

**CSS** STUDY

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# Foreign fighters and their return – measures taken by North African countries

Zurich, October 2015

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## Executive summary

While a great deal of Western attention has been focused on European and American citizens leaving their countries to fight in Syria/Iraq, the conflicts in Syria and Iraq have inspired many more individuals from the Middle East and North Africa (MENA) to become foreign fighters (FFs). Indeed, the MENA region is the major source of FFs in Syria/Iraq, who for the most part join the so-called Islamic State (IS) or “Jabhat al-Nusra” (an offshoot of Al-Qa-eda in Iraq). With regards to the North Africa, on which this report is focused, evidence of the threat posed by returning FFs is nascent, yet tangible. There are signs that some FFs returning to their home countries are joining Salafist jihadi groups on their return and, in some cases, are actively engaged in recruiting individuals to fight in Syria/Iraq and/or facilitating their travel to the respective conflict zones.

Many countries in North Africa did not initially adopt specific measures to prevent their nationals from leaving to fight in the Syrian conflict and, in some cases, even tacitly approved of their citizens going to Syria to fight against the Assad regime. However, concerns about their citizens going to Syria and Iraq to fight have since mounted. Only as “veterans” from Syria/Iraq began to return home, did most North African states take measures to address the challenges posed by FFs. Algeria appears to have been the exception, having already adopted measures to prevent its citizens from fighting in foreign conflicts. At the other end of the spectrum, the deterioration of the security and political situation in Libya has meant that the internationally recognized Libyan government has lacked the capacity significantly address the phenomenon of FFs. Moreover, since mid-2014, relevant capacity building assistance to Libya has been largely on hold.

## Introduction<sup>1</sup>

While much Western attention has been focused on European and American citizens leaving their countries to fight in the Syrian and Iraqi conflict zones, these conflicts have inspired far more individuals from Middle Eastern and North African countries to become foreign fighters (FFs). With the caveat that precise figures are near impossible to obtain, the International Centre for the Study of Radicalization and Political Violence (ICSR) estimated that as of January 2015 the number of individuals leaving their home countries to fight in Syria and Iraq had reached some 20,000. An estimated 11,000 of these are believed to originate from the Middle East and North Africa (MENA), making the MENA region the principal source of FFs in Syria/Iraq.<sup>2</sup> The overall ICSR figure is largely corroborated by the UN Counterterrorism Committee’s Executive Directorate, which released an estimate in May 2015 of 15,000–20,000 FFs in Syria/Iraq.<sup>3</sup> The same body has gathered officially recognized numbers of individuals who are known to have recently travelled to Syria/Iraq to fight. Figures for North African countries are shown in Table 1.

Table 1: Officially acknowledged figures of foreign fighters who have recently travelled to Iraq/Syria

Country	Foreign fighters
Tunisia	3,000
Morocco	1,200
Algeria	170
Egypt	<i>State does not possess accurate information</i>
Libya	<i>State does not possess accurate information</i>

Source: reproduced from United Nations Security Council, “Letter Dated 13 May 2015 From the Chair of the Security Council Committee Established Pursuant to Resolution 1373 (2001) Concerning Counter-Terrorism Addressed to the President of the Security Council, 14 May 2015.

Although no officially recognized numbers of FFs from Egypt and Libya have been released by the UN Counterterrorism Committee’s Executive Directorate, the ICSR estimated in January 2015 that 360 Egyptian FFs and 600 Libyan FFs have travelled to Syria/Iraq.<sup>4</sup> Actual numbers in all cases may be much higher.

FFs in the Syrian conflict originating from North African countries mostly join the so-called Islamic State

1 Thanks to Dr. Oliver Thränert, Dr. Christian Nünlist and Dr. Prem Mahadevan for their feedback on earlier drafts.

2 Peter R Neumann, “Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s,” *ICSR Insight*, 26 January 2015. This figure is based on the total estimated number of travelers to Syria and Iraq since the start of the Syrian conflict.

3 United Nations Security Council, “Letter Dated 13 May 2015 From the Chair of the Security Council Committee Established Pursuant to Resolution 1373 (2001) Concerning Counter-Terrorism Addressed to the President of the Security Council, 14 May 2015, p.9.

4 Neumann, “Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000.”

(IS) or “Jabhat al-Nusra” (an offshoot of Al-Qaeda in Iraq).<sup>5</sup> Only a minority are believed to have joined the Free Syrian Army or other rebel groups. This report focuses on militant Sunni FFs originating from North Africa, since they constitute the largest group of FFs and because these individuals are likely to pose the greatest threat to North African states on their return (i.e. in terms of terrorist attacks, recruitment and facilitation of travel). In general, FFs from these countries have travelled to Syria with the logistical support of domestically based recruitment cells and Salafist jihadi groups.

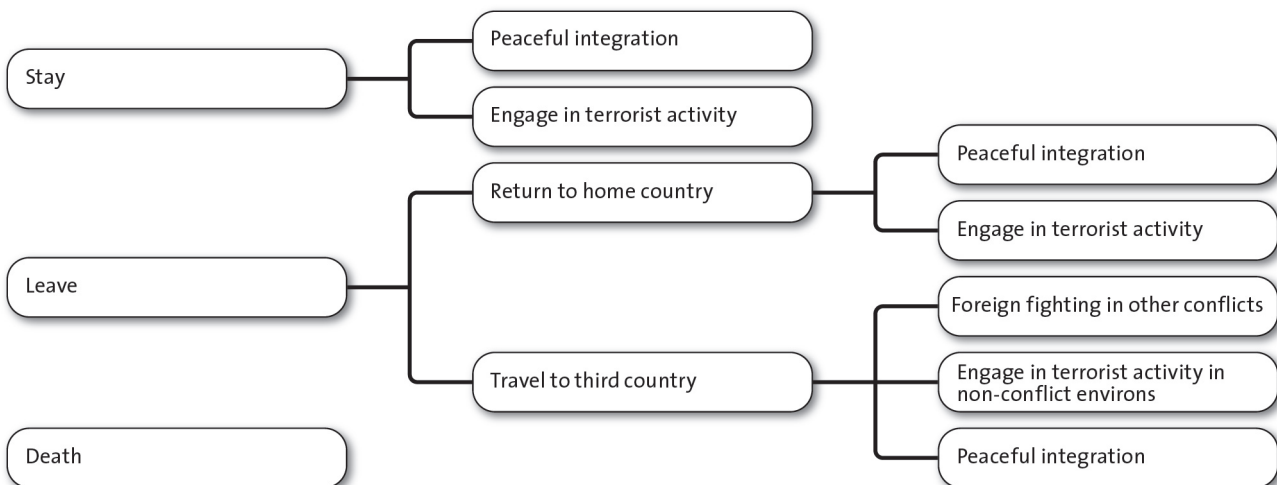
A number of “pathways” are possible for FFs once they reach their destination. Some FFs will be killed in the conflict zone, some may stay in the conflict zone permanently and others may leave the conflict zone. Those FFs that leave the conflict zone may return to their home countries or travel to a third country. Some FFs returning to their countries of origin may engage in terrorist activity. However, not all returning FFs will pose a threat to the security of their home country and it may be possible to re-integrate them into society.<sup>6</sup> The International Centre for Counter-Terrorism in The Hague has produced a useful diagram that depicts the possible pathways of FFs (Diagram 1).

