnees are then faced with an additional three possible outcomes: perish, stay, or return. The result would yield yet another pool of potential returnees, and so on, until the options of the returnees are exhausted. To apply value to this model, the following inputs must be used: (1) total number of foreign fighters, (2) historical death rate average, and (3) historical return rate average. The outputs are the adjusted rates of death, stay, and return (see Table 1).

Table 1. Adjusted Rates for Potential Returnees Who Remain, Die, and Return

Iteration	Total Number of Foreign		
	Fighters		Return Rate
	100		30% ¹¹³
	10% ¹¹²		
	# of Potential Returnees		
	Remaining	# of Dead	# of Returnees
1	60	10	30
2	36	6	18
3	22	4	11
4	13	2	6
5	8	1	4
End	8	23	69
Adjusted Rate	8%	23%	69%

Using this model provides a different perspective than relying on historical averages alone. Thus, it gives policymakers a broader picture of the fighters that might return. In Table 1, if the average death rate of 10 percent is applied to 100 fighters, then ninety fighters remain who have the potential to return. This is the *high limit* mark of potential returnees since all ninety could return. It is also possible that none of the remaining fighters will return. Thus, zero is the *lower limit* of potential returnees.

To establish an average adjusted for potentiality, both the mean death and return rates should be fed into the model in the form of iterations. In Table 1, the historical average death rates and return rates are dependent variables, and the number of potential returnees remaining is the independent variable. Although the percentages for death and return rate in Table 1 are representative of actual estimates, they are not attributed to any specific country and were used for simplicity.

Iteration 1 represents the number of potential returnees remaining (60), the number of dead (10) and the number of returnees (30) after historical death and return averages are applied to 100 total fighters. The formula applied to each iteration is

¹¹² Boutin et al., *The Foreign Fighters Phenomenon*, 49. Actual death rate is 14 percent but was rounded down to 10 percent for simplicity.

¹¹³ Boutin et al., 49.

$$PR_1 - (PR_1 \times R_d) + (PR_1 \times R_r) = PR_2, \quad (1)$$

where:

PR_1 = number of potential returnees remaining

PR_2 = number of potential returnees remaining (to be applied to next iteration as PR_1)

R_d = rate of death, and

R_r = rate of return.

Percentages are rounded up to the whole integer, and the last iteration occurs when either the death rate or returnee rate multiplied by the number of potential returnees remaining (PR_1) declines to no less than one-half (e.g., $8 \times .10 = .8$). This is the end of the iterations since the potential returnees have statistically exhausted all three options. At the end of the model, the sums for the number of dead and returnees become the numerators, and the total number of foreign fighters is the denominator. The results of these two equations are the adjusted rates for the dead and returnees, respectively. The sum of potential returnees remaining is not used; rather, the last number for potential returnees remaining is multiplied by 100 to establish an adjusted remaining rate.

The adjusted rates in Table 1 are 8 percent remain, 23 percent dead, and 69 percent return. Compared to the historical averages in Table 1 of 60 percent remain, 10 percent dead, and 30 percent return, the introduction of actor choice into the model changes the outputs. What remains is a numerical representation of the potential number of returnees based on historical averages.

Decision makers who rely on historical averages to frame policies may be underestimating or overestimating the number of future returnees because their data is based on past information (i.e., returnees who have already returned and fighters who have already died). The adjusted model sets benchmarks for upper and lower levels, historical average, and an adjusted rate of returnees. These benchmarks can assist policymakers in assessing the number of foreign fighters returning home beyond the use of historical averages by displaying a numerical range of possible returnees.

Data can be injected into the model to provide country-specific information. For example, if we use the ICCT and the 2015 Soufan Group data for European Union

countries, they estimate that, overall, 14 percent die and 30 percent return, which leaves 46 percent who stay behind—potential returnees.¹¹⁴ With 46 percent of the foreign fighter populace as potential returnees, the historical mean of return (30 percent) has the potential to creep upward.

The Soufan Group estimated that, in 2015, there were 1,700 foreign fighters in Iraq and Syria from France.¹¹⁵ They also estimated over 250 (7 percent) had already returned, which left 1,450 potential returnees. If approximately 14 percent of potential returnees are killed, and an additional 7 percent return, that leaves 1,146 new potential returnees who will stay, return, or die. Using the new model, and after twenty-one iterations, the percentages change to 10 percent remain, 66 percent die, and 33 percent return. These adjusted numbers are similar to the U.S. estimates of Islamic State foreign fighter deaths (83 percent), and the ICCT mean of returnees (30 percent).¹¹⁶ An adjusted death rate of 66 percent is identical to a West Point CTC study that found 66 percent of British foreign fighters had died in the Islamic State.¹¹⁷ However, the adjusted death rate and the CTC data run contrary to what Bakker, Paulussen, and Entenmann conclude. They claim, “Although a number die in combat or are otherwise killed, the cases of Afghanistan, Bosnia and Somalia show that the majority of foreign fighters survive the conflict that they joined.”¹¹⁸ They also indicate that most return home after battle. Notably, their data is not comparable, as it does not contain any information from the Iraq and Syria conflict, which has seen more foreign fighter involvement than Afghanistan, Bosnia, and Somalia.

When assessing death, remain, and return rates, the data show that it is necessary to compare apple to apples. The foreign fighters’ variables in Afghanistan, Bosnia, and

¹¹⁴ Boutin et al., *The Foreign Fighters Phenomenon*, 4; Soufan Group, “Foreign Fighters Update,” 4.

¹¹⁵ Soufan Group, “Foreign Fighters Update,” 8.

¹¹⁶ Chulov, Grierson, and Swain, “Isis Faces Exodus”; Boutin et al., *The Foreign Fighters Phenomenon*, 4.

¹¹⁷ Lizzie Dearden, “Isis: Islam Is ‘Not Strongest Factor’ behind Foreign Fighters Joining Extremist Groups in Syria and Iraq,” *Independent*, November 16, 2016, <http://www.independent.co.uk/news/world/europe/isis-foreign-fighters-british-european-western-dying-radicalised-islam-not-strongest-factor-cultural-a7421711.html>.

¹¹⁸ Bakker, Paulussen, and Entenmann, “Returning Jihadist Foreign Fighters,” 17.

Somalia make it difficult, if not impossible, to carry over every lesson learned from those conflicts.

Just as every foreign fighter will not die, not every returnee will conduct attacks abroad. Exact percentages and numbers of RFFs that cause problems in foreign lands vary depending on the period and conflict under examination. One reason for this can be explained by Byman's theory on the foreign fighter's journey. To perpetrate an attack at home, a foreign fighter must complete four phases: (1) decide to join, (2) depart for and arrive at the foreign battlefield, (3) train and fight, and (4) return home with the desire to continue the fight.¹¹⁹ According to Byman and Shapiro, "Most of those who begin the journey do not complete it."¹²⁰

Also, some governments believe that, of those who do return, only a minority will cause a problem. For example, the United Kingdom classifies returnees into four categories: (1) disturbed, (2) disillusioned, (3) undecided, and (4) dangerous.¹²¹ Of these categories, the United Kingdom considers the last to be of most concern, accounting for 10–15 percent of the returning population.¹²²

Similarly, Phil Gurski, a former Canadian intelligence officer, classifies returnees into five categories by activities in which they engage upon return. They are summarized as: (1) the "do nothings," (2) "Broken Men," (3) radicalizers, (4) jihadi tourists, and (5) returnee attackers.¹²³ Gurski explains that Broken Men suffer psychological deficits and are likely to tax the health system of the host country. Gurski also clarifies that the concept *jihadi tourism* denotes individuals who travel and return to conflict zones multiple times for a litany of reasons.¹²⁴ This phenomenon occurred in the conflicts in Afghanistan, Bosnia, and Chechnya. It also has occurred in Iraq and Syria, which has attracted foreign fighters from those previous conflicts. Despite some differences in

¹¹⁹ Byman and Shapiro, "Homeward Bound."

¹²⁰ Byman and Shapiro.

¹²¹ Former British MI5 case officer, interview with author, April 11, 2016.

¹²² Author's Interview of former British MI5 case officer.

¹²³ Phil Gurski, *Western Foreign Fighters* (Lanham, MD: Rowman and Littlefield, 2017), 108–110.

¹²⁴ Gurski, 109.

wording, there are similar groupings in Gurski's and the United Kingdom's models, reinforcing that not all returnees are deemed a threat.

Although the estimated numbers of RFFs that pose a threat vary from less than 1 percent to as high as 25 percent, nobody will know their true impact for years to come.¹²⁵ One method of examining the risk is to assess each country separately. Border-crossing alliances, such as the European Schengen Area system and the United States Visa Waiver Program, have loosened some of the inter-country and intercontinental travel constraints. In essence, a country with a small RFF contingency may face a similar danger to countries like France, which has the highest European foreign fighter returnee population.¹²⁶ Examining the number of global foreign fighters fighting for the Islamic State shows us how complicated it is to determine the number of maleficent foreign fighters that will return and conceivably gain entry into the United States. It is even harder to ascertain how many of them will be children.

2. The Numbers Fallacy

As of December 2015, the unofficial estimate of the number of U.S. foreign fighters in Iraq and Syria was 250, while the number of those who had returned was forty, or 16 percent (see Table 2).¹²⁷ A slightly smaller dataset used by New America estimates that in March 2016 there were 94 American foreign fighters and 6 percent of them had returned to the United States.¹²⁸ Although the numbers of Canadian returnees were not recorded in The Soufan Group's data, Canada's number of overall foreign fighters, 130, is similar to U.S. numbers.¹²⁹ Accounting for 380 out of the 30,000 foreign fighters in Iraq and Syria—roughly 1 percent of the entire contingent—North America contributes very few fighters to the pool of possible returnees.

¹²⁵ Beauchamp, "The Number of Foreigners."

¹²⁶ Boutin et al., *The Foreign Fighters Phenomenon*, 31.

¹²⁷ Soufan Group, "Foreign Fighters Update," 10.

¹²⁸ Bergen et al., *ISIS in the West*, 6.

¹²⁹ Soufan Group, "Foreign Fighters Update," 8.

Table 2. Summary of Foreign Fighter Estimates,
December 2015–October 2017¹³⁰

Country	<i>Number of Foreign Fighters</i>			
	New America	The Soufan Group		ICCT
		'15	'17	
United States	94	150-250	<129	no data (nd)
Canada	26	130	180	nd
United Kingdom	165	760	850	700–760
France	1,450	1,700	1,910	>900

	<i>Foreign Fighter Returnees</i>			
	New America	The Soufan Group		ICCT
		'15	'17	
United States	6	40	7	nd
Canada	nd	nd	60	nd
United Kingdom	nd	350	425	>350
France	nd	250	271	246

	<i>Foreign Fighter Confirmed Deaths</i>			
	New America	The Soufan Group		ICCT
		'15	'17	
United States	12	nd	nd	nd
Canada	nd	nd	nd	nd
United Kingdom	nd	nd	nd	70
France	119	nd	nd	137

In comparison, data compiled in 2017 by the Soufan Center claims the top exporters of foreign fighters during a similar period were Russia (3,417), Saudi Arabia (3,244), Jordan (3,000), and Tunisia (2,926).¹³¹ While central Asian countries are the top four foreign fighter countries, the country with the fifth highest total—France (1,910)—is in Europe.¹³² The Soufan Group discovered that, circa 2015, 5,000 fighters from western Europe had traveled to Iraq and Syria, and roughly 3,700 had originated from France, the

¹³⁰ Adapted from Bergen et al., *ISIS in the West*; Soufan Group, “Foreign Fighters Update”; Barrett, “Beyond the Caliphate”; Boutin et al., *The Foreign Fighters Phenomenon*.

¹³¹ Barrett, “Beyond the Caliphate,” 12–13.

¹³² Barrett, 12.

United Kingdom (760), Germany (760), and Belgium (470).¹³³ Overall, in 2015, western European countries contributed 17 percent of the foreign fighter population in Iraq and Syria.

If not all of the foreign fighters die or stay in the Islamic State, then some of them are bound to return home at some point. Evidence shows that as the Islamic State loses its footing in Iraq and Syria, the inward flow of fighters is declining.¹³⁴ Declining foreign fighter recruits combined with the attrition from battlefield deaths, captures, and defections shows that the pool of potential returnees is also contracting. However, that is not to say that the number of returnees will decline. On the contrary, countries are bracing for an increase in outward flow.

Canada is preparing for a “flood” of foreign fighters while France recognizes that a significant number of future returnees will include women and children.¹³⁵ Although current statistics hover at 30 percent of Western foreign fighters returning, this thesis has shown it is possible that the return rate could be as high as 70 percent. However, as of 2015, that upper percentage of returnees has not been realized. Of the countries reporting the number of returnees in the 2015 Soufan Group database, Denmark (50 percent) and the United Kingdom (46 percent) represent the two nations with the highest returnee historical mean.¹³⁶ Two of the largest contributors to the foreign fighter problem, Turkey and Tunisia, have recorded historical return averages of 30 percent and 10 percent, respectively.¹³⁷ Soufan updates in 2017 revised the foreign fighter estimates for Turkey and Tunisia, which resulted in higher return averages of 60 percent and 27 percent, respectively.¹³⁸ Given that European countries are experiencing the largest percentage of recorded returnees, it is reasonable that they have concerns. This concern has led

¹³³ Soufan Group, “Foreign Fighters Update,” 12.

¹³⁴ Gibbons-Neff, “Number of Foreign Fighters Entering.”

¹³⁵ Stewart Bell, “RCMP Has Plan for Returning Fighters; Force Prepared for Challenges Posed by ‘Flood’ of Returnees from Iraq, Syria,” *Leader Post*, October 27, 2016, sec. Canada; “Ticking Time Bomb.”

¹³⁶ Soufan Group, “Foreign Fighters Update,” 8, 10.

¹³⁷ Soufan Group, 9–10.

¹³⁸ Barrett, “Beyond the Caliphate,” 30.

European countries to adopt policies and procedures that deal with the returning foreign fighters. These policies will be explored in further detail later in this thesis, but one omnipresent reaction is for security services to arrest foreign fighters immediately upon their return.

RFF nationals of Belgium, the United Kingdom, France, and even the United States have recently been arrested after returning or trying to return. Said M’Nari of Belgium, Harry Sarfo of the United Kingdom, and Kary Kleman of the United States were a few of the bad actors trying to find their way back to the West.¹³⁹ The conventional wisdom that some returnees are more dangerous than others is holding fast. While statements from Sarfo and Kleman indicate the Islamic State was not what they had envisioned, M’Nari was a founding member of a local Sunni Salafist organization in Belgium that preached militant Islam.¹⁴⁰ Still, the authorities never indicated that these individuals were planning an attack on the West. The challenge, then, becomes figuring out who is dangerous and who is not. The RFFs who perpetrated the 2015 attacks in France were the former.

As of 2015, there were an estimated 250 foreign fighters from France that had returned home.¹⁴¹ At 15 percent of the total foreign fighter population, the number of French returnees is half of the historical European average of 30 percent. However, the relatively low number of returnees did not translate into less risk for danger. Mohamed Mehra is credited with being the first French RFF in recent times to commit an act of terrorism on French soil.¹⁴² Although he reportedly fought in Afghanistan and not in Syria or Iraq, other RFFs from the Islamic State followed in his tracks. Four of the perpetrators of the attacks in Paris, Bilal Hadfiz, Ismael Mostefai, Samy Amimour, and

¹³⁹ Pieter Van Ostaeyen, “JTIC Brief: The Return of a Belgian Fighter—The Case of Said M’Nari,” *IHS Jane’s Terrorism and Insurgency Monitor* 16, no. 8 (September 1, 2016); Dearden, “Isis: Islam Is ‘Not Strongest Factor’”; Chulov, Grierson, and Swain, “Isis Faces Exodus.”

¹⁴⁰ Ostaeyen, “JTIC Brief”; Dearden, “Isis: Islam Is ‘Not Strongest Factor’”; Chulov, Grierson, and Swain, “Isis Faces Exodus.”

¹⁴¹ Soufan Group, “Foreign Fighters Update,” 8.

¹⁴² Bakker, Paulussen, and Entenmann, “Returning Jihadist Foreign Fighters,” 16.

Foued Mohamed-Aggad, were French nationals who had traveled to and returned from the Islamic State.¹⁴³

The historical average of French RFFs compared to American RFFs is similar depending on whether one uses the official American count of 150 (27 percent) or the unofficial count of 250 (16 percent).¹⁴⁴ The United States has yet to see a successful attack by any of its forty American RFFs. However, a few of them were capable of attacking the homeland. Abdirahman Sheik Mohamud from Columbus, Ohio, was arrested on terrorism charges in 2015 after returning from Syria.¹⁴⁵ A federal indictment claimed that he traveled to Syria, where he attended terrorist training, and was about to engage in fighting when a cleric encouraged him to return to the West to carry out an attack. The court document states, “MOHAMUD wanted to kill Americans, and specifically wanted to target armed forces, police officers, or any uniformed individuals. MOHAMUD’s plan was to attack a military facility, and his backup plan was to attack a prison.”¹⁴⁶

Another American foreign terrorist fighter, Moner Mohammad Abusalha, traveled to Syria where he also trained with a terrorist organization. Abusalha returned to the United States and lived in Florida before returning once more to Syria. Upon his rebound to Syria, the Floridian blew himself up in a suicide attack that targeted the Assad regime.¹⁴⁷ According to New America, almost all American foreign fighters who returned to the United States were subsequently arrested.¹⁴⁸ Abusalha was the exception. Although he was capable of attacking the United States, he chose not to; he chose, instead, to return to a foreign land to carry out an attack. This example raises questions about the nature of the RFF threat.

¹⁴³ Brisard, “The Paris Attacks.”

¹⁴⁴ Soufan Group, “Foreign Fighters Update,” 10.

¹⁴⁵ “Abdirahman Sheik Mohamud Indictment,” *Los Angeles Times*, April 16, 2015, <http://documents.latimes.com/abdirahman-sheik-mohamud-indictment/>.

¹⁴⁶ “Abdirahman Sheik Mohamud Indictment.”

¹⁴⁷ Pierre Bienaime, “Why American Jihadists Returning to the U.S. Aren’t Arrested Immediately,” *Business Insider*, September 24, 2014, <http://www.businessinsider.com/american-jihadists-are-in-the-us-2014-9>; Bergen et al., *ISIS in the West*, 13,15.

¹⁴⁸ Bergen et al., *ISIS in the West*, 6.

The statistical data from the ICCT, The Soufan Group, and New America are valuable in providing decision makers with a view of the foreign fighter landscape. However, the numbers offer a panoramic view, and they do little to narrow the threat picture. Government officials should use caution if they are relying solely on metrics in policy development and implementation. Neither the total number of foreign fighters nor RFFs corresponds to an equal level of danger. That is, a country with more foreign fighters or RFFs does not necessarily pose a greater danger to that country. Further, death rates are historical outputs and not necessarily accurate predictors of future fighter flows. If we are to use France as an example, we see how a Western country with one of the lowest return rates has suffered the most death and destruction. Although it is logical that the more RFFs a state is exposed to the higher the danger, this is not necessarily the case. A more accurate statement supports the finding that the more RFF exposure, the more *potential* for danger. That is, the more a country is involved in fighting the Islamic State and the weaker its borders, the higher the danger.

D. THE THREAT TRIUMVIRATE: A NOT-SO-CLEAR AND PRESENT DANGER

In December 2014, during testimony before the House Committee on Foreign Affairs, Representative Lois Frankel of Florida asked Thomas Warrick, the deputy assistant secretary for counterterrorism policy at the U.S. Department of Homeland Security, “We are to assume that these foreign fighters coming back to our country or to our allies pose an immediate present danger to our security, is that something we should assume?”¹⁴⁹ Warrick replied, “Well, we certainly treat them as if they are a threat.”¹⁵⁰ When pressed by Frankel if they were an immediate threat, he stated, “The answer has to be some are and we treat everyone that way until otherwise it can be established.”¹⁵¹

¹⁴⁹ *ISIS and the Threat from Foreign Fighters*, Joint Hearing before the Subcommittee on Terrorism, Nonproliferation, and Trade and the Subcommittee on the Middle East and North Africa of the Committee on Foreign Affairs House of Representatives, 113 Cong. 1 (2014), 58, <https://www.hsdl.org/?view&did=768552>.

¹⁵⁰ *ISIS and the Threat from Foreign Fighters*, 58.

¹⁵¹ *ISIS and the Threat from Foreign Fighters*, 59.

If only some foreign fighters are a threat, then not all foreign fighters are threats. The difficult task has been sifting out the threats from the non-threats. To attain a better understanding of the threat the returnees pose, we can examine three things a terrorist needs to conduct an operation: (1) motivation, (2) means, and (3) opportunity. Without even one of these, the danger of a terrorist successfully coordinating an attack is low.

1. Motivation

Although terrorist organizations have vocalized their dedication to attacking the West, some question the Islamic State's level of motivation for engaging the United States on U.S. soil. This doubt focuses on the Islamic State's documented desire to attack the "near" enemy over the "far." Fawaz Gerges explains that the difference between the terms *al-Adou al-Baeed* (the far enemy) and *al-Adou al-Qareeb* (the near enemy) translates to the United States or Western allied countries and Muslim regimes, respectively.¹⁵² This concept first emerged from Mohammed Abd al-Salam Faraj, someone Gerges describes as an activist and "ideologue" that had a great deal of influence on the jihadi movement.¹⁵³ Faraj believed it was more important to fight the near enemy than the far. Faraj's justification was rooted in "the colonial presence in Muslim lands."¹⁵⁴

Gerges explains that, as the twentieth century came to a close, jihadis shifted their focus from the near enemy to the far, thus taking their struggle global. Evidence of this maneuvering is the al-Qaeda attacks on U.S. targets in Nairobi, Dar es Salaam, and New York City. These attacks came after Osama bin Laden's 1996 "Ladenese Epistle," in which he declared jihad against the United States.¹⁵⁵ Hegghammer and Nesser examined whether the Islamic State has the same commitment. Their research scrutinizes the Islamic State's words and actions and explores the type of threat the group poses to the

¹⁵² Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global* (Cambridge: Cambridge University Press, 2005), <http://www.cambridge.org/us/catalogue/catalogue.asp?isbn=9780521791403&ss=exc>.

¹⁵³ Gerges.

¹⁵⁴ Gerges.

¹⁵⁵ Brian Bonhomme and Cathleen Boivin, eds., "Osama Bin Laden's Declaration of Jihad against Americans," in *Milestone Documents in World History* (Ipswich, MA: Salem Press, 2010), http://salempress.com/store/pdfs/bin_laden.pdf.

West.¹⁵⁶ They examined the Islamic State’s declared intentions, the number of Islamic State–connected plots, and the nature of those plots. They considered statements from Islamic State leadership and fighters, as well as information from propaganda such as online postings and the print magazine *Dabiq*. They looked at the data compiled on attacks on the West and developed a typology linking the interactions of attackers to Islamic State leaders.

Hegghammer and Nesser claim that the Islamic State strategy for attacking the West is more decentralized than al-Qaeda’s.¹⁵⁷ They found “sympathisers,” who had no contact with Islamic State leaders, conducted a majority of the Islamic State–linked attacks on the West. They also discovered that these types of attacks were increasing in frequency. They concluded that the Islamic State “has not yet ‘gone global’ in the sense of having committed a substantial proportion of its resources to out-of-area operations. Instead, it has assumed a profoundly ambiguous, hard-to-read posture toward terrorism in the West.”¹⁵⁸ They also claimed that the Islamic State “appears to have succeeded more than al-Qaida in triggering so-called ‘individual jihad’ operations by unaffiliated sympathisers in the West.”¹⁵⁹ Ultimately, they contend that the Islamic State and al-Qaeda differ in the threat that they pose to the far enemy.

Others, such as Daniel Byman, emphasize, “The Islamic State is a danger to the United States and its allies. Its greatest threat, however, is the Middle East and U.S. interests there.”¹⁶⁰ Similarly, Mueller and Stewart claim,

Fears that [the Islamic State] presents a worldwide security threat are not [justified]. Its numbers are small, and it has differentiated itself from al-Qaeda, initially at least, in that it has not sought primarily to target the “far

¹⁵⁶ Thomas Hegghammer and Petter Nesser, “Assessing the Islamic State’s Commitment to Attacking the West,” *Perspectives on Terrorism* 9, no. 4 (July 21, 2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440>.

¹⁵⁷ Hegghammer and Nesser.

¹⁵⁸ Hegghammer and Nesser.

¹⁵⁹ Hegghammer and Nesser.

¹⁶⁰ Byman, “Understanding the Islamic State,” 153.

enemy,” preferring instead to carve out a state in the Middle East for itself, mostly killing fellow Muslims who stand in its way.¹⁶¹

In a 2014 RAND report on *The Evolution of al Qa’ida and Other Salafi Jihadists*, Seth Jones tracked the number of far- and near-enemy attacks by al-Qaeda and affiliates from 2007 to 2013.¹⁶² Similar to Mueller and Stewart’s claim, the RAND data “suggests that al Qa’ida and its affiliates have deliberately chosen to focus on the near enemy for the moment, found it increasingly difficult to strike far-enemy targets, or a combination of both.”¹⁶³ On a high, medium, and low scale, Jones labels the Islamic State’s threat to the United States as medium because the Islamic State is most concerned with expanding its influence in the region.¹⁶⁴ However, Jones notes that a large pool of returning foreign fighters in Syria may eventually turn into a larger problem.

Kim Cragin claims a change in Islamic State mentality occurred between 2014 and 2016 that shifted emphasis from the near enemy to the far.¹⁶⁵ She points to Abu Muhammad al-Adnani’s 2016 video, “They Live by Proof,” as the fulcrum that moved the focus to the West. Although the Islamic State has developed a prior preference to target the near enemy over the far, as it continues to lose land, the reverse foreign fighters flow provides them with the levers to move their focus. Regardless of its previous disposition, the 2015 terrorist attacks in Paris proved the Islamic State was inclined to target locations outside of the Middle East and showed that the group possess the capability to attack the West.

2. Means

It is hard to determine if the U.S. mainland is at the pinnacle of the Islamic State’s attack list, but this does not mean that the Islamic State does not pose a domestic danger.

¹⁶¹ Mueller and Stewart, “Misoverestimating ISIS.”

¹⁶² Seth G. Jones, *A Persistent Threat: The Evolution of Al Qa’ida and Other Salafi Jihadists* (Santa Monica, CA: RAND, 2014), http://www.rand.org/content/dam/rand/pubs/research_reports/RR600/RR637/RAND_RR637.pdf.

¹⁶³ Jones, 34–35.

¹⁶⁴ Jones, 42.

¹⁶⁵ Kim Cragin, “The November 2015 Paris Attacks: The Impact of Foreign Fighter Returnees,” *Orbis* 61, no. 2 (February 2017): 217.

