CONTEXTUALIZING THE ISSUE OF RETURNEES AND ANALYZING RELEVANT INTERNATIONAL EXPERIENCE APPLICABLE TO CENTRAL ASIA

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Selecting an effective and reliable counter-terrorism and counter-radicalization approach regarding returnees from major war zones has become one of the most significant security challenges around the globe. International experience demonstrates that engagement methods regarding returnees from major war zones differ drastically and range primarily from hard- to soft-handed approaches. Security and reintegration are the two guiding principles while engaging returning and former violent extremists and jihadists. Since terrorism is a hard security issue, hard-handed approaches must always be available to law enforcement and other state agencies dealing with extremist and terrorist suspects. Since hard-handed approaches alone fail to provide sufficient security and integration results, it is essential to include rehabilitation-oriented soft-handed approaches. Counter-terrorism and counter-radicalization experts and practitioners confirm that only a balanced strategy that includes both hard- and soft-handed methods may be effective and reliable in terms of providing security in a state vis-a-vis returnees and former violent jihadists.
CONTEXTUALIZING SECURITY IMPLICATIONS: RETURNING AND FORMER FOREIGN TERRORIST FIGHTERS AND GLOBAL JIHADISTS

How should Syrian returnees be approached and engaged upon their arrival to their home countries? What does international experience offer in terms of treating former or returning violent and non-violent extremists and global jihadists? With the recent intensification of the international community’s military and intelligence cooperation efforts in Syria and Iraq, and, therefore, a continuously growing number of violent and non-violent extremist returnees traveling back to their home countries,\(^1\) selecting an effective and reliable counter-terrorism engagement approach towards returning foreign terrorist fighters\(^2\) has become one of the most significant security challenges around the world,\(^3\) including in the countries of the former Soviet Central Asia.\(^4\) It is essential to note from the outset that a majority of counter-terrorism experts and practitioners, while debating different degrees and effectiveness of different methods and strategies, confirm and agree that a “one size fits all approach” is not a practical and applicable security strategy in any security or socio-political context,\(^5\) including in Kyrgyzstan and other countries of Central Asia. In fact, almost


\(^3\) Interior Ministry of the Kyrgyz Republic. “IM Press center: Results of the activities of the Interior Ministry for the two months of 2015” (accessed 20 January 2016).


all cases concerning returnees ought to be considered on an individual basis. To paraphrase a number of leading counter-terrorism practitioners⁶ - not all returnees from Syria or Iraq - are violent jihadists or terrorists posing significant threats to the national security of their countries and beyond. But, indeed, many individuals with various degrees of violent extremist, jihadist and terrorist tendencies are often also returnees from major regional conflicts.⁷

While engaging returnees and former jihadists, security and reintegration are always the two main guiding principles and strategic goals. Despite the fact that many of the returnees from major war zones, especially in the Middle East, are radical and even militant in their views, a crucial qualitative and behavioral differentiation must be made between violent and non-violent elements.⁸ Relevant international experience demonstrates that individuals belonging to the former category who evidently continue to follow militant ideologies and potentially plan to conduct subversive and terrorist activities within and beyond their countries of origin must be identified, apprehended and incarcerated or neutralized, as security is the primary responsibility of any state. Individuals belonging to the latter category, primarily including female and minor victims of recruitment efforts by IS-type radical and militant groups must be processed through various rehabilitation and reintegration schemes back into their societies. They may seek to escape violence and conflicts and reintegrate in their communities, while potentially still maintaining their extremist and radical, yet non-violent views. Naturally, returnees also include the so-called “unsettled” elements that also must be thoroughly filtrated and provided with an opportunity to return to civilian life. Yet, should

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social reintegration attempts fail, such individuals must be “treated” accordingly from a law enforcement perspective.

SOFT-HANDED VS HARD-HANDED VS BALANCED APPROACHES

The experience of a number of European countries, which have already “outsourced” thousands of their citizens to various war zones, particularly in the Middle East and North Africa, demonstrates that counter-terrorism and counter-radicalization engagement approaches vary drastically from country to country. Even within the European Union, some states focus mostly on the securitization and criminalization/isolation of returnees and former jihadists, and other countries concentrate primarily on integration and rehabilitation – creating conducive and enabling conditions for a peaceful transition of such individuals to civilian life. And very few European countries have truly combined in a balanced and proportionate fashion hard-handed and soft-handed approaches while engaging and “treating” returning jihadists. According to various studies, the application and employment of different soft and hard counter-terrorism strategies and methods with regards to returning foreign terrorist fighters is based on two fundamental and unchangeable operational factors:

1. While seeking to return to their home countries, violent jihad-

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ist elements still holding militant views and terrorist aspirations inevitably infiltrate the ranks of returnees.

