

Rehabilitation for Foreign Fighters?

Relevance, Challenges and Opportunities for the Criminal Justice Sector

This Policy Brief aims to inform the current debate on integrating rehabilitation into the overall approach to foreign fighters by highlighting the challenges and opportunities within the criminal justice sector response to the phenomenon. The authors first analyse the specifics of the contemporary foreign fighter phenomenon and the criminal justice sector response in the EU. Second, the Policy Brief outlines the main contours of rehabilitation programmes for violent extremist offenders and the benefits of rehabilitation in this particular foreign fighter context. Third, the authors explore the challenges and opportunities at four stages of the criminal justice sector chain for incorporating rehabilitation, namely the pre-trial, trial and sentencing phase, as well as during incarceration and beyond the prison context. The final section offers reflections and recommendations to incorporate rehabilitation into the criminal justice sector response in dealing with foreign fighters.

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Author:
Eva Entenmann
Liesbeth van der Heide
Daan Weggemans
Jessica Dorsey

About the Authors

Eva Entenmann

Eva Entenmann is a Programme Manager at ICCT. She is responsible for the preparation, execution and monitoring of various ICCT activities, including projects funded by international donors. Additionally, she oversees the Centre's external communications and provides support to Research Fellows. Prior to her arrival at ICCT, Eva undertook a research assistantship at the Vrije Universiteit Amsterdam, was a Research Associate at the Public International Law and Policy Group and worked as Project Officer for an environmental initiative. She completed internships at the International Bar Association and the Australian Institute of International Affairs. Eva studied International Relations and Media at The University of Adelaide in Australia and graduated with a Master of Laws specialising in Law and Politics of International Security from the Vrije Universiteit Amsterdam.

Liesbeth van der Heide

Liesbeth van der Heide is a Research Fellow at ICCT. She coordinates the Centre's activities on the rehabilitation and reintegration of violent extremist offenders. She is also a Researcher and Lecturer at Leiden University's Institute for Security and Global Affairs. In her PhD research on Terrorism Trials as Theatres of Lawfare she analyses and assesses the impact of terrorism trials on the state, law and society. Other research areas include security in International Relations, lone wolf terrorism and effective counter-terrorism. She has managed several research projects over the last few years, including research for the Dutch National Police (KLPD) on lone wolf terrorism, research for the Dutch intelligence service (AIVD) regarding reducing fear through crisis communication and a research project for ICCT on the impact of the Breivik trial. In 2013 Liesbeth was a Research Fellow at the Onati International Institute for the Sociology of Law. Moreover, she is a member of the board of the Dutch Flemish Network for Radicalization and Terrorism Research.

Daan Weggemans

Daan Weggemans is a Research Fellow at ICCT and a Researcher at Leiden University's Institute for Security and Global Affairs. In his research, Daan Weggemans focusses on processes of (de)radicalisation and re-integration. He studied, among others, the radicalisation and preparatory processes of Dutch Foreign Fighters. Currently he is researching re-integration of (former) extremist detainees. For his projects Daan interviewed dozens of security professionals and multiple (former) violent extremists and their peers. Earlier publications also focused on new counter-terrorism measures and, with his colleagues, on an in-depth study of the Anders Breivik trial in Oslo. Daan is also the country coordinator for the Terrorism Research Initiative (TRI) and a member of the board of the Dutch-Flemish Network for Terrorism Researchers.

Jessica Dorsey

Jessica Dorsey is a Research Fellow at ICCT, and a Researcher at the T.M.C. Asser Institute. Originally from the United States, she received her J.D. in 2008 while concentrating on International and Comparative Law (with distinction), before completing her LL.M. (cum laude) in Public International Law writing her thesis on the responsibility to protect at Utrecht University School of Law in 2010. After her studies, she worked on various legal research projects as well as on a human rights initiative for the Municipality of Utrecht and lectured at the Utrecht University School of Law and a summer field studies program with Duke University in the United States. Moreover, Jessica is a member of several research networks, an Editorial Assistant for the Yearbook of International Humanitarian Law, an Assistant Editor for the international law weblog *Opinio Juris* and she collaborated on a project for the United Nations Special Rapporteur on Human Rights and Counter.

About ICCT

The International Centre for Counter-Terrorism – The Hague (ICCT) is an independent think and do tank providing multidisciplinary policy advice and practical, solution-oriented implementation support on prevention and the rule of law, two vital pillars of effective counter-terrorism. ICCT's work focuses on themes at the intersection of countering violent extremism and criminal justice sector responses, as well as human rights related aspects of counter-terrorism. The major project areas concern countering violent extremism, rule of law, foreign fighters, country and regional analysis, rehabilitation, civil society engagement and victims' voices. Functioning as a nucleus within the international counter-terrorism network, ICCT connects experts, policymakers, civil society actors and practitioners from different fields by providing a platform for productive collaboration, practical analysis, and exchange of experiences and expertise, with the ultimate aim of identifying innovative and comprehensive approaches to preventing and countering terrorism.

1. Introduction

The topic of foreign fighters who joined or attempted to join the conflict in Syria and Iraq to fight with various (designated terrorist) groups has moved to the top of policy agendas around the world. Governments, security agencies, local communities and others are particularly concerned about the potential security threat emanating from this phenomenon. Even though anecdotal evidence suggests that many foreign fighters have either no intention of leaving Syria/Iraq at all or aspire to move on to other conflict zones in the future, a significant number has already and may continue to return to their former home countries.¹ Events such as the attack on the Jewish Museum in Brussels in May 2014 by a returnee from Syria, the assault on the staff of the French Charlie Hebdo magazine in January 2015 as well as the large scale Paris attacks of November that year committed by individuals connected to foreign fighters have shown that there is a clear (even though perhaps overstated)² security risk connected to the phenomenon.