The threat from Islamic State RFFs was debated long before the first fighter returned. By examining the lessons learned from other conflicts, theories have emerged as to why they would pose a threat. One of these theories is called the *veteran effect*, in which foreign fighters undergo a metamorphosis from inexperienced recruits to battle-hardened soldiers and return to their homeland more dangerous than when they left.¹⁶⁶ Byman explains, “Foreign fighters associated with the Islamic State and other groups undergo several changes that make them more dangerous. They often begin as callow youths looking for adventure, but return as combat veterans who embrace a more radical worldview and disassociate themselves from their former friends and family.”¹⁶⁷

Even though domestic terrorist attacks have been conducted in the United States by *individual jihadis* or homegrown violent extremists (HVEs) who have never placed a foot in Syria or Iraq, some believe it is the battle-ready returners of the Islamic State that will present the biggest problem.¹⁶⁸ Hegghammer examined the concept that links veterans with lethality in 2013.¹⁶⁹ He found some preliminary substantiation for the theory, and his recommendation that “policy makers should distinguish between outgoing and returning foreign fighters and treat the latter as a threat” has resonated in the West.¹⁷⁰ In 2014, the United States recognized that countering the threat from RFFs was “a critical element of our strategy to degrade and ultimately destroy ISIL.”¹⁷¹

A 2016 Europol study found that some skills used by terrorists are more effective if they are transferred via “direct contact and experience.”¹⁷² For example, they cite foreign fighters’ use of home-made explosives and expertise in chemical weapons as potential subjects for knowledge transfer among European returnees.¹⁷³ In addition to

¹⁶⁶ Hegghammer, “Should I Stay or Should I Go?,” 10–13.

¹⁶⁷ Byman, “Understanding the Islamic State,” 156–157.

¹⁶⁸ Europol, “TE-SAT 2016,” 6.

¹⁶⁹ Hegghammer, “Should I Stay or Should I Go”

¹⁷⁰ Hegghammer, 13.

¹⁷¹ “Remarks at a National Security Summit on Foreign Terrorist Fighters in New York City,” *Daily Compilation of Presidential Documents*, September 24, 2014.

¹⁷² Europol, “TE-SAT 2016,” 13.

¹⁷³ Europol, 13–14.

weapons of war, returnees have shown an ability to evade intelligence agencies and disguise their travel.

The Islamic State has used a technique referred to as *broken travel* to avoid detection of suspicious transit.¹⁷⁴ Phil Gurski explains that individuals employing broken travel may route their itineraries through countries that are not associated with terrorist activity or places that Middle Eastern travelers frequent for vacation or religious purposes. Similarly, a tactic frequently used by al-Qaeda operatives is to report a lost or stolen passport to the local consulate so a new passport without stamps or any indication of travel could be obtained.¹⁷⁵ Gurski also notes that Islamic State returnees have avoided traveling through countries that have them flagged on watch lists. Several of the Paris attackers who were foreign fighters avoided detection during their return by varying their routes and using fraudulent passports.¹⁷⁶ First-hand accounts from those who have traveled to the Islamic State claim that they surrender their passports to the authorities upon arrival, thus providing the state with a supply of genuine documents that can be altered and redistributed.¹⁷⁷

Former commissioner Janice Kephart states in the 9/11 Commission Report, For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.¹⁷⁸

¹⁷⁴ Gurski, *Western Foreign Fighters*, 117.

¹⁷⁵ Seth G. Jones, *Hunting in the Shadows: The Pursuit of Al Qa'ida Since 9/11* (New York: W. W. Norton, 2012), 117.

¹⁷⁶ Cragin, "The November 2015 Paris Attacks," 218.

¹⁷⁷ Kim Willsher, "I Went to Join ISIS in Syria, Taking My Four-Year-Old. It Was a Journey iInto Hell," *Guardian*, January 9, 2016, <https://www.theguardian.com/world/2016/jan/09/sophie-kasiki-isis-raqqa-child-radicalised>.

¹⁷⁸ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (Washington, DC: National Commission on Terrorist Attacks upon the United States, 2004), 384.

In 2013, Europol warned, “Returning foreign fighters may incite [European Union (EU)] volunteers to join the armed struggle in Syria.”¹⁷⁹ It admonished, “Also, these individuals have the potential to utilize their training, combat experience, knowledge, and contacts for terrorist activities inside the EU.”¹⁸⁰ Two years later, the Paris attacks showcased Islamic State foreign fighters using their training, knowledge, and experience to launch an attack. They were able to evade detection upon their entry using forged documents and acquire vehicles, weapons, explosives, safe houses, and cash.¹⁸¹ They executed a multi-pronged, sophisticated attack and some then slipped out of the country undetected. Facing the challenge of weeding out the good from the bad requires intelligence agencies to account for all returning foreign fighters. Using tactics such as broken travel and forged credentials makes it difficult to keep track of all the returnees.

Not only can veteran foreign fighters use their training and experience to become more lethal operatives, they can also act as mentors and recruiters for youth. Gurski provides an anecdote that demonstrates how returning foreign fighters can fulfill these roles. In 2014, Gurski attended a public event hosted by the government of Canada intended to engage members of the Muslim Canadian population.¹⁸² During the event, he noticed an argumentative young man who challenged the purpose of the event and posited that the government “did not know what we were talking about.”¹⁸³ Gurski witnessed this man project his anti-government and extremist views on others at the gathering. His rhetoric eventually escalated the tension in the room to the brink of violence. Gurski claims, “It is my opinion that he was recruiting these individuals to perhaps follow in his footsteps.”¹⁸⁴ After the fact, Gurski found out that this man was a foreign fighter returnee from Syria, which convinced him that returnees could have a radicalizing influence on others.

¹⁷⁹ Europol, “European Union Terrorism Situation and Trend Report (TE-SAT) 2013” (report, Europol, 2013), 22.

¹⁸⁰ Europol, 22.

¹⁸¹ Cragin, “The November 2015 Paris Attacks,” 221–222.

¹⁸² Gurski, *Western Foreign Fighters*, 113.

¹⁸³ Gurski, 113.

¹⁸⁴ Gurski, 114.

Researchers studying the radicalization process of homegrown terrorists in the United States and the United Kingdom found that “around 20% of the homegrown terrorists examined had a spiritual mentor, a more experienced Muslim who gave specific instruction and direction during the radicalization process.”¹⁸⁵ Although their report was conducted before the Islamic State formed, the concept of using mentors to recruit young individuals or coordinate attacks has been embraced by the Islamic State. These mentors have worked both in person and as virtual mentors online.¹⁸⁶

As a complement to the theory that RFFs can be more lethal than novice HVEs or lone-wolf attackers, some insist that returnees have the capacity to lie in wait, allowing them to strike at the most opportune time. This concept, referred to as “lag time,” is synonymous with the often-quoted concept of a “ticking time bomb.”¹⁸⁷ Francois Mollins, a terrorism prosecutor in France, refers to the returnees as “time bomb[s]” and stresses, “At some time or another we will be faced with the return of a large number of French fighters and their families.”¹⁸⁸ Mollins predicts that Islamic State fighters will use broken travel to hide their return to France. He fears “they will disappear into gaps, only to reappear later.”¹⁸⁹ Mollins suggests that circuitous routes of return travel will contribute to the lag time of attacks.

Perhaps more nefarious than travel delays is the belief that lag time refers to Islamic State sleeper cells infiltrating the West. Stewart Scott, a former State Department special agent, states, “A ‘sleeper’ is an operative who infiltrates the society, or even the government, of a targeted country and is there to remain dormant until activated by a prearranged signal or certain chain of events.”¹⁹⁰ He claims that recruiting the right

¹⁸⁵ Daveed Gartenstein-Ross and Laura Grossman, *Homegrown Terrorists in the U.S. and U.K.: An Empirical Examination of the Radicalization Process* (Washington, DC: Foundation for Defense of Democracies Center for Terrorism Research, April 2009), 14, http://www.defenddemocracy.org/content/uploads/documents/HomegrownTerrorists_USandUK.pdf.

¹⁸⁶ Sean C. Reynolds and Mohammed M. Hafez, “Social Network Analysis of German Foreign Fighters in Syria and Iraq,” *Terrorism and Political Violence*, February 14, 2017: 19–22.

¹⁸⁷ Malet, “Sleeper Agents or Big Yawn?”

¹⁸⁸ “Ticking Time Bomb.”

¹⁸⁹ “Ticking Time Bomb.”

¹⁹⁰ Stewart Scott, “Understanding Sleeper Cells,” Stratfor Worldview, September 18, 2014, <https://worldview.stratfor.com/article/understanding-sleeper-cells>.

individual to become a sleeper is crucial because of the dangers and mental stress involved in maintaining the cover. Further, he emphasizes, “Extensive training in tradecraft is needed” for the sleeper, and that operations “must be—by definition—long term.”¹⁹¹ He insists that a cell of sleepers is harder to control than individual sleepers and that it is vital to differentiate between “grass-root militants,” like the 1993 World Trade Center bombers, and sleeper operatives.¹⁹² Scott concludes his argument by stating,

If al Qaeda, the Islamic State or any other transnational organization were to demonstrate the strategic vision, reach and tradecraft capabilities necessary for deploying true sleepers, there would be far-reaching implications for the war against terrorism—ranging from counterintelligence policy all the way down to how immigration laws are written and enforced.¹⁹³

In early 2015, a Europol representative testified before the UK parliament, stating that “security services around Europe have indeed been prioritising their work in dealing with the foreign fighters who are returned [sic] from Syria and Iraq, what the events in Paris last week show is that there is also a threat, clearly, from sleeping networks, dormant networks, that suddenly can reawaken.”¹⁹⁴ The representative was referring to the *Charlie Hebdo* shooting and not the Paris terrorist attacks, which occurred ten months—to the day—after his testimony. In the aftermath of the Paris attacks, speculation arose that the cell of returning foreign fighters who were operating in France and Belgium were part of a secret organization called the Emni.¹⁹⁵ Harry Sarfo, a former Islamic State recruit, explains that the Emni was a critical component of the Islamic State’s ability to target the far enemy. Sarfo told a *New York Times* reporter that before

¹⁹¹ Scott.

¹⁹² Scott.

¹⁹³ Scott.

¹⁹⁴ U.K. Home Affairs Committee, “Oral Evidence: Counter-Terrorism in Europe, HC 993,” Houses of Parliament, January 13, 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/counterterrorism-in-europe/oral/17575.html>.

¹⁹⁵ Rukmini Callimachi, “How a Secretive Branch of ISIS Built a Global Network of Killers,” *New York Times*, August 3, 2016, World edition, <https://www.nytimes.com/2016/08/04/world/middleeast/isis-german-recruit-interview.html>.

the attacks, operatives explained, “They have loads of people living in European countries and waiting for commands to attack the European people.”¹⁹⁶

Another account of an Islamic State special group recruiting sleeper cell members was unveiled in a criminal complaint filed in the United States. Mohamed Jamal Khweis, a U.S. citizen, told investigators that members of Jaysh Kalifa tried to recruit him while he was staying in a safe house in Raqqa, Syria.¹⁹⁷ The affidavit states, “The representatives explained that their group was responsible for accepting volunteers from foreign countries who would be trained and sent back to their home countries to conduct operations and execute attacks on the behalf of ISIL.”¹⁹⁸

If Scott assesses that sleeper cell operations “must be—by definition—long term,” then David Malet does not see RFFs filling that role.¹⁹⁹ He claims, “There is no evidence that [a handful of returned foreign fighters] present any particular long-term threat of delayed attack.”²⁰⁰ Malet’s claim is based on data that juxtaposes domestic terror plots with waves of returnees from other conflicts. Over the course of time, the small number of returnees and the lack of attacks leads him to conclude, “If there is a longer lag time between foreign and domestic terror plots, we should see many coming to fruition now.”²⁰¹

Regardless, there is an unintended consequence of Islamic State RFFs delaying their attacks. The longer Islamic State RFFs lie in wait, the greater the possibility that intelligence services will unearth them. Governments are increasing their cross-border cooperation and are implementing enhanced travel documents. If a lag time exists, it is unclear whether this deters or encourages RFFs from launching a covert attack. Again,

¹⁹⁶ Callimachi.

¹⁹⁷ United States of America v. MOHAMED JAMAL KHWEIS, criminal complaint (E.D. Vir. 2016), 10, <https://www.justice.gov/opa/file/865806/download>.

¹⁹⁸ United States of America v. MOHAMED JAMAL KHWEIS, 10.

¹⁹⁹ Scott, “Understanding Sleeper Cells.”

²⁰⁰ Malet, “Sleeper Agents or Big Yawn.”

²⁰¹ Malet.

time will be the best indicator of the impact that travel delays of returnees and sleeper cells will have in the West.

3. Opportunity

The last piece of the RFF threat triumvirate is the RFF's opportunity to make it out of the Islamic State and into the West. While statistics show that some returnees make it to the West, very few have returned to the United States. Even though Europe bears the brunt of the returnees, the small number of American returnees is deceiving. At last count, the number of American foreign fighters unaccounted for was eight.²⁰² It was not until RFF citizens from two U.S. Visa Waiver countries launched an attack on their homeland that U.S. policymakers took notice. The attackers were able to take advantage of the Schengen system, which allows unrestricted movement between the borders of twenty-six European countries. Similarly, the Visa Waiver Program grants citizens from thirty-eight countries ninety-day, visa-free tourist travel to the United States. Twenty-five of the twenty-six Schengen Area countries (Poland excluded) have U.S. Visa Waiver Program privileges.²⁰³ The ability for potential returning Islamic State foreign fighters to land on U.S. soil undetected was the driving force behind the 2015 Visa Waiver Program Improvement and Terrorist Travel Prevention Act. In addition to the porous borders of Europe, the Canadian border and the Mexican border also provide routes for returnees.

However, returnees' ability to infiltrate border crossings is not the only concern. Foreign fighters can also use the legal immigration process, which involves the apportionment of work visas, school visas, and refugee status, as a pathway to the United States. Although debate surrounds the likelihood that an Islamic State RFF could successfully navigate the U.S. immigration process, it is possible. Moreover, recent reports documenting Islamic State operatives infiltrating and recruiting unaccompanied minors at refugee camps not only in Iraq and Syria, but also in Lebanon and Jordan,

²⁰² Bergen et al., *ISIS in the West*, 6.

²⁰³ "Visa Waiver Program," U.S. Department of State Bureau of Consular Affairs,, accessed May 18, 2017, <https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html>; "Schengen Area Countries List," Schengen Visa Info, accessed May 18, 2017, <https://www.schengenvisainfo.com/schengen-visa-countries-list/>.

raises new concerns as the Islamic State's ability to conduct attacks against the West broadens.²⁰⁴

E. CONCLUSION

This chapter has contextualized the foreign fighter threat that the Islamic State poses to the United States. By defining what a foreign fighter is, quantifying how many could return, and conceptualizing the threat they pose, we are better aligned to examine how the children of foreign fighters and foreign fighter youths contribute to the complexity of the problem.

It is difficult to quantify how many young children of the Islamic State pose a future problem for the West; the data that The Soufan Group and other researchers have compiled do not always differentiate between children and adults.²⁰⁵ Also, the evidence presented in this chapter shows us that it is hard to qualify the RFF threat based on quantitative data alone. We can, however, find commonalities between adult foreign fighters and foreign youth fighters in many areas. For example, the adult RFF concepts that describe potential pathways for return, as well their motive, means, and opportunity to attack the West, can also be applied to the youth population. Some concepts are more transferrable and apparent than others.

Applying the concepts of the veteran effect and lag time to youths, a theoretical model emerges that helps us understand how foreign fighter children of the Islamic State can threaten the West (see Figure 1). Veteran foreign fighters, who may be adults or other children, act as mentors for recruits. These recruits are indoctrinated and become "ticking time bombs" who bide their time and wait for the opportunity to attack.

²⁰⁴ Mark Townsend, "Isis Paying Smugglers' Fees in Recruitment Drive Among Child Refugees," *Guardian*, February 4, 2017, sec. World news, <https://www.theguardian.com/world/2017/feb/05/isis-recruitment-drive-child-refugees>.

²⁰⁵ Soufan Group, "Foreign Fighters Update," 5.

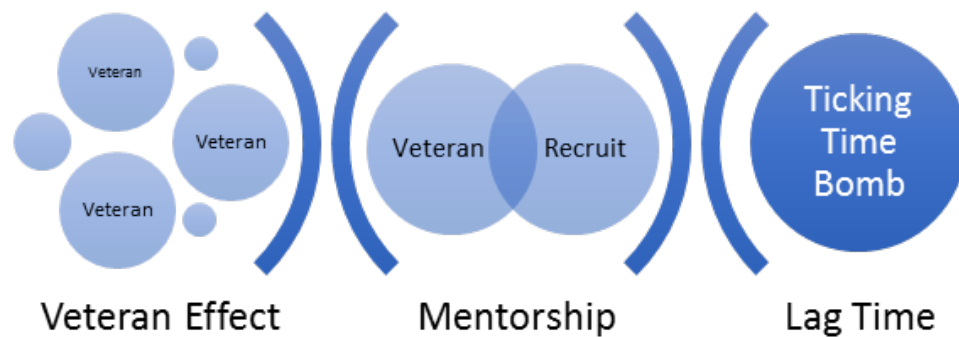


Figure 1. A Theoretical Model of the “Veteran Effect” on Recruits

This model echoes the process used by terrorist organizations to groom HVEs. José Padilla is an example of an American HVE; a “juvenile miscreant” recruited by members of al-Qaeda, he traveled overseas to attend terrorist training and returned home to launch an attack.²⁰⁶ Although Padilla was arrested upon his return, by examining his path up to his point of capture, we can conclude that the model is reasonable. Lending additional credence to the concept, other American-born terrorists, such as the group of high school friends referred to as the “Lackawanna Six,” have followed a similar path.²⁰⁷

Just as all foreign fighters will not return from the battlefield to conduct attacks on the West, not all young mentees will become ticking time bombs. With the estimates of suspected Islamic State child soldiers ranging from a “couple of hundreds of thousands” to a more modest 1,500, the numbers are higher than experts originally thought.²⁰⁸ Although the West has yet to see an attack on American soil from a juvenile Islamic State foreign fighter, more children than ever are conducting lethal attacks against the near enemy.²⁰⁹ Also, the age of Islamic State fighters is decreasing as the Islamic State suffers

²⁰⁶ Jones, *Hunting in the Shadows*, 117.

²⁰⁷ Jones, 130.

²⁰⁸ Nick Logan, “Is the World Ready to Deal with a Generation of ISIS Child Soldiers?,” *Global News*, October 29, 2014, <http://globalnews.ca/news/1643057/is-the-world-ready-to-deal-with-a-generation-of-isis-child-soldiers/>; Erin McLaughlin, “How ISIS Recruits Children, Then Kills challenging,” CNN, February 22, 2016, <http://www.cnn.com/2016/02/19/middleeast/isis-child-soldiers/>; Bloom, Horgan, and Winter, “Depictions of Children.”

²⁰⁹ Bloom, Horgan, and Winter, “Depictions of Children.”

battlefield losses and recruits minors into “sleeper cells.”²¹⁰ Due to the lack of longitudinal data about Islamic State child returnees, figuring out how many might pose a threat will be more difficult than simply applying Hegghammer’s previous calculations.²¹¹

²¹⁰ Ash Gallagher, “The Islamic State’s Child Soldiers,” *Al-Monitor*, April 3, 2015, <http://www.al-monitor.com/pulse/originals/2015/04/lebanon-islamic-state-child-soldiers-syria-iraq-hrw-afp.html>.

²¹¹ Hegghammer, “Should I Stay or Should I Go.”

III. RETURNING HOME PART TWO: THE CHILDREN

They are our fighters and leaders of tomorrow, and they will be strong and not fearing to die. ... In the future you will not only fear our men. You must fear our children, too.

—Anonymous Islamic State operative

On May 15, 2015, in Damaturu, the capital of Yobe State in Nigeria, a suicide bomber detonated an explosive device outside of a transit station. The explosion killed eleven people and injured thirty.²¹² According to a witness, “a girl aged about 12 detonated an explosive under her clothes as she approached the station’s perimeter fence.”²¹³ A few weeks later in the same city, a ten-year-old girl blew herself up during a prayer festival.²¹⁴ Media reports and local officials blamed the Islamist group Boko Haram. The Islamic State and its affiliates, such as Boko Haram and the Harakat Shabaab al-Mujahidin (al-Shabaab), are recruiting and using more children than in previous years.²¹⁵

Whether part of a national force, a non-state armed group, or a terrorist organization, the children recruited and used in armed conflict are child soldiers. The problem of child soldiers is not new, yet there is evidence that groups such as Boko Haram, al-Shabaab, and the Islamic State are changing the dynamic.

²¹² “Incident Summary for GTDID: 201505160028,” Global Terrorism Database, accessed November 30, 2016, <https://www.start.umd.edu/gtd/search/IncidentSummary.aspx?gtdid=201505160028>.

²¹³ “Nigerian Child Suicide Bomber Kills Several at Crowded Bus Station,” *Guardian*, May 16, 2015, <https://www.theguardian.com/world/2015/may/16/nigerian-child-suicide-bomber-kills-several-at-crowded-bus-station>.

²¹⁴ “Nine Killed as Suicide Bombers Attack Eid Prayer Group in Nigeria,” SA Breaking News, accessed November 30, 2016, <http://www.sabreakingnews.co.za/2015/07/17/nine-killed-as-suicide-bombers-attack-eid-prayer-group-in-nigeria/>.

²¹⁵ “Syrian Arab Republic,” United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, accessed December 1, 2016, <https://childrenandarmedconflict.un.org/countries-caac/syria/>; “Somalia,” *United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict* (blog), accessed December 1, 2016, <https://childrenandarmedconflict.un.org/countries-caac/somalia/>.

The purpose of this chapter is three-fold: to explore how the Islamic State’s use of child soldiers threatens the homeland; to analyze U.S. policy as it relates to child soldiers; and to challenge the assertion foreign fighters and child soldiers are pulled into combat for differing reasons.²¹⁶ To better understand the threat that the recruitment and use of IS child soldiers may pose to the United States, it is essential to explain what constitutes a child soldier and discuss the history surrounding the exploitation of children in armed conflict.

A. WHAT IS A CHILD SOLDIER?

In adherence to the Paris Principles adopted by the international community in 2007, the United Nations (UN) officially defines a child soldier as:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.²¹⁷

The UN considers anyone under the age of eighteen a child. It is important to note that this age cap is higher than the cap defined in previously internationally accepted definitions. The UN changed this age level from below fifteen—the age defined by Geneva Convention Additional Protocol I and II in 1977—because of the proliferation of recruitment and use of child soldiers in parts of Africa and Asia in the 1980s and ‘90s.²¹⁸

Although children have been used in combat since Spartan times, the last half of the 1990s was a defining time for the issue.²¹⁹ In 1996, UN Secretary-General Graça Machel submitted a report to the UN General Assembly that proved to be a critical

²¹⁶ Gurski, *Western Foreign Fighters*, 86–87.

²¹⁷ “Child Recruitment and Use,” *United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict* (blog), accessed December 1, 2016, <http://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/child-soldiers/>.

²¹⁸ “Additional Protocol (I) to the Geneva Conventions, 1977,” American Red Cross, accessed December 1, 2016, <http://www.redcross.org/humanityinwar/additional-protocol-i-to-the-geneva-conventions-1977>; “Additional Protocol (II) to the Geneva Conventions, 1977,” American Red Cross, accessed December 1, 2016, untitled - m27740272_Additional_Protocol_II.pdf.

²¹⁹ Evan Andrews, “8 Reasons it Wasn’t Easy Being Spartan,” *History*, March 5, 2013, <http://www.history.com/news/history-lists/8-reasons-it-wasnt-easy-being-spartan>.

resource for future studies on child soldiers.²²⁰ Not isolated to a particular continent or region, Machel's report identified patterns and applied reasoning to better understand the core components of child soldier recruitment, use, prevention, and reconciliation. Annual reports now document updates on the global crisis.

In 2000, the UN proposed the Optional Protocol on the Involvement of Children in Armed Conflict.²²¹ This protocol set goals for the international community aimed at protecting children from recruitment and use in armed combat. The core articles in the protocol established the following:

- States will not recruit children under the age of 18 to send them to the battlefield.
- States will not conscript soldiers below the age of 18.
- States should take all possible measures to prevent such recruitment – including legislation to prohibit and criminalize the recruitment of children under 18 and involve them in hostilities.
- States will demobilize anyone under 18 conscripted or used in hostilities and will provide physical, psychological recovery services and help their social reintegration.
- Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18.²²²

Following the introduction of the Optional Protocol and Machel's report, the issue of child soldiers attracted the world's attention as news reports surfaced documenting the

²²⁰ Graça Machel, *Promotion and Protection of the Rights of Children: Impact of Armed Conflict on Children* (A/51/306) (New York: United Nations, 1996), http://www.un.org/ga/search/view_doc.asp?symbol=A/51/306.

²²¹ "Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict," United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, accessed November 16, 2016, <https://childrenandarmedconflict.un.org/mandate/optional-protocol/>.

²²² UN, "Optional Protocol."

atrocities of groups such as the Lord's Resistance Army (LRA), the Sudanese People's Liberation Army, and the Revolutionary United Front.²²³ In 2001, a report compiled by the Coalition to Stop the Use of Child Soldiers claimed approximately 300,000 child soldiers were operating in thirty countries around the world, the youngest of whom was seven years old.²²⁴

B. EVOLVING TRENDS

The annual UN *Children in Armed Conflict* report in 2016 identified groups in fourteen countries that recruit and use child soldiers or commit grave acts of violence against children.²²⁵ Notably, the report identified a spike in abuse in Somalia, up nearly 50 percent from the previous year's data. This trend mirrors media reports of coordinated training efforts between Boko Haram and al Shabaab.²²⁶ The report also makes a note of an upward trend in child abductions by al-Shabaab, Boko Haram, the Islamic State, and the LRA.²²⁷

Originally formed in 1986, the LRA has its roots in Uganda but has spread its operations throughout the Democratic Republic of the Congo, Central African Republic, and South Sudan.²²⁸ Based loosely on religious beliefs—the leader believes he is a prophet sent by God—the group is notorious for employing an army predominately staffed by youths and sustained through child abductions.²²⁹ Al-Shabaab, Boko Haram,

²²³ Tina Susman, "Children of War," *Salt Lake Tribune*, October 31, 1999; Lara Santoro, "The Sons of Carnage; Thousands of Children Are Fighting in the Relentless Civil War between Khartoum and the SPLA. They're Too Young to Be Soldiers--but It's the Only Life They Know," *Newsweek*, July 31, 2000; "Rebels Use Children to Expand Mining," *Milwaukee Journal Sentinel*, August 21, 2001, sec. News.

