

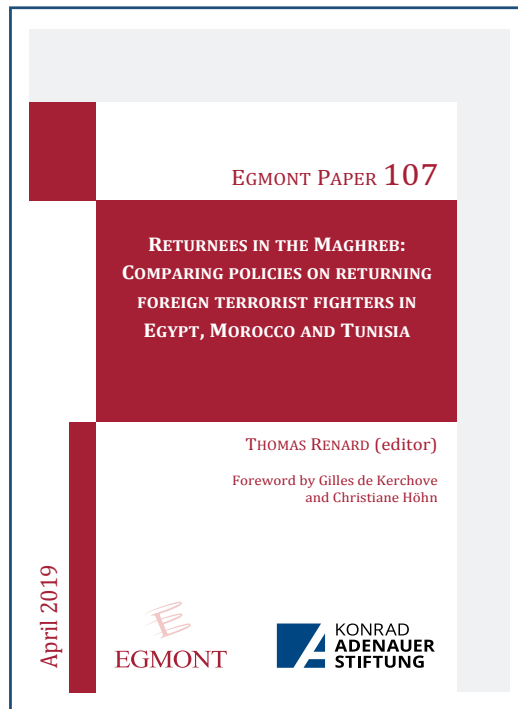


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RETURNING TERRORIST FIGHTERS IN EGYPT, MOROCCO AND TUNISIA

Statistically, the number of people sneaking from Europe and North Africa to fight in Syria and Iraq is estimated at more than (10,000) fighters, with North Africa accounting for more than (5,000) foreign terrorist fighters, who joined terrorist groups in Syria and Iraq since 2012, while nearly (2000) fighters slipped into Libya. With most foreign terrorist fighters coming from Tunisia, about (3,000) fighters slithered into Iraq or Syria, and nearly (1,500) to Libya; while (1,664) Moroccan fighters went to the Levant and about (300) fighters to Libya and about (600) fighters from Egypt, as stated in the estimates of the intelligence services. These recruits are greater than any previous ones, including those from Afghanistan who faced the Soviets bac in the 1980s.

REAL AND DANGEROUS THREAT

The returning foreign fighters have become a serious threat over the past few years, as both Egypt and Tunisia have sustained terrorist attacks fully or partially committed by returnees from Syria and Libya. Equally important, Morocco has dismantled many terrorist networks that include returnees from conflict zones. If not direct threat, such returning extremists could at least help transfer military combat skills to local terrorists.

In close cooperation with the German Konrad Adenauer Foundation, the Egmont International Group issued a report, featuring "Returnees in The Maghreb: Comparing Policies on Returning Foreign Terrorist Fighters in Egypt, Morocco and Tunisia." The said report was developed by seven team researchers in counterterrorism and was edited by Thomas Renard, Fellow of the Egmont Institute, Royal Institute for International Relations in Brussels, specializing in combating extremism and countering terrorism in Belgium and Europe.

The report emphasized that all countries are challenged by returning terrorist fighters and have taken countermeasures, regardless of the scope of the challenge and their different abilities. For example, Tunisia tackles nearly a thousand returnees, while Morocco grapples with just over two hundred returnees, while the number is unknown for Egypt, but it is likely that they are about one hundred to several hundreds.

Morocco adopted the most advanced approach to addressing returning terrorist fighters; it has taken appropriate legal measures, implemented de-radicalization programs in prisons and is working on other initiatives with former extremists.

All Maghreb countries are still ambitious for a holistic and long-term approach to addressing returnees, including prosecution, detention and reintegration. While still waiting for such a viable approach to see the light, the challenge of returning fighters remains persistent in a new disguise, as it has regularly snowballed into metamorphoses since the mid-1980s. North African countries also adopt a security-based approach to fighting terrorism and addressing returning fighters, without a holistic approach to rehabilitation and reintegration, although few approaches for preventing and countering violent extremism (P / CVE) have been developed. This simply means that the environment for extremism and recruitment is still favorable locally. Therefore, the returnees released may no longer be disassociated with terrorist organizations,

but they may play a role in radicalizing others. In addition, the counterterrorism policies were often criticized by observers and international organizations for being noncompliant with human rights standards and long-term counterproductive results that backfired and boomeranged on them.