2. Non-violent returnees make up a significant portion of returning individuals.

a. **Hard approach**
   - Physical liquidation and/or identification, apprehension and isolation

While integration and rehabilitation efforts are critical when approaching and engaging returning foreign terrorist fighters, any effective counter-terrorism and counter-radicalization strategy towards returnees must include a major and systematic law enforcement, military and intelligence element. Indeed, the ranks of returnees inevitably include violent extremist and jihadist elements, who may independently or in collaboration with other extremist groups plan and conduct subversive or terrorist activities in their countries of origin and beyond. Various counter-terrorism experts and practitioners maintain that methods such as, for example, physical liquidation of such elements (particularly in their operational spaces), short- and long-term imprisonment, citizenship revocation and other hard approaches must always be an available option for a country’s law enforcement and intelligence agencies.

Physical liquidation of a known violent jihadist element before he/she attempts to return to his/her country of origin is an appropriate and cost-effective hard-handed counter-terrorism tactic, especially if the country in question enjoys major military and intelligence capabilities. The rationale behind the physical liquidation option is the necessity of a specific country to eliminate an imminent terrorist or other security threat before its population is targeted by that specific individual/group. Based on international experience, such operations are usually conducted by special operations forces in cooperation with intelligence units and in the specific operational spaces of the targeted individual/group. Presently, the most illustrative example of a systematic and “mass”

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elimination of an imminent terrorist threat in its operational space is Russia’s continuous military and counter-terrorism campaign in Syria.\textsuperscript{13} The Russian air force in conjunction with Russian special operations units on the ground continue to target IS, Jabhat al-Nusra and other major international jihadist networks and their structural and administrative facilities in their primary operational space – Syria and Iraq.\textsuperscript{14} And while it is obvious that Russia also pursues certain political and geopolitical interests in the region, Moscow nevertheless has been successful in liquidating in northwestern Syria major pockets of foreign terrorist fighters and global jihadists, primarily of Russian origin, from Russia or other former Soviet countries. Those, who according to the Russian Ministry of Defence, planned to or already carried out activities aimed at returning to Russia and “bringing the jihad to the Russian soil”.\textsuperscript{15}

Short- and long-term imprisonment of radical extremists posing threat to society is another practical hard-handed approach vis-à-vis returning jihadists and violent extremists. The imprisonment option is primarily reserved for returning jihadists who escaped from major war zones by returning to their home countries. Persons that continue to present a security or serious ideological challenge, committed serious crimes abroad or failed to transit to civilian life.\textsuperscript{16} The key issues in terms of incarcerating such returnees include the issue of providing an appropriate and effective legal framework for “isolating” jihadists from the society, as well as segregating sentenced jihadists from the “general population

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of inmates” in order to prevent them from disseminating violent ideologies and militant views.\textsuperscript{17} The issue of relying on an appropriate and functioning legal framework for “isolating” jihadists from the society is linked to the legal difficulties of accusing an individual of participating in terrorist organizations and committing crimes while abroad that are also punishable by the national criminal law in the respective country. With the rise of IS and its multinational membership from around the globe, a significant number of countries, whose nationals have been involved in terrorist activities abroad, adopted various ad hoc legal and administrative frameworks allowing their national law enforcement agencies to arrest and prosecute such individuals. In order to ensure their isolation from the society, but only if their actions abroad have been proven as criminally liable in their countries of origin.\textsuperscript{18}

Segregating violent extremists from other inmates is another major security and ideological concern that must be taken into account while incarcerating violent extremists and returning jihadists in general prison systems. According to some analysts, prison systems, including both detention centres and penitentiaries, especially in developing countries, provide the most fertile platforms for extremist and jihadist recruiting efforts. In the words of a renowned counter-terrorism practitioner: potential recruiters and propagandists must be isolated from their potential victims – would-be extremists/jihadists/terrorists.\textsuperscript{19} The examples of Egypt, Uzbekistan, Algeria and other countries have demonstrated that, if such in-prison regime segregation is not administered by authorities appropriately, imprisoned jihadists and violent extremists, whose ranks often include professional recruiters, instead of being isolated from society and limited in their criminal activities, are

\textsuperscript{17} Townsend, Mark. “Returning jihadis could help combat Isis, says EU counter-terrorism chief”, The Guardian, <Returning jihadis could help combat Isis, says EU counter-terrorism chief> (accessed 12 January 2016).


provided with access to the most vulnerable and susceptible social groups and at-risk elements – petty criminals, psychologically-unestablished, uneducated and young convicts. Some counter-radicalization experts have argued that some IS-type recruiting networks, especially those based in Western European countries, have even deliberately infiltrated prison systems in France, Belgium and Germany with the aim of conducting more effective and direct propagation of violent extremism, militant jihadism and terrorism.