²²⁴ Coalition to Stop the Use of Child Soldiers, *Global Report on Child Soldiers: 2001* (London: Coalition to Stop the Use of Child Soldiers, 2001), 10, <https://www.child-soldiers.org/shop/global-report-2001>.

²²⁵ United Nations General Assembly Security Council, *Report of the Secretary-General: Children and Armed Conflict (A/70/836-S/2016/360)* (New York: United Nations, 2016), 37–40, www.un.org/ga/search/view_doc.asp?symbol=s/2016/360&referer=/english/&Lang=E.

²²⁶ Stephanie Busari, "Boko Haram Training in Somalia: Security Chief," CNN, February 25, 2016, <http://www.cnn.com/2016/02/25/africa/boko-haram-al-shabaab-somalia/index.html>.

²²⁷ UN, *Children and Armed Conflict*, 2.

²²⁸ "The Lord's Resistance Army: Fact Sheet," U.S. Department of State, March 23, 2012, <http://www.state.gov/r/pa/prs/ps/2012/03/186734.htm>.

²²⁹ U.S. Department of State, "Lord's Resistance Army"

and the Islamic State are also religious groups that have all used children to further their ultimate objective—the establishment of an Islamic “caliphate.” According to a UN report, in 2015 there were 555 confirmed reports of child use and recruitment by al-Shabaab.²³⁰ This constituted 62 percent of all reported child use and recruitment incidents in Somalia. In Nigeria, Boko Haram contributed to 225 incidents or 82 percent of all confirmed reports of child use and recruitment.²³¹ The Islamic State operating in Iraq and Syria recruited or used 293 children, or 73 percent, of all confirmed reports throughout the two countries.²³² Compared to 2014 data, al-Shabaab’s use and recruitment increased 27 percent, while the Islamic State’s increased 115 percent.²³³

Researchers at West Point’s CTC discovered a disturbing trend after analyzing a database they compiled from Islamic State social media reports that paid homage to youth martyrs.²³⁴ The report shows that the number of children used in suicide attacks tripled between 2015 and 2016. Also, the authors suggest that not only is the Islamic State changing how it uses children in its operations, but the group is also changing why it uses children. Much has been written about the exploitation of Islamic State youth, and few disagree that the Islamic State has emerged as one of the world’s worst offenders.

The Islamic State has used children to commit suicide bombings and perform executions. In early 2016, fifteen-year-old Saifullah al-Ansari detonated an explosive device at a soccer match in Iraq, killing himself and forty other people.²³⁵ Later that year, a suspected Islamic State operative who government officials estimated to be between twelve and fifteen years old killed fifty-five and injured sixty-six during a suicide

²³⁰ UN, *Children and Armed Conflict*, 16.

²³¹ UN, 31.

²³² UN, 11, 24.

²³³ The UN did not publish comparable data for Boko Haram in 2014.

²³⁴ Bloom, Horgan, and Winter, “Depictions of Children.”

²³⁵ Mustafa Salim and Liz Sly, “Islamic State Suicide Bomber Kills Dozens at a Stadium South of Baghdad,” *Washington Post*, March 26, 2016, sec. Middle East, https://www.washingtonpost.com/world/middle_east/suicide-bomber-kills-at-least-25-at-a-soccer-stadium-south-of-baghdad/2016/03/25/36a2971c-f2b2-11e5-a2a3-d4e9697917d1_story.html.

bombing that targeted a wedding celebration in Turkey.²³⁶ Researchers estimate that in 2015, the Islamic State sent close to forty youths to their deaths in targeted suicide operations using explosive devices.²³⁷ Islamic State media outlets have distributed video recordings of some of these operations.

In August 2016, the Islamic State released a video depicting five young operatives using pistols to execute captured Kurdish fighters.²³⁸ After the video was released, a British national identified one of the operatives as his son, Jojo, who was taken to Syria by his estranged wife in 2013.²³⁹ Reporters stated that his son was ten years old when Sally Jones, also known as Umm Hussain al-Britani, took the man's son to the region.²⁴⁰

The purpose behind the Islamic State's use of children has sparked debate. Some believe it provides a tactical advantage, while others argue it is strategic. As tactical assets, children excel at inflicting psychological damage on the enemy, are easily influenced by emotions, and lack the mores to question adult authority figures.²⁴¹ Strategically, children can be seen as cheap alternatives to adult fighters; exploding birth rates and abject poverty render them expendable casualties of war.²⁴²

Horgan et al. explain that groups' "decisions to engage children directly may be a function of organizational pressure to replenish ranks and/or ensure long-term survival."²⁴³ As the Islamic State loses territory to government forces and alliances, using children is one way to ensure the group's long-term survival. If the Islamic State is defeated, what will happen to the unknown number of children it has socialized? In a

²³⁶ Camila Domonoske, "Suicide Bombing at Turkish Wedding Pinned on ISIS," NPR August 22, 2016, <http://www.npr.org/sections/thetwo-way/2016/08/22/490908579/suicide-bombing-at-turkish-wedding-carried-out-by-child-pinned-on-isis>.

²³⁷ Bloom, Horgan, and Winter, "Depictions of Children," 30.

²³⁸ Prince, "New ISIS Video Show Child."

²³⁹ Ben Ellery, "Father Identifies British Boy 'Killer' Seen Executing Prisoner," *Daily Mail*, August 27, 2016, <http://www.dailymail.co.uk/~/article-3761804/index.html>.

²⁴⁰ Ellery.

²⁴¹ Romeo Dallaire, *They Fight Like Soldiers, They Die Like Children: The Global Quest to Eradicate the Use of Child Soldiers* (New York: Walker & Company, 2010), 142–151.

²⁴² Wessells, *Child Soldiers*, 33–37.

²⁴³ Horgan et al., "From Cubs to Lions," 5.

Washington Post article, an anonymous Islamic State operative states, “They are our fighters and leaders of tomorrow, and they will be strong and not fearing to die...In the future you will not only fear our men. You must fear our children, too.”²⁴⁴

C. A CHILD SOLDIER IS A CHILD SOLDIER IS A CHILD SOLDIER

At its height, the Islamic State had more than a thousand child soldiers.²⁴⁵ Recent battlefield defeats have shrunk its geographical footprint and resources. However, due to lack of data, little is known about how many “cubs of the caliphate” still exist and where they are. It will take years to fully grasp the extent of the Islamic State child soldier issue, but information trickling out of the region from its youth defectors and captives gives us insight into the means and methods the group uses to subjugate its youth.

Child soldier advocates express that child soldiers never actually volunteer to take up arms; rather, they are forced into recruitment.²⁴⁶ Mia Bloom contends that the Islamic State’s recruitment pattern closely resembles tactics of the Moro Islamic Liberation Front of the Philippines, in which parents “encourage their children to engage in conflict.”²⁴⁷ However, the Islamic State does employ conscription methods that run parallel to some “African groups” that use child soldiers.²⁴⁸

In an account that resembles the child abduction tactics of some African groups, a 2015 news article describes the experiences of a fourteen-year-old Islamic State training camp escapee that was kidnapped from his village.²⁴⁹ Forced to convert from his ethnic

²⁴⁴ Soud Mekhennet and Joby Warrick, “For the ‘Children of ISIS,’ Target Practice Starts at Age 6. By Their Teens, They’re Ready to Be Suicide Bombers,” *Washington Post*, October 7, 2016, https://www.washingtonpost.com/world/national-security/for-the-children-of-isis-target-practice-starts-at-age-6-by-their-teens-theyre-ready-to-be-suicide-bombers/2016/10/06/3b59f0fc-8664-11e6-92c2-14b64f3d453f_story.html?utm_term=.8b97d49059e3.

²⁴⁵ Olivia Rizzo, “ISIS Recruiting Child Soldiers at an Increasing Rate,” *University Wire*, September 4, 2016, sec. News, <http://search.proquest.com.libproxy.nps.edu/docview/1816549957>.

²⁴⁶ Machel, *Rights of Children*, 17.

²⁴⁷ Mia Bloom, “Cubs of the Caliphate,” *Foreign Affairs*, July 21, 2015, www.foreignaffairs.com/articles/2015-07-21/cubs-caliphate.

²⁴⁸ “African groups” refer to rebel groups such as the Lord’s Resistance Army (LRA), the Sudanese People’s Liberation Army, and the Revolutionary United Front.

²⁴⁹ “ISIS Trains Kids for Beheadings Using Dolls,” CBS News, July 20, 2015, www.cbsnews.com/news/isis-teach-kurdish-yazidi-children-jihad-by-beheading-dolls/.

Yazidi religion and pledge *bay'ah* (an oath of allegiance) to the Islamic State's leader, the youth—one of 120—practiced decapitating prisoners using a sword and dolls.²⁵⁰ The article claims that the boy was taken during the 2014 Sinjar Massacre, when more than 5,000 Yazidi men were killed by Islamic State insurgents. The Islamic State seized Yazidi boys ranging in age from eight to fifteen and took them to a camp where they conducted weapons training and hand-to-hand combat, and endured Islamic extremism indoctrination.²⁵¹ In 2017, a journalist reported that the Islamic State used two young Yazidi converts to launch a suicide attack on U.S. coalition forces.²⁵² The news outlet stated that the young boys—now eleven and twelve years old—were abducted from their village during the Sinjar Massacre.

In another story that mirrors the experiences of children in war-torn Africa, Sophie Jones writes about a fourteen-year-old Syrian Islamic State defector who explains that he turned to the terrorist group out of desperation.²⁵³ Jones describes how the recruit followed the path of his older brothers, seeking retribution for the death of family members and a razed village in what he thought was a legitimate Syrian regime rebel movement. Little did he know that he and the thirty other children in his training camp would be subjected to intense Islamic State indoctrination that consisted of extremist religious ideology, weapons training, and torture.²⁵⁴

Also, Anne Speckhard introduces us to Nabil: a sixteen-year-old Islamic State captive who recounts a story that echoes the plight of youth soldiers in other regions of the world.²⁵⁵ Lacking a father figure, Nabil turned toward a local religious leader and eventually succumbed to the false promises and pressures of Islamic State *mullahs*, who

²⁵⁰ "ISIS Trains Kids for Beheadings."

²⁵¹ "ISIS Trains Kids for Beheadings."

²⁵² Lisa Daftari, "ISIS Using Kidnapped Yazidi Children in Suicide Missions," Fox News, February 15, 2017, <http://www.foxnews.com/world/2017/02/15/isis-using-kidnapped-yazidi-children-in-suicide-missions.html>.

²⁵³ Sophia Jones, "Escaped Syrian Child Soldier: 'Don't Join ISIS,'" *Huffington Post*, January 30, 2015, sec. The WorldPost, http://www.huffingtonpost.com/2015/01/30/isis-child-soldier_n_6552618.html.

²⁵⁴ Jones.

²⁵⁵ Anne Speckhard, "Recovery, Rehabilitation and Reintegration of the 'Lost' Children Living and Serving Under the Islamic State," International Center for the Study of Violent Extremism, accessed March 30, 2017, <http://www.iccontact-archive.com/TfWiFvrku1-KwFEIT9tKUEs4AkRXrm3L?w=1>.

soon facilitated his transformation.²⁵⁶ Speckhard reveals that lessons from foreign sharia educators, along with instruction in weapon handling, was part of Nabil's month-long Islamic State curriculum. She also describes how Nabil fought for the Islamic State against Peshmerga fighters for four months after his training. Soon after the battle, he tried to escape and was whipped after he was caught; however, his second attempt to desert was successful, and he was arrested by the Peshmerga while fleeing with the rest of his family to Kirkuk.²⁵⁷

Although the lack of a father figure may not fully explain why Nabil turned to the Islamic State, it is not the first time we have seen this path to radicalization emerge from youths. A biography about al-Qaeda in Iraq founder Abu Musab al-Zarqawi claims, "Already in trouble with the law—at 15 he had been involved with a home invasion during which one of his relatives was killed—the teenaged Zarqawi was thrown into a downward spiral by the death of his father in 1984."²⁵⁸ Joby Warrick explains, "It was [Zarqawi's] mother who nudged Zarqawi into the Islamists. She signed him up for religion classes at the local al-Husayn Ben Ali Mosque, hoping he would find better role models among the imams and pious youth, with their ideological debates and fundraising drives to benefit Muslim holy warriors in Afghanistan."²⁵⁹

It is not just youth from Iraq and Syria who are joining the Islamic State. Many of the youth fighters are foreigners. Mia Bloom identifies "children born to foreign fighters or emigrants" as one of the five categories of child soldiers living within the Islamic State.²⁶⁰ Bloom notes that child recruits have been segregated and indoctrinated depending on group associations. For example, she states, "The children in training camps tend to be those who have been taken from families or found in orphanages.

²⁵⁶ Speckhard.

²⁵⁷ Speckhard.

²⁵⁸ Encyclopedia of World Biography, s.v. "Abu Mussab Al-Zarqawi Biography," accessed July 14, 2017, <http://www.notablebiographies.com/supp/Supplement-Sp-Z/Al-Zarqawi-Abu-Mussab.html>.

²⁵⁹ Joby Warrick, *Black Flags: The Rise of ISIS* (New York: Doubleday, 2015), 51.

²⁶⁰ Bloom, "Cubs of the Caliphate."

Children in ISIS-controlled schools, on the other hand, tend to be those whose families volunteered them.”²⁶¹

It is in the divergence between the children in the training camps and those in the schools that we see how the Islamic State fuels its needs. On the one hand, the Islamic State requires a supply of suicide bombers that are capable of following orders and completing a mission without the interference of the emotional constraints that living relatives may impose. There is little need for the Islamic State to invest in the future of these children, as they are viewed as tactical assets and expendable resources in a zero-sum game. Forced ethnic converts such as the Yazidis often fill these roles. On the other hand, to survive, the Islamic State must secure its future viability. Socialization through early-age schooling provides the group with an avenue to deliver its message to a vulnerable and naive population. Bloom explains,

After Syria devolved into chaos ISIS assumed de-facto control over many schools and mosques. Although many of the original Syrian school teachers have remained in their positions, they must now teach an ISIS-controlled curriculum to gender-segregated pupils—one that includes weapons training and intense ideological conditioning. Attendance at schools does not appear to be mandatory, but many parents willingly send their children.²⁶²

Bloom continues,

At these schools, children systematically learn ISIS’ ideology, bringing them closer to each other as well to ISIS members who scout for children with the talent to earn “Cub” status in one of the group’s dedicated training camps. The educational programs stand in contrast to the treatment of child soldiers in Africa, who generally do not receive any sort of education.²⁶³

In Bloom’s assertions, we see that Islamic State socialization through school curriculum differs than the methods used by rebel groups in Africa. However, these factions in Africa and the Islamic State share a method of socialization that forms a strong in-group narrative. The daily routine of violating social norms and participating in

²⁶¹ Bloom.

²⁶² Bloom.

²⁶³ Bloom.

extremely violent acts desensitizes the children and normalizes the behavior. Drawing on characteristics of social identity theory, this new in-group narrative transforms the children's identities and lays the foundation for future generations.²⁶⁴ Unearthing the similarities and differences in the ways that Islamic State and other groups recruit and use children has exposed the complexity of the Islamic State child soldier issue. Adding to the problem is an increasing number of avenues for youth radicalization. This is important because what was once thought to be a foreign issue is now a domestic problem.

D. THE PATHWAYS TO THE UNITED STATES

One way to explore the threat of Islamic State youth to the U.S. homeland is to examine them from a geo-social perspective. We can accomplish this by comparing where the youths underwent primary socialization and where they engage in terrorist or insurgency operations.²⁶⁵ Here are four paradigms we can use to make this distinction: violent extremists (VEs), homegrown violent extremists (HVEs), returning foreign fighters (RFFs), and cubs of the caliphate (cubs). Although this method may be too simplistic or elementary for some, it allows us to trace and label the patterns in socialization lineage. This model assumes that a child is socialized not long after birth and adopts the cultural markers of the society in which he or she is raised. At a basic level, these paradigms can be defined as follows:

- ***Violent Extremists (VEs):*** Children born outside of the United States (or non-U.S. citizens) who travel to the United States and conduct terrorist operations inside the United States on behalf of the Islamic State.

²⁶⁴ The Encyclopedia of Critical Psychology has a helpful definition of social identity theory at https://link.springer.com/referenceworkentry/10.1007%2F978-1-4614-5583-7_289.

²⁶⁵ According to Berger and Luckmann, *primary socialization* is “the first socialization an individual undergoes in childhood, through which he becomes a member of society.” Peter Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Open Road Media, 2011), 130.

- ***Homegrown Violent Extremists (HVEs)***: Children born inside of the United States or legal residents who conduct terrorist operations inside the United States on behalf of the Islamic State.
- ***Returning Foreign Fighters (RFFs)***: Children born outside of the Islamic State and inside or outside the United States, who travel to the Islamic State and participate in the insurgency, and then travel to the United States to conduct terrorist operations.
- ***Cubs of the Caliphate (Cubs)***: Children born inside of the Islamic State and who conduct operations inside the Islamic State's sphere of influence or in other parts of the world.

These categories are not mutually exclusive; an individual can fall into one or more group. For example, an HVE can be radicalized in the United States and travel to Iraq and Syria to fight for the Islamic State, and then return to the United States to carry out an attack. This person could be classified as both an HVE and an RFF. Also, VEs may have spent time on the front lines in Iraq or Syria fighting for the Islamic State, and then make their way into the United States to carry out a terrorist attack. These individuals would be both VEs and RFFs. RFFs are a sub-category of foreign fighters that accounts for those individuals of the Islamic State who have remained in Iraq or Syria (alive or otherwise).

This thesis examines the domestic threat to the United States from Islamic State youth RFFs and focuses primarily on those individuals who: (1) traveled to the Islamic State, (2) participated in the insurgency in Iraq and/or Syria, (3) were not citizens of either country (Iraq or Syria), and (4) have since left the region and returned or emigrated to the United States or a country that has open immigrant avenues or non-immigrant visitor pathways to the United States—specifically, countries with Western-style governments. Also, the centerpiece of this work recognizes that RFFs are age agnostic and that the United States needs to account for the potential threat to the homeland from the Islamic State's child soldiers.

Although it has been reported that there are as many as 31,000 pregnant women in the Islamic State, children born at the onset of the caliphate in 2014 would currently only be three years old and may not yet have been indoctrinated.²⁶⁶ However, the age of indoctrination is young, and there are pictures and reports of an Islamic State propaganda video showing a four-year-old blowing up a vehicle containing Islamic State prisoners.²⁶⁷ Children entering the Islamic State during their formative years are at greater risk for indoctrination than newborns, and the number of children indoctrinated by the Islamic State may be much higher than 31,000. Shelly Whitman of the Roméo Dallaire Child Soldiers Initiative estimates that the amount may be as high as a “couple of hundred thousands [sic].”²⁶⁸

Some children who traveled to the Islamic State with their parents and were socialized by the group will return to their country of origin with their parents. Sophie Kasiki—an alias—took her son from France to Raqqa, Syria, in 2015 to join the Islamic State and later returned with him to France after she described her experience as a “hellish nightmare.”²⁶⁹ She claims that she attempted to shield her four-year-old son from the environment and even refused to let a man take her son to pray at a mosque. However, when she returned to France, she saw a picture the Islamic State had taken of her son holding an automatic rifle.

Some youths will leave their parents behind and travel to the Islamic State to fight. Upon their return, they may be minors or adults. Some children will come back without their parents or may immigrate to a different country. Others will be adults upon their return, perhaps with their own children. As stated previously, it is hard to quantify child returnees and their destinations because the data identifying these children is inadequate.

In mid-2017, officials in Belgium updated the Organization for Coordination of Threat Analysis register, which is a list of individuals who the government suspects of

²⁶⁶ Benotman and Malik, *Children of the Islamic State*, 8.

²⁶⁷ Dearden, “Isis Training Children.”

²⁶⁸ Logan, “Is the World Ready.”

²⁶⁹ Willsher, “‘I Went to Join ISIS in Syria.’”

traveling or attempting to travel to the Islamic State. Included in this database are fighters who traveled to the Islamic State and returned to Belgium. Officials claim that out of a list of 121 identified Belgium Islamic State RFFs, there was one child who returned.²⁷⁰ A review of the list revealed that the child has since turned eighteen. Also, as of July 15, 2017, there are eight minors remaining on the list. They consist of six males and two females. Four of the six males have not returned yet—making them potential returnees—while the remaining males and all of the females failed in their attempts to travel to the Islamic State and are living in Belgium. The youngest minor on the list is one of the two male potential returnees and is currently fourteen years old.

The CTC released a 2016 report that contains an open-source database of “individuals who attempted or successfully traveled to Syria and Iraq from 2012–2015.”²⁷¹ The dataset includes information on the Islamic State and other groups fighting the Syrian regime. The report discovered a correlation among RFFs who were married before their arrival in the region. It found, “Of the 11 returnees who were married prior to traveling to Iraq and Syria, every one of them had children as well. So, while it appears that the fighters who return are more likely to be single, the married fighters who return are more likely to have children.”²⁷² The researchers claim that out of 604 foreign fighters, roughly eighty-five (14 percent) were under the age of eighteen.²⁷³ They also calculated that almost 10 percent of those younger than eighteen eventually returned home.²⁷⁴ The authors surmise that, “While this study is not able to assign causality for the willingness of this profile to travel and join jihadi groups in Syria and Iraq, the fact that they have high biographic availability suggests that boredom, the desire for

²⁷⁰ “One in Five Syrian Fighters Returned to Belgium Either Female or a Minor,” *Brussels Times*, July 14, 2017, <http://www.brusselstimes.com/belgium/8702/one-syrian-fighter-in-five-is-either-a-woman-or-a-minor>.

²⁷¹ Arie Perliger and Daniel Milton, *From Cradle to Grave: The Life Cycle of Foreign Fighters in Iraq and Syria* (West Point, New York: Combating Terrorism Center, November 2016), iv.

²⁷² Perliger and Milton, 47.

²⁷³ Perliger and Milton, 22.

²⁷⁴ Perliger and Milton, 47.

adventure, the influence of friends, the allure of rebellion, and religious or ethnic identity may play a role.”²⁷⁵

E. THE CULPABILITY OF IS CHILD SOLDIERS

International law and human rights agreements frame the legal protections afforded to children who engage in armed combat. Individual states are also responsible for establishing laws that adhere to humanitarian standards and norms. The Rome Statutes, the Geneva Convention Protocols, the Paris Principles, and the provisions of the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict are some of the multi-national agreements that address the use of child combatants by armed groups.

In the United States, the Child Soldier Prevention Act of 2008 prohibits the use and recruitment of child soldiers and makes it illegal for the United States to provide aid to countries that use child combatants.²⁷⁶ The Child Soldier Accountability Act of 2008 holds responsible those individuals who recruit and use child soldiers.²⁷⁷ These laws attempt to protect children from groups and individuals seeking to exploit them, but they do little to punish the children who commit egregious acts of violence.

Subjecting child soldiers to punitive measures for acts committed while they were engaged in an armed group is not a popular practice and is denounced by many. The non-governmental organization Child Soldiers International claims, “Detained children are already vulnerable as a consequence of joining a military organisation. When imprisoned, particularly by an opposing party in a violent conflict, they may be at risk of torture, sexual abuse, and other ill-treatment, and may be separated from their families and communities for a long time.”²⁷⁸ The organization advocates for governments to adhere

²⁷⁵ Perliger and Milton, 22.

²⁷⁶ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110–547 (2008), <https://www.congress.gov/bill/110th-congress/house-bill/7311>.

²⁷⁷ Enrolled: Child Soldier Accountability Act of 2008, Pub. L. No. S 2135 (2008), <http://congressional.proquest.com.libproxy.nps.edu/congressional/result/congressional/pqpdocumentview?accountid=12702&groupid=100340&pgId=6ea40fd0-8cbb-452c-bce4-2bc74d1b46bf>.

²⁷⁸ “Detention,” Child Soldiers International, accessed July 15, 2017, <https://www.child-soldiers.org/detention>.

to international standards and “ensure that children are only ever detained lawfully, as a last resort and for the shortest appropriate period of time.”²⁷⁹

The U.S. Code defines a *juvenile* as

a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and “juvenile delinquency” is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult or a violation by such a person.²⁸⁰

The age dividing line that separates juveniles from adults for most of the United States is eighteen. However, some states set their standard lower.²⁸¹ For example, in New York and Texas, the age is sixteen and seventeen, respectively. The Juvenile Law Center defines the *age of criminal responsibility* as “the age at which an individual is subject to the jurisdiction of adult criminal court instead of juvenile court.”²⁸² This is sometimes referred to as the age of “delinquency” and differs from some definitions that equate criminal responsibility to a person’s mental and physical capacity to commit a crime. Some states set age boundaries in the juvenile justice system to determine delinquency, although many do not.²⁸³ In Maryland, the lower age of delinquency is seven years old, and the upper age limit is seventeen. This means that children under eighteen and over seven can be charged with a crime under the juvenile system. The age of competency is a different matter, and states can establish “age-bound” defense statutes.

Absent specific legislation addressing the RFF juveniles of the Islamic State, adult and juvenile criminal justice systems will play an active role in the prosecution, sentencing, and detention of returnees. In 2015, a sixteen-year-old Syrian–American was

²⁷⁹ Child Soldiers International

²⁸⁰ 18 U.S. Code § 5031, Pub. L. No. 114–38, 5031, <https://www.law.cornell.edu/uscode/text/18/5031>.

²⁸¹ “Youth in the Justice System: An Overview,” Juvenile Law Center, accessed July 15, 2017, <http://jlc.org/news-room/media-resources/youth-justice-system-overview>.

²⁸² “Commonly Used Terms,” Juvenile Law Center, accessed July 28, 2017, <http://jlc.org/news-room/media-resources/glossary>.

²⁸³ “The Minimum Age of Criminal Responsibility Continues to Divide Opinion,” *Economist*, March 15, 2017, <https://www.economist.com/blogs/graphicdetail/2017/03/daily-chart-7>.

convicted of plotting to kill civilians in the United States and was sentenced to the maximum term for a juvenile under South Carolina state law.²⁸⁴ The case was held in juvenile court, and the teenager was released from custody three years prior to his twenty-first birthday. One year after his release, federal authorities arrested him on adult terrorism charges.²⁸⁵ In this instance, when he was arrested as a juvenile the charges were not presented by federal prosecutors, but by state attorneys. Also, since the state does not have a juvenile terrorism statute, weapons charges were filed instead.²⁸⁶ The U.S. Federal Juvenile Delinquency Act allows for the prosecution of juveniles to be a state responsibility.²⁸⁷ However, the law reserves federal jurisdiction for cases in which the state defers prosecution back to the federal government or in other instances of “substantial federal interest.”²⁸⁸ The act does not apply to those individuals who committed an act after their 18th birthday.