While the process of FFs returning to North African countries has begun, there is little information on the

numbers of returning FFs or estimates of expected returnee FFs. The Tunisian Ministry of Interior’s secretary of state is, however, reported to have stated in February 2015 that approximately 500 FFs who fought with IS have returned home.<sup>7</sup> Moroccan authorities acknowledged in mid-2014 that 120 Moroccan FFs were known to have returned home.<sup>8</sup>

The concern is that returning fighters could join violent Islamist groups and carry out attacks in their home countries or in third countries, establish their own groups or travel to third countries in the region to fight in other conflicts, notably that in Libya. The “export” and “import” of FFs is particularly worrying for the governments of countries in North Africa, since they have a history of violent jihadism and some are currently dealing with increased radicalization and instability following the Arab uprisings. It is also feared that Al-Qaeda affiliated groups and violent jihadi groups that have pledged allegiance to IS or are IS affiliates will also seek to capitalize on the return of FFs and their battle experience. Indeed, parallels have been made with the “Arab Afghans”, who fought against the Soviets, and the turmoil that followed in Afghanistan that sowed the seeds for the creation Al-Qaeda and various violent jihadist groups across the Muslim world.<sup>9</sup> Concerns about the risks posed by returnees from Syria/Iraq add to existing worries about FFs from other areas on their soil. Egypt, Tunisia and Libya are,

Diagram 1: Possible foreign fighter pathways



Source: Based on Jeanine de Roya van Zuijdewijn and Edwin Bakker, “Returning Western Foreign Fighters: The Case of Afghanistan, Bosnia and Somalia, International Centre for Counter-Terrorism Background Note,” The Hague, June 2014, p.10.

5 Somini Sengupta, “Nations Trying to Stop Their Citizens from Going to Middle East to Fight for ISIS,” *The New York Times*, 12 September 2014; Col. (ret.) Dr. Jacques Neria, “North African Fighters in the Syrian and Iraqi Conflict: The Reality and Implications,” *jcpa.org*, 13 January 2015.

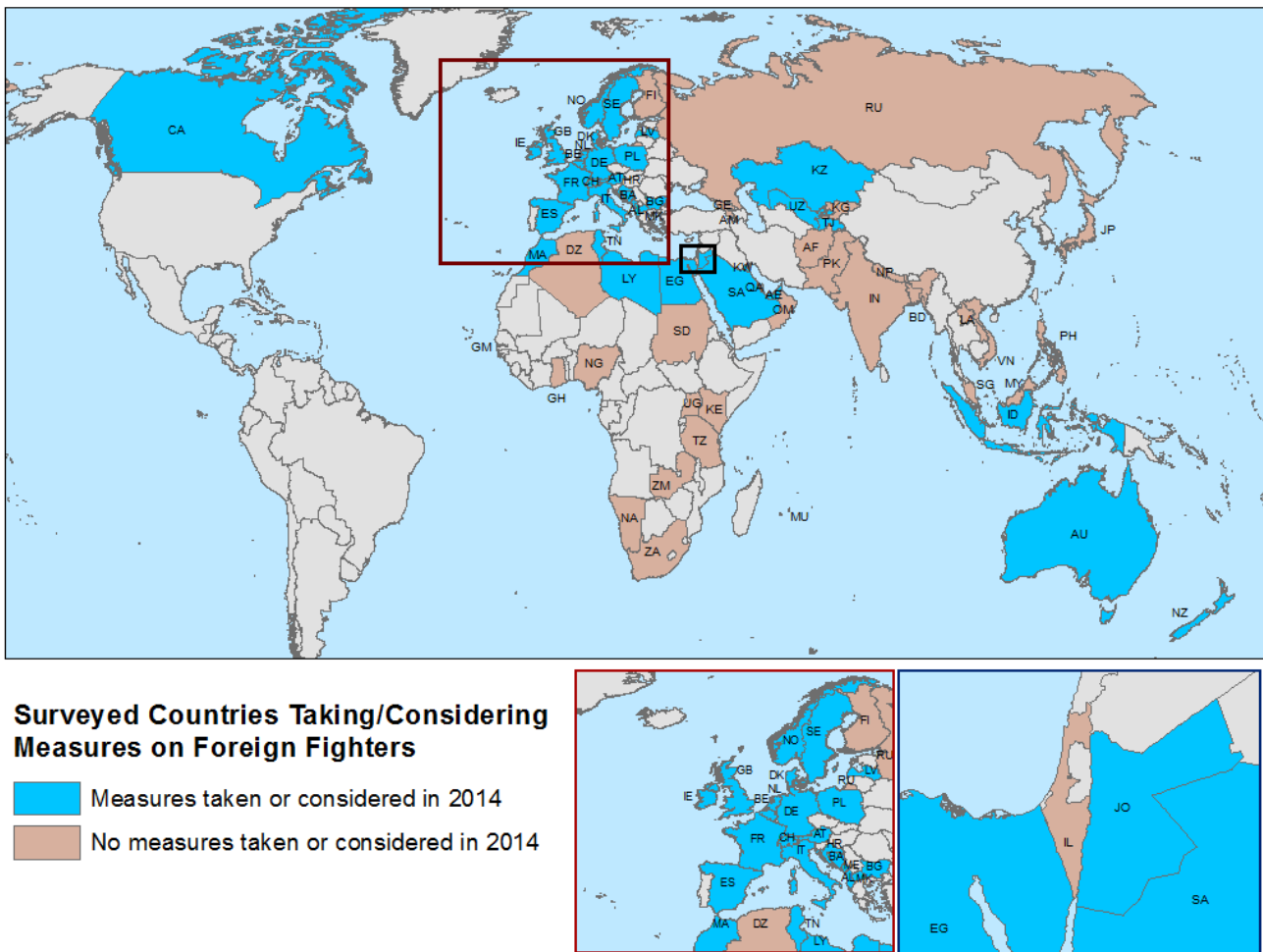
6 Haldun Ylcinkaya, “International Cooperation against Foreign Fighters: The Experience of Turkey,” *ORSAM Review of Regional Affairs*, No.22, February 2015, pp.4 –5.