In order to address this threat, the criminal justice sector response – here referring to the process of investigating, arresting, detaining, prosecuting, sentencing and imprisoning – has featured as an increasingly important tool in Europe to deal with those planning to participate or having already participated in conflicts abroad. As the number of foreign fighter (returnees) increases, and the legal net is cast wider to enable the prosecution of these foreign fighters, more and more individuals are likely to become the subject of criminal investigations.

At the same time, calls to integrate rehabilitation as part of the overall response to the foreign fighter phenomenon have become louder. These include United Nations (UN) Security Council Resolution 2178 (2014), which calls for “developing and implementing

¹ For more information on the pathways of foreign fighters, see A. Reed, J. de Roy van Zuijdewijn and E. Bakker, “Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences”, *The International Centre for Counter-Terrorism- The Hague* 6, no. 1 (2015), <http://www.icct.nl/download/file/ICCT-Reed-De-Roy-Van-Zuijdewijn-Bakker-Pathways-Of-Foreign-Fighters-Policy-Options-And-Their-Un-Intended-Consequences-April2015%25281%2529.pdf>. Regarding returnees, the International Centre for the Study of Radicalisation and Political Violence (ICSR) estimated in early 2015 that between 10 and 30% of foreign fighters in Syria and Iraq have left the conflict zone; see P.R. Neumann, “Foreign Fighters Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s”, *ICSR*, 26 January 2015, <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s>.

² D. Byman and J. Shapiro, “Be Afraid, Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq”, *Brookings Institution Paper*, January 2015, p. 1, <http://www.brookings.edu/~media/research/files/papers/2014/11/western-foreign-fighters-in-syria-and-iraq-byman-shapiro/be-afraid-web.pdf>. See also T. Hegghammer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice Between Domestic and Foreign Fighting”, *American Political Science Review* 107, no. 1 (2013), <http://hegghammer.com/files/Hegghammer-Should-I-stay-or-should-I-go.pdf>; C. Hunt, “The Myth of the Returned Foreign Fighter”, *A Medium Cooperation*, 10 September 2015, <https://medium.com/the-bridge/the-myth-of-the-returned-foreign-fighter-a15896bde9bf>; and T. Hegghammer and P. Nesser, “Assessing the Islamic State’s Commitment to Attacking the West”, *Perspectives on Terrorism* 9, no. 1 (2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440/871>.

prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters”.³ In Europe, the EU Counter-Terrorism Coordinator (CTC) Gilles de Kerchove recommended in early 2015 to explore rehabilitation and reintegration programmes as *alternatives* to bringing individuals to court; and the European Union (EU) Ministers of Justice placed rehabilitation high on the list of priorities.⁴ Within individual EU Member States, initiatives have commenced to develop new, or tailor existing rehabilitation programmes to the foreign fighter phenomenon, including in Denmark, the Netherlands, Germany, Sweden and France.

This Policy Brief aims to inform the current debate on integrating rehabilitation into the overall approach to foreign fighters by highlighting the challenges and opportunities within the criminal justice sector response to the phenomenon. Current political debates are mainly focus on “quick fixes” and repressive, punitive-focussed approaches that fail to address the long term security benefits of a rehabilitation-oriented approach. In this Policy Brief, the authors aim to set the stage for a more rational approach to foreign fighters based on the lessons learned from rehabilitation practices in the wider context of violent extremist offenders. While the primary focus is on rehabilitation within the EU, the principles discussed below are also applicable in settings beyond the Union. This Policy Brief first analyses the specifics of the contemporary foreign fighter phenomenon and the criminal justice sector response in the EU. Second, it outlines the main contours of rehabilitation programmes for violent extremist offenders and the benefits of rehabilitation in this particular foreign fighter context. Third, the authors explore the challenges and opportunities at four stages of the criminal justice sector chain for incorporating rehabilitation, namely the pre-trial, trial and sentencing phase, as well as during incarceration and beyond the prison context. The final section offers reflections and recommendations to incorporate rehabilitation into the criminal justice sector response in dealing with foreign fighters.

Recognising that there is no generally accepted definition of foreign fighters,⁵ and that the problems faced by policymakers in the context of foreign fighters do not solely

³ UN Security Council, “Resolution 2174 (2014)”, *S/RES/2178*, 24 September 2014, para. 4, http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf.

⁴ See G. de Kerchove’s contribution in “*Rehabilitation and Reintegration of Returning Foreign Terrorist Fighters*”, *The Washington Institute for Near East Policy*, panel discussion, 23 February 2015, <http://www.washingtoninstitute.org/policy-analysis/view/rehabilitation-and-reintegration-of-returning-foreign-terrorist-fighters>. See also Eurojust, “*Foreign Fighters: Eurojust’s Views on the Phenomenon and the Criminal Justice Response*”, *Summary of Main Findings*, January 2015, p. 3, <http://www.statewatch.org/news/2015/feb/eu-eurojust-foreign-fighters.pdf>.

⁵ Various definitions of the phenomenon have been put forward over time, most of which include elements such as participating in a conflict while lacking affiliation with an official military force and citizenship of the conflict country, and doing so without (significant) payment. See e.g., the definition by de Guttery, Capone and Paulussen: “individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict”. A. de Guttery, F. Capone and Ch. Paulussen, ‘Introduction’, in: A. de Guttery, F. Capone and Ch. Paulussen, *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag, forthcoming. UN Security Council Resolution 2178 (2014) defines Foreign Terrorist Fighters as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”. This definition has been criticised, see e.g., ICCT, Global Center on Cooperative Security and Human Security Collective, “*Addressing the Foreign Terrorist Fighters Phenomenon from a European Union*

relate to those individuals fighting abroad, this Policy Brief takes a broad definition of the term. It focuses on individuals who come into contact with the domestic criminal justice sector in an EU Member State, through trial, conviction and/or by being under direct investigation for foreign fighter-related activity, for (1) planning to participate or having participated in a conflict abroad in order to join or support designated jihadi terrorist organisations,⁶ (2) having returned from conflict zones and being suspected of having joined or supported a designated jihadi terrorist organisation, or (3) attempting to travel abroad for this purpose and were either stopped in their home countries or en route. Also included in this definition are those who (are alleged to) support foreign fighters, for example, individuals who recruit, incite, finance or otherwise provide support in this regard. The focus is on the current wave of individuals in the context of Syria/Iraq, but may be equally applicable to foreign fighters in other contexts.