U.S. federal prosecutors have filed cases against juveniles for plotting to commit attacks in the United States and providing materiel support to the Islamic State, including against seventeen-year-olds Imran Rabbani and Ali Shukri Amin.²⁸⁹ Although Rabbani and Amin were minors at the time they committed their crimes, they were both tried as adults. Rabbani was convicted and sentenced to twenty months in a juvenile detention center, while Amin was convicted and sentenced to 136 months in an adult federal prison.²⁹⁰

²⁸⁴ Andrew Dys, “York Teen Sent to Juvenile Prison after Plotting to Join ISIS, Kill American Soldiers,” *Charlotte Observer*, April 21, 2015, <http://www.charlotteobserver.com/news/local/article/19155336.html>.

²⁸⁵ Dys.

²⁸⁶ Dys.

²⁸⁷ Charles Doyle, *Juvenile Delinquents and Federal Criminal Law: The Federal Juvenile Delinquency Act and Related Matters* (Washington, DC: Congressional Research Service, 2004).

²⁸⁸ Doyle.

²⁸⁹ Adam Goldman, Jia Lynn Yang, and John Muyskens, “The Islamic State’s Suspected Inroads into America,” *Washington Post*, July 6, 2017, <https://www.washingtonpost.com/graphics/national/isis-suspects/>.

²⁹⁰ Lia Eustachewich, “ISIS Teen Gets Soft Sentence Because Judge Thinks He’s ‘More Good than Evil,’” *New York Post*, August 9, 2016, <http://nypost.com/2016/08/09/isis-teen-gets-soft-sentence-because-judge-thinks-hes-more-good-than-evil/>; “Virginia Man Sentenced to More Than 11 Years for Providing Material Support to ISIL,” Department of Justice, August 28, 2015, <https://www.justice.gov/opa/pr/virginia-man-sentenced-more-11-years-providing-material-support-isil>.

F. CONCLUSION

The methods of recruitment and use of child soldiers by the Islamic State and its affiliates are both familiar and foreign. This dichotomy means that we can draw parallels between the Islamic State and other armed groups that use child soldiers while also showcasing how the Islamic State differs from these other groups. For example, forced and voluntary recruitment is a trademark of some African groups while the Islamic State's indoctrination and social sculpting methods through the use of school curricula are few and far between in Africa. However, Maoist communists, as well as other organizations (e.g., the Tamil Tigers), have been known to use schools to indoctrinate younger generations in an effort to rear their youth for projected resistance.²⁹¹ Also, what was once thought a phenomenon isolated to faraway lands is now encroaching on the U.S. homeland. Pathways to the United States exist for Islamic State child soldiers. Whether they are children born in the Islamic State, young RFFs, children of foreign fighters, or adults who were previously child soldiers, the United States will face a challenge when confronted with this returning demographic.

U.S. domestic and foreign policies are not optimized to deal with the returning child soldiers of the Islamic State. Will they be treated as victims, as in the case of the child combatants of Africa and Asia, or will they be treated as criminal terrorists, thus subject to military tribunals or the U.S. justice system? Both approaches have limitations and benefits. This begs the question: Is it an either-or proposition? In the next chapter, we explore how other countries are using counterterrorism strategies to address the RFF threat and how the youth returnees fit into the policies.

²⁹¹ Bloom, "Cubs of the Caliphate."

IV. RETURNING HOME PART THREE: HOW OTHER COUNTRIES ARE COPING

Islamic State returning foreign fighters have yet to perpetrate an attack on American soil. Europe has not been as fortunate. Even before recent attacks in western Europe, the European Union (EU) was consolidating efforts to deal with the RFF issue through UN resolutions and commitments to country-specific legislation. Countries such as the United Kingdom and France have recently enacted strategic counterterrorism policies geared toward preventing, detecting, stopping, and recovering from terrorist attacks. These policies use legislation—some old and some new—to counter the threat. For those European nations that may not have their own strategic policies, the UN has passed a series of Security Council resolutions to assist them.

UN Security Council resolutions 1373, 2178, 2199, and 2253 are a few of the measures that call for cooperation and coordination among UN member states to levy punishments on terrorist organizations and lone actors.²⁹² Resolution 1373 was signed days after the 9/11 attacks in 2001 and required that member states develop punitive measures to sanction those who finance, facilitate, plan, or conduct acts of terrorism.²⁹³

In 2014, the Security Council enacted Resolution 2178, which focuses primarily on the foreign fighter phenomenon. Resolution 2178 serves as a guiding document for countries looking to establish border controls, develop intelligence-sharing practices, counter violent extremism, and enforce domestic laws prohibiting terrorist travel.²⁹⁴ The resolution expresses concern over the “growing threat posed by foreign terrorist fighters,”

²⁹² “Secretary-General, Addressing Security Council Open Debate, Highlights Threat Posed by Foreign Terrorist Fighters Returning Home, to 3rd Countries,” United Nations, April 15, 2016, <https://www.un.org/press/en/2016/sgsm17667.doc.htm>.

²⁹³ United Nations Security Council Resolution 1373 (2001), 1–2, [www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20\(2001\).pdf](http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf).

²⁹⁴ Jacob Wallis, “After the Jihad: The U.S. Response to Foreign Terrorist Fighters,” The Washington Institute, April 27, 2017, <http://www.washingtoninstitute.org/policy-analysis/view/after-the-jihad-the-u.s.-response-to-foreign-terrorist-fighters>.

especially the cadre traveling to and from the Islamic State.²⁹⁵ Resolutions 2199 and 2253 soon followed, geared toward suppressing terrorist organizations' financial assets.

The UN resolutions focus primarily on “hard” or punitive policy actions that facilitate the imprisonment of foreign terrorist fighters and levy financial sanctions on terrorist organizations. These policies are enforceable on foreign terrorist fighters both before they leave and after the return as seasoned fighters. In the past, other non-European countries have relied on punitive measures to punish foreign fighters and prevent inbound and outbound fighter flows. Hard policies, such as arrest and deportation, were standard operating procedures for some neighboring countries following the withdrawal of Soviet forces in Afghanistan.²⁹⁶ Seth Jones explains, “Most Arab states viewed the veterans of Afghanistan as a serious threat: a kind of decentralized army of several thousand radicalized warriors. Egypt, Saudi Arabia, Jordan, and others established border controls to keep them out.”²⁹⁷ A similar fear resonates in the West today, and many countries use more hard than “soft” policies to lessen the impact of the perceived danger.

Hard policies are not implemented without criticism; some are calling for a balanced approach that incorporates punitive measures along with soft or social-based policies. Charles Lister cautions, “Policy imbalance can have dangerous repercussions, particularly when immediate-term security objectives ignore long-term issues like social integration, community cohesion, and state-citizen relations.”²⁹⁸ He adds, “While both hard (criminalization) and liberal (rehabilitation and reintegration) policies have their advantages and disadvantages, states should be capable of fusing both approaches within more comprehensive strategies for managing this complex issue.”²⁹⁹ This is precisely what some countries have done.

²⁹⁵ United Nations Security Council Resolution 2178 (2014), 2, http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf.

²⁹⁶ Jones, *Hunting in the Shadows*, 39.

²⁹⁷ Jones, 39.

²⁹⁸ Charles Lister, *Returning Foreign Fighters: Criminalization or Reintegration?* (Washington, DC: Brookings, 2015), 4, <https://www.brookings.edu/wp-content/uploads/2016/06/En-Fighters-Web.pdf>.

²⁹⁹ Lister, 4.

A. SPECTRUM AND FRAMEWORK ANALYSIS

As a complement to hard policies, soft measures have found a place in comprehensive counterterrorism strategies. Deradicalization programs, community outreach initiatives, and reintegration efforts are some of the social-centric approaches utilized by countries such as Canada, the United Kingdom, and France. Nations have a tendency to overweight the hard policies and underweight the soft policies in counterterrorism strategies. A helpful way to visualize the imbalance is in the creation of a policy spectrum, as shown in Figure 2.



Figure 2. Policy Spectrum

At the green end of the spectrum is soft policies and at the red end is hard policies. “Mixed” policies contain both soft and hard policy traits and are located mid-spectrum. Mixed policies can also include measures that are difficult to classify as either hard or soft. A strategy that has more hard than soft policies will contain a greater amount of red than green on the spectrum.

The spectrum can be used to classify policies at both the micro and macro levels. In a micro-level analysis, the provisions that make up a policy or law can be classified within the spectrum to give decision makers a visual representation of how hard or soft the policy is. For example, if a government is considering revoking the citizenship of suspected foreign terrorist fighters, it might construct a law that immediately revokes

citizenship without due process or recourse. This policy offers no social component and relies solely on a punitive measure. It would be classified in the red field of the spectrum. However, if a country instituted successive warnings to the suspect, offered to enroll the individual in a deradicalization program, or provided avenues to reacquire citizenship, the policy would have more green than the prior proposal. This is important when governments take into consideration human rights implications, legal standing, and public acceptance during the policy-making process.

At the macro level, multiple policy actions that comprise an overarching strategic counterterrorism policy can be shown on the spectrum, thus projecting a broad view of how hard or soft the entire strategy is. The macro-level spectrum analysis method was applied to the policies in each case study country.³⁰⁰ In addition to applying the spectrum to the comprehensive counterterrorism strategies, I also compared and assessed the frameworks of those strategies.³⁰¹

The in-place counterterrorism strategies of Canada, the United Kingdom, and France are evaluated in this thesis. All three countries employ fundamental elements in their strategies that guide their counterterrorism efforts. At a basic level, governments must prevent, detect, stop, and respond to terrorist acts. The elements outlined in the following strategic policies are synonymous to these various stages of counterterrorism operations. In the analyses, the policy actions of governments were coded and assigned a corresponding strategic element. For cases in which policy actions could be assigned to multiple elements, additional classification was conducted to determine whether the element was a primary or secondary function of the measure. For example, although the UK CONTEST strategy considers the use of terrorism prevention and investigation measures (TPIMs) a *Pursue* element, it also can be regarded as a measure that is

³⁰⁰ The spectrum analysis for the case studies can be found in Chapter IV Section D3, Figure 3 (Canada); Chapter V Section C, Figure 4 (United Kingdom), and Chapter VI Section C, Figure 5 (France).

³⁰¹ Described further in the case study conclusion, Chapter VI Section C, Figures 7 and 8.

preventative (*Prevent*) and protective (*Protect*).³⁰² In this instance, Pursue was assigned the primary element and Prevent and Protect were assigned secondary elements.³⁰³

The classification of policy actions according to their elemental properties is subjective. Some readers may take exception as to how I coded and classified certain policies and measures. While I made an effort to follow the classification guidance of the given country's strategic policy, not all of the policies had clear lines of demarcation. In other words, some countries did not specifically claim that policy "X" was a Pursue or Prevent element, and in some cases, the measures crosscut multiple elements. Absent sufficient classification guidance, I based my decisions on where I thought the measures would most likely apply. Some may also object that I did not consider all of the measures or policies that a country uses to thwart terrorist activities. While identifying, assessing, and coding all of the policies are outside the scope of this work, I have provided a means for others to do so. The design and structure of the case study policy spectrum figures can be adapted to classify, analyze, and assess any counterterrorism law, measure, or policy.³⁰⁴

B. CASE STUDIES

Four factors were taken into consideration when choosing the countries for the case studies. They were: RFF demographics, geography, RFF attack history, and existence of an over-arching strategic counterterrorism policy. Specific country selection criteria can be found in the Appendix.

C. YOUTH-SPECIFIC POLICES

Finally, policies addressing child foreign fighters and the children of foreign fighters can also be examined on a hard-to-soft spectrum and within the framework of overarching counterterrorism strategies. The figures that appear throughout the case study

³⁰² Home Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism: Annual Report* (London: Home Office, 2013), 49, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170644/28307_Cm_8583_v0_20.pdf.

³⁰³ See Figure 4 in Chapter V Section C.

³⁰⁴ See Chapter IV Section D3, Figure 3; Chapter V Section C, Figure 4, and Chapter VI Section C, Figure 5.

chapters include analyses of some youth-specific policy actions. These policies include existing juvenile criminal justice laws, adaptations to counterterrorism legislation, and deradicalization programs that target the threat of extremism. While few countries have specific policies aimed at addressing the potential return of youth foreign fighters, most do not. The youth-specific policies were coded and assessed in a similar fashion as the other policies. However, fewer policies were assessed, as child-specific counterterrorism measures in general are rare. For this reason, generic juvenile criminal justice laws were included in the assessment. It is important to note that juvenile criminal justice statutes have been used to prosecute and rehabilitate suspected youth terrorists.

D. CANADA

Canadian officials have reported that approximately 100 citizens have traveled to Turkey, Syria, or Iraq to participate in terrorism.³⁰⁵ As of 2016, the Canadian Security Intelligence Service estimated that sixty foreign fighters had returned from the region.³⁰⁶ The number of Canadian RFFs is similar to the number of American returnees, but even when combined, the number is small compared to most large European countries. However, small numbers do not mean that Canada may not be on the Islamic State's radar. As early as 2014, foreign fighters in Syria delivered a communiqué to North America: "This is a message to Canada and all the American tyrants: We are coming and we will destroy you, with permission from Allah, the almighty."³⁰⁷

1. Strategic Policies

In 2012, Canada implemented its first comprehensive counterterrorism strategy.³⁰⁸ Outlined in the government document *Building Resilience Against Terrorism* (BRAT), the strategy focuses on four fundamental components: prevent, detect, deny,

³⁰⁵ "Statement from CSIS Director Following Senate Committee Appearance," Canadian Security Intelligence Service, March 7, 2016, <https://www.csis-scrs.gc.ca/nwsrm/index-en.php?id=04>.

³⁰⁶ Canadian Security Intelligence Service.

³⁰⁷ Stewart Bell, "Syrian Extremists Threaten to 'Destroy' Canada in Online Video," *National Post* (blog), April 14, 2014, <http://news.nationalpost.com/news/canada/syrian-extremists-threaten-to-destroy-canada-in-online-video>.

³⁰⁸ "Counter-terrorism," Public Safety Canada, December 16, 2015, <https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/index-en.aspx>.

and respond.³⁰⁹ These elements and the underlying theme of the strategy (resilience), aim to “counter domestic and international terrorism in order to protect Canada, Canadians and Canadian interests.”³¹⁰ The strategy is also rooted in six principles that affirm Canadian values. They are:

1. Building resilience
2. Terrorism is a crime and will be prosecuted
3. Adherence to the rule of law
4. Cooperation and partnership
5. Proportional and measured response
6. A flexible and forward-looking approach³¹¹

Canada’s response to the foreign fighter phenomenon touches all four elements of the BRAT strategy. In the closer examination of the policy that follows, we look at the policy actions, classify them according to the different BRAT elements, demonstrate how policies transcend the elements, assign them a place on the hard-to-soft spectrum, and explore Canadian child-specific legislation.

a. *Prevent: Counter-terrorism Information Officers, Hotlines, and Academic Research*

The purpose of the *Prevent* element is “to prevent individuals from engaging in terrorism.”³¹² This component seeks to inhibit not only domestic terrorists but also terrorist activities abroad. Perhaps the most challenging of the four elements, Prevent relies on community investment, early intervention, global outreach, and punitive deterrents.³¹³ Although RFFs have already been radicalized or previously engaged in violent extremism, the Prevent element still has a part to play.

³⁰⁹ Government of Canada, *Building Resilience Against Terrorism: Canada’s Counter-terrorism Strategy*, 2nd edition (Ottawa: Her Majesty the Queen in Right of Canada, 2013), 2, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsln-c-gnst-trrrsm/index-en.aspx>.

³¹⁰ Government of Canada, 2.

³¹¹ Government of Canada, 10.

³¹² Government of Canada, 15.

³¹³ Government of Canada, 15–17.

Traditional preventative measures include activities such as countering radicalization and violent extremism, and targeting individuals prior to travel abroad. When we apply the Prevent element to examine Canada's responses to RFFs, we have to take an alternate approach. In this respect, Prevent policies can also be applied after the fact to prevent the return of foreign fighters rather than their radicalization. Most of the initiatives under the Prevent element align with its traditional role. For example, the Royal Canadian Mounted Police (RCMP) Counter-terrorism Information Officers Program is a nation-wide community outreach initiative that trains first-responders to recognize precursors to attacks.³¹⁴ Also, the RCMP distributes a 140-page *Terrorism and Violent Extremism Awareness Guide*, which "raises awareness about terrorism and the issue of radicalization to violence. It is intended for first responders, parents, colleagues, or friends of persons at-risk."³¹⁵ The guide provides a resource to help individuals report "situation[s] of concern" on a local and national level.³¹⁶ The use of hotlines is a ubiquitous tool for countering violent extremism among nations faced with the threat. Other Canadian proactive measures such as the Cross-Cultural Roundtable on Security and the Kanishka Project engage the public and academia to prevent radicalization and stop terrorism before it occurs.³¹⁷

Although the Prevent element is inherently proactive, preventing returnees from entering Canada can be construed as a course of action that occurs after the fact, or reactively. While the remaining three elements of BRAT (Detect, Deny, and Respond) play more of a role in reacting to the RFF situation, Canada also has proactive statutes that help deny entry to RFFs. Canada's laws pertaining to terrorism are contained in Part II.1, Section 83 of the Canadian Criminal Code. RFFs face up to fourteen years in prison

³¹⁴ Public Safety Canada, *2016 Public Report on The Terrorist Threat to Canada* (Ottawa: Her Majesty the Queen in Right of Canada, 2016), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-pblc-rpr-trrst-thrt/index-en.aspx>.

³¹⁵ Royal Canadian Mounted Police, *Terrorism and Violent Extremism Awareness Guide* (Ottawa: RCMP, 2016), <http://www.rcmp-grc.gc.ca/qc/pub/sn-ns/sn-ns-eng.htm>.

³¹⁶ Royal Canadian Mounted Police, *Terrorism and Violent Extremism Awareness Guide*, 125–131.

³¹⁷ "Kanishka Project," Public Safety Canada, December 16, 2015, <https://www.publicsafety.gc.ca/cnt/ntnl-scrt/cntr-trrrsm/r-nd-flight-182/knshk/index-en.aspx>; "Connecting with Canadian Communities," Public Safety Canada, December 16, 2015, <https://www.publicsafety.gc.ca/cnt/ntnl-scrt/crss-cltrl-rndtbl/index-en.aspx>.

for leaving Canada to fight overseas for a terrorist group.³¹⁸ Although other statutes apply to RFFs, sections 83.181, 83.191, 83.201, and 83.202 specifically address those departing Canada who engage in terrorism abroad. These four sections were signed into law as part of Canada's 2012 Bill S-7, An Act to Amend the Criminal Code, the Canada Evidence Act and the Security of Information Act.³¹⁹ During the debate to ratify the bill, Senator Linda Frum stated,

As noted previously, the horrific nature of terrorism requires a proactive and preventative approach. These new offenses will allow law enforcement to continue to intervene at an early stage in the planning process to prevent terrorist acts from being carried out. The new offences would send a strong deterrent message, would potentially assist with threat mitigation and would make available a higher maximum penalty than otherwise would apply.³²⁰

In this respect, these statutes act as a deterrent to not only dissuade radicalization but to punish those who return to Canada from terrorist groups overseas. This is an example of a proactive policy also being used to react to the RFF threat.

b. Detect and Deny: Deportation, Revocation, Peace Bonds, and Other Measures

The purpose of the *Detect* element is “to detect the activities of individuals and organizations who may pose a terrorist threat,” while the purpose of the *Deny* element is to “deny terrorists the means and opportunity to carry out their activities in order to protect Canadians and Canadian interests.”³²¹ Detect and Deny policies complement one another and are the two most important elements in Canada's response to RFFs. Canada's borders are the front lines for these initiatives.

³¹⁸ Criminal Code Canada, R.S.C., 1985, C. C-46 (2017), 95, <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>.

³¹⁹ Jennifer Bird and Dominique Valiquet, *Legislative Summary: Bill S-7: An Act to Amend the Criminal Code, the Canada Evidence Act and the Security of Information Act* (Publication No. 41-1-S7-E) (Ottawa, Canada: Library of Parliament, 2012), 7, <https://lop.parl.ca/content/lop/LegislativeSummaries/41/1/s7-e.pdf>.

³²⁰ “Debates of the Senate (Hansard),” Senate of Canada, July 22, 2016, <https://sencanada.ca/en/in-the-chamber/debates/>.

³²¹ Government of Canada, *BART*, 17, 21.

As evidence of the importance Canadian authorities place on the security of their borders, the term *extremist travelers* has become synonymous with RFFs.³²² However, denying inbound threats relies on first detecting them. Intelligence gathering and sharing are at the core of Canada's detection initiatives. The RCMP, the Communications Security Establishment Canada, and the Canadian Security Intelligence Service work together to fulfill the country's intelligence-collection needs.³²³ Information sharing with NATO countries and other allies throughout the world provides the capacity to implement the policies that deny reentry to RFFs from the Islamic State.

Canada has at its disposal measures such as deportation; passport revocation; peace bonds; and investigations, arrests, and prosecutions to counter the RFF threat. The Canada Border Services Agency, Citizenship and Immigration Canada, Public Safety Canada, Transport Canada, Canadian Security Intelligence Service, and RCMP work together to secure the borders and monitor potential threats.

Deportation through the Canadian security certificate process allows immigration officials to remove permanent residents or foreign nationals on the grounds of national security concerns.³²⁴ In essence, a security certificate prevents an individual from entering the country; if the individual attempts to enter the country, he or she is subject to detention and removal pending a hearing. However, the Canadian government maintains "a person subject to the security certificate is free to leave Canada at any time."³²⁵

Canada has used security certificates in the past to detain terrorist subjects. However, this practice has garnered much criticism over its use of "secret proceedings" and "secret evidence."³²⁶ After an initial finding in 2008 that some of the provisions

³²² Theodore Bunker, "Canada Warns of 'Extremist Travelers,' Potential Terror Threat," Newsmax, August 29, 2016, <http://www.newsmax.com/Newsfront/canada-warns-extremist-travelers/2016/08/29/id/745661/>.

³²³ Government of Canada, *BART*, 18.

³²⁴ "Security Certificates," Public Safety Canada, December 16, 2015, <https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrsm/scrt-crtfcts-en.aspx>.

³²⁵ Public Safety Canada.

³²⁶ Tonda MacCharles, "Supreme Court Upholds Security Certificate Law in Mohamed Harkat Terror Case," *Toronto Star*, May 14, 2014, https://www.thestar.com/news/canada/2014/05/14/supreme_court_upholds_security_certificate_law_in_mohamed_harkat_terror_case.html.

violated Canada's Charter of Rights and Freedoms, changes were made and a subsequent challenge in 2014 upheld the practice.³²⁷ Although it is not an oft-used process (twenty-seven individuals since 1991), it is a tool that Canada could use to detain and deport non-Canadian RFFs that slip into the country undetected.³²⁸

According to the Canadian Passport Order:

The Minister of Public Safety and Emergency Preparedness may decide that a passport is not to be issued or is to be revoked if he or she has reasonable grounds to believe that the decision is necessary to prevent the commission of a terrorism offense...or for the national security of Canada or a foreign country or state.³²⁹

This law applies to all holders of Canadian passports and has been used by officials to revoke the passports of individuals who have left the country as well as those who had intentions to exit the country in order to join extremists groups abroad.³³⁰ In addition to passport revocation, Canada's Citizenship Act gives the government

authority to revoke citizenship for certain acts against the national interest of Canada. These grounds include convictions of terrorism, high treason, treason or spying offenses, depending on the sentence received, or for membership in an armed force or organized armed group engaged in armed conflict with Canada.³³¹

Canada used this provision to strip the citizenship of Zakaria Amara.³³² Amara was a dual-national with Jordanian citizenship who led the Toronto 18 terrorist cell in a plot to blow up the Toronto Stock Exchange in 2006.³³³ Although these tools are viable options

³²⁷ MacCharles.

³²⁸ Public Safety Canada, "Security Certificates."

³²⁹ "Refusal of Passports and Revocation," Government of Canada, June 23, 2015, <http://laws.justice.gc.ca/eng/regulations/SI-81-86/page-2.html>.

³³⁰ Stewart Bell, "Canadian Government Begins Invalidating Passports of Citizens Who Have Left to Join Extremist Groups," *National Post* (blog), September 20, 2014, <http://news.nationalpost.com/news/canada/canadian-government-revoking-passports-of-citizens-trying-to-join-extremist-groups>.

³³¹ "Canadian Citizenship Eligibility," Canada Visa, accessed June 1, 2017, www.canadavisa.com/canadian-citizenship-eligibility.html.

³³² "5 Things to Know about Revocation of Citizenship," CBC News, September 29, 2015, <http://www.cbc.ca/news/politics/citizenship-revoked-revocation-bill-c-24-1.3248920>.

³³³ Stewart Bell, "Toronto 18 Terrorist Will Regain Canadian Citizenship under New Legislation Introduced by Liberals," *National Post* (blog), February 25, 2016, <http://news.nationalpost.com/news/canada/toronto-18-terrorist-will-regain-canadian-citizenship-under-new-legislation-introduced-by-liberals>.

to curb the tide of returnees, one of them may be in jeopardy. In May 2017, Canadian Bill C-6 passed the Senate vote and is waiting for approval in the House of Commons. Expected by many to pass and to be signed into law, it repeals the government's authority to strip Canadian citizenship from dual citizens for terrorism charges and for engaging in armed conflict against Canada.³³⁴

RFFs who cross the border back into Canada are subject to immediate arrest. Another option is to issue a peace bond for the returnee. The peace bond, referred to as "Securities to Keep the Peace" in Section 810 of the criminal code, is a year-long protection order imposed on an offender by the court.³³⁵ Traditionally used in domestic abuse cases, it can also apply to those who may commit an act of terrorism.³³⁶ Issuance of the bonds is based on reasonable suspicion, and the hearings are conducted outside of public purview.³³⁷

Canada used peace bonds to restrict the movements of some of the participants in the Toronto 18 terror plot.³³⁸ The statute allows the government to impose actions on the defendants, including requiring them to enroll in a treatment plan; be monitored with electronic devices; have restricted movement to geographical areas; abide by a curfew; refrain from the consumption of alcohol and the use of drugs; submit to drug and alcohol screening; surrender weapons; and have their passports held in collateral.³³⁹

³³⁴ "Bill C-6 Amending Canadian Citizenship Legislation Passes Senate," CIC News, May 3, 2017, <http://www.cicnews.com/2017/05/bill-c-6-amending-canadian-citizenship-legislation-passes-senate-059127.html>; An Act to Amend the Citizenship Act and to Make Consequential Amendments to Another, C-6 (42-1), third reading (2016), House of Commons, <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-6/third-reading>.