7 Diego Minuti, “Libya: Algeria and Tunisia Tighten anti-ISIS Security – Concerns of Contagion in Neighbouring Countries,” *Ansamed*, 16 February 2015.

8 United States State Department, *Country reports on Terrorism 2014 – Morocco*, 19 June 2015, available at <http://www.refworld.org/docid/5587c74734.html>, accessed 24 June 2015.

9 Daniel Byman, “The Home Comings: What Happens When Arab Foreign Fighters in Iraq and Syria Return?” *Studies in Conflict and Terrorism*, May 2015, p.2

Diagram 2: Countries taking or considering legal measures on foreign fighters



Source: Global Research Directorate Staff, US Law Library of Congress, “Treatment of Foreign Fighters in Selected Jurisdictions,” 14 December 2014.

for example, also destinations for Maghrebian and Sahelian FFs who wish to contribute to domestic jihad in these countries. Certain North African countries also serve as transit and training points for individuals wishing to travel to fight in Syria/Iraq.

The evidence of the threat posed by returning FFs is nascent, yet palpable. There are signs that established Salafist jihadi groups in North Africa are recruiting FFs. Egypt’s IS affiliate “Sinai Province” (formerly Bayt al-Maqdis) is known to have recruited FFs returning from Syria. There are already indications that returnees from Syria have been involved in attacks carried out by the group in Egypt. The Salafist jihadi group “Al-Mourabitoun” – formerly “Those Who Sign Their Names in Blood”, an offshoot of Al-Qaeda in the Islamic Maghreb (AQIM) – is also believed to be recruiting from the Syrian battlefield, though most likely on Libyan rather than Algerian territory. In addition, a number of recruitment and transport

facilitation cells in Algeria, Tunisia, Morocco and Egypt have been reportedly dismantled.<sup>10</sup>

While many countries in North Africa did not initially take specific measures to prevent their nationals from leaving to fight in the Syrian conflict and, in some instances, even tacitly approved of their citizens going to Syria to fight against the Assad regime, concerns about their citizens becoming FFs in Syria since have mounted. Only as the threat posed by Syrian “veterans” became apparent, as they returned to their home countries, did most North African countries take measures in relation to FFs. Algeria appears to have been the exception, already having adopted measures to prevent Algerians from becoming FFs. At the other end of the spectrum, the

<sup>10</sup> Robert Verkaik and Robert Mendick, “Al-Qaeda Leader Mokhtar Belmokhtar Sparks New Jihadi Terror Threat,” *The Telegraph*, 13 July 2014; Waleed Abu al-Khair, “Maghreb Countries Wary of Returning Syria Jihadists,” *Al-Shorfa*, 6 March 2014; US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*; TelQuel, “Jihadists Returning from Syria Pose Threat to Morocco,” *Al-Monitor*, 29 May 2014; “Spain and Morocco Bust Suspected ISIS Recruiting Cells,” *NBC News*, 14 August 2014; Walid Ramzi, “Algeria Cracks Down on Syria Recruiting Networks,” *Al-Shorfa*, 25 April 2013; “Egypt Busts Cell Recruiting Syria Militants,” *Al Arabiya*, 6 October 2014; “Egypt Jihadist Arrested On Return from Syria,” *AFP*, 19 November 2014.

deterioration of the security and political situation in Libya has meant that the internationally recognized Libyan government has lacked the capacity to take significant measures to address the issue and, since mid-2014, to even receive capacity building assistance from international partners. The US Law Library of Congress has produced a useful visualization of the countries that have or are considering adopting legal measures to address challenges posed by FFs and their return, which shows that most North African countries have taken legal measures to address the FF phenomenon linked to the Syrian and Iraqi conflicts (Diagram 2).

This report provides an overview of the general approaches and specific measures adopted by five North African countries – Algeria, Egypt, Libya, Tunisia and Morocco – to help prevent their citizens from traveling abroad to become FFs and to reduce the risks that could be posed by their return. For each of the examined countries the report will:

- a) Set out the general policy approach to FFs adopted by the respective country.
- b) Outline measures taken to prevent individuals from becoming FFs. These measures are sub-divided into:
  - a) Counter-terrorist operations to dismantle recruitment networks;
  - b) Legal measures: legislation used to make it an offense to become a FF or to recruit and assist others in becoming FFs;
  - c) Administrative measures: mostly travel bans;
  - d) Border security: tightening of border security to detect suspected FFs;
  - e) Counter-incitement and counter-radicalization measures: “soft” measures, such as educational and awareness programs, blocking extremist websites and TV/radio channels, development programmes and outreach to civil society;
  - f) Cooperation with partners: bilateral cooperation with partners and with regional and international bodies, such as information sharing and measures to strengthen border security; and
  - g) Multilateral initiatives: participation in multilateral fora on FFs, aimed at norms setting, information sharing and setting of best practices.
- c) Describe measures adopted in relation to FFs who have returned to the country. These measures are sub-divided into:
  - a) Legal measures: legislation used to arrest and prosecute individuals who have been FFs;
  - b) Administrative measures: measures taken to reduce the threat posed by returning FFs, such as the creation of databases to monitor and track the movements of returnees;
  - c) De-radicalization and de-mobilization: “soft” measures aimed at de-mobilizing former FFs, such as programmes to re-integrate FFs into society and amnesty for those FFs not deemed to pose a security threat;
  - d) Cooperation with partners: cooperation bilaterally and internationally to, for example, identify and track returning FFs; and
  - e) Multilateral initiatives: participation in multilateral fora working on best practices related to addressing challenges posed by returning FFs.

