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Returning ISIS Fighters: What Should Be Done With Them?

By Damien D. Cheong

Synopsis

Reports that several disillusioned ISIS fighters want to return to their home countries pose a serious challenge of developing an effective response. Their governments will have to strike a careful balance between deterrence, rehabilitation, intelligence-gathering needs and cost effectiveness.

Commentary

SEVERAL REPORTS have emerged over the past month suggesting that foreign ISIS fighters were seeking repatriation and/or have returned to their countries of origin. Officials in the United States revealed that several Americans who fought alongside ISIS had returned, and were being actively monitored by security agencies.

Similarly in Israel, a 23-year-old was recently arrested at the airport on his return after approaching security officials for help with repatriation; he was convicted for “unlawfully leaving Israel and undergoing prohibited military training”. A UK-based think tank, the International Centre for the Study of Radicalisation and Political Violence (ICSR), was approached by some fighters for help to return to Britain.

Responses

The security threat posed by returning Islamists is as challenging as the responses on how to deal with this problem. In Europe for example, four people were killed when a repatriated French fighter, who had ties with ISIS, attacked the Jewish Museum in Brussels last June. Apart from the inherent difficulties of preventing such individuals from returning to their countries of origin (legally or illegally) and carrying out active surveillance on them, the development of “coherent instruments” as well as a policy acceptable to all EU member states has proven hard to accomplish. This has led some EU officials to express their fears that a major terrorist attack in Europe is imminent.

Admittedly, the options currently available are limited. They include: prohibiting return; interception and subsequent incarceration; and specialised rehabilitation through disengagement and de-radicalisation programmes. All options entail major trade-offs between deterrence, rehabilitation,

intelligence-gathering needs and cost-effectiveness, not to mention taking into account different cultural and contextual realities.

Prohibiting return

Arguably, prohibiting return is the most appealing option provided the individual can be accurately identified. Australia and Canada have reportedly cancelled the passports of several individuals who are known ISIS fighters in order to make return difficult.

Some of the major advantages of pursuing a policy prohibiting return are as follows: it serves as a deterrent for locals aspiring to fight alongside ISIS; it punishes and holds the individual(s) accountable for breaking the law; it reduces the risk of the returning fighter carrying out an attack in the home country, assuming that was his/her intent in the future; and it is cost-effective in terms of the associated manpower, financial and logistical costs of imprisonment and surveillance of the returnee.

However, this approach does have disadvantages. These include: intelligence-gathering efforts could be undermined as the returnee could provide useful intelligence on ISIS and its operations; returnees could be useful in helping to dissuade others from subscribing to the Jihadist ideology, joining ISIS and/or perpetrating acts of violence; tensions between the state and particular segments of society as well as between different ethnic and/or religious communities could be exacerbated or created.

There are also legal issues to consider, as prohibiting return could contravene international laws. As Akil N. Awan from the University of London has pointed out: "Unless the accused happened to possess dual nationality, it would be deemed illegal to render a person stateless under existing UN conventions...".

Interception and subsequent incarceration

Under the interception approach, the returning fighter is treated as a regular criminal/offender and prosecuted under the state's criminal justice system. If convicted, the individual would be imprisoned and subjected to regular rehabilitative efforts.

In terms of positives, the individual: would be seen to be held accountable and punished for his/her offence; could possibly assist in intelligence-gathering efforts; may assist with de-radicalisation / disengagement from violence initiatives; and would be unable to directly carry out an attack in the home country (assuming that this was his/her future intent) while incarcerated.

However, on the negative side: he/she could directly and indirectly inspire and/or instigate others to carry out attacks; he/she could radicalise other prison inmates; he/she could be unhelpful with intelligence-gathering efforts; and the overall costs associated with imprisonment and surveillance would increase.

Specialised rehabilitation programmes

A final approach to dealing with radicalised returnees would be to place them through specialised rehabilitation programmes. This approach is currently being debated in India and is being employed in Aarhus, Denmark. According to *Al-Jazeera*, the Danish programme is essentially a collaborative effort between the police and civil society. Not only do returning fighters from Syria get access to medical treatment "for shrapnel...gunshot wounds and psychological trauma", volunteers also assist the returnees seek employment or resume studies. Other services include the provision of "support to the families of those already in Syria, ranging from helping them stay in touch via Skype [and liaison] with government officials, consulates and intelligence agencies to help get their relatives home when they decide they want to leave".

The benefits of this approach include: co-option of the returnee to assist with de-radicalisation / disengagement from violence initiatives; possible de-escalation of tensions between different groups in society and between state and specific ethnic/religious groups; possible co-option of the returnee to assist with intelligence-gathering (although this is not practised in the Danish case).

The disadvantages, however, are significant. They range from the approach's failure to deter other

individuals from joining ISIS as the 'personal costs' are low (i.e. a slap-on-the-wrist); it increases the risk that the specific individual might attack a domestic target (if that is their future intent); law-enforcement and surveillance costs are high; and non-Danish ISIS fighters may be encouraged to seek 'asylum' in Denmark.

Implications on social cohesion

An essential starting point, even before considering options, is to ascertain if the returning fighter(s) are indeed genuine. Expectedly, this would not be easy, and significant resources will have to be devoted to this. It is important also to consider the long-term implications especially on social cohesion within the state. This means the chosen option must not simply focus on plugging gaps and lowering risk but take into account forward planning and future risk.

Perhaps a viable solution is to combine the first and second options. The fighter would both be incarcerated and also undergo specialised rehabilitation as well. A variation of this approach is currently used in Singapore, and at present, it strikes a careful balance between deterrence, rehabilitation, intelligence-gathering needs and cost effectiveness. Nevertheless, depending on how the threat evolves, adjustments may have to be made in the future.

Although some observers are unconvinced that returning fighters pose a significant threat, it is, nevertheless, prudent for governments to think broadly about a response. This is especially so since resource allocation, risk management and overall national stability would ultimately be affected.

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