EUROPEAN UNION EFFORTS

Critically, the success or failure of North African countries to reduce the threat of returnees in the long term will have glaring implications for European security; terrorist fighters in the Maghreb and Egypt could plot attacks on European interests across the region, or directly on the European soil. Given the historical ties between North Africa and the diaspora communities in Europe, the links existing between terrorists in North Africa and Europe span more than two decades. Fighters from the Maghreb have grown more active throughout Europe in propaganda and recruitment, and many of the European foreign fighters who joined ISIS were of Maghreb or Tunisian origins.

In February 2015, the European Union issued counterterrorism guidelines for its external efforts, which included an affirmation of communication and engagement with neighboring countries, especially in the Middle East and North Africa, to counter the threat of foreign terrorist fighters. The European Union doubled its financial contributions in countering external terrorism to reach 274 million euros between 2015-2017, more than 20% of which was allocated to the Middle East and North Africa region. The European Union agreed with the countries of the region (except for Morocco) on joint action plans, and assigned counterterrorism experts within its mandate in the said countries.

Equally important, the European Union supported a number of relevant initiatives at the regional level, particularly in the areas of training and capacity building, and further encouraged the use of INTERPOL and Europol tools and their databases to confront the threat of returning terrorist fighters, and negotiated cooperation agreements with all countries of the Maghreb (except for Libya). Tunisia is perhaps the country most open to cooperating with the European Union, and has received significant support for the development of its judiciary and prisons.

In general, the European Union's efforts made to address the challenge of returning foreign fighters have increased; however, they are still modest and such effects are difficult to measure. There is





recognition of the need to do more, but again it seems that this is difficult in the light of the reluctance of some North African governments, along with the lack of financial instruments for the European Union, coupled with the lack of a more comprehensive approach, and stronger social preventive policies to counter terrorism and foreign fighters.

EGYPT AND COUNTERTERRORISM

Court records show that the Egyptian judiciary shows evidence for the threat of the returning Foreign Terrorist Fighters (FTFs). However, relevant scarce laws, programs, or policies exist, it has become critically important to develop an independent law to criminalize foreign terrorist fighting groups. Article (86) of the Egyptian Penal Code provides for penalties that include murder for individuals who are proven to have colluded and conspired with foreign organizations to commit terrorist crimes in Egypt, and the hard labor of Egyptians who joined or connived in cahoots with them.

In 2014, Egypt tightened travel procedures to stop the flow of individuals, who planned to join terrorist organizations; Egyptian citizens (18-40 years old) were required to apply for the approval of the competent authorities before traveling to Turkey, Iraq or Syria. In February 2018, the Egyptian army announced a military campaign called "Operation Sinai 2018", which, according to the army's spokesperson, sought to counter terrorism and other criminal activities. The army reported that it had killed more than 400 and arrested more than two thousand others. Little

information has been published about the identity of those killed or those arrested, and such crimes, whether they had clandestine links with terrorist organizations or were trained abroad.

Addressing the threat of the returning FTFs adequately and appropriately in Egypt requires reform of current counterterrorism legislation to standardize laws and to specifically target the highest threats after inaccurate formulations are eliminated.

TUNISIA AND PROSECUTION OF RETURNEES

For the Tunisian authorities, the returning FTFs constitute a threat to security, notoriously manifested by two attacks carried out by individuals trained in Libyan camps: one attack was on the National Museum, March of 2015, killing 20 tourists and 2 Tunisians, while injuring 50 others; another was a shooting attack on the beach of Sousse, June of 2015, claiming 38 and injuring 39 people.

On March 7 of 2016, ISIS fighters attempted to attack Ben Gardane at the Tunisia-Libya border, through instigating the sleeper cells to which the ISIS fighters coming from Libya joined. The attack showed an elaborate planning that combined assault on security forces with strategic communication with the townspeople. Although the operation was bungled, the incident reinforced Tunisians' perception that the activities of FTFs are more dangerous than local terrorists, and that attacks carried out by persons with foreign expertise are more dangerous than those carried out by local terrorists.

The program developed by the Ministry of Interior to approach returning Tunisian fighters, "Repentance, Forgiveness and Law," was challenged with widespread controversy. Meanwhile, the Ministry of Interior stated that the said program had already been implemented in countries such as Algeria and Italy, and it would be applicable to those who had not committed crimes. Meanwhile, the Foreign Minister spelled out that the government would not agree to pardon the returnees. The President found himself uneasy at the said debate, declaring that the Tunisian constitution guarantees the right of return for all Tunisians, emphasizing that the law of repentance for returnees was not an option. In January of 2017, a group of Tunisian citizens launched a campaign to reject the return of terrorists who had fought in Syria, Libya and Iraq, and the General Union of Tunisian Workers (UGTT) announced its rejection of the said terrorist repentance law.