# Tunisia

## General approach

After having responded slowly to the potential threats posed by FFs and their return, Tunisia is now in the process of developing a comprehensive strategy to address the challenges posed by FFs. It combines repressive and soft measures both to prevent individuals from becoming FFs and to address the risks posed by returnee FFs.<sup>11</sup>

## Measures before departure

### Disrupting recruitment networks

The Tunisian authorities are attempting to dismantle recruitment networks and networks facilitating the travel of Tunisians to fight in conflict zones. In March 2014, the former Tunisian Interior Minister, Lofti Ben Jeddou, reported that six networks facilitating the transportation of fighters to Syria had been dismantled.<sup>12</sup>

### Legal measures

A new counterterrorism law was adopted on 24 July 2015.<sup>13</sup> Article 9 of the new law criminalizes joining a terrorist group in a foreign country,<sup>14</sup> enabling the prosecution of FF returnees.

### Non-legal measures

A number of measures have been adopted to prevent individuals from traveling to Syria and Iraq to fight. These include:

- A travel ban on anyone suspected of traveling to Syria to fight in these conflicts.<sup>15</sup> However, the travel ban appears to prohibit the exit of males under 35 from rural areas, rather than being a targeted ban that prevents people suspected of traveling to fight in foreign conflicts from leaving the country.<sup>16</sup>

- Controls at airports have been reinforced, as well as those at land borders, especially the land border with Libya.<sup>17</sup>
- The Tunisian government has also been attempting to take measures that address the motivations of FFs:
  - The Tunisian authorities have suspended over 150 civil associations with alleged connections to jihadist groups. At least one radio station and one TV station, as well as several websites advocating violent jihad have also been closed down.<sup>18</sup>
  - The Tunisian government is attempting to centralize the control of mosques and the religious sphere. While these policies pre-date contemporary concerns about FFs, asserting greater control over Tunisia's mosques and religious space has taken on greater urgency. According to government sources, non-government authorized imams controlled about one-fifth (about 1000) mosques in 2011, when the interim government took office. By mid-2014, 20 mosques that were not under state control were closed for preaching violent jihad.<sup>19</sup> Following the June 2015 attack in Sousse, the government announced that it planned to close down a further 80 mosques outside government control that have been accused of preaching violent jihad.<sup>20</sup>
  - In order to counter radicalization, the Tunisian government has also established educational programmes aimed at engaging young people who may be at risk of being recruited by violent extremists. These include awareness campaigns, youth centres and other educational activities.<sup>21</sup>

### Cooperation with partners

At the regional level, the Tunisian government has intensified cooperation with the Algerian and Libyan authorities on border security. Algeria and Tunisia have also been in discussions on intensifying their security cooperation and intelligence sharing.<sup>22</sup>

At the international level, Tunisia has enhanced its intelligence sharing with US and European anti-terrorism agencies.<sup>23</sup> In November 2014, Tunisia also pledged to work with France to develop cooperative measures to prevent their citizens from becoming FFs through

11 For a good overview, see Daveed Gartenstein-Ross and Briget Moreng, "MENA Countries' Responses to the Foreign Fighter Phenomenon," in Andrea de Guttery, Francesca Capone and Christophe Paulussen (eds.) *Foreign Fighters under International Law and Beyond* (T.M.C. Asser Press and Springer Verlag, forthcoming).

12 Abu al-Khair, "Maghreb Countries Wary of Returning Syria Jihadists."

13 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*; The Jamestown Foundation, *Terrorism Monitor*, Vol. XIII, Issue 9, 1 May 2015, p. 6.

14 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*; US Law Library of Congress, "Treatment of Foreign Fighters in Selected Jurisdictions: Country Surveys," accessed 26 June 2015.

15 Kevin Sullivan, "Tunisia, after Igniting Arab Spring, Sends the Most Fighters to Islamic State in Syria," *The Washington Post*, 28 October 2014.

16 Jonathon Githens-Mazer, Rafael Serrano and Trahaearn Dalrymple, *OpenSecurity*, 19 July 2014.

17 Eileen Byrne, "Tunisian PM Promises 'Detailed Investigation' into Bardo Museum Attacks," *The Guardian*, 21 March 2015.

18 Sullivan, "Tunisia, after Igniting Arab Spring"; Haim Malka, "Tunisia: Confronting Extremism," in John B. Alterman (ed.) *Religious Radicalism after the Arab Uprisings*, CSIS Report, 2014, p. 109.

19 Malka, *ibid.*, pp. 109, 111–14.

20 "Tunisia to Beef Up Security Measures in the Wake of Deadly Hotel Attack," *Euronews*, 27 June 2015.

21 US Department of State, *Bureau of Counterterrorism, Country Reports on Terrorism 2013*.

22 *Ibid.*

23 Neriah, "North African Fighters in the Syrian and Iraqi Conflict."



intensifying cooperation between security services and police, as well as through counter- and de-radicalization programmes.<sup>24</sup> Tunisian officials participated in the first informal, high-level meeting on FFs co-organized by the EU's Counter Terrorism Coordinator (CTC) and the European External Action Service (EEAS). The Tunisian government has also requested EU assistance to improve its management of border security along its border with Libya. The EU reported in May 2015 that it plans to establish a Strategic Communications Advisory Team tasked with working with Member States and third countries, including Tunisia, to develop communication strategies and counter-narratives to address the motivations of individuals traveling to fight in Syria.<sup>25</sup> Tunisia also participates in multilateral cooperative arrangements, such as the Global Counterterrorism Forum (GCTF).<sup>26</sup>

## Measures upon return

Tunisia is still in the process of developing a clear strategy for dealing with FFs returning from Syria/Iraq. Tunisian authorities, in some cases, prosecute returning FFs and, in others, monitor and re-integrate them into society.