This document builds on the discussions of a closed expert meeting entitled “Radicalisation and Foreign Fighters: Integrating Rehabilitation into the Criminal Justice Sector Response”, which was convened in Brussels in May 2015 by the International Centre for Counter-Terrorism – The Hague in cooperation with the European Commission.⁷ The authors would like to thank all participants for the productive discussions that took place, and which inspired this Policy Brief.

2. Who are They? Western Foreign Fighters in Syria and Iraq

There is no common profile of a foreign fighter, and their characteristics vary from country to country, as well as within countries, regions and cities or local communities. Yet, a number of studies into the individuals who are known to have gone to Syria/Iraq

Perspective, Policy Brief, 24 December 2014, <http://icct.nl/publication/addressing-the-foreign-terrorist-fighters-phenomenon-from-a-european-union-perspective/>; and S. Krähnemann, “Foreign Fighters under International Law, Geneva Academy of International Humanitarian Law and Human Rights”, Academic Briefing 7, October 2014, <http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20breifs/Foreign%20Fighters%20Under%20International%20Law%20Briefing%20no7.pdf>.

⁶ In the context of the current conflict in Syria and Iraq, this includes Jabat al Nusra and the so-called “Islamic State”.

⁷ The expert meeting was held on 18 May 2015 and brought together over 30 invited participants. Participants included stakeholders from the criminal justice sector such as representatives from the judiciary, as well as the prosecutorial, correctional, penitentiary and policy sectors from five EU Member States: Belgium, Denmark, Germany, the Netherlands and the United Kingdom. The aim of the meeting was three-fold, namely to: (1) shed light on the current criminal justice sector approach to foreign fighters in the respective national jurisdictions of the participants; (2) explore opportunities for incorporating rehabilitation programmes into a criminal justice sector response at various stages of proceedings; and (3) exchange information and share good practices and lessons learned in this regard.

identified some notable and common indicators, some of which are relevant in the context of this Policy Brief.⁸

Firstly, most foreign fighters are young, between 16 - 29 years of age – following a general trend since the mid-2000s of recruits to terrorist organisations becoming younger⁹ – and include even younger individuals below the age of 16.

Relatedly, the speed with which individuals have radicalised during the current wave of the foreign fighter phenomenon is usually very short, sometimes only lasting several weeks.¹⁰ This means that, contrary to older or longer-radicalised foreign fighters, young foreign fighters are thought to be “ideologically unformed” individuals, who are more vulnerable to ideological influences by recruiters to travel abroad.¹¹

One difference concerns the psychological state of foreign fighters. According to some studies, a large number of foreign fighters is estimated to suffer from mental health problems, even prior to departing for foreign battlefields.¹² Those that return can have

⁸ See e.g., the joint Evaluation by three German authorities: Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA) and Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE). *Analyse der den Deutschen Sicherheitsbehörden Vorliegenden Informationen über die Radikalisierungshintergründe und Verläufe der Personen, die aus Islamistischer Motivation aus Deutschland in Richtung Syrien Ausgereist Sind* [Analysis of Information available to German Security Authorities about the Radicalisation Backgrounds and Processes of Persons who, for Islamic Motivations, Left from Germany towards Syria], 1 December 2014; D. Weggemans, E. Bakker, and P. Grol, “Who Are They and Why do They Go? The Radicalization and Preparatory Processes of Dutch Jihadist Foreign Fighters?”, *Perspectives on Terrorism* 8, no.4 (2014), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/365>; R. Coolsaet, “What Drives Europeans to Syria, and to IS? Insights from the Belgian Case”, *Egmont Paper*, no. 75 (2015), http://www.egmontinstitute.be/wp-content/uploads/2015/03/academia-egmont.papers.75_16x24.pdf; and R. Briggs Obe and T. Silverman, *Western Foreign Fighters: Innovations in Responding to the Threat*, *Institute for Strategic Dialogue* (2014), especially p. 12, http://www.strategicdialogue.org/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.

An additional characteristic not included here is the transnational networks that foreign fighters have established, either online through social media and internet interaction, or physically via connections they obtained in conflict zones. While further research is needed to fully analyse the extent and relevance of these connections on, for example, the identity of foreign fighter and as part of their social environment, such characteristics may also be important when designing rehabilitation programmes.

⁹ R. Barrett, “Foreign Fighters in Syria”, *The Soufan Group*, June 2014, p.16, <http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>.

¹⁰ BfV, BKA and HKE, “Analyse der Deutschen Sicherheitsbehörden” (2014).

¹¹ D. Byman and J. Shapiro, *Be Afraid, Be a Little Afraid*, p. 6. See also, B. Blokker and A. Kouwenhoven, “Jihad: Puberoplossing voor een Puberbrein”, *NRC Next* [in Dutch], 21 September 2015, <http://www.nrc.nl/next/2015/09/21/jihad-puberoplossing-voor-een-puberbrein-1536964>.