Such attitudes revealed that the social debate on the integration of returning fighters did not go further than prosecution, and that Tunisia was not well-prepared in terms of resources and intelligence to develop a classification of returning FTFs and develop policies directed at approaching the returnees on a case-by-case basis. With returning Tunisian fighters, Tunisia is critically challenged.

It enacted a new counterterrorism law in July of 2015, in place of the 2003 law, and put into action stricter penalties on convicted terrorists, including death penalty; the terrorist acts covered by this law include spreading terrorism on social media, facilitating, financing or carrying out terrorist operations or even terrorist recruitment in Tunisia and elsewhere. Many political leaders openly called for returnees to be tried at the maximum penalties provided for in the said law, and many terrorists have been sentenced to death penalty since the law was passed.

Given the threat of a spate of FTFs, arresting or keeping them under surveillance upon their return is an ineffective use of resources, while not all of the returnees constitute a threat.

Far-reaching plans need to be developed to include social, economic, political, religious, educational and cultural measures to better address the challenge of returning FTFs. To this effect, the National Counterterrorism Strategy adopted by the Tunisian National Security Council in 2016 announced a paradigm shift; it states that combating extremism and terrorism requires a multifaceted approach, and there appears to be a consensus that this challenge requires addressing the root causes of extremism

and strengthening the ability of security forces to anticipate the threat and respond to it simultaneously.

CONCERNS AND APPROACHES OF MOROCCO

Counterterrorism is a security priority that is evident in the official Moroccan discourse, and has been manifested in a multifaceted strategic plan put into action by powerful security and intelligence institutions. The issue of returnees has gained more importance in recent years; yet, it is approached in the general counterterrorism framework and has no specific program.

The security and legal approach in Morocco created a new counterterrorism plan, strengthening the security services while constantly dismantling suspected terrorist cells. The Central Bureau of Judicial Investigation (BCIJ) was established in 2015, often referred to as the "Moroccan Federal Bureau of Investigation", and is mandated and entrusted with countering terrorism, arms smuggling, trafficking and kidnapping.

Abdelhak Khayyam, BCIJ President, was quoted as saying: Morocco is relentless in its crackdown on returning FTFs who have joined ISIS, and that the Moroccan authorities have arrested more than two hundred suspects, and brought them to justice.

In counterterrorist battles, Morocco invested in strengthening its intelligence services. Initially, the Moroccan security services worked with a network of highly experienced informants and whistleblowers in detecting extremism, and obtained mass surveillance techniques, and online searches.

The information provided by informants, whistleblowers and security officials helped uncover the suspected terrorist cells. According to the Moroccan authorities, 168 terrorist cells were dismantled, and 2,963 people were arrested between 2001-2017, of which 44 were directly linked to ISIS.

The Moroccan intelligence services were an important source of intelligence on terrorist transnational networks of many western countries, including Spain and France. According to Jean Michel, former Director-General of the French Counterterrorism Police, the information provided by the Moroccan intelligence services had a great impact on the arrest of the coordinator of the November 2015 attack in Paris. It should be noted that Morocco well cooperates with a number of European countries in counterterrorism issues.

The Moroccan counterterrorism approach may be successful; Morocco has not sustained terrorist attacks from 2011 until December of 2018, but it is



still driven by security, with little prevention. The existing reconciliation program needs rehabilitation or reintegration programs and programs to address the issue of returnees. Those who were in hot-spot warfare, were trained to use weapons and were part of larger networks need to receive rehabilitation programs offered in method especially designed for them.

Terrorist attacks in European countries have increased the threats of returning FTFs. Several European Union member countries to revoke their nationalities from those involved in terrorist crimes; over the past four years, a number of Moroccans were expelled from Europe, following their accusation of terrorist activities. Given the number of terrorist fighters or extremist individuals in Europe who hold Moroccan nationalities, this phenomenon is expected to increase in magnitude, which in turn emphasizes the need for strong cooperation between the European Union and Morocco.

Morocco has remarkably notched up resounding success in preventing terrorist attacks and obtaining intelligence information that was useful locally and internationally; yet its counterterrorism efforts are still restricted within the framework of the security approach, which can address the social, economic and administrative challenges.