³³⁵ Government of Canada, "Peace Bonds Fact Sheet," Government of Canada, July 20, 2015, <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/peace-paix.html>; "Criminal Code," 997.

³³⁶ Criminal Code Canada, 1002.

³³⁷ Michael MacDonald, "Peace Bonds Rare in Terrorism Cases: Experts," *Huffington Post*, March 25, 2015, http://www.huffingtonpost.ca/2015/03/25/peace-bonds-in-terrorism-_n_6942428.html.

³³⁸ MacDonald.

³³⁹ Criminal Code Canada, 1004.

The Passenger Protect Program was instituted in 2007 and has become known as Canada's "no-fly list."³⁴⁰ The program covers both domestic and international flights. Names are added to the list if individuals "a) engage or attempt to engage in an act that would threaten transportation security; or, b) travel by air to commit certain terrorism offences, such as participating in or contributing to terrorist activities or funding, training and/or recruitment of a terrorist group."³⁴¹ The list, also known as the specified persons list, is reviewed every ninety days and there is a recourse process for those who feel they have been included on the list in error.³⁴²

The government has the authority to share information on the specified persons list with other government entities as well with foreign states.³⁴³ The list has grown since its inception due in part to program enhancements after Canada's Secure Air Travel Act, and other new anti-terrorism legislation was signed in 2015. Although the program has the capability to thwart the return of foreign fighters, it has come under scrutiny recently for inaccuracies and for a large number of child names that appear on the list. The problems prompted the Canadian public safety minister to admit that Canada requires "an entirely new database and information system."³⁴⁴ The Canadian government has not made public the number of names on the specified persons list, but outside estimates top 2,000.³⁴⁵

The counterterrorism tools of investigation, arrest, and prosecution allow authorities to prevent, detect, deny, and respond to RFFs. The Canadian Criminal Code contains provisions that prevent aspiring foreign fighters from leaving Canada and

³⁴⁰ "Passenger Protect Program (No-Fly List)," Office of the Privacy Commissioner of Canada, June 2007, https://www.priv.gc.ca/en/privacy-topics/public-safety-and-law-enforcement/fs_20070627/.

³⁴¹ "How the Passenger Protect Program Works," Public Safety Canada, December 16, 2015, <https://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/pssngr-prtct/hw-pssngr-prtct-wrks-en.aspx>.

³⁴² Public Safety Canada.

³⁴³ Anti-Terrorism Act, C-51 (41-2) Chapter 20 § 62–63-64 (2015), 2nd ses. Parliament of Canada 41, <http://www.parl.ca/DocumentViewer/en/41-2/bill/C-51/royal-assent/page-4>.

³⁴⁴ "No-Fly List System Needs Complete Overhaul, Minister Says," *Huffington Post*, May 10, 2016, http://www.huffingtonpost.ca/2016/05/10/canada-no-fly-list-ralph-goodale_n_9896576.html.

³⁴⁵ Robert Kennedy, "Red-Flagging Canada's Children on No-Fly Lists," *Al Jazeera*, January 13, 2016, <http://www.aljazeera.com/indepth/features/2016/01/red-flagging-canada-children-fly-lists-160113180249087.html>.

punishes them upon their return. In addition to the 2012 S-7 bill enhancing Canadian authorities' ability to address the threat of RFFs, the 2015 Anti-terrorism Act—known as C-51—introduced further tools. The new bill enacted the Security of Canada Information Sharing Act, made changes to the Criminal Code, and amended the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act.³⁴⁶ The Anti-terrorism Act addresses the foreign fighter issue in the following ways:

- Increases information sharing among the Canadian government.³⁴⁷
- Adds the violation of “advocating or promoting commission of terrorism offences” and allows for interception of communications to enforce this law.³⁴⁸
- Allows for seizure of “terrorist propaganda” by warrant.³⁴⁹
- Amends wording to allow for the warrantless arrest on “reasonable grounds” of individuals who “may” or are “likely” to carry out a terrorist activity.³⁵⁰
- Expands the authority of the Canadian Security Intelligence Service by allowing them to “take measures, within or outside Canada, to reduce the threat.”³⁵¹

The act is not an exhaustive list of laws or policy actions that aim to combat the returnees, but it is an example of how recent legislative efforts can help. However, similar to Bill C-6, An Act to amend the Citizenship Act, the anti-terrorism bill is facing

³⁴⁶ Parliament of Canada, Anti-terrorism Act.

³⁴⁷ Parliament of Canada.

³⁴⁸ Criminal Code Canada, 96–97, 212–214.

³⁴⁹ Criminal Code Canada, 97.

³⁵⁰ Criminal Code Canada, 106.

³⁵¹ “Canadian Security Intelligence Service Act,” Government of Canada, May 11, 2017, <http://laws-lois.justice.gc.ca/eng/acts/C-23/page-2.html#h-7>.

opposition from Canada's newly elected liberal party. Some of the major provisions are unpopular with a portion of the public, who cite civil liberty and privacy concerns.³⁵²

c. Respond

The purpose of the *Respond* element is to “respond proportionately, rapidly and in an organized manner to terrorist activities and to mitigate their effects.”³⁵³ Post-attack, the RCMP's Integrated National Security Enforcement Teams assume the responsibilities of tracking down additional suspects and preventing further damage.³⁵⁴ Armed with the investigative, arrest, and prosecutorial tools outlined in Canada's Criminal Code, the response to RFFs who attack the country would differ little from the response to HVEs or domestic terrorists who perpetrate similar attacks.

2. Youth-Specific Policies

Children younger than eighteen and older than twelve are subject to the laws in the Canadian Youth Criminal Justice Act (YCJA).³⁵⁵ The juvenile judicial system is “separate from the adult system,” recognizes that children “lack the maturity of adults,” relies on “fair and proportionate accountability,” and holds offenders responsible while acknowledging that children have their own “special guarantees of rights and freedoms.”³⁵⁶

The YCJA emphasizes rehabilitation over incarceration and recent trends have shown a proclivity for alternatives to legal prosecution. From 1999 to 2010 there was a 20-percent increase in the number of “accused youths not charged” versus the “number of accused youths charged.”³⁵⁷ Also, youth court cases have been on the decline since

³⁵² Julia Alex, “Bill C-51: What it Is and Controversy behind it,” *Toronto Sun*, March 18, 2015, [http://www.torontosun.com/2015/03/18/bill-c-51-what-it-is-and-controversy-behind-it?utm_source=facebook&utm_medium=recommend-button&utm_campaign=Bill C-51: What it is and controversy behind it](http://www.torontosun.com/2015/03/18/bill-c-51-what-it-is-and-controversy-behind-it?utm_source=facebook&utm_medium=recommend-button&utm_campaign=Bill+C-51:What+it+is+and+controversy+behind+it).

³⁵³ Government of Canada, *BART*, 28.

³⁵⁴ “Integrated National Security Enforcement Teams,” RCMP, November 1, 2001, <http://www.rcmp-grc.gc.ca/secur/insets-eisn-eng.htm>.

³⁵⁵ “The Youth Criminal Justice Act Summary and Background,” Government of Canada, April 11, 2013, <http://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/back-hist.html>.

³⁵⁶ Government of Canada.

³⁵⁷ Government of Canada.

2003.³⁵⁸ Even those who are incarcerated and then released have extrajudicial resources. For example,

Under the YCJA, every period of custody is followed by a period of supervision and support in the community, as part of the young person's sentence. This includes custody and supervision orders, intensive rehabilitative custody and supervision orders, and youth sentences for murder. Judges must clearly state in open court the portion of the sentence to be served in custody and the portion to be served in the community.³⁵⁹

Globally, rehabilitation and reintegration programs for child combatants are not as widespread as for adults. However, some see it as a necessary step to lessen the damage caused to the children returning not only from the Islamic State, but every conflict.³⁶⁰ Even though Canada recognizes the UN Convention on the Rights of the Child, youth RFFs are subject to arrest upon their return. The YCJA has provisions that allow children as young as fourteen to be sentenced as adults. The crimes that qualify are "serious violent offence[s]," which applies to crimes punishable by more than two years.³⁶¹ The act provides jurisdiction to the youth court for terrorism and terrorist activity conducted by youths as outlined in the Canadian Criminal Code.³⁶² Canadian authorities may incarcerate RFF youths, but more importantly, the rehabilitation and reintegration provisions in the YCJA give the government more options to deal with the issue.

3. Policy Spectrum Evaluation: Canada

Figure 3 shows how Canada's BRAT strategy and its policy actions overall are evaluated on the hard-to-soft policy spectrum. It also classifies and plots Canada's policies into primary and secondary strategic elements.

³⁵⁸ Government of Canada.

³⁵⁹ Government of Canada.

³⁶⁰ "Reintegration," Child Soldiers International, accessed June 2, 2017, <https://www.child-soldiers.org/reintegration>.

³⁶¹ Government of Canada, "The YCJA."

³⁶² Youth Criminal Justice Act, Pub. L. No. S.C.2002, c.1, S.C.2002, c.1 (2002), <http://www.laws-lois.justice.gc.ca/eng/acts/Y-1.5/FullText.html>.

CANADA			Building Resilience Against Terrorism (BRAT)				◆ Primary Element
							◇ Secondary Element
Policy Action	Category	Spectrum	BRAT Elements				Reference
			PREVENT	DETECT	DENY	RESPOND	
CTIO, Awareness Guide, Hotlines	SOFT		◆				RCMP National
Academic Research	SOFT		◆				Kanishka, Canadian Safety and Security
Passenger Protect Watch Lists	MIXED		◇	◆	◆		C-51 (Secure Air Travel Act - SATA) (83.3)
Citizenship Revocation	HARD		◇		◆		Citizenship Act 10(2) C-24
Passport Revocation	HARD		◇		◆		Canadian Passport Order
Peace Bond	HARD		◇	◆	◆		810 Criminal Code
Security Certificate and Deportation	HARD		◇	◇	◆		CIC and CISBA
Investigate, Arrest, Prosecute (IAP)	HARD		◇	◇	◆	◇	83.181/191 83.21 - Leaving Canada to facilitate terrorist activity
Youth-Specific Policy Action	Category	Spectrum	BRAT Elements				Reference
			PREVENT	DETECT	DENY	RESPOND	
Supervision	SOFT		◆		◇		Canadian Youth Criminal Justice Act
Rehabilitation	MIXED		◆		◇		Canadian Youth Criminal Justice Act
Incarceration	HARD		◇		◆		Canadian Youth Criminal Justice Act

Figure 3. Policy Spectrum: Canada's Building Resilience against Terrorism (BRAT) Strategy

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V. THE UNITED KINGDOM

Lone-wolf attackers and small groups of Islamic State sympathizers have been behind some of the most recent terrorist attacks in England. Although some intelligence reports claim the Manchester suicide bomber, Salman Abedi, “had ‘proven’ links with the Islamic State,” it is unlikely he was a hardened Islamic State foreign fighter.³⁶³ Although Islamic State RFFs have not conducted an operation on UK soil to date, the potential danger returnees present has not diminished. Depending on the source, between 760 and 850 UK citizens have traveled abroad to support the Islamic State.³⁶⁴ According to the 2015 Soufan Group dataset, which analyzed approximately 350 returnees, the United Kingdom has the largest recorded number of RFFs among European Union countries, and the third largest recorded number of all other countries.³⁶⁵

In 2014, then-Prime Minister John Cameron declared that “the number of foreign fighters in [Syria], the number of foreign fighters including those from the UK who could try to return to the UK is a real threat to our country.”³⁶⁶ This contention has not faded; more recently, British security officials are “particularly concerned by the prospect very young children, including some who were born under [Islamic State] rule in either Syria or Iraq, going to the UK with their parents.”³⁶⁷

A. STRATEGIC POLICIES

In 2011, the United Kingdom released its national counterterrorism strategy, *CONTEST*. The United Kingdom’s response to terrorism has changed over the years.

³⁶³ Neal Keeling, “Salman Abedi Had ‘Proven’ Links with Islamic State,” *Manchester Evening News*, May 24, 2017, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/salman-abedi-syria-links-libya-13082988>.

³⁶⁴ Soufan Group, “Foreign Fighters Update,” 10; “Who Are Britain’s Jihadists?,” *BBC News*, February 22, 2017, <http://www.bbc.com/news/uk-32026985>.

³⁶⁵ Soufan Group, “Foreign Fighters Update,” 7–10.

³⁶⁶ William James and Andrew Osborn, “Cameron Says Foreign Fighters in Iraq, Syria Most Serious Threat to UK,” *Reuters*, June 17, 2014, <http://uk.reuters.com/article/uk-iraq-security-britain-idUKKBN0ES1VL20140617>.

³⁶⁷ “Islamic State Fighters Returning to UK ‘Pose Huge Challenge,’” *Guardian*, March 9, 2017, <https://www.theguardian.com/uk-news/2017/mar/09/islamic-state-fighters-returning-to-uk-pose-huge-challenge>.

Nadav Morag states, “The genesis of UK counterterrorism laws and therefore of definitions of terrorism lies in the conflict with Irish nationalism.”³⁶⁸ While combating terrorist groups and organizations in northern Ireland remains of high importance to the United Kingdom, countering the evolving threat of radical Islamic terrorism is the driving force behind the latest manifestation of CONTEST. The approach recognizes the potential danger of RFFs and states, “People from the UK are also travelling to these countries to engage in terrorist related activity; some are returning to the UK to plan and conduct terrorist operations.”³⁶⁹ The RFFs to whom the policy document refers are not the fighters from the Islamic State. Rather, in 2011, the UK was most concerned with foreign fighters from Pakistan, Afghanistan, Yemen, and Somalia.³⁷⁰ However, as of the date of this work, Islamic State RFFs are a major concern for the United Kingdom.

The CONTEST strategy is organized into four elements or “work streams”: Pursue, Prevent, Protect, and Prepare.³⁷¹ These four work streams come together to “reduce the risk of the UK and its interests overseas from terrorism, so that people can go about their lives freely and with confidence.”³⁷² The strategy is grounded in the United Kingdom’s “fundamental values.”³⁷³ The strategy also pledges “a commitment to human rights and the rule of law,” and for the policies to be proportionate, transparent, and consistent while holding “the Government to account over its policy and spending decisions.”³⁷⁴

The four elements of CONTEST work in concert. For example, the United Kingdom’s *Prevent Strategy* guide states, “*Prevent* depends on *Pursue* to facilitate the disruption and conviction of people engaged in radicalisation activities which are clearly illegal; *Pursue* depends on *Prevent* to restrict the number of people engaging in

³⁶⁸ Nadav Morag, *Comparative Homeland Security* (Hoboken, NJ: Wiley, 2011), 71.

³⁶⁹ Home Government, *CONTEST: The United Kingdom’s Strategy for Countering Terrorism* (London: The Stationery Office, 2011), 9.

³⁷⁰ Home Government, 9.

³⁷¹ Home Government, 10.

³⁷² Home Government, 9.

³⁷³ Home Government, 10.

³⁷⁴ Home Government, 10.

terrorism-related activity.”³⁷⁵ In this respect, the United Kingdom’s response to the foreign fighter threat also crosses all four elements of the CONTEST strategy.

1. Pursue: The Privilege of Citizenship, Deportation, TPIMs, and Other Measures

The objective of the Pursue element “is to stop terrorist attacks in this country and against our interests overseas.”³⁷⁶ According to the British Nationality Act 1981, section 40(2), “The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.”³⁷⁷ Although the original law forbade execution of this clause if it made a person stateless, the Immigration Act of 2014 changed this.³⁷⁸ Investigative journalists estimate that revoking British citizenship, also known as issuing “deprivation orders,” had been used fifty-three times from 2006 to 2014.³⁷⁹ It is estimated that in 2013, then-Home Secretary Theresa May revoked the citizenship of twenty individuals who may have been foreign fighters in Syria.³⁸⁰ However, a 2016 independent review of the powers found that there have been no cases of statelessness as a result of the policy.³⁸¹ The UK government does not make public the number of revocations, or even the identities of those who lost their citizenship. Although the practice is mired in secrecy, has been challenged in court, and has had its effectiveness brought into question, it remains a Pursue, Prevent, and Protect

³⁷⁵ Home Government, *Prevent Strategy* (London: The Stationery Office, 2011), 31, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf.

³⁷⁶ Home Government, *CONTEST*, 10.

³⁷⁷ “British Nationality Act 1981,” National Archives, accessed June 7, 2017, www.legislation.gov.uk/ukpga/1981/61.

³⁷⁸ Melanie Gower, “Deprivation of British Citizenship and Withdrawal of Passport Facilities” (briefing paper, House of Commons Library, 2015), 2–3.

³⁷⁹ Patrick Galey and Alice Ross, “Interactive: The 53 Britons Stripped of Their Nationality,” Bureau of Investigative Journalism, June 3, 2014, <https://www.thebureauinvestigates.com/stories/2014-06-03/interactive-the-53-britons-stripped-of-their-nationality>.

³⁸⁰ Alice Ross, Patrick Galey, and Nigel Morris, “Exclusive: No Way Back for Britons Who Join the Syrian Fight, Says Theresa May,” *Independent*, December 2013, <http://www.independent.co.uk/news/uk/politics/exclusive-no-way-back-for-britons-who-join-the-syrian-fight-says-theresa-may-9021190.html>.

³⁸¹ David Q.C. Anderson, *Citizenship Removal Resulting in Statelessness* (London: Williams Lea Group, 2016), 4, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David_Anderson_QC_-_CITIZENSHIP_REMOVAL__web_.pdf.

tool under CONTEST. Likewise, the British authorities have used the power to strip passports from UK citizens for acts or suspicions of terrorism.

In 2013, Theresa May issued a statement to Parliament, claiming,

There is no entitlement to a passport and no statutory right to have access to a passport. The decision to issue, withdraw, or refuse a British passport is at the discretion of the Secretary of State for the Home Department (the Home Secretary) under the Royal Prerogative.³⁸²

The statement also emphasized that passport revocation could be used to address the RFF situation:

This may include individuals who seek to engage in fighting, extremist activity or terrorist training outside the United Kingdom, for example, and then return to the UK with enhanced capabilities that they then use to conduct an attack on UK soil. The need to disrupt people who travel for these purposes has become increasingly apparent with developments in various parts of the world.³⁸³

Some claim that the United Kingdom has revoked twenty-one passports since 2002, with sixteen revocations occurring between 2010 and 2013.³⁸⁴ However, questions remain about how this policy has been used lately to combat the tide of RFFs. While the Home Office cited thirty-nine uses between 2013 and 2014, most of the revocations were conducted before the individual left the United Kingdom and not in response to their return.³⁸⁵ Like citizenship stripping, passport revocation is controversial; skeptics continually challenge its merits. Another controversial measure is the deportation of foreign nationals who pose a threat to the United Kingdom.

³⁸² Theresa May, “Written Statement to Parliament: The Issuing, Withdrawal or Refusal of Passports,” gov.uk, April 25, 2013, <https://www.gov.uk/government/speeches/the-issuing-withdrawal-or-refusal-of-passports>.

³⁸³ May.

³⁸⁴ Chris Woods and Alice Ross, “Former British Citizens Killed by Drone Strikes after Passports Revoked,” The Bureau of Investigative Journalism, February 27, 2013, www.thebureauinvestigates.com/stories/2013-02-27/former-british-citizens-killed-by-drone-strikes-after-passports-revoked.

³⁸⁵ James Slack, “450 Jihadis Back in UK but Has a Single Passport Been Seized?,” Mail Online, November 16, 2015, <http://www.dailymail.co.uk/news/article-3319847/450-jihadis-UK-single-passport-seized-Questions-raised-laws-seize-papers-used.html>.

According to the CONTEST framework, the UK government “believe[s] that as a matter of principle foreign nationals who have been engaged in terrorist related activity here should be deported when they cannot be convicted or after they have served their sentence.”³⁸⁶ The Deportation with Assurances Program negotiates memorandums of understanding with other countries to ensure deportees are treated in accordance with the European Convention on Human Rights.³⁸⁷ An estimate by *The Telegraph* claims that the United Kingdom has only deported twelve foreign nationals under this authority in the past ten years, compared to 100 deportations by France.³⁸⁸

Terrorism prevention and investigation measures (TPIMs) are a series of twelve measures that can be used independently or combined to monitor the activities and restrict or control the physical location of terrorism suspects who cannot be prosecuted or deported.³⁸⁹ A less restrictive version of prior “control orders,” the TPIM Act was passed in 2011 and enhancements to the act were made in the Counter-Terrorism and Security Act 2015.³⁹⁰ TPIM measures expire in two years and include house arrest, limited travel, electronic monitoring, restricted access to financial services, severance of associations with particular persons, and other measures.³⁹¹

The Home Committee stresses that, along with passport and citizenship revocation, the use of TPIMs is vital to disrupting the travel of foreign fighters.³⁹² UK authorities used TPIMs to restrict the movement of a British citizen who was a suspected Somali foreign fighter. The suspect, Mohammed Ahmed Mohamed, was able to evade

³⁸⁶ Home Government, *CONTEST*, 51.

³⁸⁷ “2010 to 2015 Government Policy: Counter-Terrorism,” gov.uk, updated May 8, 2015, <https://www.gov.uk/government/publications/2010-to-2015-government-policy-counter-terrorism/2010-to-2015-government-policy-counter-terrorism>.

³⁸⁸ “Britain Must Fix System to Deport Terror Suspects,” *Telegraph*, February 22, 2015, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11427130/Britain-must-fix-system-to-deport-terror-suspects.html>.

³⁸⁹ Home Office, “Terrorism Prevention and Investigation Measures Act,” gov.uk, October 26, 2016, <https://www.gov.uk/government/collections/terrorism-prevention-and-investigation-measures-act>.

³⁹⁰ Home Office.

³⁹¹ “Terrorism Prevention and Investigation Measures Act 2011,” National Archives, accessed June 7, 2017, <http://www.legislation.gov.uk/ukpga/2011/23/schedule/1>.

³⁹² “Foreign Fighters,” parliament.uk, accessed June 7, 2017, www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/231/23105.htm.

the orders and slip out of the country undetected.³⁹³ In 2016, six individuals were placed on TPIM orders, five of whom were UK citizens.³⁹⁴ However, it is uncertain how many are foreign fighter returnees. Some believe that TPIM use is infrequent because “it is primarily of use against persons who pose a domestic threat and because it is an expensive option.”³⁹⁵

Other investigative, arrest, and prosecution measures used by the United Kingdom include pre-charge detention and stop-and-search measures. Pre-charge detentions or “temporary holds” are used to “obtain, preserve, analyze or examine evidence for use in criminal proceedings.”³⁹⁶ The statutory limit for pre-charge detention of a terrorism suspect after arrest is fourteen days. However, recent events have led the current prime minister to consider returning to the previous twenty-eight-day standard.³⁹⁷ Despite the call to revert to the longer period, evidence shows that, between 2001 and 2010, 79 percent of the suspects arrested but not charged under the Terrorism Act (TACT) 2000 were released within forty-eight hours.³⁹⁸

Statutes in TACT 2000 allow the authorities to stop and search a person based on reasonable suspicion that the person is a terrorist, or if authorities possess any evidence thereof. In 2015, the Metropolitan Police Service conducted 520 stop and searches, fifty-

³⁹³ Jake Wallis Simons, “The Runaway Terrorist, His Burka Disguise, and a Compensation Bid,” *Telegraph*, November 10, 2013, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10438195/The-runaway-terrorist-his-burka-disguise-and-a-compensation-bid.html>.

³⁹⁴ Alan Travis, “Six People Are Subject to Tpins, Home Office Reveals,” *Guardian*, October 26, 2016, <https://www.theguardian.com/uk-news/2016/oct/26/six-people-are-subject-to-tpins-home-office-reveals>.

³⁹⁵ David Q.C. Anderson, *The Terrorism Acts in 2015* (London: Williams Lea Group, 2016), 122, <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2016/12/TERRORISM-ACTS-REPORT-1-Dec-2016-1.pdf>.

³⁹⁶ Alexander Horne and Gavin Berman, “Pre-charge Detention in Terrorism Cases,” (standard note SN/HA/5634, House of Commons Library, 2012), 1.

³⁹⁷ Alan Travis, “What’s in Theresa May’s New Anti-Terror Package?,” *Guardian*, June 7, 2017, <https://www.theguardian.com/uk-news/2017/jun/06/anti-terror-options-tpins-tagging-mass-surveillance>.

³⁹⁸ Horne and Berman, “Pre-charge Detention,” 15.

seven of which (11 percent) resulted in arrest, up 5 percent from the previous year.³⁹⁹ Through early 2016, data indicate that stop and searches were increasing.⁴⁰⁰

2. Prevent: The Channel Program, Community Policing, and Hotlines

The objective of the *Prevent* element is “to stop people from becoming terrorists or supporting terrorism.”⁴⁰¹ According to the Home Office, “Channel is part of the Prevent strategy. The process is a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism.”⁴⁰² The program began in 2012 in England and Wales after an initial experimental phase in 2007. Channel is a cyclical process that identifies, assesses, endorses, and reviews referrals for the appropriate level of support. Its participants’ vulnerability is evaluated according to three criteria:

- Engagement with a group, cause or ideology,
- Intent to do harm, and
- Capability to cause harm.⁴⁰³

This is accomplished through coordination between the local authorities and multi-agency panels. In addition to support plans aimed at countering extremist ideologies, some treatments come in the form of mentoring—including teaching education skills, life skills, anger management, drug and alcohol awareness—and other social services.⁴⁰⁴ Engagement in the program is voluntary and incarcerated persons, as

³⁹⁹ Anderson, *Terrorism Acts*, 34–35.

⁴⁰⁰ “National Statistics: Operation of Police Powers under the Terrorism Act 2000 and Subsequent Legislation: Arrests, Outcomes, and Stop and Search, Great Britain, Financial Year Ending 31 March 2016,” gov.uk, June 30, 2016, <https://www.gov.uk/government/publications/operation-of-police-powers-under-the-terrorism-act-2000-financial-year-ending-march-2016/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-financial-y>.

⁴⁰¹ Home Government, *CONTEST*, 10.

⁴⁰² “Channel Guidance,” gov.uk, April 23, 2015, <https://www.gov.uk/government/publications/channel-guidance>.

⁴⁰³ Home Government, *Channel Duty Guidance: Protecting Vulnerable People from Being Drawn into Terrorism* (London: Crown, 2015), 11, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf.