¹² Radicalisation Awareness Network (RAN), “RAN Cities Conference Foreign Fighters”, *RAN Conference Paper*, 20 January 2014, p. 5, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network%2520/cities-conference/docs/conference_paper_cities_conference_en.pdf; E. Bakker, “Meeting at NATO’s COE-DAT on Foreign Fighters: Push and Pull Factors”, *Leiden Safety and Security Blog*, Universiteit Leiden, 22 June 2015, <http://leidensafetyandsecurityblog.nl/articles/meeting-at-natos-coe-dat-on-foreign-fighters-push-and-pull-factors>; Julie S., “Complexities in Profiling Western Foreign Fighters”, *Counter Extremism Project*, 31 March 2015, <http://www.counterextremism.com/blog/complexities-profiling-western-foreign-fighters>. It is believed that within certain sections of the Dutch foreign fighter contingent, up to 60% have prior indication of mental illness, see A. Weenink, “Behavioral Problems and Disorders among Radicals in Police Files”, *Perspectives on Terrorism* 9, no. 2, (2015). This tendency was also confirmed in the “context case” in the Netherlands where those under investigation were cross-referenced in national mental health databases. Note that this link has been heavily debated and criticised (see e.g., J. Barbier and M. Keulemans, “Heeft Merendeel Jihadisten Psychische Problemen?”, *Volkskrant*, 11 June 2015, <http://www.volkskrant.nl/wetenschap/heeft-merendeel-jihadisten-psychische-problemen~a4070300/>); and that ICCT will conduct research on this link in 2016, and publish any findings on its public website.

very different profiles to when they first departed; for example, they run a higher risk of suffering from post-traumatic stress disorder (PTSD) due to their often prolonged stay in a conflict zone, where they are likely to have been exposed to traumatic experiences.¹³ Regardless of whether they were involved in combat, this exposure can leave them traumatised, and their tolerance for violence might have grown. The Netherlands' Coordinator for Security and Counterterrorism warns that "these people are not only coming back with radical ideas; they are traumatised and fully prepared to use violence".¹⁴ This does of course not hold for all returnees; they can also come back disillusioned, disengaged and de-radicalised. In some cases, a de-radicalised individual might also re-radicalise.¹⁵

Overall, there is a broad spectrum of foreign fighters with different motivations, ranging from those that are at an early stage of radicalisation who have not (yet) engaged in violent extremist activity, to fully radicalised individuals that have committed terrorism-related offences, and those that are disillusioned or suffer from psychological and mental problems, both prior to and as a consequence of their stay in a conflict zone. They include men, and increasingly women; and are predominantly young, including minors. These factors are crucial to take into account when exploring opportunities to integrate rehabilitation into the criminal justice response to foreign fighters.

3. Challenges for the Criminal Justice Sector

While the phenomenon of foreign fighters is not new, the sheer numbers of those having travelled or attempting to travel to Syria/Iraq over the past years is unprecedented. Although estimates vary and numbers are contested, a total of 30,000 individuals are thought to have travelled to Syria and Iraq, including some 4,000 from the European Union.¹⁶ This scale presents a considerable challenge for EU Member States' criminal justice systems.¹⁷ Although the number of convictions in the EU has been relatively low with fewer than ten convictions by the end of 2014,¹⁸ the number of criminal cases has since grown across the Union, and is set to continue to rise. This is

¹³ R. Briggs Obe and T. Silverman, *Western Foreign Fighters*, (2014), pp. 37-38.

¹⁴ National Coordinator for Security and Counterterrorism, "NCTV Maintains Threat Level at Substantial", *Netherlands Ministry of Security and Justice Press Release*, July 2013, http://english.nctb.nl/currenttopics/press_releases/2013/nctv-maintains-threat-level-at-substantial.aspx.

¹⁵ See A. Reed, J. de Roy van Zuijdwijn and E. Bakker, "Pathways of Foreign Fighters" (2015), p. 5.

¹⁶ E. Schmitt and S. Sengupta, "Thousands Enter Syria to Join ISIS Despite Global Efforts", *New York Times*, 26 September 2015, http://www.nytimes.com/2015/09/27/world/middleeast/thousands-enter-syria-to-join-isis-despite-global-efforts.html?_r=0; P. Neumann, *Foreign Fighter Total in Syria/Iraq* (2015).

¹⁷ This is also supported by e.g., R. Barrett who notes, "by the end of April 2014, the French authorities were almost overwhelmed. The counter terrorist prosecution service in Paris was handling 50 cases of conspiracy with a further 26 individuals in pre-trial detention. The number of people under surveillance was growing, and the security services were feeling the strain". See R. Barrett *Foreign Fighters in Syria*, (June 2014), p.16

¹⁸ Less than 10 convictions per approximately 3,000 EU foreign fighters at that time. See G. de Kerchove, "Foreign Fighters and Returnees: Discussion Paper", *Note from the EU Counter-Terrorism Coordinator to the Council of the European Union* 15715/214 REV2, 2 December 2014, p. 1, <http://data.consilium.europa.eu/doc/document/ST-15715-2014-REV-2/en/pdf>.

not only due to the increasing number of foreign fighters and returnees, but also due to the broadening of the scope of national legal regimes – and especially criminal codes – which are being adapted to more effectively address the foreign fighter phenomenon, and terrorism/violent extremism in general. Altogether, the influx of violent extremist offenders into the criminal justice system is (and will be) on the rise, which puts criminal justice sector staff including investigators and prosecutors under pressure to handle the workload and bring cases to a conclusion. A rehabilitation-gear approach presents an attractive option, by providing an alternative for those offenders who cannot be successfully prosecuted but are still considered “at risk” of being violent extremists.