### Legal measures

Some returnees from the Syria war have been imprisoned for months without trial, while others have been released after several days in detention.<sup>27</sup> According to the former Interior Minister, Ben Jeddou, approximately 450–500 Tunisians had returned from fighting in Syria as of October 2014 and one-third were imprisoned.<sup>28</sup> However, the legal basis for such arrests prior to the new anti-terrorist law coming into effect in July 2015 is unclear, however.

### Non-legal measures

Tunisian authorities monitor FF returnees who are not imprisoned. A database has been created to record returnee FFs in order to monitor and track their movements.

With the aim of de-radicalizing and de-mobilizing returnee FFs, the Tunisian government has established an amnesty programme to re-integrate into society those FF returnees who have not killed anyone or who surrenders their weapons. It does not apply to known members of

Al-Qaeda or AST, however. Official sources have referred to it as a “forgiveness and repentance law”.<sup>29</sup>

### Cooperation with partners

In order to track Tunisian FFs who have gone to Syria, Tunisia re-established diplomatic relations with Syria in early 2015. It is hoped that the consular presence in Syria will help Tunisian authorities to track Tunisian citizens fighting with Islamist militant groups. Tunisia is also expected to restore diplomatic relations with Libya, with a similar aim.<sup>30</sup>

Tunisian authorities also cooperate with the International Criminal Police Organization (Interpol). Interpol circulates notices containing the names of those believed to be involved in fighting in Syria and Iraq, with a focus on those in the ranks of Jabhat al-Nusra and IS, to several countries in North Africa, including Tunisia.<sup>31</sup>

24 “France, Tunisia Pledge to Act against Jihadists, *Naharnet*, 10 November 2014.

25 EU Counter-Terrorism Coordinator, “Foreign Fighters and Returnees from a Counter-Terrorism Perspective, In Particular with regard to Syria: State of Play and Proposals for Future Work,” Brussels, 5 May 2015.

26 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*. US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2014*.

27 Asma Ghribi, “Tunisia Struggles to Cope with Returnees from Syrian Jihad,” *Foreign Policy.com*, 12 September 2014.

28 Sullivan, “Tunisia, after Igniting Arab Spring.”

29 Aaron Y. Zelin and Jonathan Prohov, “Proactive Measures: Countering the Returnee Threat,” *Lawfare*, reprinted with permission by The Washington Institute for Near East Policy, 18 May 2014; Shivit Bakrania, “Countering and De-radicalization With Returning Foreign Fighters,” *GSDRC Helpdesk Research Report*, 28 August 2014, p. 8.

30 “Tunisia to Revive Syria Ties to Track Jihadists,” *BBC*, 3 April 2015.

31 Abu al-Khair, “Maghreb Countries Wary of Returning Syria Jihadists,” *Al-Shorfa*, 3 June 2014.

# Morocco

## General approach

Morocco's policy approach is fairly comprehensive, including repressive and "soft" counter-radicalization and de-mobilization measures. Morocco also engages in substantial cooperation with regional and international partners.<sup>32</sup>

## Measures before departure

### Dismantling recruitment networks

Moroccan authorities have disrupted terrorist groups with ties to AQIM, which continues its efforts to recruit Moroccans to fight in other countries. In January 2013, 12 individuals were convicted under the 2003 counterterrorism law of recruiting young men to fight abroad with AQIM. According to the Ministry of the Interior, the cell had recruited over 40 people to fight in Syria. In December 2013, Tunisian authorities dismantled a cell whose members were planning to go to Syria to fight. Several members of the group are reported to have had links to the Sham al-Islam movement, a group composed of Moroccans fighting in Syria. Some of the individuals had allegedly returned from Syria and were raising funds in order to return to Syria with new recruits.<sup>33</sup> The Moroccan security services announced in April 2014 that 70 people linked to recruitment cells for the Syria conflict had been arrested.<sup>34</sup> Cells linked to IS have also been dismantled over the last year. In August 2014, Moroccan security services, working in collaboration with Spanish authorities, dismantled a recruitment network suspected of working for IS.<sup>35</sup> A recruitment network spanning several cities that had been recruiting young Moroccans to fight alongside IS in Syria and Iraq was also dismantled in March 2015.<sup>36</sup>

### Legal measures

Moroccan authorities have amended existing legislation in order to deal more effectively with FFs. In January 2015, amendments to the Criminal Procedures Law and Penal Law were adopted to make them compliant with UNSC Resolution 2178 on Foreign Fighters. The amendments criminalize support for terrorist groups, travel to fight or

train in conflict zones, as well as the recruitment of others to fight in conflict areas abroad.<sup>37</sup>

### Non-legal measures

Moroccan authorities have adopted a number of non-legal measures to prevent its citizens from traveling to fight in Syria/Iraq. These include:

- Tracking baseline networks. Moroccan authorities are attempting to track and monitor potential FFs on their journey to the battlefield and to document their activities on the battlefield.<sup>38</sup>
- Controls at airports, as well as controls along Morocco's land border with Algeria, have been reinforced.<sup>39</sup>

One of the key measures taken by the Moroccan government to prevent violent jihadism is regulation of the country's religious space. It has focused on promoting moderate Islam through, for example, regulating religious curricula for imams and strengthening the Ministry of Endowments and Islamic Affairs. The Ministry's affiliated Mohammedan League of Ulema also carries out research on the nation's Islamic values, ensures conformity with approved curricula and also engages in outreach to youth on religious and social questions. Employment initiatives for young people and an expansion of the legal rights and empowerment of women are also part of Morocco's counter-radicalization strategy.<sup>40</sup> While some of these measures predate contemporary concerns about FFs, they have gained in importance as Morocco attempts to prevent its citizens from becoming FFs.

### Cooperation with partners

Morocco cooperates with international partners to reduce the flow of FFs. It has enhanced its intelligence sharing with US and European anti-terrorism agencies, especially that of Spain.<sup>41</sup> Morocco participated in the first informal, high-level meeting on FFs co-organized by the EU's CTC and the EEAS. Morocco organized a follow-up meeting in June 2014. It is hoped that the EU's planned Strategic Communications Advisory Team will work with Morocco to develop communication strategies and counter-narratives to reduce the flow of FFs.<sup>42</sup>

<sup>32</sup> For a good overview, see Gartenstein-Ross and Moreng, "MENA Countries' Responses to the Foreign Fighter Phenomenon".