⁴⁰⁴ Home Government, 15–17.

well as children, can be enrolled. In 2015, 3,995 people were referred to the program, up more than 135 percent from a year earlier.⁴⁰⁵ However, recent events have led the UK government to look for alternatives to a voluntary program. Home Secretary Amber Rudd referenced the 2016 attacks by RFFs in Belgium as an example of the “challenges we continue to face.”⁴⁰⁶ To counter the challenges, the Home Office stated that it plans to implement new measures, including “introducing a new deradicalisation scheme, which will be mandatory where the law allows, for those who are further down the path to radicalization and who need a particularly intensive type of support.”⁴⁰⁷

Prevent engagement officers (PEOs) and police community support officers (PCSOs) in local police forces are a vital link between the community and the *prevent* counterterrorism strategy. PEOs “connect counter-terrorism policing, neighbourhood policing and communities” by building local coalitions and becoming familiar with community problems, while PCSOs “form part of Neighbourhood policing teams and work with local communities to provide a visible police presence and build relationships with the public.”⁴⁰⁸ In 2002, it was the intention of the Home Office to develop an innovative approach to deterring crime and “anti-social behavior” by increasing the visibility of the police force.⁴⁰⁹ PCSOs have “some, but not all” of the authorities of a police constable.⁴¹⁰ The role PCSOs play in preventing terrorism is illustrated by a former Metropolitan Police commissioner’s claim that one of his PCSOs helped identify

⁴⁰⁵ Josh Halliday, “Almost 4,000 People Referred to UK Deradicalisation Scheme Last Year,” *Guardian*, March 20, 2016, <https://www.theguardian.com/uk-news/2016/mar/20/almost-4000-people-were-referred-to-uk-deradicalisation-scheme-channel-last-year>.

⁴⁰⁶ Tim Ross, “Extremists Will be Forced onto ‘Deradicalisation Programme’ in New Terror Crackdown,” *Telegraph*, July 31, 2016, <http://www.telegraph.co.uk/news/2016/07/31/extremists-will-be-forced-onto-deradicalisation-programme-in-new/>.

⁴⁰⁷ Ross.

⁴⁰⁸ Home Government, *Prevent Strategy*, 99.

⁴⁰⁹ Bryan Gibson, *The New Home Office: An Introduction*, 2nd edition (Sherfield on London, United Kingdom: Waterside Press, 2008), 49.

⁴¹⁰ “Police Community Support Officers (PCSOs) and Special Constables,” gov.uk, accessed June 9, 2017, <https://www.gov.uk/police-community-support-officers-what-they-are>.

all of the bombers in a failed plot to bomb London.⁴¹¹ The PCSO identified one of the bombers as an individual who he had come in contact with during a dispute in the PCSO's community.⁴¹² Aside from intelligence gathering, PCSOs are also a conduit for community reporting.

The United Kingdom's Anti-Terrorist Hotline and its online reporting tool not only alert police to imminent danger, but they also serve as a means to prevent radicalization. Furthering efforts to counter radicalization and violent extremism, the Home Office established the Research, Information and Communications Unit in 2007. The covert unit—drawing on the expertise of academics and specialists in such areas as linguistics and psychology—has “‘road-test[ed] some quite innovative approaches to counter-ideology messages.’”⁴¹³ Adhering to the principle “strategic communications aim to affect behavioural and attitudinal change,” the unit sidesteps traditional government techniques and contracts out the production of its messages.⁴¹⁴ It uses social media, the internet, and news outlets to disseminate its narrative.⁴¹⁵

3. Protect: Temporary Exclusion Orders and Watch Lists

The objective of the *Protect* element “is to strengthen our protection against a terrorist attack in the UK or against our interests overseas and so reduce our vulnerability.”⁴¹⁶ An independent review of the Counter-Terrorism and Security Act, 2015 claims, “As well as arrests, the power of examination at the ports under Schedule 7 of the *Terrorism Act 2000* is in the front line of [foreign terrorist fighter] policing.”⁴¹⁷ Schedule 7 outlines port and border controls.

⁴¹¹ Emily Dugan and Hannah Al-Othman, “This Former Police Commander Says Cuts to Community Policing Makes it Harder to Prevent Terror Attacks Like London Bridge,” BuzzFeed, June 6, 2017, <https://www.buzzfeed.com/emilydugan/this-former-police-commander-says-cuts-to-community>.

⁴¹² Dugan and Al-Othman.

⁴¹³ Ian Cobain, Alice Ross, and Mona Mahmood, “Inside Ricu, the Shadowy Propaganda Unit Inspired by the Cold War,” *Guardian*, May 2, 2016, <https://www.theguardian.com/politics/2016/may/02/inside-ricu-the-shadowy-propaganda-unit-inspired-by-the-cold-war>.

⁴¹⁴ Cobain, Ross, and Mahmood.

⁴¹⁵ Cobain, Ross, and Mahmood.

⁴¹⁶ Home Government, *CONTEST*, 12–13.

⁴¹⁷ Anderson, *Terrorism Acts*, 105.

Temporary Exclusion Orders or TEOs were developed to “disrupt and control the return to the UK of British citizens who have engaged in terrorism-related activity abroad (TRA)” and “are enforced through cancelling the individual’s travel documents and adding them to watch lists.”⁴¹⁸ While naturalized British citizens are subject to passport and citizenship revocation, TEOs can be imposed on any British national. The law allows the secretary of state to prohibit a British citizen from entering the United Kingdom based on reasonable suspicion that the individual has been or is currently is engaged in terrorism outside of the United Kingdom. The order can last up to two years. However, the government can issue a “permit to return” to grant the individual permission to enter the country.⁴¹⁹

Designed specifically to address the RFF threat, the UK government is beginning to enforce these orders.⁴²⁰ However, TEOs have only been used in one case, despite the existence of approximately 350 British RFFs.⁴²¹ Some suggest that the tool is infrequently used because there are other available options to stop returnees.⁴²² For instance, the authorities regularly use the “no-fly list.”

Two Home Office departments—UK Visas and Immigration, and Border Force—play a pivotal role in the Protect work stream. Protecting UK borders from infiltration of foreign terrorist fighters and RFFs requires robust screening and vetting procedures. In 2003, the e-Borders program was established to improve the tracking, information flow,

⁴¹⁸ Home Office, “Factsheet - Part 1 Chapter 2 - Temporary Exclusion Orders,” gov.uk, November 18, 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540541/CTS_Bill_-_Factsheet_3_-_TEO.pdf.

⁴¹⁹ “Counter-Terrorism and Security Act 2015,” National Archives, accessed June 9, 2017, <http://www.legislation.gov.uk/ukpga/2015/6/part/1/chapter/2>.

⁴²⁰ “Temporary Exclusion Orders Used in Fight against Terror, Amber Rudd Says,” *Express and Star*, May 28, 2017, <https://www.expressandstar.com/news/uk-news/2017/05/28/temporary-exclusion-orders-used-in-fight-against-terror-amber-rudd-says/>.

⁴²¹ Hank Berrien, “Guess How Many Temporary Exclusion Orders Great Britain Has Used to Keep Out Terrorists. One.,” *Daily Wire*, May 29, 2017, <http://www.dailywire.com/news/16953/guess-how-many-temporary-exclusion-orders-great-hank-berrien>.

⁴²² Berrien.

and vetting of passengers entering the United Kingdom.⁴²³ The e-Borders program—designed to be an integrated system capable of capturing information at the point of embarkation—was eventually shut down due to cost overruns and contract failures.⁴²⁴ The termination of the project in 2014 was worrisome to MI5 because it corresponded with the revelation that UK foreign fighters in Syria and Iraq were beginning to return home.⁴²⁵ Even while e-Borders was operational, the system was using existing watch lists to look for suspected criminals. At one point, the UK government claimed that the “e-Borders system checks 90 per cent of passengers on flights from outside the EU and 60 per cent of those from within the EU.”⁴²⁶

After the termination of e-Borders, focus shifted toward shoring up legacy systems.⁴²⁷ As of 2016, a successor program consisting of a “single integrated system” was not expected to arrive until 2019.⁴²⁸ Still, the Home Office claims that it checks 100 percent of passports at controlled arrival points and 86 percent at embarkation points.⁴²⁹ At last count, estimates of the number of people on the UK terrorism watch list were somewhere between 3,000 and 3,500.⁴³⁰ A former UK counterterrorism official estimates that, to conduct effective surveillance, it requires a ratio of twelve law enforcement officers to one suspect.⁴³¹ As of March 2015, the combined full-time staff of MI5, MI6,

⁴²³ Bryan Glick, “Government Finally, Ends E-Borders Programme,” *ComputerWeekly*, March 12, 2014, <http://www.computerweekly.com/news/2240216029/Government-finally-scrap-e-Borders-programme>.

⁴²⁴ Glick.

⁴²⁵ Adrian Weale, “The Half-Billion-Pound IT Failure That Has Left Britain’s Borders Vulnerable,” *Newsweek*, September 3, 2014, <http://www.newsweek.com/half-billion-pound-it-failure-has-left-britains-borders-vulnerable-268147>.

⁴²⁶ “Border ‘Watchlist’ Catches Thousands of Criminals,” gov.uk, April 7, 2014, www.gov.uk/government/news/border-watchlist-catches-thousands-of-criminals.

⁴²⁷ “e-Borders and Successor Programmes,” parliament.uk, March 1, 2016, <https://www.publications.parliament.uk/pa/cm201516/cmselect/cmpubacc/643/64306.htm>.

⁴²⁸ parliament.uk.

⁴²⁹ parliament.uk.

⁴³⁰ Mark Wilding, “How the Terror Watchlist Actually Works,” *Vice*, June 6, 2017, https://www.vice.com/en_uk/article/how-the-terror-watchlist-actually-works; Jon Austin, “Terror in Manchester: 3,500 Potential Terrorists & 400 ISIS Fighters Back from Syria in UK,” *Express*, May 23, 2017, <http://www.express.co.uk/pictures/pics/11307/Mosul-iraq-daesh-ISIS-islamic-State-army-military-war-bomb-pictures>.

⁴³¹ Wilding, “Terror Watchlist.”

and Government Communications Headquarters was 12,080.⁴³² This skews the numbers in favor of the suspected terrorists and requires counter-intelligence agencies to assess risk and prioritize targets. Recent attacks in the United Kingdom perpetrated by previously known terror suspects demonstrates the vulnerabilities in this process.

4. Prepare

The objective of the *Prepare* element “is to mitigate the impact of a terrorist attack where that attack cannot be stopped.”⁴³³ Although this element concerns the aftermath of an attack, new police tactics have provided enhanced emergency response to firearms and unconventional attacks.⁴³⁴ Also, investigative practices such as stop-and-search and pre-charge detention following an incident have allowed UK authorities to disrupt follow-on attacks.

B. YOUTH-SPECIFIC POLICIES

1. Deradicalization

The Channel program’s purview encompasses adults and children. In just one region of the United Kingdom in 2015, 486 children were referred to the program. While the majority (235) were aged fifteen to nineteen, sixty-eight were nine years old or under.⁴³⁵ During the same year in England and Wales, a combined 1,424 children between the ages of eleven and fifteen were referred.⁴³⁶

The effectiveness of Channel and other deradicalization programs was challenged after multiple incidents of failure. A fourteen-year-old participant of the Channel program was arrested less than a year and a half after his enrollment for plotting a terrorist attack in Australia during Anzac Day.⁴³⁷ Also, a nineteen-year-old Islamic State supporter was arrested and sentenced to twenty-two years in prison after plotting to attack a British

⁴³² Anderson, *Terrorism Acts*, 21.

⁴³³ Home Government, *CONTEST*, 13.

⁴³⁴ Home Government, *CONTEST Annual Report*, 31–32.

⁴³⁵ Halliday, “Almost 4,000 People.”

⁴³⁶ Halliday.

⁴³⁷ Halliday.

soldier.⁴³⁸ The youth was offered and subsequently refused deradicalization opportunities three times.⁴³⁹ While a few incidents among thousands do not constitute systemic failure, without more accurate measurements of effectiveness such as rates of recidivism, effectiveness of the *prevent* programs for youths will remain debatable.

2. Rehabilitation

The UK Children and Young Persons Act of 1933 sets age limits for criminal responsibility in England and Wales, which is currently ten years old.⁴⁴⁰ While eighteen is the adult age in the United Kingdom, children over the age of ten and under eighteen are prosecuted as juveniles. Youth Justice Board statistics for 2014 and 2015 show arrests of youths between the ages of ten and seventeen account for 10 percent of all arrests in England and Wales.⁴⁴¹ The youth are not immune to terrorism charges in the United Kingdom. In 2015, the United Kingdom tried a fourteen-year-old in juvenile court on “two offences of inciting terrorist acts.”⁴⁴² He was found guilty and sentenced to life in prison.⁴⁴³ However, because of his age, after five years confinement, his dangerousness will be reevaluated to determine if further incarceration is needed.⁴⁴⁴

⁴³⁸ Jack Crone, “Teenage Muslim Convert Inspired by Lee Rigby Killers Jailed,” *Daily Mail*, March 20, 2015, <http://www.dailymail.co.uk/news/article-3004091/Teenage-Muslim-convert-inspired-Lee-Rigby-killers-plot-beheading-British-soldier-jailed-22-years.html>.

⁴³⁹ “Ziamani Refused Three Chances of ‘de-Radicalisation,’” ITV News, February 19, 2015, <http://www.itv.com/news/update/2015-02-19/ziamani-refused-three-chances-of-de-radicalisation/>.

⁴⁴⁰ “Age of Criminal Responsibility,” gov.uk, accessed June 11, 2017, <https://www.gov.uk/age-of-criminal-responsibility>.

⁴⁴¹ “Youth Statistics 2014/2015: England and Wales,” gov.uk, January 28, 2016, 6, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495708/youth-justice-statistics-2014-to-2015.pdf.

⁴⁴² Tom Whitehead, “Anzac Day ‘Plot’: British Boy, 14, Accused of Directing Terror Plot and Encouraging a Beheading,” *Telegraph*, April 23, 2015, <http://www.telegraph.co.uk/news/uknews/crime/11558980/Anzac-Day-plot-British-boy-14-charged-with-inciting-terrorism.html>.

⁴⁴³ “Anzac Day Terror Plot: Blackburn Boy Sentenced to Life,” BBC News, October 2, 2015, <http://www.bbc.com/news/uk-34423984>.

⁴⁴⁴ BBC News.

3. Deportation

Under UK law, unaccompanied foreign minors face deportation once they reach age 18. The Home Office reviews petitions to remain in country, however, if unaccompanied children of the IS find their way into the UK, this is a tactic the UK has at their disposal to expel them once they are adults. According to one report, from 2007 to 2016 the UK sent more than 2,700 youths back to such countries as Afghanistan, Iraq, Iran, Libya, and Syria.⁴⁴⁵

C. POLICY SPECTRUM EVALUATION: UNITED KINGDOM

Figure 4 shows how The United Kingdom's CONTEST strategy and its policy actions overall are evaluated on the hard-to-soft policy spectrum. It also classifies and plots the United Kingdom's policies into primary and secondary strategic elements.

⁴⁴⁵ "The Thousands of Former Child Refugees Deported to Afghanistan and Iraq," The Bureau of Investigative Journalism, September 2, 2016, <https://www.thebureauinvestigates.com/stories/2016-02-09/revealed-the-thousands-of-former-child-refugees-deported-to-afghanistan-and-iraq>.

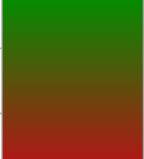
UNITED KINGDOM			"CONTEST"				 Primary Element  Secondary Element
Policy Action	Category	Spectrum	CONTEST Elements				Reference
			PURSUE	PREVENT	PROTECT	PREPARE	
Channel Program	SOFT						Counter-Terrorism and Security Act 2015
Community Policing, Hot Lines	SOFT						Police Community Support Officers (PCSOs), 101
Counter Narrative	SOFT						RICU
Watch lists	MIXED						Passenger Name Record (PNR), E-boards
Temporary Exclusion Orders	HARD						Counter-Terrorism and Security Act 2015
Passport and Citizen Revocation	HARD						British Nationality Act of 1981, Immigration Act of 2014, Royal Prerogative
Foreign National Deportation	HARD						Deportations with Assurances (DWA)
House Arrest/Travel Limits (TPIMS)	HARD						Terrorism Prevention and Investigation Measures Act (TPIMS)
IAP	HARD						Terrorism Act 2000/2006
Youth-Specific Policy Action	Category	Spectrum	CONTEST Elements				Reference
			PURSUE	PREVENT	PROTECT	PREPARE	
Deradicalization	SOFT						Channel Program
Rehabilitation	MIXED						UK Children and Young Persons Act of 1933
Deportation	HARD						Deportations with Assurances (DWA)

Figure 4. Policy Spectrum: The United Kingdom's CONTEST Strategy

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VI. FRANCE

Statistics show that France has contributed between 900 and 1,910 foreign fighters to the conflict in Iraq and Syria.⁴⁴⁶ With France contributing more fighters than any other western European nation, it is understandable that in 2015 it ranked second among European countries and fourth worldwide in recorded number of returnees.⁴⁴⁷ France realized the threat of its 250 or so foreign fighter returnees during the 2015 attacks in Paris and the 2016 Brussels Airport attack. Following the Paris attacks, France instituted a state of emergency, under which it is still governing.

France recently adopted an over-arching counterterrorism policy similar to Canada's BRAT and the United Kingdom's CONTEST. Over the course of the past five years, France has been bolstering its legislation and aligning assets to address recent terrorism trends.⁴⁴⁸ France relies on a combination of legal and administrative measures to combat terrorism and, specifically, returning foreign fighters. Some of the policies backing these actions arise from existing civil law, the 2014 Action Plan, and the 2015 state of emergency.

Maintaining uniformity, this case study on France aligns France's policies on a hard-to-soft spectrum and categorizes the policies according to strategic elements. France's Action Plan Against Radicalization and Terrorism (PART) was adopted in May 2016 and was designed to consolidate counterterrorism and deradicalization efforts into a whole-of-government approach.⁴⁴⁹ Consisting of eighty measures, it was an upgrade from the 2014 National Action Plan against Violent Radicalization and Jihadi Networks, which had twenty-four measures.⁴⁵⁰

⁴⁴⁶ Boutin et al., *The Foreign Fighters Phenomenon*, 31; Soufan Group, "Foreign Fighters Update," 8; Barrett, "Beyond the Caliphate," 12.

⁴⁴⁷ Soufan Group, "Foreign Fighters Update," 7–10.

⁴⁴⁸ "Press Kit for the Action Plan Against Radicalization and Terrorism (PART)," Republique Francaise, September 30, 2016, <https://osce.delegfrance.org/Press-Kit-for-the-Action-Plan-Against-Radicalization-and-Terrorism-PART-9-May>.

⁴⁴⁹ Republique Francaise.

⁴⁵⁰ Boutin et al., *The Foreign Fighters Phenomenon*, Annex 3, 23.

A. STRATEGIC POLICIES

France's PART focuses on seven areas of engagement:

1. Detecting signs of radicalization paths and terrorist networks at the earliest stage possible;
2. Monitoring, obstructing and neutralizing terrorist networks;
3. Combating terrorism within its international networks and safe havens;
4. Increasing the reach of radicalization prevention mechanisms in order to ensure personalized measures for different populations;
5. Developing applied research in terms of counter-speech involving France's Islamic community;
6. Improving protection of vulnerable sites and networks;
7. Being able to react to any terrorist attack and demonstrate the Nation's resilience.⁴⁵¹

Identifying commonalities among these focus areas, they can be consolidated into five elements: Prevent, Detect, Combat, Protect, and React.

1. Prevent: Hotlines, the Internet, and Deradicalization

The *Prevent* element combines the fourth and fifth focus areas, whose objectives are to prevent radicalization and develop counter-narratives to radicalization.⁴⁵² This is accomplished through measures such as hotlines, community outreach, and deradicalization programs.

Launched in 2014, the *NuméroVert* (green number)—the equivalent of a toll-free number in the United States—was established to aid families who wanted to report relatives they believed to be radicalized.⁴⁵³ The hotline was created out of concerns about the number of French nationals traveling to Syria and it started receiving calls as soon as

⁴⁵¹ Republique Francaise, "PART Press Kit."

⁴⁵² Republique Francaise.

⁴⁵³ "Un Numéro Vert : Pour Quoi Faire ? [A Green Number: What for?]," Stop-Djihadisme, November 9, 2016, <http://www.stop-djihadisme.gouv.fr/lutte-contre-terrorisme-radicalisation/prevention-radicalisation/numero-vert-quoi-faire>.

it went active.⁴⁵⁴ In a year and a half, the hotline produced 3,000 tips, with more than one-fourth attributed to youths.⁴⁵⁵

Answering the hotline are “retired security personnel” who are trained by the Counter-Terrorism Coordination Unit (UCLAT), with assistance from psychologists and police officers.⁴⁵⁶ Although the hotline members have many years of work experience in law enforcement, a UCLAT official claims, “They were chosen for their listening skills and emotional sensitivity.”⁴⁵⁷ Despite the volume of the incoming calls, critics of the effort question its efficacy. Dounia Bouzar, a specialist on radicalization, said, “It was hard enough to get in touch with the working class, who already don’t trust state institutions. When the hotline was set up everyone knew the police was on the other side of the line. The only parents who called this number were those who had faith in their institutions and who could afford a lawyer.”⁴⁵⁸ The consensus among private groups and the government was that more efforts to counter radicalization were needed; in 2015, the online campaign “Stop-Jihadism” was launched to counter Islamic State propaganda, which had become a ubiquitous recruiting tool for foreign fighters on the internet.⁴⁵⁹

In late-2016, France opened its first of twelve deradicalization centers, the Center for Prevention, Integration, and Citizenship. Its purpose is “to provide ‘psychological, medico-social, and educational support’ to facilitate ‘disengagement from radicalization,

⁴⁵⁴ “France’s ‘Anti-Jihad’ Hotline Gets Results,” France 24, May 8, 2014, <http://www.france24.com/en/20140508-france-anti-jihad-hotline-gets-results-syria>.

⁴⁵⁵ “France Adopts Bill to Keep Minors from Jihad,” The Local, October 9, 2015, www.thelocal.fr/20151009/france-adopts-bill-to-keep-minors-from-jihad.

⁴⁵⁶ Dorle Hellmuth, “Countering Jihadi Terrorists and Radicals the French Way,” *Studies in Conflict & Terrorism* 38, no. 12 (December 2, 2015): 988, <https://doi.org/10.1080/1057610X.2015.1076277>.

⁴⁵⁷ Marion Garreau, “Un numéro vert contre le terrorisme [A green number against jihadist radicalization,” *Le Monde.fr*, February 12, 2015, http://www.lemonde.fr/m-actu/article/2015/02/12/un-numero-vert-contre-la-radicalisation-djihadiste_4574897_4497186.html.

⁴⁵⁸ Dorothee Thiénot, “France Doesn’t Know What to Do With the 17,000 People It Labels Potential Terrorists,” The Intercept, May 5, 2017, <https://theintercept.com/2017/05/05/france-doesnt-know-what-to-do-with-the-17000-people-it-labels-potential-terrorists/>.

⁴⁵⁹ Margot Haddah, “French Government Fighting Online War against Jihadist Youth Recruiting,” CNN, February 23, 2015, <http://www.cnn.com/2015/02/23/europe/france-anti-jihadist-campaign/index.html>.

development of a critical mind, and appropriation of citizenship and republican values.”⁴⁶⁰ To gain admittance into the center, individuals come forward voluntarily and must verify that they have “never been convicted for acts linked to terrorism.”⁴⁶¹ Although the program seems suited more for aspiring foreign fighters, it is possible that the centers could house returnees if they are not criminally charged, prosecuted, and convicted. A French-funded research effort comparing deradicalization programs across Europe found that “one of the takeaways is that there is no clear takeaway,” and that “this is trial and error.”⁴⁶²

As of February 2017, France’s experimental centers had not logged any participants.⁴⁶³ Government officials blamed location and poor planning for the lack of engagement.⁴⁶⁴ However, critics of the centers feel that the nationalistic approach used by the centers—a military-style boarding school—only exacerbates one of the driving factors of radicalization; “decisive rejection of the authority of the state in favor of the new political identity of a new community.”⁴⁶⁵ Opponents of deradicalization suggest that there may be different interpretations of the concept of prevention. While the facilities are touted to be centers for prevention, some claim “it’s impossible to deradicalize individuals...the best thing to do is act with preventative measures, rather than trying to change the minds of people after the fact.”⁴⁶⁶

2. Detect: Detention Orders and Passenger Name Records (PNRs)

The *Detect* element is the first focus area of France’s PART strategy. Measures such as detention orders and passenger name records (PNRs) aid in the early detection of

⁴⁶⁰ Elisabeth Zerofsky, “How to Stop a Martyr,” *Foreign Policy* (blog), September 1, 2016, <https://foreignpolicy.com/2016/09/01/how-to-stop-a-martyr-france-deradicalization/>.

⁴⁶¹ Zerofsky.

⁴⁶² Zerofsky.

⁴⁶³ James McAuley, “France’s Deradicalization Centers Seen as a ‘total Fiasco,’” *Washington Post*, February 24, 2017, https://www.washingtonpost.com/world/europe/frances-deradicalization-centers-are-a-total-fiasco-lawmakers-say/2017/02/24/218a8072-fa97-11e6-aa1e-5f735ee31334_story.html?utm_term=.f4c143eaa7e6.

⁴⁶⁴ McAuley.

⁴⁶⁵ Zerofsky, “How to Stop a Martyr.”

⁴⁶⁶ McAuley, “France’s Deradicalization Centers.”

terrorists and their networks.⁴⁶⁷ Detention orders can be classified as “pre-charge” or “pre-trial.” Pre-charge orders, also known as *garde à vue*, are holds that are usually restricted to a maximum of twenty-four hours unless the individual is a suspected terrorist, in which case a hold of four to eight days is authorized.⁴⁶⁸ The terrorism clause also allows police to withhold a suspect’s legal representation and conduct custodial interrogation for three days.⁴⁶⁹

Pre-trial detention, or *détention provisoire*, is “recommended only if it is necessary to preserve material evidence, prevent witness pressure, prevent flight, or to protect the accused, but is quite common in terrorism cases,” and may persist for four years.⁴⁷⁰ Outlined in Section VII Article 137 Code of Criminal Procedure, detention orders allow French authorities to round up and question suspects, gather intelligence and evidence against terrorist networks, and disrupt or delay imminent attacks. In November 2016, French authorities used pre-charge powers against five men with ties to the Islamic State who were organizing multiple attacks across Paris.⁴⁷¹ Also, in February 2017, three terror suspects were held under detention orders for an extended period after plotting to attack the Eiffel Tower.⁴⁷² One of the suspects arrested was a sixteen-year-old girl who reportedly pledged loyalty to the Islamic State and allegedly attempted to travel to Syria.⁴⁷³

⁴⁶⁷ Republique Francaise, “PART Press Kit.”