For instance, due to the passage of UN Security Council Resolution 2178 (2014), states are now required to criminalise in their domestic legislation the (attempt to) travel for terrorism-related acts, the financing, organisation or other facilitation of such acts.¹⁹ In May 2015, the Council of Europe adopted the Additional Protocol to the Convention on the Prevention of Terrorism in which parties are required to amend their legislation to criminalise similar acts as outlined in Resolution 2178, including receiving training for terrorism; funding, travelling, organising or otherwise facilitating travelling abroad for the purpose of terrorism.²⁰ The Additional Protocol also goes further by requiring the criminalisation of such acts as: “participating in an association or group for the purpose of terrorism”²¹ without specifically defining such terms as “the purpose of terrorism” or what may constitute a “terrorist offence.” Many jurisdictions have now criminalised acts relevant to the foreign fighter phenomenon, including Belgium and Germany, which have made the receiving of terrorist training an offence.²²

The Security Council Resolution also calls on Member States to develop and implement prosecution, rehabilitation and reintegration *strategies* in response to returned foreign fighters, and encourages them to engage actors on local levels such as families, religious leaders, and civil society to counter violent extremism.²³ However, the Council does not further elaborate upon what kinds of strategies these might be or whether other programmes exist, which might serve as examples.²⁴ This missed opportunity is also evident in the Council of Europe’s Additional Protocol, which does not mention rehabilitation or reintegration measures, and in fact designates the purpose of the Protocol as a measure to criminalise the acts set out above, making the requirements

¹⁹ S/RES/2178 (2014) paras. 4-6.

²⁰ Articles 3(2), 4(2), 5(2), 6(2) and 2(2), of the Council of Europe Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015), <http://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/rms/090000168047c5ea>.

²¹ *Ibid.*, Article 2(2).

²² P. Bakowski and L. Puccio, “Foreign Fighters’: Member States’ Responses and EU Action in an International Context”, *European Parliament Briefing* PE 548.980, Members’ Research Service, February 2015, p. 7, <http://www.europarl.europa.eu/EPRS/EPRS-Briefing-548980-Foreign-fighters-FINAL.pdf>.

²³ S/RES/2178 (2014) paras. 4 and 16.

²⁴ B. van Ginkel, “New Security Council Resolution 2178: Missed Opportunity for a Holistic Approach”, *ICCT Commentary*, 4 November 2014, <http://icct.nl/publication/the-new-security-council-resolution-2178-on-foreign-terrorist-fighters-a-missed-opportunity-for-a-holistic-approach/>.

set forth “criminalisation-heavy” without room for alternative measures specifically built into the document.²⁵

In several jurisdictions, preparatory offences also relating to the foreign fighter phenomenon have been criminalised, meaning that the prosecution of those at earlier stages of the radicalisation process, and often before engaging in a violent extremist act, is possible. This trend is mainly due to the difficulty of collecting evidence in foreign fighter-related prosecutions, and particularly those related to individuals having joined designated terrorist groups in Syria, where judicial cooperation with the government is not possible for European states.²⁶ Consequently, although individuals may come into contact with the long arm of the law through investigations, evidence is often insufficient to present charges, charges are dropped for a variety of reasons or individuals who have travelled or are planning to travel abroad as foreign fighters are prosecuted for non-terrorism-related acts, such as (preparation for) murder, or for “lesser” (terrorist) crimes.²⁷

A further challenge relates to the notion of prisons as incubators or accelerators for radicalisation by causing individuals to become (further) radicalised, and with this the debate of dispersing or concentrating inmates convicted of terrorist crimes. While the direct link between radicalisation and imprisonment is highly contentious and not empirically proven,²⁸ anecdotal evidence exists both in Europe and abroad, including individuals that have travelled to conflict zones.²⁹ Regardless, with higher numbers of

²⁵ The relevant text of Article 1: “The purpose of this Protocol is to supplement the provisions of the Council of Europe Convention on the Prevention of Terrorism, opened for signature in Warsaw on 16 May 2005 (hereinafter referred to as “the Convention”) *as regards the criminalisation of the acts described in Articles 2 to 6 of this Protocol*, thereby enhancing the efforts of Parties in preventing terrorism and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures to be taken at national level and through international co-operation, with due regard to the existing applicable multilateral or bilateral treaties or agreements between the Parties.” (Emphasis added.) The text of the Council of Europe’s 2005 Convention on the Prevention of Terrorism also does not designate rehabilitation or reintegration possibilities within its approach, though Articles 3 and 4 speak to the prevention angle required in order to minimise the occurrence of terrorist offences.

²⁶ See G. de Kerchove’s contribution in “Rehabilitation and Reintegration” (2015); see also Eurojust, “Foreign Fighters” (2015), p 3.

²⁷ C. Paulussen, “The Syrian Foreign Fighters Problem: A Test Case from The Netherlands”, *ICCT Commentary* (2 December 2013); and *Rechtbank Rotterdam*, 10/960233-12, 23 October 2013.

²⁸ See e.g., B. Useem and O. Clayton, “Radicalization of U.S prisoners”, *Criminology and Public Policy* 8, no. 3 (2009), pp. 561-592; I. Cuthbertson, “Prisons and the Education of Terrorists”, *World Policy Journal*, no. 21 (2004); F. Cilluffo, S. Cardash and A. Whitehead, “Radicalisation: Behind Bars and Beyond Borders”, *Brown Journal of World Affairs* 13, no. 2 (2007); A. Rappaport, T. Veldhuis and A. Guiora, “Homeland Security and the Inmate Population: The Risk and Reality of Islamic Radicalization in Prison”, in: L. Gideon (Ed.), *Special Needs of Offenders in Correctional Institutions*, pp. 431-458 (Thousand Oaks, CA: SAGE Publication, 2012); C. Jones, “Are Prisons Really Schools for Terrorism? Challenging the Rhetoric on Prison Radicalization”, *Punishment & Society* 16, no. 1 (2014), pp. 74–103; D. Bigo, L. Bonelli, E-P. Guittet and F. Ragazzi, “Preventing and Countering Youth Radicalisation in the EU”, *Directorate General for Internal Policies, Civil Liberties, Justice and Home Affairs Study PE 509.977*, April 2014, especially pp. 13-14, [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509977/IPOL-LIBE_ET\(2014\)509977_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509977/IPOL-LIBE_ET(2014)509977_EN.pdf).