<sup>33</sup> US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

<sup>34</sup> TelQuel, "Jihadists Returning from Syria Pose Threat to Morocco."

<sup>35</sup> "Spain and Morocco Bust Suspected ISIS Recruiting Cells."

<sup>36</sup> "Morocco: Militant Cell Recruiting IS Fighters Is Dismantled," *The New York Times*, 1 April 2015.

<sup>37</sup> United States Department of State, *Country Reports on Terrorism 2014 – Morocco*.

<sup>38</sup> TelQuel, "Jihadists Returning from Syria Pose Threat to Morocco."

<sup>39</sup> Mohammed Masbah, "Taking Advantage of Morocco's Security Threat," *Sada*, 10 October 2014.

<sup>40</sup> United States Department of State, *Country Reports on Terrorism 2014 – Morocco*.

<sup>41</sup> "Réunion à Marrakech du Groupe de travail du Forum Global de Lutte contre le Terrorisme (GCTF)," site du Royaume du Maroc, accessed 29 June 2015; Neriah, "North African Fighters in the Syrian and Iraqi Conflict."

<sup>42</sup> EU Counter-Terrorism Coordinator, "Foreign Fighters and Returnees from a Counter-Terrorism Perspective."

Morocco is also active in multilateral fora. With the Netherlands, it leads the GCTF. Morocco co-chaired the inaugural plenary session of the GCTF's Foreign Terrorist Fighters Working Group in December 2014.<sup>43</sup>

## Measures upon return

Morocco has adopted a hardline approach, arresting all returnee FFs. Mechanisms to re-integrate returning FFs are now being considered, however.

### Legal measures

Already in July 2014, the Moroccan Ministry of the Interior claimed to have arrested over 120 FFs returning from Syria since the outset of the conflict.<sup>44</sup> Under which legal framework they were arrested is unclear. However, the 2015 amendments to the Criminal Procedures Law and Penal Code now make it possible for Moroccan authorities to arrest and prosecute returnee FFs for fighting or training in foreign conflicts.<sup>45</sup>

### Non-legal measures

The Moroccan government is considering establishing mechanisms through which returnee FFs may be reintegrated into society, provided they do not pose a security risk.<sup>46</sup>

### Cooperation with partners

Morocco is a member of Interpol and, as such, can receive Interpol alerts on suspected FFs and inform Interpol of stolen or lost passports that may be used by FFs traveling to Syria/Iraq.<sup>47</sup>

43 United States Department of State, *Country Reports on Terrorism 2014 – Morocco*.

44 *Ibid.*

45 "Morocco Expands Laws against Militant Seekers, *Al-Arabiya News*, 19 September 2014; "Morocco: House of Representatives Adopts 'Anti-terrorism Law,'" *Morocco World News*, 21 January 2015.

46 Zelin and Prohov, "Proactive Measures: Countering the Returnee Threat."

47 "Morocco," Interpol website, accessed 29 June 2015.

# Algeria

## General approach

A combination of repressive and soft measures is available to prevent individuals from becoming FFs, though most have not been taken as responses to contemporary concerns about FFs in Syria/Iraq and their return.

## Measures before departure

### Disruption of recruitment networks

Algerian security services have intensified their efforts to disrupt and dismantle recruitment networks. Security forces have tracked and apprehended recruitment cells that specialized in transporting people from training camps in Tunisia to Syria.<sup>48</sup> The Algerian security services have also arrested individuals recruiting others to fight alongside Jabhat al-Nusra in Syria.<sup>49</sup>

### Legal measures

Article 87 of the Penal Code criminalizes involvement with terrorist groups outside the country.<sup>50</sup> With regards to incitement, harsh fines and prison sentences may be issued to individuals other than government-appointed imams who preach in mosques under the Penal Code.<sup>51</sup>

### Non-legal measures

The Algerian government has not adopted a travel ban for those suspected of traveling to fight in Syria or Iraq. It does, nevertheless, monitor passenger lists and employs biometric screening, which may assist in the identification of suspect travelers. Border controls, as well as reinforced military presence, on the country's common borders with Libya, Morocco and Tunisia have also been tightened, partly to prevent Algerians from leaving to join terrorist groups outside the country and partly to prevent foreign terrorist fighters from entering Algeria. Algeria has also intensified its border cooperation with Tunisia<sup>52</sup> and Libya.

Algeria has taken various measures to counter incitement to violent jihadism and counter-radicalization:

- While not entirely a direct response to the FF phenomenon, Algeria has taken substantial steps to control

the religious sphere. The Algerian authorities train, appoint and pay the salaries of imams. Mosques are also monitored in relation to security-related offenses and the government prohibits the use of mosques outside of prayer times. The Algerian government also has the authority to pre-screen sermons, but generally provides preapproved sermon topics. The Ministry of Religious Affairs also hires teachers at Quranic Schools.<sup>53</sup>

- The Ministry of Religious Affairs also warns Algerians of the risks of foreign extremist trends, such as IS and of following fatwas (judicial rulings) that originate from outside the country. In 2014, the Religious Affairs Minister also submitted a proposal to the Presidency to establish an Academy of fatwa that would have the authority to take legal action against unfounded fatwa and to inform the population on the criteria for issuing fatwa.<sup>54</sup>
- The Algerian government has established a development plan and a national reconciliation policy to foster trust between communities. It also provides social services and family outreach mechanisms to prevent the marginalization of young people who may be at risk of recruitment for combat in foreign conflict zones.<sup>55</sup>

### Cooperation with partners

Algeria has increased its cooperation with Libya, Tunisia and Morocco on border security.<sup>56</sup> Algeria has enhanced its intelligence sharing with US and European anti-terrorism agencies.<sup>57</sup> The Algerian Ministry of Religious Affairs is cooperating with the French Ministry of the Interior on counter-radicalization initiatives, such as transmitting Friday Prayers from the Grand Mosque in Paris on Algerian television.<sup>58</sup> Algeria has also participated in the first informal, high-level meeting on FFs co-organized by the EU's CTC and the EEAS. The EU hopes that its planned Strategic Communications Advisory Team will be able to cooperate with Algeria on developing strategic communications and counter-narratives to reduce the flow of FFs to Syria/Iraq.<sup>59</sup> The Algerian government employs Interpol alerts and notices in order to identify suspect travelers at land, air and sea borders.<sup>60</sup>

48 Abu al-Khair, "Maghreb Countries Wary of Returning Syria Jihadists."

49 Ramzi, "Algeria Cracks Down on Syria Recruiting Networks."

50 US Law Library of Congress, "Treatment of Foreign Fighters in Selected Jurisdictions: Country Surveys."

51 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

52 United States Department of State, *Country Reports on Terrorism 2014 – Algeria*, 19 June 2015, available at [www.refworld.org/docid/5587c75c28.html](http://www.refworld.org/docid/5587c75c28.html), accessed 30 June 2015; Minuti, "Libya: Algeria and Tunisia Tighten anti-ISIS Security."