⁴⁶⁸ “Arrested in: France,” Fair Trials, 2017, <https://www.fairtrials.org/arrested-abroad/arrested-in/arrested-in-france-2/>.

⁴⁶⁹ Jeremy Shapiro, “Detention of Terrorism Suspects in Britain and France,” Brookings, July 15, 2008, <https://www.brookings.edu/testimonies/detention-of-terrorism-suspects-in-britain-and-france/>.

⁴⁷⁰ Shapiro.

⁴⁷¹ “Terror Suspects Arrested in France Were ‘Planning Imminent Attacks on Disneyland Paris, Police HQ,’” ABC News, November 25, 2016, <http://www.abc.net.au/news/2016-11-26/arrested-men-were-planning-imminent-attack-on-france/8060114>.

⁴⁷² “French Terror Suspects’ Detention Prolonged,” RFI, February 12, 2017, <http://en.rfi.fr/france/20170212-french-terror-suspects-detention-prolonged>.

⁴⁷³ Lizzie Dearden, “‘Imminent’ Terror Attack Foiled in France after Police Arrest Group of Suspected Isis Supporters Including Teenage Girl,” *Independent*, February 10, 2017, <http://www.independent.co.uk/news/world/europe/teenage-girl-new-paris-new-terror-attack-plan-arrest-montpellier-four-suspects-suicide-bombing-a7572716.html>.

One of the eighty measures within PART calls for the use and sharing of European passenger name record. PNRs capture personally identifiable information, travel itineraries, payment information, and Advance Passenger Information System metrics.⁴⁷⁴ Recent terrorist attacks in France and Belgium compelled Parliament to adopt the measure in order to add extra layers of security. Prior reluctance to share European PNRs stemmed, in part, from criticism of the American no-fly list.⁴⁷⁵ In 2016, the EU passed a measure that facilitates the sharing of PNR with member nations as well as the United States, Canada, and Australia for the “prevention and detection of terrorist offenses and serious forms of crime.”⁴⁷⁶

3. Combat: House Arrest, Travel Bans, Citizenship Revocation, and Other Measures

The *Combat* element incorporates PART’s second and third priority areas, utilizing measures such as house arrest, travel bans, citizenship revocation, and traditional investigative, arrest, and prosecution. One of France’s responses to foreign terrorist fighters returning from the Islamic State has been to arrest them; another has been to place them under house arrest if there is insufficient evidence to charge them with a crime.⁴⁷⁷ House arrest is also an alternative to pre-trial detention.⁴⁷⁸ Following the terrorist attacks in Paris, 382 people were placed under house arrest as a result of state-of-emergency statutes.⁴⁷⁹ In 2016, expansion of the state of emergency laws “[allowed] the government to put someone returning from a ‘Terrorist theatre of Operation’ under house

⁴⁷⁴ “Lutte Contre Le Terrorisme : Le Passenger Name Record (PNR), C’est Quoi ? [Fight against Terrorism: The Passenger Name Record (PNR), What Is it?],” Gouvernement.fr, accessed June 15, 2017, <http://www.gouvernement.fr/lutte-contre-le-terrorisme-le-passenger-name-record-pnr-c-est-quoi-4433>.

⁴⁷⁵ Griff Witte and Loveday Morris, “Failure to Stop Paris Attacks Reveals Fatal Flaws at Heart of European Security,” *Washington Post*, November 28, 2015, https://www.washingtonpost.com/world/europe/paris-attacks-reveal-fatal-flaws-at-the-heart-of-european-security/2015/11/28/48b181da-9393-11e5-befa-99ceebcbb272_story.html.

⁴⁷⁶ Gouvernement.fr, “Lutte Contre Le Terrorisme [Fight against Terrorism].”

⁴⁷⁷ Zerofsky, “How to Stop a Martyr.”

⁴⁷⁸ Shapiro, “Detention of Terrorism Suspects.”

⁴⁷⁹ “Backlash: France’s New Hard Line on Terror,” Al Jazeera, accessed June 15, 2017, <http://www.aljazeera.com/programmes/peopleandpower/2016/03/backlash-frances-hard-line-terror-160310080855190.html>.

arrest for up to a month.”⁴⁸⁰ However, two months after the Nice attacks, the state of emergency was extended again, and the period of house arrest was increased to three months.⁴⁸¹ Individuals under house arrest are restricted to geographical zones, must remain at their residence for half of the day, and are required to check-in at a police station a minimum of three times a day.⁴⁸²

In 2014, France instituted bans on outbound and inbound travel to Syria and Iraq for six months, with the option of extending the ban for up to two years.⁴⁸³ Also known as “administrative interdiction to leave the territory,” this approach is a proactive one designed to stem the flow of foreign fighters.⁴⁸⁴ Partnering with other EU countries such as Germany, Belgium, and the United Kingdom, France’s restriction allows officials to seize passports of aspiring foreign fighters, and prevents returnees from proliferating terrorism upon their return.⁴⁸⁵ However, officials noted that the ban does little to restrict these individuals from traveling freely through the Schengen zone.⁴⁸⁶ From November 2014 to April 2016, out of the 308 individuals banned from travel, six violated the measures.⁴⁸⁷

Article 21-27 French Civil Code states, “No one may acquire the French nationality or be reinstated in that nationality if he has been sentenced either for ordinary or serious offences that constitute a violation of the fundamental interests of the nation or

⁴⁸⁰ Aurelien Breeden, “French Authorities Given Broader Powers to Fight Terrorism,” *The New York Times*, May 25, 2016, sec. Europe, <https://www.nytimes.com/2016/05/26/world/europe/france-terrorism-laws.html>.

⁴⁸¹ “France: Prolonged Emergency State Threatens Rights,” Human Rights Watch, July 22, 2016, <https://www.hrw.org/news/2016/07/22/france-prolonged-emergency-state-threatens-rights>.

⁴⁸² Bérénice Boutin, *Administrative Measures against Foreign Fighters: In Search of Limits and Safeguards* (The Hague, Netherlands: International Centre for Counter-Terrorism, 2016), 13.

⁴⁸³ “France Proposes Anti-terrorist Travel Bans,” BBC News, July 9, 2014, <http://www.bbc.com/news/world-europe-28231947>; “Six Arrested in French Syria Jihadi Network Raids as MPs Approve Anti-Terror Travel Ban,” RFI, September 17, 2014, <http://en.rfi.fr/france/20140917-six-arrested-french-syria-jihadi-network-raids-mps-approve-anti-terror-travel-ban>.

⁴⁸⁴ Boutin, *Administrative Measures*, 11.

⁴⁸⁵ BBC, “France Proposes.”

⁴⁸⁶ BBC, “France Proposes.”

⁴⁸⁷ Bérénice Boutin, “A French Perspective on the Use of ‘administrative Measures’ in Counter-Terrorism,” LinkedIn video, posted September 5, 2015, <https://www.slideshare.net/bereniceboutin/a-french-perspective-on-the-use-of-administrative-measures-in-counter-terrorism>.

an act of terrorism.”⁴⁸⁸ Article 25, titled “Forfeiture of French Nationality,” allows authorities to revoke citizenship of current naturalized French citizens convicted of terrorism, as long as the revocation does not render the individual stateless.⁴⁸⁹ In 2016, an effort to expand the deprivation to French-born dual nationals was unpopular and was ultimately dropped.⁴⁹⁰ A controversial measure not just in France, citizenship deprivation was used as early as 2006 to expel “hate preachers” and “radical nationals.”⁴⁹¹ From 1996 to 2016, the French government had used this measure in thirteen instances related to terrorism.⁴⁹²

Terrorism is prosecuted as a crime in France. Article 421-1 of the Penal Code outlines the majority of the terrorism statutes, which have been in place since 1986 or earlier. Attacks in London, Madrid, Paris, and Brussels have had an impact on the legal and administrative responses to terrorism. Traditional investigative, arrest, and prosecutorial techniques were all enhanced when the state of emergency was enacted following the Paris attacks in 2015. At the time of this writing, France remains in a state of emergency, having renewed the status multiple times.

Before the Paris attacks, France passed legislation to curb the flow of foreign fighters. Act 2012-1432 was specifically designed to combat the threat of RFFs and terrorist camp attendees. It includes provisions for “terrorist acts committed in other countries by French nationals or persons habitually residing in France.”⁴⁹³ Other measures, such as “S” files and “white notes,” help officials obtain enough intelligence to justify some of PART’s punitive measures.

⁴⁸⁸ “French Civil Code, as of 1st July 2013,” Legifrance, September 2014, 9, www.legifrance.gouv.fr/content/download/7754/105592/version/4/file/Code_civil_20130701_EN.pdf.

⁴⁸⁹ Legifrance, 10.

⁴⁹⁰ Kim Willsher, “Hollande Drops Plan to Revoke Citizenship of Dual-National Terrorists,” *Guardian*, March 30, 2016, <https://www.theguardian.com/world/2016/mar/30/francois-hollande-drops-plan-to-revoke-citizenship-of-dual-national-terrorists>.

⁴⁹¹ Hellmuth, “Countering Jihadi Terrorists,” 982.

⁴⁹² Willsher, “Hollande Drops Plan.”

⁴⁹³ “Terrorism,” France Diplomatie: Ministry for Europe and Foreign Affairs, accessed June 15, 2017, <http://www.diplomatie.gouv.fr/en/french-foreign-policy/defence-security/terrorism/>.

French authorities have used State Security or “S” files since 1969.⁴⁹⁴ Equivalent to a “warning notice,” criminals, terrorists, and even political activists have had an “S” file.⁴⁹⁵ Those who have become radicalized and are a “potential threat to national security” have also found themselves on the list.⁴⁹⁶ According to the International Center for Counter-Terrorism (ICCT), composing white notes (*notes blanches*) is an administrative measure comprising “very succinct, unsigned, and undated documents drafted by French Intelligence Services, attesting—without fully disclosing why—that an individual poses a public threat to order and security.”⁴⁹⁷ White notes were criticized as “sometimes vague, laconic or subjective, and sometimes contain factual errors,” in a 2016 “Statement of Opinion on the State of Emergency.”⁴⁹⁸

4. Protect and React

The *Protect* and *React* elements anchor the PART strategy and provide measures to strengthen France’s infrastructure and critical sites while ensuring resiliency after an attack. France’s military, as well as its cyber and transportation sectors, plays a role in protecting the country; the government has also engaged with citizens, private industry, and local municipalities to strengthen its response to acts of terrorism.⁴⁹⁹

B. YOUTH-SPECIFIC POLICIES

1. Youth Deradicalization Program

The ICCT estimates that there was a small contingent of French foreign fighter youths (approximately ten) remaining in Iraq or Syria as of late 2015.⁵⁰⁰ Further, they estimate there were approximately eighty-five scattered among jihadist networks in the

⁴⁹⁴ “Attentat En Isère : Qu’est-Ce Que La Fiche ‘S’? [Attack in Isere: What Is the ‘S’ Card?],” Europe 1, July 2015, <http://www.europe1.fr/faits-divers/attentat-en-isere-ques-ce-que-la-fiche-s-1361374>.

⁴⁹⁵ Europe 1.

Europe 1.

⁴⁹⁷ Boutin, “Administrative Measures against Foreign Fighters,” 14.

⁴⁹⁸ “Opinion on the State of Emergency,” Commission Nationale Consultative Des Droits De L’Homme, Republique Francaise, April 12, 2016, 9, <http://www.cncdh.fr/>.

⁴⁹⁹ Republique Francaise, “PART Press Kit.”

⁵⁰⁰ Boutin et al., *The Foreign Fighters Phenomenon*, 31.

same region. In early 2017, then-French President Francois Hollande commented on the plight of the children of French RFFs. He stated, “We are preparing for these returns and the very particular processing of these children.”⁵⁰¹ This pledge makes reference to the government-sponsored youth deradicalization program, which was designed to counter extremist ideology developing in France’s youth population. It was also found to be adaptable to the children returning from the Islamic State. Using similar treatment interventions as those used for “at-risk youth addicts,” the first youth program was established in 2014.⁵⁰² The French government hired the Centre for Prevention of Sectarian Drift Linked to Islam (CPSDI) to conduct research and development and train local police on counter-extremism narratives.⁵⁰³ The head of CPSDI, Dounia Bouzar, also known as “Madame De-indoctrination” or “Madame Deradicalisation”, applied her conceptual theory of radicalization, called “relational and ideological indoctrination,” to treat children.⁵⁰⁴ Skeptics criticized Bouzar’s psychology-based treatment plan and she eventually broke away from the government.

The voluntary deradicalization centers France opened in 2016 were supposed to take the place of Bouzar’s outpatient program.⁵⁰⁵ Even though the centers are geared toward the adult population, individuals as young as eighteen can be admitted. Bouzar expressed caution about youth detention centers, stating, “Putting these young people together is a mistake, because the propaganda of radicalism is an exaltation of the group.”⁵⁰⁶

⁵⁰¹ Pineau, “In Iraq, Hollande Vows.”

⁵⁰² Benotman and Malik, *Children of the Islamic State*, 62.

⁵⁰³ Zerofsky, “How to Stop a Martyr.”

⁵⁰⁴ Zerofsky; Benotman and Malik, *Children of the Islamic State*, 62.

⁵⁰⁵ Zerofsky, “How to Stop a Martyr.”

⁵⁰⁶ Zerofsky.

2. Juvenile Law

France's juvenile justice system uses age ranges to classify juvenile offences. In France, criminal liability begins at eighteen years old.⁵⁰⁷ For those under ten years old, "no penalties can be imposed"; from ten to thirteen, "educational penalties can be taken"; from thirteen to sixteen, "minors may be sentenced"; and from sixteen to eighteen, "minors can be remanded in custody."⁵⁰⁸ Also, beginning at sixteen, the government can hold youth in pre-trial detention for up to three years.⁵⁰⁹ In the first three months of 2017, five teenage girls, ranging in ages from fourteen to eighteen, were arrested in two separate incidents on terrorism charges with a nexus to the Islamic State.⁵¹⁰

C. POLICY SPECTRUM EVALUATION: FRANCE

Figure 5 shows how France's PART strategy and its policy actions overall are evaluated on the hard-to-soft policy spectrum. It also classifies and plots France's policies into primary and secondary strategic elements.

⁵⁰⁷ E. Aguilera, *The French Legal System* (Paris: Ministry of Justice, 2012), 11, http://www.justice.gouv.fr/art_pix/french_legal_system.pdf.

⁵⁰⁸ Aguilera, 12–13.

⁵⁰⁹ Human Rights Watch, "France: Prolonged Emergency State."

⁵¹⁰ RFI, "French Terror Suspects"; Holly Christodoulou, "Four Teenage Girls Have Been Held in France for Allegedly Plotting ISIS-Style Terror Plots," *The Sun* (blog), March 1, 2017, <https://www.thesun.co.uk/news/2983880/four-teenage-girls-have-been-held-in-france-for-allegedly-plotting-isis-style-terror-plots/>.

FRANCE		Action Plan Against Radicalization and Terrorism (PART)					◆ Primary Element	◇ Secondary Element
Policy Action	Category	Spectrum	PART Elements					Reference
			PREVENT	DETECT	COMBAT	PROTECT	REACT	
Hot Lines, Community Outreach	SOFT		◆	◇				Green Line(Numero Vert), "Stop-Jihadism"
Deradicalization Centers	SOFT		◆					Center for Prevention, Integration, and Citizenship
PNRs	MIXED		◇	◆		◇		PNR Directive
Detention Orders	HARD		◇	◆				French Code of Criminal Procedures
House Arrest	HARD		◇		◆			State of Emergency 2015
Travel Bans	HARD		◇		◆			Article L224-1 Internal Security Code
Citizenship Revocation and Deprivation	HARD		◇		◆			Article 21-27, 25 Civil Code
Investigate, Arrest, Prosecution (IAP)	HARD		◇	◇	◆	◇	◇	Article 421-1 French Penal Code
Youth-Specific Policy Action	Category	Spectrum	PART Elements					Reference
			PREVENT	DETECT	COMBAT	PROTECT	REACT	
Disarm/ Demobilization/ Reintegration	SOFT		◆					Madame Deradicalisation
Rehabilitation	MIXED		◆					Article 122-8 Criminal Code
Incarceration	HARD		◇		◆			Youth Criminal Code

Figure 5. Policy Spectrum: France's Action Plan against Radicalization and Terrorism (PART) Strategy

D. CASE STUDY CONCLUSION

The United States lacks an all-encompassing strategic counterterrorism policy on par with BRAT, CONTEST or PART. However, that is not to say that U.S. counterterrorism efforts are deficient. Although there is much to learn from other countries by studying how they deal not only with terrorism but also RFFs, we should be cautious not to supplant current policies just because others offer a new or different approach. What may work for Canada, the United Kingdom, or even France may not necessarily work in the United States. Differences in governance, culture, mentality, and threat should all come into play when assessing the effectiveness of current policies or exploring novel concepts. After researching Europe's terrorism problems, Jeremy Shapiro suggests, "There are no silver bullets in the experiences of other countries."⁵¹¹

Canada, the United Kingdom, France, and the United States use a combination of administrative and criminal measures to address the foreign fighter phenomenon. Although the United States does not have a convenient framework for its counterterrorism strategy, many of its hard and soft measures are similar to those used by the three countries examined herein. The United States relies heavily upon border strategies, criminal justice measures, and military action to combat terrorism. Although the United States has attempted to integrate community outreach initiatives and counter-narrative programs, when plotted on a spectrum, U.S. counterterrorism policies are more red than green.

When it comes to countering the threat from foreign fighter youth, few countries have embraced youth-specific counterterrorism policies. Instead, they rely on a conglomeration of juvenile criminal justice laws, counterterrorism measures geared toward adults, and experimentation in deradicalization programs. Policymakers should ask themselves if this is sufficient or whether more can be done. In the past, the issue of children who have engaged in armed conflict has been primarily a humanitarian concern and not a criminal matter. However, the subjugation of children by the Islamic State is tipping the scales in favor of the latter.

⁵¹¹ Shapiro, "Detention of Terrorism Suspects."

Some argue that relying on more hard than soft policies to address the foreign terrorist fighter issue is “treating the symptom, not the cause.”⁵¹² Yet countries with and without strategic counterterrorism policies have pegged the needle in the red of the policy spectrum, resulting in more RFFs being imprisoned than deradicalized. While this has short-term benefits, the long-term dangers may not have manifested yet. In some cases in the United States, terrorism charges related to activities supporting the Islamic State have yielded defendants anywhere from thirty-five years imprisonment to less than two years.⁵¹³ There is little data on the terrorist recidivism rate, or on the effectiveness of prison deradicalization programs. However, there is historical data on how imprisonment can exacerbate extremist ideology in at-risk populations.⁵¹⁴ The charge of crafting a strategic counterterrorism policy that incorporates all seen and unforeseen implications is difficult at best and impossible at worst.

Figure 6 shows where Canada, the United Kingdom, and France’s policy actions—as well as their youth-specific policy actions—fall on the hard-to-soft policy spectrum. Figure 7 indicates the policy elements of the countries’ strategies as primary, secondary, or nonexistent. Figure 8 shows a comparative evaluation of these elements for the countries’ youth-specific policies.

⁵¹² “How Should European Governments Deal with Returning Foreign Fighters?,” *Debating Europe*, June 13, 2016, <http://www.debatingeurope.eu/2016/06/13/how-should-european-governments-deal-with-returning-foreign-fighters/#.WJsyrBBRnPQ>.

⁵¹³ Steve Karnowski, “Minnesota Terror Sentences Expected to Set National Pattern,” *Twin Cities* (blog), November 19, 2016, <http://www.twincities.com/2016/11/19/minnesota-terror-sentences-expected-to-set-national-pattern/>.

⁵¹⁴ Harriet Alexander, “What Is Going Wrong in France’s Prisons?,” *Telegraph*, January 17, 2015, <http://www.telegraph.co.uk/news/worldnews/europe/france/11352268/What-is-going-wrong-in-Frances-prisons.html>.

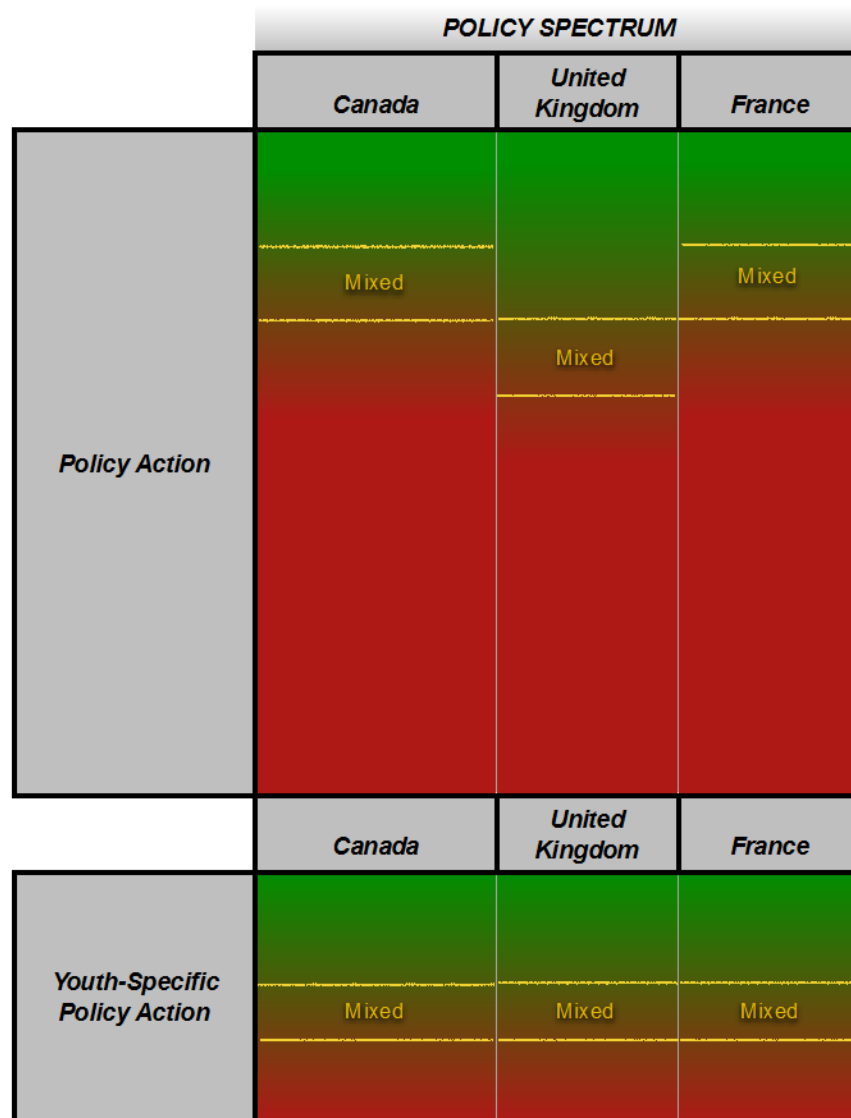


Figure 6. Policy Spectrum Comparison

Elements		Policy Action Element Occurrence									
CANADA											
Building Resilience Against Terrorism (BRAT)	DENY	◆	◆	◆	◆	◆	◆				
	PREVENT	◆	◆	◇	◇	◇	◇	◇	◇		
	DETECT	◆	◆	◇	◇						
	RESPOND	◇									
UNITED KINGDOM											
CONTEST	PURSUE	◆	◆	◆	◆	◇					
	PREVENT	◆	◆	◆	◇	◇	◇	◇	◇	◇	
	PROTECT	◆	◆	◇	◇	◇	◇				
	PREPARE	◇									
FRANCE											
Action Plan Against Radicalization and Terrorism (PART)	COMBAT	◆	◆	◆	◆						
	PREVENT	◆	◆	◇	◇	◇	◇	◇	◇		
	DETECT	◆	◆	◇	◇						
	PROTECT	◇	◇								
	REACT	◇									

◆ Primary Element
◇ Secondary Element

Figure 7. Policy Action Element Occurrence Comparison

		Elements	Youth-Specific Policy Action Element Occurrence		
CANADA					
Building Resilience Against Terrorism (BRAT)	PREVENT	◆	◆	◇	
	DENY	◆	◇	◇	
	DETECT				
	RESPOND				
UNITED KINGDOM					
CONTEST	PREVENT	◆	◆	◇	
	PURSUE	◆			
	PROTECT	◇	◇		
	PREPARE				
FRANCE					
Action Plan Against Radicalization and Terrorism (PART)	PREVENT	◆	◆	◇	
	COMBAT	◆			
	DETECT				
	PROTECT				
	REACT				

◆ Primary Element
 ◇ Secondary Element

Figure 8. Youth-Specific Policy Action Element Occurrence Comparison

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VII. SAFE AT HOME

Ultimately, the foreign fighter issue represents not only an immediate-term security threat, but a long-term challenge.

—Charles Lister

A. SUMMARY

The research contained in this thesis began with the question: What are the domestic security ramifications of the youth terrorist fighters indoctrinated by the Islamic State? To narrow the scope to a manageable level, this work concentrated on the Islamic State's returning foreign fighters and the future danger they pose to the United States. This task was difficult because analysts do not predict the future, nor was it apparent at the onset whether Islamic State youths had a clear path to the United States.

Pivotal to this research was the information gleaned about the Islamic State's involvement in the 2015 Paris attacks. Before these attacks, and as the Islamic State gained notoriety, analysts saw an unprecedented influx of foreign fighters flow into the region. Soon, the number of foreign terrorist fighters fighting on behalf of the Islamic State surpassed the numbers of all other foreign conflicts to date. As these figures proliferated, there was a growing concern among governments that, one day, these fighters would return to their homelands and bring with them all of the training, experience, and knowledge that they had gained while engaged in operations abroad.

The speculation of some experts became a reality after it was revealed that most of the perpetrators of the 2015 Paris and 2016 Brussels attacks were French and Belgian nationals who had traveled to the Islamic State to wage jihad in the name of the proclaimed "caliphate." The RFF issue had, indeed, manifested in civilian casualties in Europe.

Europe has a burgeoning security problem because of the number of foreign fighters that might return home and carry out attacks. Intelligence agencies in Europe were concerned that the sheer numbers of fighters flowing back into the continent would

outmatch their ability to track and neutralize the threats. This argument is based on the simple concept of number parity, in which a deficit of counterterrorism operatives results in gaps in coverage, thus increasing the danger.

Compared Europe, the United States has had fewer foreign fighters make it to the Islamic State, mostly because many of them were stopped during their outbound travel. There is less concern in the United States than in Europe that the number of returnees would overwhelm the country's capacity to track and hunt them. For instance, by the end of 2015, the United States had between 150 to 250 fighters make it to the region and only forty confirmed returnees.⁵¹⁵ While this number is not high, the domestic threat from RFFs may not lie solely in the American RFF population.