²⁹ M. Ahmed, “Prison Radicalisation in Europe”, *Tony Blair Faith Foundation Opinion Piece*, 17 August 2015, <http://tonyblairfaithfoundation.org/religion-geopolitics/commentaries/opinion/prison-radicalisation-europe>; J. Brandon, *Unlocking al-Qaeda: Islamist Extremism in British Prisons* (London, England: Quilliam Foundation, 2009). Recent examples in connection with the foreign fighter phenomenon include Mohamed Merah, who committed terrorist attacks in France in 2013; Mehdi Nemmouche, responsible for the Jewish

radicalised foreign fighters entering the criminal justice chain and being incarcerated, either during, before or as a consequence of trial, addressing prison radicalisation either as part of imprisonment or as an alternative, presents a growing challenge for the criminal justice sector.

4. The Relevance, Benefits & Principles of Rehabilitation for Foreign Fighters

Facing such challenges, the use of rehabilitation programmes becomes crucial both as an alternative and in addition to the prosecution of foreign fighters.

Rehabilitation can be described as “a purposeful, planned intervention, which aims to change characteristics of the offender (attitudes, cognitive skills and processes, personality or mental health, and social, educational or vocational skills) that are believed to be the cause of the individual’s criminal behaviour, with the intention to reduce the chance that the individual will re-offend”.³⁰ In influencing the characteristics that foster criminal behaviour, rehabilitation programmes can entail a cognitive element (a change in beliefs and attitudes, often referred to as *de-radicalisation*) and a behavioural part (ceasing violent activities, often referred to as *disengagement*). Rehabilitative efforts directly relate to, and aim to stimulate, the offenders’ process of societal re-entry.

There are numerous reasons why including rehabilitation as part of the (criminal justice sector) response to foreign fighters is beneficial:

- The motives of foreign fighters for travelling abroad as well as for returning vary. Because a proportion of foreign fighters is still “ideologically unformed”, they are likely to be more susceptible to the influence of psychological treatment in the setting of rehabilitation.³¹ Similarly, rehabilitation provides a way to deal with those who have become disillusioned during their time in the conflict zone, or those whose primary motivations were related to monetary gains or adventure seeking.

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museum attack in Brussels (2014); and finally, Amedy Coulibali, involved in the 2014 Charlie Hebdo attack in Paris, were allegedly (further) radicalised in prison.

³⁰ T. Veldhuis, “Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach”, *The International Centre for Counter-Terrorism - The Hague* 3, no. 2, <http://www.icct.nl/download/file/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration-Programmes-March-2012.pdf>.

³¹ See, e.g. G. Holmer, “What to Do When Foreign Fighters Come Home”, *United States Institute for Peace*, 2 June 2015, <http://www.usip.org/publications/2015/06/02/what-do-when-foreign-fighters-come-home>.

- Returned foreign fighters suffering from PTSD, trauma or other mental health issues require an adequate rehabilitative approach rather than (just) a criminal justice response in order to address potentially serious health concerns.³²
- Given that prisons have been perceived as incubators or accelerators for radicalization (see above), rehabilitation provides a means to address prison radicalisation, by either providing programmes within the custodial setting or as an alternative.
- Because prosecuting foreign fighters for violent extremist offences remains a challenge, for example due to the difficulty of obtaining evidence, rehabilitation programmes can provide a pragmatic alternative for those who cannot be prosecuted.
- Providing individuals with “a second chance” is a crucial element of a democratic society where “individuals should have the right to be ‘redirected’ away from their previous trajectory toward more legitimate activities”.³³ This in turn is part of a credible, alternative narrative to that of extremist groups, and contributes to trust building, and might foster resilience and resistance to traveling to (future) foreign conflicts as well as limiting grounds for (further) radicalisation.³⁴
- Rehabilitated foreign fighters can – either during their rehabilitation process or as part of a more general counter-narrative – have an important positive influence to inspire or aid extremists to leave their extremists environments.³⁵
- Rehabilitation programmes might offer individuals a way out of terrorist networks. Rehabilitation provides a valuable tool in breaking the circle of (potential) violence for those who do not see an opportunity to do so without external assistance.
- Finally, rehabilitation is also likely to give important insights into the broader context of the foreign fighter phenomenon by providing information about various types and motivations of foreign fighters.

Overall, rehabilitation programmes should be an essential and integral part of a comprehensive approach to foreign fighters as they are likely to increase the long-term success of an overarching security approach – to foreign fighters but also to violent extremism in general. Focussing narrowly on a one-size-fits-all approach, where prison sentences are the only and ultimate goal, fails to address not just the variety of motivations that foreign fighters have but more importantly, it fails to address that any effective security strategy should be based on these differences.

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³² R. Briggs Obe and T. Silverman, *Western Foreign Fighters* (2014), p. 39 and p. 46; and RAN, *Cities Conference Foreign Fighters* (2014), p. 1. See also RAN, *Declaration of Good Practices For Engagement with Foreign Fighters* (2013), p. 5.

³³ C. Lister, “Returning Foreign Fighters: Criminalization of Reintegration?”, *Brookings Doha Centre Policy Briefing*, August 2015, p. 8, <http://www.brookings.edu/~media/research/files/papers/2015/08/13-foreign-fighters-lister/en-fighters-web.pdf>, paraphrasing Prof. Dr. Preben Bertelsen of Aarhus University.

³⁴ See also the case against Kreshnik Berisha in Germany, a traumatised and disappointed returnee, whose prison sentence was reduced from ten to less than four years, with the Justice’s justification that “We don’t want to destroy his whole future”, see *ibid*, p. 10.

³⁵ Practice Number 13 in Global Counterterrorism Forum (GCTF), *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders* (2012); RAN, *Cities Conference Foreign Fighters* (2014).