53 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

54 United States Department of State, *Country Reports on Terrorism 2014 – Algeria*, p. 5.

55 *Ibid.*, p. 2.

56 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

57 Neriah, "North African Fighters in the Syrian and Iraqi Conflict."

58 United States Department of State, *Country Reports on Terrorism 2014 – Algeria*, p. 4.

59 EU Counter-Terrorism Coordinator, "Foreign Fighters and Returnees from a Counter-Terrorism Perspective."

60 United States Department of State, *Country Reports on Terrorism 2014 – Algeria*, p. 2.

The Algerian government is involved in a number of multilateral fora focused on the challenges posed by FFs. Algeria has expressed its support for UNSC Resolution 2178 in relation to foreign terrorist fighters. In November 2014, Algerian officials participated in a regional conference on FFs jointly organized by Switzerland and the EU. Algeria is also a founding member of the GCTF. In December 2014, Algerian officials participated in the GCTF Foreign Terrorist Fighters Working Group meeting in Marrakesh. In the same month, Algerian officials also attended a meeting of the International Institute for Justice and Rule of Law (IIJ) and UN Counterterrorism Committee Executive Directorate on the challenges posed by evidence collection and effective prosecution of cases of suspected FFs.<sup>61</sup>

## Measures upon return

Only criminal measures appear to exist to address the risks of returning FFs (Article 87 of its Penal Code), although Algeria's de-mobilization policies for combatants engaged in its civil war gives the authorities considerable experience in re-integrating violent jihadists back into society that could be drawn upon.

### Cooperation with partners

Interpol officials are stationed at the port and airport in Algiers. Border security officials at airports, as well as land and sea borders, have access to Interpol's Global databases.

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<sup>61</sup> *Ibid.*, p.4.

# Libya

## General approach

Libya has limited legal tools with which to address the FF phenomenon, given the fragmentation of power in the country. Since mid-2014, the country has rival two parliaments - the internationally recognized House of Representatives, elected in June 2014 and based in Tobruk, and the General National Congress, elected in 2012 and based in Tripoli – respective governments and allied militias. Neither faction has been in a position to legislate or govern properly. The previous interim government was eager to receive outside assistance to strengthen its capacity to prevent Libyans from becoming FFs, reduce the risks of their return and deal with the challenges of being a transit state. However, much of that assistance is being delayed as a result of the current security and political situation in the country.

## Measures before departure

### Disruption of recruitment networks

Even before the outbreak of fighting in July 2014, Libyan law enforcement agencies generally lacked the capacity to deter, detect and to investigate terrorist-related activities,<sup>62</sup> making it very difficult to disrupt or dismantle recruitment and/or transportation networks.

### Legal measures

Libya also did not have a comprehensive counterterrorism law. However, its Penal Code did criminalize terrorism, the support of terrorism and the handling of funds linked to terrorism. A new anti-terrorism law had been drafted by the previous interim government. Article 9 of that law would have criminalized joining a terrorist organization inside or outside the country.<sup>63</sup>

### Non-legal measures

No administrative measures, such as travel bans, appear to be in place. While internationally recognized government does not have a comprehensive border management strategy, an effort has been made to tighten controls at airports. However, airport security remains minimal, with limited document screening and no use of Passenger Name Record (PNR) systems or biometric data. An attempt to tighten controls at land borders has also been made.<sup>64</sup>

62 *Ibid.*, p.3.

63 US Law Library of Congress, "Treatment of Foreign Fighters in Selected Jurisdictions: Country Surveys."

64 United States Department of State, *Country Reports on Terrorism 2014 – Libya*, 19 June 2015, available at [www.refworld.org/docid/5587c74a34.html](http://www.refworld.org/docid/5587c74a34.html), accessed 24 June 2015, p.4.

No comprehensive strategy for countering violent extremism has been adopted by the Libyan internationally recognized government. Under the previous interim government, the Ministry of the Interior and the Ministry of Culture, Youth and Sports had established educational and public messaging campaigns to marginalize extremist ideology. However, these initiatives are currently in limbo.<sup>65</sup>

### Cooperation with partners

Before the political crisis in the country, Libyan authorities had intensified cooperation with Algeria and Tunisia to strengthen control of common borders through joint checkpoints, coordinated border patrols, the creation of a joint training centre in Libya.<sup>66</sup> The US and other countries had also agreed to assist Libyan authorities with border security issues.<sup>67</sup> Coordination between the Libyan authorities and EU countries to control ports used for smuggling weapons and fighters was also occurring. Libyan security forces were also receiving border security training from the EU. However, the EU Border Assistance Mission to Libya (EUBAM) has been largely on hold since the outbreak of fighting in Tripoli in July 2014.<sup>68</sup> At the multilateral level, Libya was also participating in the GCTF.<sup>69</sup>

## Measures upon return

The internationally recognized government lacks a strategy to address the risks related to the return of FFs. At present, only legal tools enabling their prosecution are in principle available.

### Legal measures

Article 9 of the previous interim government's draft counterterrorism law would enable the arrest and possible prosecution of returning FFs.

### Non-legal measures

No administrative measures, such as databases for monitoring returnees, appear to exist. Equally, no de-mobilization measures are in place.

### Cooperation with partners

Prior to the political crisis, Libya had established cooperative relations with Interpol. In 2012, Interpol launched RELINC (Rebuilding Libya's Investigative Capacities), an EU funded initiative, aimed at improving the Libyan authorities' investigative capacities with regards, *inter alia*,

65 *Ibid.*, p.5.