Although the actual number of American RFFs may be lower than the number in Western Europe, aggregated foreign fighter totals do not give us an accurate picture of the foreign fighter domestic threat; relying solely on the number of foreign fighters to gauge the severity of the foreign fighter threat is deceiving. Although it may be true that a large contingent of RFFs strain the capabilities of intelligence and law enforcement agencies, this fact alone is not enough to make a correlation between numbers and danger. In essence, a direct relationship between numbers and threat (i.e., the higher the number of RFFs, the greater threat) does not exist since other factors—such as U.S. visitor and immigration policies—provide avenues for transnational RFFs to find their way into the United States.

Research into the methods of the Paris attackers revealed that the group was not a loose band of acquaintances, but rather a well-organized cell, determined to launch attacks on the West in the name of the Islamic State. Armed with the skills they obtained in the terrorist training camps, they were able to discretely travel back to Europe, unencumbered, across the Schengen Area. They used forged passports and broken travel to evade authorities, and they sought refuge in Muslim community enclaves in the outskirts of major cities. The collective disaffection felt by the residents of these

⁵¹⁵ Soufan Group, "Foreign Fighters Update," 10.

communities helped shelter the operatives from the authorities, while loose border controls allowed the terrorists to travel from country to country.

Twenty-five out of the twenty-six Schengen countries are U.S. Visa Waiver Program participants, which grants their citizens visa-free travel to the United States.⁵¹⁶ Perceived as a security gap by some experts, Congress made improvements to the program in 2016. However, the United States was not the only country in North America to have individuals travel to the Islamic State. Canada also had terrorist travelers who have since returned to our neighbors to the north. With the longest shared border area between two countries in the world, the United States and Canada have a vested interest in working together to secure their external and internal border crossings from RFFs. The view that the United States has minimal domestic exposure to RFFs is misconceived.⁵¹⁷ The United States is not insulated from the RFFs of Europe or other countries, and the extent of the threat from the returnees has not been realized.

The design of this study revolved around the answer to the following question: How could a child soldier of the Islamic State carry out a terrorist attack in the United States? I set out to answer this question by relying on traditional criminal investigative techniques. Motive, means, and opportunity are three elements that can provide an investigator with the insight he or she needs to solve a case. In the same way, these three elements can be used to evaluate the reasonableness of a threat. Assuming that the children of the Islamic State have the motive and means (i.e., skills) to attack the United States, their opportunity to do so is less clear. Understanding that many of the local children fighting for the Islamic State in Syria and Iraq may not have the opportunity to travel to America, my focus shifted to the foreign fighters in the region. Conventional wisdom states that there are three possible outcomes for Islamic State foreign fighters: (1) remain in the region and fight, (2) travel to other conflicts and become “jihad tourists,” and (3) return home. I assessed it was the returnees that would have the greatest opportunity to attack the United States domestically. For this reason, it was necessary to

⁵¹⁶ “Visa Waiver Program,” accessed May 18, 2017, U.S. Department of State, <https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html>; Schengen Visa Info, “Schengen Area Countries List.”

⁵¹⁷ Peter Bergen, “Will Returning Syria Fighters Strike the United States?,” CNN, March 25, 2016, <http://www.cnn.com/2016/03/25/opinions/terrorist-fighters-return-from-syria-bergen-sterman/>.

bundle the threat from the child soldiers of the Islamic State into the larger RFF phenomenon. Lumping RFFs of all ages together, provides an overarching view of the threat space. For example, the concepts of the veteran effect and lag time do not correspond to one demographic of RFFs. Rather, the elements that make them noteworthy (i.e., training, experience, knowledge, and the ability to lie in wait) can be found in the youth returnees as well. These adult concepts are not a byproduct of age, but rather of socialization and indoctrination. Thus, they can be applied to the child soldiers of the Islamic State as well as to the youth combatants engaged in conflict around the world. Demonstrating that the RFF phenomenon is age agnostic helps explain how children fighting in Iraq and Syria in the name of the Islamic State have pathways to the United States. Whether as children of RFFs or as young foreign fighters themselves, there is a contingent of young Islamic State insurgents that have the motive, means, and opportunity to conduct terrorist operations on U.S. soil. As the Islamic States loses its foothold in the region, it is likely that more foreign fighters, many of them youths, may return. The following discussion explores how this is possible and the implications should it occur.

B. FINDINGS AND DISCUSSION

Three major findings of this study suggest we should be concerned with RFFs and their children.

- (1) **Finding 1:** Avenues exist for youth fighters indoctrinated and socialized by the Islamic State to plan, conduct, and execute terrorist operations in the United States.

Both physical and theoretical routes exist through which young fighters of the Islamic State can organize and carry out terrorist attacks domestically. Physical paths can be probed, exploited, and manipulated to shuttle known and unknown Islamic State operatives past domestic intelligence services and border protection agencies. On the other hand, we can construct an imaginative scenario in which the Islamic State sends its child soldiers back to their original homelands to lie in wait as sleeper agents, only to conduct a terrorist attack when least expected. While some view this idea as fanciful,

there is evidence that the Islamic State is already planning this action by creating an external operations branch called the *Emni*.⁵¹⁸ The mastermind behind the Paris attack, Abdelhamid Abaaoud, was purported to be a member of this vanguard.⁵¹⁹ Also, Islamic State European foreign fighter operatives are not the only ones that have evaded border-crossing detection. Moner Mohammad Abusalha, a U.S. citizen, was able to travel to the Islamic State, travel back to the United States, and then return to the Islamic State to carry out a suicide attack—all unbeknownst to U.S. law enforcement agencies.⁵²⁰

The domestic threat to the United States from RFFs can come from terrorist cells or a lone individual, and it can originate from the sea, air, or land. While much of the Visa Waiver Program Improvement and Terrorist Prevention Act of 2015 concentrated on the RFFs coming to the United States from overseas by air, the porosity of the northern and southern U.S. borders continues to be a challenge for law enforcement and intelligence agencies.⁵²¹ Terrorists have used the border crossings to infiltrate the United States in attempts to carry out attacks. Although the number of Islamic State RFFs in Canada is small, and non-existent in Mexico, it is not the presence of battle-hardened veterans of the insurgency in these countries that is the most worrisome. Rather, it is the existence of established routes of entry that smugglers and undocumented aliens use to bypass authorities.

As stated previously, it is conceivable that youth Islamic State RFFs or even “cubs of the caliphate” could leave Iraq and Syria without their parents or guardians. Unaccompanied minors arriving in the United States receive special protections under the law and may qualify for immigration relief. According to the American Immigration Council, some of these protections include:

⁵¹⁸ Callimachi, “How a Secretive Branch of ISIS.”

⁵¹⁹ Callimachi.

⁵²⁰ “Suicide Bomber From U.S. Came Home Before Attack,” *New York Times*, July 31, 2014, https://www.nytimes.com/2014/07/31/us/suicide-bomber-from-us-came-home-before-attack.html?_r=1.

⁵²¹ The Visa Waiver Program Improvement and Terrorist Prevention Act of 2015 was passed in 2016 as part of an appropriations bill.

- **Asylum:** Asylum is a form of international protection granted to refugees who are present in the United States. In order to qualify for asylum, a person must demonstrate a well-founded fear of persecution based on one of five grounds: race, religion, nationality, political opinion, or membership in a particular social group.
- **Special Immigrant Juvenile Status (SIJS):** SIJS is a humanitarian form of relief available to noncitizen minors who were abused, neglected, or abandoned by one or both parents. To be eligible for SIJS, a child must be under 21, unmarried, and the subject of certain dependency orders issued by a juvenile court.
- **U visas:** A U visa is available to victims of certain crimes. To be eligible, the person must have suffered substantial physical or mental abuse and have cooperated with law enforcement in the investigation or prosecution of the crime.
- **T visas:** A T visa is available to individuals who have been victims of a severe form of trafficking. To be eligible, the person must demonstrate that he or she would suffer extreme hardship involving unusual or severe harm if removed from the United States.⁵²²

From fiscal year 2013 through 2014, Customs and Border Patrol agents encountered over 100,000 unaccompanied migrant children.⁵²³ In fiscal year 2014, they detained over 67,000.⁵²⁴ This was two to three times the total from previous years. From October 1, 2013, to September 30, 2014, Customs and Border Patrol apprehended over 18,000 unaccompanied children from Honduras, almost 17,000 from Guatemala, and close to 16,000 from Mexico and El Salvador each.⁵²⁵ These numbers represent the height of the unaccompanied minor surge; 2015 totals approached 20,000.⁵²⁶ The American Immigration Council claims one of the reasons that many of these children flee

⁵²² “A Guide to Children Arriving at the Border: Laws, Policies and Responses,” *American Immigration Council* (blog), June 26, 2015, <https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses>.

⁵²³ “A Guide to Children Arriving at the Border.”

⁵²⁴ “A Guide to Children Arriving at the Border.”

⁵²⁵ “A Guide to Children Arriving at the Border.”

⁵²⁶ “A Guide to Children Arriving at the Border.”

Central America is the violence from its cartels, criminal syndicates, and gangs.⁵²⁷ This is no different from those fleeing from the region where the Islamic State has had a stronghold. The fear among many is that Islamic State terrorists could hide themselves among refugees or asylum seekers and enter the United States through legal immigration procedures.

In 2016, the Cato Institute conducted a risk assessment that analyzed terrorism and immigration. They found that from 1975 through the end of 2015, 3,024 people were killed by foreign-born terrorists in the United States.⁵²⁸ The data shows that “ten of them were illegal immigrants, 54 were lawful permanent residents (LPR), 19 were students, 1 entered on a K-1 fiancé(e) visa, 20 were refugees, 4 were asylum seekers, 34 were tourists on various visas, and 3 were from Visa Waiver Program countries. The visas for 9 terrorists could not be determined.”⁵²⁹ After the Paris attacks in 2015, the U.S. Visa Waiver Program was thought to be a gap that could allow terrorists to come into the country with little vetting. In response, Congress enacted enhancements to the program, and there is an argument that can be made that it is as rigorous, if not more so, than the regular visa vetting process. Similarly, the refugee process has come under attack by some who claim it does not do enough to screen the refugees from countries that harbor terrorist groups. However, the multi-year process has many phases in which the applicants are continually screened and vetted.⁵³⁰

I assess that the asylum process is the most vulnerable immigration procedure that could lead to the entry of unaccompanied minors of the Islamic State into the United States. Although historical data from the Cato Institute reflects that 0.0006 percent of the population seeking asylum from 1975 through 2015 turned out to be terrorists, these

⁵²⁷ “A Guide to Children Arriving at the Border.”

⁵²⁸ Alex Nowrasteh, “Terrorism and Immigration: A Risk Analysis,” Cato Institute, September 13, 2016, <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis>.

⁵²⁹ Nowrasteh.

⁵³⁰ “Infographic: The Screening Process for Refugee Entry into the United States,” White House, November 20, 2015, <https://obamawhitehouse.archives.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states>.

individuals were involved in some of the most notorious terrorist attacks.⁵³¹ The Tsarnaev brothers and Ramzi Yousef were among the asylum seekers who perpetrated attacks on U.S. soil.⁵³² My analysis does not assume that every Islamic State child entering the United States and claiming asylum will end up conducting a terrorist attack. I simply propose that the asylum process is the easiest way for them to enter the United States.

Using routes established by human traffickers and the legal protections of immigration law, the youths from the Islamic State have a path to the United States. Three main types of children could travel to the United States as unaccompanied minors from territory once controlled by the Islamic State.

- **Innocents**—These are not Islamic State child soldiers, but rather children of Iraq and Syria who are fleeing the violence in the region and are seeking refugee status or a legitimate claim of asylum in the United States.
- **“Terror Tots”**⁵³³—These are child soldiers of the Islamic State who are attempting to infiltrate the United States to conduct a terrorist attack on behalf of the Islamic State.
- **War Children**—These are former child soldiers of the Islamic State who have been socialized, indoctrinated, and trained by the Islamic State, and who are fleeing violence in the hope of a new life.

It is the terror tots and the war children who are of most concern. For reasons outlined previously in this work, there is little reason to doubt that if terror tots were to enter the country, they could and would perpetrate an attack. It is in the war children that more ambiguity rests. Although we have yet to see an Islamic State war child conduct a

⁵³¹ Nowrasteh, “Terrorism and Immigration.”

⁵³² Nowrasteh.

⁵³³ The term “terror tots” has been used in media reports to refer to the children recruited by al-Qaeda. Sam Webb, “The Terror Tot: Grinning Al-Qaeda Fighter Trains TODDLER to Fire Handgun in Sickening Video in War-Torn Afghanistan,” *Daily Mail*, August 23, 2013, <http://www.dailymail.co.uk/news/article-2402117/The-terror-tot-Grinning-Al-Qaeda-fighter-trains-TODDLER-handgun-sickening-video-war-torn-Afghanistan.html>.

domestic attack, the question remains: Are these children dangerous? The risk these children pose is not nonexistent, but we cannot yet say how dangerous they are.

- (2) **Finding 2:** Youth fighters of the Islamic State share similarities with the child soldiers of other armed groups that influence whether or not they will have the propensity to engage in future terrorist attacks.

The Islamic State's recruitment, use, and exploitation of children is similar to the methods employed by many other groups that send youths into battle. Also, the violence and traumatic events that the children experience while engaged with these factions are similar across the globe. While the circumstances and motivations that lead organizations to use and recruit children may be different, the child soldier situation in the Islamic State bears the same hallmarks as other notorious syndicates such as the Lord's Resistance Army, the Revolutionary United Front, and the Sudanese People's Liberation Army, to name a few. However, it is not the similarities or disparities among the strategies and tactics of these groups that is the most interesting. The manner in which children are recruited and used does not necessarily provide us with insight as to how violent these children will be years from now. While much research has been conducted on the physical and emotional traumatic effects of war on children, it is the intangible and inherent qualities of children that may provide us with the most foresight into their future propensity for violence.

Jo Boyden and Joanna de Barry point out that assessments on war-affected youths follow one or more of the six commonly used research plans: (1) a biomedical framework, (2) medical investigations, (3) psychiatric assessments, (4) historical analyses, (5) "cultural specificity of biomedicine," and (6) biological and psychological child development processes.⁵³⁴ They claim, "Despite some advances, scholarship has yet to capture the true magnitude, nature or effects of such experiences."⁵³⁵ In a quest to fill the knowledge gap, Boyden and de Barry focus on the stories and first-hand accounts

⁵³⁴ Jo Boyden and Joanna de Barry, eds., *Children and Youth on the Front Line: Ethnography, Armed Conflict and Displacement*, vol. 14 (New York: Berghahn Books, 2004), xv–xvi.

⁵³⁵ Boyden and de Barry, xvi.

of children, using “anthropological theory and ethnographic methods.”⁵³⁶ Their research was longitudinal and covered countries in Central America, Africa, the Middle East, and Europe. They found:

The collection warns us, first and foremost, against simplistic assumptions about children’s reactions to conflict, suggesting that while it is difficult to exaggerate the horrors of war, it is quite possible to overuse such concepts such as trauma. Young people’s responses to war are revealed as multifaceted and nuanced; age is not necessarily the critical determinant of vulnerability, and even when profoundly distressed or troubled, the young frequently exercise remarkable resilience.⁵³⁷

Children’s resiliency is a concept echoed by Stark and Wessells. They argue that embracing a “resiliency paradigm” instead of a “deficits approach” is important because it “emphasizes the importance of building on the existing strengths of the children, families and communities. A resilience paradigm also points the way toward a different way of thinking which is based on strengthening empowerment, young people’s agency and voice, and collective action to support children’s reintegration.”⁵³⁸

There is nothing that proves the children of the Islamic State are not as resilient as the children studied by Bowden, de Barry, Stark, and Wessells. Bowden and de Barry caution that context is one of the most important factors that influences individual responses to war.⁵³⁹ For this reason, they focus on the “material, social structure and ideational creations that frame young people’s adversity.”⁵⁴⁰ Stark and Wessells claim that “reintegration is supported by five key elements—psychosocial interventions, cultural and spiritual practices, education, livelihoods, and family community mobilization and reconciliation.”⁵⁴¹ If we use a similar approach to explore the

⁵³⁶ Boyden and de Berry, xvii.

⁵³⁷ Boyden and de Berry, xvii.

⁵³⁸ Chari Fernando and Michel Ferrari, *Handbook of Resilience in Children in War* (New York: Springer, 2013), 96.

⁵³⁹ Boyden and de Berry, *Children and Youth on the Front Line*, xvii.

⁵⁴⁰ Boyden and de Berry, xvii.

⁵⁴¹ Fernando and Ferrari, *Handbook of Resilience*, 96.

complexity of the child soldier situation in the Islamic State, we begin to see challenges on the horizon.

Although there are barriers to resiliency for the children of the Islamic State, removing them from the conflict zone and keeping them out should be the primary focus of any nation concerned with the threat from Islamic State child soldiers. It is important to remember that the conflict they need to be removed from is not only the physical battles being waged in Syria and Iraq, but also the ideological conflict of violent jihad. Just as refugee camps have the potential to draw children back into violence, so does placing Islamic State RFF youths into environments in the United States that foster radicalization. These settings can be found in religious institutions, at school, among friends, at home, and in jail. This has implications for U.S. policies that promote imprisonment of foreign fighter juveniles upon their return.

- (3) **Finding 3:** U.S. policies are geared toward addressing the humanitarian crisis that emerges out of the use of child soldiers, yet we treat the child soldiers of terrorist organizations like criminals.

If we use hard-to-soft spectrum to assess U.S. counterterrorism policies, we see that punitive policies outweigh social programs. Arrest, prosecution, deportation, and imprisonment are common outcomes for terrorism suspects. This is true especially in response to the foreign fighter phenomenon, in which most of the individuals apprehended by the United States face long terms of incarceration. Even when minors are arrested on suspicions of terrorism, they end up in the juvenile criminal justice system or, in some cases, imprisoned as adults. Michael Wessells calls this “retributive justice,” wherein “a retributive model of justice seeks to hold wrongdoers accountable for their crimes through punishment, the severity of which is proportional to the seriousness of their crimes.”⁵⁴² He cautions that applying this approach to child soldiers creates many problems. For instance, he cites the arduous task of delineating the ambiguous line that

⁵⁴² Wessells, *Child Soldiers*, 218.

exists between victims and perpetrators.⁵⁴³ Also, he claims that a retributive model can have an inverse effect “where retribution can fuel ongoing cycles of violence.”⁵⁴⁴

The issue of child soldiers is viewed by the international community as a humanitarian crisis. In the United States, the Child Soldier Accountability Act was established to punish countries and individuals responsible for the recruitment and use of children in conflicts.⁵⁴⁵ The intent and verbiage of the law reflect that the United States views the child soldier issue through a humanitarian crisis lens. At the outset of this thesis, I argued that not only is the Islamic State child soldier dilemma a humanitarian problem, but it is also a national security issue. Further, I believe that if the United States only recognized the problem of child soldiers as a humanitarian crisis and failed to understand the domestic threat from the child soldiers of the Islamic State, then we would be ignoring an entire population of potential terrorists.

The Islamic States’ socialization and indoctrination of a younger generation of fighters has consequences for the U.S. counterterrorism mission. I have demonstrated how the children of RFFs could enter the United States and that they have the training, experience, and knowledge to carry out attacks just as their older contemporaries do. However, I have found that there are more mechanisms in place for the United States to treat Islamic State RFF youths as criminal terrorists than as victims of a humanitarian crisis. This is contrary to the conventional wisdom of how countries should handle war-affected children and even contradicts U.S. policies. This is important because research shows that, in some instances, prison nurtures the radicalization process. Here is an example of how prison radicalization happens:

When sharing a tiny cell with two or three others, the weaker cellmates are clearly at risk of being indoctrinated by stronger ones. An extremist agenda can advance quickly as a result of the isolation, boredom and anger

⁵⁴³ Wessells, 220.

⁵⁴⁴ Wessells, 220.

⁵⁴⁵ Child Soldier Accountability Act of 2008, 110 S.2135 (2008).

that a young man feels in jail; a captive Muslim population clearly presents opportunities to the would-be radicaliser.⁵⁴⁶

Evidence shows that U.S. military prisons in Iraq and Afghanistan—such as where Abu Bakr al-Baghdadi was imprisoned—have become incubators for terrorists.⁵⁴⁷ Most notably, France has garnered the attention of the international media for the surge in radicalization emanating from its prison population. The examples of former French prisoners turned jihadi terrorists are hard to ignore. Mohammed Mehra (2012 rabbi shooting spree), Mehdi Nemmouche (2014 Brussels Jewish Museum attack), and Cherif Kouchi and Amedy Coulibaly (two of the 2015 Paris attackers), all spent time in French prisons as young men.⁵⁴⁸

In an alternate approach to traditional incarceration techniques, multiple prisons throughout France have dedicated units designed to house some “violent or potentially violent extremists.”⁵⁴⁹ According to a report released in 2016, dedicated units were created for “the avoidance of pressures and the spread of Radical religious proselytism and, on the other hand, to promote the care of Radicalized.”⁵⁵⁰ The Le Contrôleur général des lieux de privation de liberté, a French independent authority that watches over institutions of detention, concluded in 2015, “The phenomenon of radicalisation is not recent and has not been sufficiently taken into account by the authorities. Moreover, the Contrôleur général observed that prison overcrowding feeds proselytism and favours the influence of radical detainees over the more fragile detainees.”⁵⁵¹

⁵⁴⁶ Christopher de Bellaigue, “Are French Prisons ‘Finishing Schools’ for Terrorism?,” *Guardian*, March 17, 2016, <https://www.theguardian.com/world/2016/mar/17/are-french-prisons-finishing-schools-for-terrorism>.

⁵⁴⁷ Michael Weiss and Hassan Hassan, “ISIS Used a U.S. Prison as Boot Camp,” *Daily Beast* (blog), February 23, 2015, <http://www.thedailybeast.com/articles/2015/02/23/isis-used-a-u-s-prison-as-boot-camp>.

⁵⁴⁸ de Bellaigue, “Are French Prisons.”

⁵⁴⁹ de Bellaigue.

⁵⁵⁰ Le Contrôleur général des lieux de privation de liberté, “Radicalisation Islamiste En Milieu Carcéral: L’ouverture Des Unites Dediees [The Comptroller General of Places of Deprivation Report on the Treatment of Islamist Radicalization in Prisons: Dedicated Unites Opened in 2016],” 2016, 2; translation of this document was performed by Google Chrome.

⁵⁵¹ Le Contrôleur général and des lieux de privation de liberté, “Annual Report 2015,” 2015, 45.

In Minnesota, the United States is testing the waters with programs at the federal level for defendants convicted of terrorism charges. U.S. District Judge Michael Davis is spearheading the initiative and has recruited Daniel Koehler, the director of the German Institute on Radicalization and De-radicalization Studies, to coordinate the assessments.⁵⁵² The purpose of the program is “to try to reintegrate terrorism defendants into society when they are deemed eligible to be released back into U.S. communities by federal judges.”⁵⁵³ The program’s first subjects are four individuals from the Islamic State who pleaded guilty to providing material support to the organization.⁵⁵⁴ However, like other schemes, the efficacy of the program is in question. Koehler states, “There’s no 100 percent guarantee that these intervention methods actually work....But I think it’s better than working blindfolded without any kind of assessment or structure or protocol.”⁵⁵⁵ It is important to note that this is one program in one U.S. district court, and not a larger effort on behalf of the U.S. Department of Justice or the U.S. government to employ soft measures to address the rehabilitation and reintegration needs of suspected terrorists.

In essence, it is not a matter of whether hard or soft policies work. While some RFFs will be more receptive to hard policies, there will be instances in which punitive measures drive them into the hands of radicalizers. Likewise, soft policies may not work on some, as the most hardened and devout soldiers will take advantage of the system in the hopes that cooperation or faking a cure will win them their freedom. It is more about having options. A menu of hard, soft, and everything-in-between policies will ensure that each child can be evaluated according to his or her individual barriers to resiliency and will be placed into the appropriate channel. Currently, the United States lacks this diversity among its counterterrorism policy spectrum.

⁵⁵² “Federal Court in Minnesota Creates Deradicalization Program,” Breitbart, March 2, 2016, <http://www.breitbart.com/news/federal-court-in-minnesota-creates-deradicalization-program/>.

⁵⁵³ Edwin Mora, “Minnesota Launches Deradicalization Program for Terrorists,” Breitbart, March 4, 2016, <http://www.breitbart.com/national-security/2016/03/04/minnesota-federal-court-launches-deradicalization-program/>.

⁵⁵⁴ Mora.

⁵⁵⁵ “Federal Court in Minnesota.”

APPENDIX

Data from a 2016 International Center for Counter-Terrorism (ICCT) report were compiled and analyzed in Table 3 to determine which of the three European nations (the United Kingdom, Germany, or Belgium) faced the greatest potential for exposure to young RFFs. In this analysis, exposure is synonymous to foreign fighter (FF) volume based on four variables: total number of FFs (FF_t), returned FFs (FF_r), FFs remaining abroad (FF_a), and FF average age (FF_{age}). A weighted ranking assigned the following importance to the variables: Returned FFs (35 percent), Remaining Abroad FFs (35 percent), Total FFs (20 percent), and Age (10 percent). Returned FFs and Remaining Abroad FFs were given the most weight because they represent the actual and potential number of returning foreign fighters. Total FFs were assigned the next highest value, as they represent the total pool of fighters. Total FFs were not given the same weight as RFFs since it is understood that some FFs abroad will be killed or will not return. Finally, Age was given the least amount of weight because this unit of measurement varies across countries and the values from the ICCT report were both abstract and precise. For example, the age range of FFs from the United Kingdom is estimated from eighteen to thirty years old, whereas the age range of FFs in Belgium is calculated to 25.7.

The variables were ranked from 1 to 3, where 1 is the leading variable in the category. Except for the Age variable, a direct relationship exists in variable importance, where a higher number of fighters represents a greater importance. For this research, an inverse relationship exists and younger FFs were ranked of more importance than older FFs. Finally, the lowest weighted score represents the country with the most potential to be exposed to young RFFs.

Table 3. European Nations with the Greatest Potential Exposure to Young Islamic State RFFs⁵⁵⁶

	Weight	UK	Rank	Germany	Rank2	Belgium	Rank3
Total FFs (FF _t)	20%	700–760	2	720–760	1	420–516	3
Returned FFs (FF _r)	35%	>350	1	250	2	55–130	3
Remaining Abroad FFs (FF _a)	35%	315	1	238	2	180–260	3
Age: (FF _{age})	10%	18–30	1	<30 (5%)	3	25.7 (14–16)	2
Weighted Scores	100%		1.2		1.9		2.9

⁵⁵⁶ Adapted from Boutin et al., *The Foreign Fighters Phenomenon*.

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