- Citizenship revocation: security vs human rights

Revocation of citizenship is considered a preventive hard-handed measure with considerable practical significance, which is primarily aimed at obstructing the travel and movement of actual and potential terrorists and jihadist elements worldwide. Revocation of citizenship is a traditional counter-terrorism method that has been historically applied almost exclusively to known terrorists, including returnees planning to return to their home countries or individuals travelling to third countries to participate in foreign conflicts. Although the method has not been entirely accepted as appropriate and, more importantly, legal response by the international community, particularly human rights activists, it has been practiced widely around the globe. The main legal concerns stem from the international human rights obligations and considerations accepted and recognized by the entire international community, particularly the Universal Declaration of Human Rights and the Convention on the Reduction of Statelessness, both of which ensure the rights of stateless persons and provide that every person has the right to a nationality. According to some human rights activists, it is illegal to strip terrorists and jihadists of


their citizenship because these individuals, despite their views, still maintain certain basic rights and freedoms, which must be ensured and protected by their states.23

Security experts and counter-terrorism practitioners, on the other hand, argue that terrorists and jihadists, unlike other criminals, e.g. maniacs, sexual offenders or murderers, represent a major threat to the security and safety of the society and therefore must be treated differently for the greater public good. In any case, because security is the primary responsibility of any state, a number of countries, particularly western countries, have utilized citizenship revocation as an effective counter-terrorism measure. For example, following the rise of IS jihadist networks across Europe, in 2014 the government of the UK took an extremely hard-line, but also comprehensible security stance by successfully amending the British Nationality Act of 1981. It now allows the authorities to deprive “naturalised citizens” of citizenship even if such act renders the persons in question stateless. It is a highly contentious and controversial decision that, according to some human rights experts, contradicts the UK’s commitments under international human rights law. Australia, the US and New Zealand have also followed in the UK’s footsteps and adopted similar legislations primarily targeting known jihadist returnees and other terrorist elements, as well as would-be jihadists.

b. Soft approach

The threat of terrorism and violent extremism, however, may not be resolved solely from a law enforcement or military perspective. Security of a state whose citizens are returning from major war zones directly depends on that state’s ability and capacity

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to filtrate and reintegrate returnees back into society.\textsuperscript{24} Because not all returnees are violent extremists and jihadists who continue to follow militant ideologies, and not all returnees ought to be incarcerated, due to legal limitations and other individual considerations and circumstances, a significant number of returnees unavoidably must be rehabilitated and reintegrated back to their societies, primarily in socio-economic terms and only through various de-radicalization programs.\textsuperscript{25}

According to analysts, the Aarhus model,\textsuperscript{26} a Danish rehabilitation program for Danish citizens returning from Syria, Iraq and other regional conflicts, has been one of the most cost-effective and reliable reintegration schemes for returning non-violent foreign terrorist fighters and former jihadists. The Aarhus model, named after a Danish city that has outsourced some of the highest numbers of jihadists to Syria and Iraq,\textsuperscript{27} has proved a highly practical and secure tool for filtrating returning extremists and selecting between hard and soft counter-terrorism approaches on a case by case basis, thereby achieving both security and reintegration objectives. The main objective of the Aarhus model is to engage non-violent individuals who actively seek to return to Denmark and escape the violence and horrors of various war zones. The non-violent requirement for returnees is the most crucial criteria, for potential returnees must be “safe” for the Danish society, at least from a hard security perspective. According to the mayor of Aarhus, who is also one of the main policy-drivers behind the implementation of the model in other parts of Denmark, participants

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in the scheme may hold “whatever jihadist ideas they may have”, as long as they represent no physical threats to society. Since participants in the Aarhus model are Danish citizens, according to the mayor, they are entitled to fundamental rights and freedoms, and, therefore, must be assisted by the Danish government in their attempts to transit back to civilian life.\textsuperscript{28}

The core of the scheme consists of filtrating, monitoring and assisting rehabilitating returnees in a complex and comprehensive fashion through engaging their families, cooperating with the local social services, interacting with their employers and/or academic institutions and collaborating with the local police and other law enforcement agencies.\textsuperscript{29} According to counter-terrorism experts, returnees’ families and friends often represent the closest inner circles of extremists that may provide the necessary “early warnings” to law enforcement agencies and/or social services regarding their family members’ suspicious and/or violent behavior, jihadist connections or terrorist/militant intentions.\textsuperscript{30}