The situation within several EU Member States regarding not only the prosecution and criminalisation of foreign fighters, but also the availability and maturity of rehabilitation programmes varies significantly. Some jurisdictions are trying to prevent the return of departed foreign fighters altogether (e.g., through the stripping of citizenship/revocation of passports, possible, for example, in the UK³⁶). Member States are also creating new rehabilitation programmes for returned foreign fighters, while yet others offer rehabilitation to all (potential and returned) foreign fighters as long as there is no evidence of a crime having been committed. Examples of countries with recently developed initiatives include the Netherlands, where a programme has been operational for returned foreign fighters on a voluntary basis at a specific location from autumn 2015;³⁷ and France, where in Mulhouse, judges can apply a four-phased programme utilising a multi-actor approach aimed not at foreign fighters, but radicalised youth, and which has been available since late September.³⁸ In Denmark, the municipality of Aarhus together with the East Jutland Police District and other agencies have, since 2013, offered a specialised exit programme for foreign fighters not suspected of any criminal activity; and a national “exit centre” has been set up.³⁹

Over the past decades a number of rehabilitation programmes for various manifestations of extremism have been developed in Europe (e.g., United Kingdom, Denmark, Norway, Sweden, Germany), Southeast Asia (e.g., Singapore, Indonesia), and the Middle East (e.g., Saudi Arabia, Egypt, Yemen). Combined with various studies that provide insights about different aspects of the rehabilitative process⁴⁰ and the imprisonment of violent extremists,⁴¹ evidence-based information about the best, but

³⁶ P. Bakowski and L. Puccio, *Foreign Fighters* (2015), p. 8; and Ch. Paulussen and E. Entenmann, “National Responses in Select Western European Countries to the Foreign Fighter Phenomenon”, in: A. de Guttery, F. Capone and Ch. Paulussen (eds.), *Foreign Fighters Under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague (forthcoming).

³⁷ See Tweede Kamer, *Kamerbrief over Verplichte Deradicalisering en Administratieve Detentie*, 8 December 2015, <https://www.rijksoverheid.nl/documenten/kamerstukken/2015/12/08/tk-verplichte-deradicalisering-en-administratieve-detentie>.

³⁸ The programme is designed by the General Prosecutor of Colmar, France, and implemented with support of the Ministry of Justice. Due to the fact that terrorist acts throughout the country are only prosecuted by a designated prosecutor in Paris, the de-radicalisation programme will only be applicable to “lesser” crimes. Interestingly, the 2-3 month long programme does not focus on a religious component but on diagnosis, re-establishing social ties, de-constructing radical discourse through, for example, dialogue with victims, and promotion of reintegration. For more information see T. Raisse, “La Justice Va Tester des Stages de DeRadicalisation” *Le Parisien* (9 Sep. 2015).

³⁹ P. Bertelsen, “Danish Preventive Measures and De-Radicalization Strategies: The Aarhus Model”, *Panorama: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, January 2015, p. 245, http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler_radikalisering/Panorama.pdf.

⁴⁰ R. Gunaratna, “Terrorist Rehabilitation: A Global Imperative”, *Journal of Policing, Intelligence and Counter Terrorism* 6, no. 1 (2011), <http://www.tandfonline.com/doi/abs/10.1080/18335330.2011.553182?journalCode=rpic20#.VpTnucbhCU>; J. Horgan and K. Braddock, “Rehabilitating the Terrorists?: Challenges in Assessing the Effectiveness of De-Radicalisation Programmes”, *Terrorism and Political Violence*, no. 22 (2010).

⁴¹ M. Hamm, *The Spectacular Few: Prisoner Radicalisation and the Evolving Terrorist Threat*, New York University Press (2013); T. Veldhuis, *Captivated by Fear: An Evaluation of Terrorism Detention Policy*, Ridderprint (2015).

also worst practices in the rehabilitation of violent extremist offenders⁴² can be drawn, that are relevant in the context of foreign fighters.

First and foremost, there is no one-size-fits-all approach.⁴³ Motives for engaging in violent extremism differ, as do motives for disengagement,⁴⁴ and this is especially true for the broad spectrum of foreign fighters, where not every individual will be violent or have suffered trauma. This means that rehabilitative programmes must cover multiple factors, including, for example, religious, social, vocational and psychological elements.⁴⁵ Also, it is essential that the primary and secondary objectives are clearly defined, and the indicators of success established, and progress monitored and evaluated.⁴⁶

This implies that an effective and individual intake and risk assessment is required, and programmes as well as interventions should be tailored accordingly.⁴⁷ These assessments may provide valuable insights in certain factors (cognitive, social or practical), which can foster or hinder rehabilitation. Ideally, the intake has taken place at an earlier stage of the criminal justice sector chain and information is passed on to relevant authorities; while regular periodic risk assessments need to be administered to measure progress and the effectiveness of interventions. It is also crucial that risk assessments and related information is passed on to relevant actors in subsequent stages.

Additionally, for rehabilitation programmes to be effective, a voluntary basis for engagement is considered most suitable, meaning that (former) violent extremists show a cognitive opening or a willingness to change.⁴⁸ This is not to say that violent extremists should not be stimulated to participate in the rehabilitation process. There

⁴² C. Boucek, "Saudi Arabia's 'Soft' Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare", *Carnegie Endowment for International Peace Paper*, September 2008, <http://carnegieendowment.org/2008/09/22/saudi-arabia-s-soft-counterterrorism-strategy-prevention-rehabilitation-and-aftercare/S4>.

⁴³ R. Martinson, "What Works? Questions and Answers About Prison Reform", *The Public Interest*, no. 35 (1974), p. 25; and R. Briggs Obe and T. Silverman, *Western Foreign Fighters* (2014), p. 46; and RAN, *Cities Conference Foreign Fighters* (2014), p. 4.