66 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

67 United States Department of State, *Country Reports on Terrorism 2014 – Libya*, p.4.

68 *Ibid.*, p.5.

69 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*.

terrorist activity. In early 2014, the interim government was discussing the possibility of enhancing cooperation with Interpol.<sup>70</sup>

At the multilateral level, Libya had also participated in the UN Interregional Crime and Justice Research Institute's workshops on the rehabilitation of violent extremists.<sup>71</sup>

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70 "Libya Minister Visit to INTERPOL Focuses on Increasing Cooperation, Interpol Website, 5 May 2015.

71 United States Department of State, *Country Reports on Terrorism 2014 – Libya*, p.5.

# Egypt

## General approach

Egypt has adopted both repressive and “soft” measures to prevent individuals from becoming FFs. However, only repressive measures are in place to address the risks posed by returnees.

## Before departure

### Disrupting recruitment networks

In October 2014, Egyptian security forces disrupted a cell involved in recruiting fighters for IS in Syria.<sup>72</sup> Arrests of returning FFs from Syria in November 2014 have also since led to the dismantling of recruitment cells.<sup>73</sup> Egypt’s ongoing campaign against Sinai Province (formerly known as Bayt al-Maqdis) on the Sinai Peninsula may also contribute to disrupting recruitment for the conflicts in Syria and Iraq.<sup>74</sup>

### Legal measures

On 5 April 2014, articles of the Penal Code were amended to criminalize joining a terrorist organization, receiving military training from terrorist organizations and promoting terrorism through speech, text, flyers or recordings.<sup>75</sup> A new anti-terrorist law came into force in July 2015, replacing the previous one adopted in November 2014. It criminalizes joining a terrorist organization, committing or attempting to commit a terrorist activity inside or outside the country.<sup>76</sup>

### Non-legal measures

Throughout 2014, Egyptian authorities required individuals between the ages of 18 and 40 to have permission to travel to Iraq, Jordan and Syria. Since December 2014, permission is also required to travel to Qatar and Turkey. These restrictions are intended to make it more difficult for Egyptian citizens to join terrorist groups abroad, such as IS in Syria/Iraq.<sup>77</sup> The authorities have also tightened controls at airports. In addition, as of May 2015, Egypt withdrew the possibility of individual travelers obtaining entrance visas on arrival in the country. Its authorities claim that this measure has been taken in response to

the fear that would-be FFs could use Egypt as a transit route to travel to fight in Syria, reflecting its status as a transit as well as source country.<sup>78</sup> Egyptian border officials maintain a watch list of suspected violent extremists. Nevertheless, Egypt lacks a database with which to track passengers. Egypt has also reinforced its military presence along its common border with Libya.<sup>79</sup>

To counter incitement and radicalization in general, Egyptian authorities attempt to control the religious sphere:

- The Ministry of Islamic Endowments is responsible for issuing strict guidance to imams, including specification of the topics for Friday sermons. It is also tasked with issuing licenses to mosques, though many continue to operate without such licenses.
- The Egyptian government also appoints, monitors and pays the salaries of imams in licensed mosques.
- Al-Azhar University also participates in international programs aimed at countering violent extremism.<sup>80</sup>

### Cooperation with partners

Egypt appears to engage in minimal cooperation with partners in the sphere of counterterrorism in general. Egypt is, nevertheless, working with the EU on the FF phenomenon. Egypt participated in the first informal, high-level meeting on FFs co-organized by the EU’s CTC and the EEAS.<sup>81</sup> At the multilateral level, Egypt is a founding member and active participant in the GCTF.<sup>82</sup>

## Measures upon return

### Legal measures

Egyptian FFs returning from Syria have been arrested, presumably under the new anti-terrorism law, which criminalizes joining a terrorist organization and committing or attempting to commit a terrorist act inside or outside of Egyptian territory.

### Non-legal measures

No non-legal measures related to returnee FFs, such as the creation of databases to monitor and track the movements of returnees, appear to exist. No de-mobilization measures seem to be in place either.

### Cooperation with partners

72 “Egypt Busts Cell Recruiting Syria Militants.”

73 “Egypt Jihadist Arrested on Return from Syria.”

74 “David D. Kirkpatrick and Eric Schmitt, “Jihadist Return Is Said To Drive Attacks In Egypt,” *The New York Times*, 5 February 2014.

75 Rana Muhammad Taha, “Cabinet Amends Laws Creating Harsh Punishment for Terrorism,” *Daily News Egypt*, 5 April 2014.

76 United States Department of State, *Country Reports on Terrorism 2014 – Egypt*, 19 June 2015, available at <http://refworld.org/docid/5587c75330.html>, accessed 24 June 2015, p. 3; “Egypt’s New Anti-terror Law Comes into Force,” *Al-Araby al-Jadeed*, 26 February 2015.

77 United States Department of State, *Country Reports on Terrorism 2014 – Egypt*, p.1.

78 Jamie Dettmer, “Egypt Introducing New Visa Requirements,” *Voice of America*, 31 March 2015; “Gulf Travelers Unlikely to be Fazed by New Visa Rule,” *Albawaba News*, 27 March 2015.

79 US Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2013*; United States Department of State, *Country Reports on Terrorism 2014 – Egypt*, p. 3.

80 United States Department of State, *ibid.*, p. 4.

81 *Ibid.*

82 *Ibid.*



Egyptian authorities cooperate with Interpol. Interpol Cairo has access to Interpol's databases, including those on wanted persons and lost travel documents.<sup>83</sup>

## Concluding remarks

Most North African countries have taken positive steps to address the issue of FFs and their return. Both Morocco and Tunisia are in the process of developing fairly comprehensive strategies to prevent their citizens from becoming FFs and to reduce the risks related to their return. Algeria and Egypt have a combination of repressive and soft tools at their disposal to discourage their citizens from becoming FFs. However, at present, they possess only legal measures with which to minimize the risks connected to their return. Libya is an outlier in that it has no clear strategy to deal with the problem of FFs and no real capacity to do so. As such, the FF phenomenon is likely to continue to act as a destabilizing factor for the country itself, as well as for North Africa and the MENA region in general.

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83 "Egypt," *Interpol Website*, accessed 25 June 2015.



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