WAY FORWARD

Among vital factors such as transparency, good policymaking to address the returnees' challenge requires a measure of humility. Many governments

around the world have developed policies to approach the returning FTFs over the past few years, especially in Europe. Yet, all governments recognize that these policies and programs should be approached with caution. Their feasibility has not yet been assessed; everyone is still learning from the action, and they are more likely to always make mistakes. Furthermore, there is no one-size-fits-all approach, and it is unclear to what extent some of the good practices developed in another city or country can be replicated. Still, broader guidelines have set the stage to better address returnees, especially within the United Nations, the Global Counterterrorism Forum and the European Union. Some of these principles need to be taken into consideration by governments, including the governments of the Maghreb countries.

Based on the findings of this report, it is clear that better policies need to be developed to address the returning FTFs. North African countries can be inspired by the United Nations Counterterrorism Committee (UN CTC) guidelines to approach this phenomenon with a holistic methodology. Security measures are of great importance to properly identify, monitor and prosecute returnees, but policies based solely on security measures will inevitably come to a failure.

Extremism in prisons is a real and big challenge across many countries, especially in some of the countries included in this report, and the returnees will add more pressure to this challenge. If the imprisonment of terrorists is the end of the judicial

cycle of treatment, then it should be the beginning of another cycle in rehabilitation and reintegration, and such programs have recently been put into action in Morocco. Imprisonment does not mean more than freezing the problem as long as possible but terrorists will be released sooner or later. Therefore, an effective approach to addressing the issue of the returnees should aim at reducing crime commission after their release by increasing their robust engagement in reintegration, which requires programs developed for a post-imprisonment stage and beyond.

Counterterrorism needs to be further developed to invest more in community-based prevention programs and address the breeding ground that caters for extremism. With foreign fighters returning into society and the risk of involvement in violent activities on the increase, the need for such programs comes into play.

Europe is ready to share its own experiences and provide support to North African countries. More cooperation between the judiciary and the security services could be seminal to both European and North African countries. While European countries are still learning through practice, some lessons from the past six years can really be drawn, and Europeans can also learn from regional initiatives, particularly from the de-radicalization programs in Moroccan prisons.

Europeans should encourage initiatives aimed at addressing the breeding ground that may lead to extremism in North Africa, by supporting social and economic development, promoting education, upholding the rule of law and most importantly developing comprehensive policies to integrate regional counterterrorism efforts.

KEY RECOMMENDATIONS

Developing a more methodical response to returnees: governments should be able to detect, monitor, pursue, rehabilitate and integrate returning fighters. Putting into action the rehabilitation and integration programs for the returnees as early as the prison stage: imprisonment may effectively freeze the problem arising from the returnees for several years, but it will not pay off in the long term. Some returnees do leave prisons in the Maghreb countries and Egypt with little support; however, a feasible approach should be taken with returnees to reduce the chances of extremism redux.

- **Addressing the breeding ground of violent extremism:** with the returning FTFs, the risks of

returning to their former involvement often loom large, especially if the root causes of extremism remain unaddressed. It is not clear how much effort has gone into prevention programs, but it is clearly still insufficient.

- **Establishing contacts and communications with regional and international partners:** obtaining as much information as possible about detained North African fighters requires quite a bit of cooperation, and the information and evidence gathered by the Iraqi authorities may be useful in feeding national and international databases (INTERPOL, Europol). More information about these fighters impedes their movements and nips their future plans in the bud.
- **Encouraging the development of comprehensive strategies by the European Union:** addressing the returning FTFs and violent extremism requires a permanent development of plans and strategies. Morocco and Tunisia, which are moving in the right direction, should be supported to develop stronger and more effective social prevention programs in preventing and fighting violent extremism.
- **Increasing support for the European Union:** security sector reform in the Maghreb region still needs support, with a special attention attached to justice and prison departments, while emphasizing the importance of compliance with human rights standards.
- **Increasing support for development programs:** undermining the breeding ground favorable for violent extremism can only be achieved by promoting economic development and social integration, in particular in areas affected by extremism.
- **Increasing support for active civil society organizations:** such organizations have a clear impact in preventing and combating violent extremism at the local level.
- **Sharing good practices between Europe and North Africa:** in addressing the returning FTFs and violent extremism, the Radicalization Awareness Network (RAN) funded by the European Union has identified a number of good practices that could inspire the region.
- **Supporting more cooperation and information exchange between counterterrorism agencies:** countering and preventing violent extremism in North Africa requires policymakers and stakeholders in the region to develop their good practices inspired by the local context.

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RETURNEES IN THE MAGHREB:
COMPARING POLICIES ON RETURNING
FOREIGN TERRORIST FIGHTERS IN
EGYPT, MOROCCO AND TUNISIA

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