Local social services in cooperation with the returnees’ employers/academic institutions play a crucial role in the scheme’s deradicalization part. Because transition to civilian life often requires employment and/or education, it is the synergy between the local social services and employers/academic institutions that creates an enabling environment for a returnee in which he/she may acquire the necessary socio-economic tools to integrate back into the society. Social services’ role is to provide professional, psychological, administrative, technical or other assistance to a returnee, where-


as employers and educational institutions are advised to admit/readmit or employ/reemploy a former jihadist or returnee despite his/her former extremist background and views. The involvement and participation of social services is especially critical, for a majority of returnees also require psychological and even psychiatric assistance upon arrival.\(^{31}\) The role of the police and other law enforcement agencies within the scheme is, however, limited to cooperating with other elements of the scheme at all levels and monitoring returnees’ progress in the process of de-radicalizing and re-integrating into the society.\(^{32}\) Should re-integration and rehabilitation efforts fail, law enforcement bodies are always in a suitable state for any necessary security action, activity or situation regarding the returnees, for security is the most fundamental and principal responsibility and priority of any state.

**RECOMMENDATIONS**

**Cooperation – key to combatting international terrorism, including the issue of returning foreign terrorist fighters**

Effective collaboration on the inter-state level is vital in the process of countering international terrorism and global jihadism. As countries with limited military and intelligence capabilities, Central Asian states, which share similar security concerns and are directly threatened by international terrorist and jihadist organizations, primarily through the “outsourcing” of Central Asians to major war zones, must actively engage and facilitate all of their allies and regional/international partners involved in the global struggle against IS-type networks, particularly in the fields of intelligence,


security, exchange and coordination of information, online counter-terrorism and others. Special attention must be paid to legal cooperation, for even minor differences, collisions and contradictions in various national, regional and international legal regimes that only amplify terrorists’ chances of evading justice and preventing law enforcement.

Since the states participate in a number of regional security structures, CSTO and SCO, the authorities of Central Asian countries should cooperate first and foremost with their immediate allies, particularly Russia and China – the primary guarantors of security and stability in the wider Eurasia. However, since terrorism is a global phenomenon and the flow of returnees, whose ranks inevitably include violent and militant elements, may be addressed only through global collaboration and multilateral counter-terrorism initiatives, the states should also increase their cooperation with relevant international bodies – including the UN, the OSCE, Interpol and others.

Relying exclusively or even primarily on hard approaches fails to deliver the necessary security and integration vis-a-vis the issue of returnees and former jihadists. Designing, developing and implementing effective socio-economic rehabilitation schemes for returnees within the individual states is essential to an overall success in terms of providing security and stability in Central Asia as a whole. Specifically, the governments and relevant domestic security bodies should balance their counter-terrorism strategies between hard and soft methods and place more focus on creating conducive socio-economic conditions for returnees in their attempts to transit to civilian lives – effective work of social services, community-based cooperation between law enforcement agencies, families of returnees, local authorities and social services. The crucial element is to recognize and accept the vital necessity to rehabilitate and reintegrate significant portions of non-violent returnees, especially women and minors, who otherwise may be further radicalized and victimized by local extremist groups and networks.
However, security and integration results are best provided when returnees are engaged in a balanced and proportionate fashion that also includes structural hard approaches. While returnees ought to enjoy access to certain socio-economic opportunities to transit back to civilian lives, it is critical that the states’ military, intelligence and law enforcement institutions and agencies, whose capabilities are often questioned not only by international, but also national experts, are capable of providing security and safety through effective and reliable measures. The key issue in terms of the application of hard methods is rooted in the level of their professional capabilities, capacities and competencies, e.g. equipment, skills and other indicators. It is vital for the States to raise the level of professionalism of their security apparatuses, which must correspond and outpace terrorists’ capabilities and the technological savviness of modern IS-type global jihadist networks.

Preventing an illness is always more practical than treating the symptoms. The most cost-effective and reliable counter-terrorism strategy, especially regarding the issue of outsourcing of foreign terrorist fighters, is based on early prevention efforts that are aimed primarily at educating potential extremists and representatives of at-risk groups, as well as warning would-be terrorists about the horrors and violence of contemporary military conflicts. According to international experience, prevention through education and raising awareness in society is the single most cost-effective and reliable strategy that provides both security and positive social integration results, all of which are aimed at preventing individuals, often the youth – the most promising, talented and capable strata of any society, from abandoning their home countries and participating in needless and futile conflicts.