⁴⁴ L. Davies, Z. Limbada, L. Z. McDonald, B. Spalek and D. Weeks, "Formers and Families: Transitional Journeys in and out of Violent Extremism in the UK", *Connect Justice/Justice in Conflict* (2015), p. 17, <http://www.connectjustice.org/admin/data/files/UK%20Formers%20&%20Families%20Final.pdf>.

⁴⁵ Only focussing on the aspect of ideology fails to address important social and practical boundaries and opportunities for rehabilitation and reintegration.

⁴⁶ "Roundtable Expert Meeting & Conference on Rehabilitation and Reintegration of Violent Extremist Offenders: Core Principles & Good Practices", *ICCT Background Paper*, February 2012, <http://www.icct.nl/download/file/ICCT-Background-Paper-Rehab-Core-Principles-Good-Practices.pdf>; RAN, *Declaration of and Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration*, November 2013, p. 2, <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf>.

⁴⁷ Risk assessment is an estimation of the likelihood of an adverse situation occurring. Individual risk assessments for violent extremists are intended to identify the risks, motivations, criminogenic needs and vulnerabilities of violent extremists at a given point in time and within a given context; See J. Monahan, "The individual risk assessment of terrorism", *Psychology, Public Policy, and Law*, no. 18 (2012), pp. 167-205.

⁴⁸ D. M. Stone, "The Outcome of a Long Process: Tracking Terrorist Rehabilitation and the Beginning of a Longer One – Implementing Best Practices in Regional Contexts", in R. Gunaratna and M. Bin Al (Eds.), *Terrorist Rehabilitation: A New Frontier in Counter-Terrorism* (London, United Kingdom: Imperial College Press, 2015), p. 237; and RAN, *Cities Conference Foreign Fighters* (2014), p. 4.

is a range of incentives that can be offered to violent extremists when they participate cooperatively in rehabilitation programmes either before or during the trial period or even in the detention phase. Examples include enhanced visits by family members; increased recreational activities; and measures outside detention such as suspending administrative measures against an individual.⁴⁹

Moreover, following the first point mentioned, rehabilitation ideally includes the involvement of a range of different stakeholders at different stages of the programme. These may include formal governmental organisations such as municipalities, police, prison authorities and probation services; professional workers such as psychologists and social workers; and informal actors like (charismatic) religious figures, families, friends and former violent offenders.⁵⁰ The process of rehabilitation must be viewed as part of a continuum where various relevant actors are involved in different stages of the process, from arrest to a potential prison period as well as in the period after release. During the process of reintegration back into societies, individuals need to be monitored for indicators of recidivism. In addition, aftercare programmes could be developed and protective measures could be implemented when needed. In any case, the rehabilitative process should be a coordinated long-term commitment for all actors involved.⁵¹ Relatedly, rehabilitation should be a community-based endeavour. The community of a violent extremist includes his or her family but can also include friend groups and/or specific individuals with whom they have built trusted relationships in the past. Families play an especially integral role in the success of rehabilitation programmes; they can be particularly instrumental in keeping the inmate from returning to a life of terrorism.⁵²

5. Integrating Rehabilitation in the Criminal Justice Sector Response

Foreign fighter-related conduct that has and can be prosecuted within various EU Member States includes (but is not limited to) preparatory acts, training, recruitment, financing, joining or otherwise supporting terrorist organisations, kidnapping, incitement and murder – and must not necessarily be connected to terrorism. For those who (plan to) travel, fighters fall under the scrutiny of the criminal justice sector on

⁴⁹ GCTF, *Rome Memorandum* (2012).

⁵⁰ R. Gunaratna, *Terrorist Rehabilitation* (2011); and RAN, *Declaration of Good Practices For Engagement with Foreign Fighters* (2013), p. 4.

⁵¹ Georgia Holmer, *What to Do?* (2015).

⁵² For more information on this paragraph see e.g., GCTF, *Rome Memorandum* (2012); D. Weggemans and B. De Graaf, *After Release: An Explorative Study on Recidivism and Re-Integration of Former Detainees with a Jihadi Background* (forthcoming, 2015); E. Bakker and P. Grol, "Motives and Considerations of Potential Foreign Fighters from the Netherlands", *The International Centre for Counter-Terrorism - The Hague* 6, no. 3 (2015), <http://icct.nl/wp-content/uploads/2015/07/ICCT-Bakker-Grol-Motives-and-Considerations-of-Potential-Foreign-Fighters-from-the-Netherlands-July2015.pdf>.

different occasions within varying national jurisdictions: prior to departure to a conflict zone, en route, or upon return. In any case, the decision to prosecute is often a highly complex one that takes into account a range of different factors such as the seriousness of the alleged conduct, availability of evidence and the public interest.⁵³

The different stages at which foreign fighters and the criminal justice sector connect present different opportunities for the utilisation of rehabilitation programmes. They can be used as an alternative to criminal prosecution or as a condition for a suspended prison sentence, as a condition to release from pre-trial detention, as a requirement while a convicted fighter carries out a sentence, during probation or in case of early release from detention. Below, the authors have identified four phases of the criminal justice sector framework with pointers as to how rehabilitation can be integrated into the criminal justice response to foreign fighters. It goes without saying that the principles and good practices identified in section 4 of this Policy Brief apply to all stages identified below.

Pre-Trial (Detention) Period

The first phase the criminal justice sector comes into contact with alleged foreign fighters is the investigation period, in which prosecutors try to build their case, upon arrest, during the indictment phase, or during plea negotiations. This may be during pre-charge/pre-trial detention or in the period between an individual's being charged and the commencement of a trial. Because a trial might not necessarily take place due to the problems highlighted above, the availability of rehabilitation programmes and a focus on – particularly for returnees – reintegration back into their home societies are crucial considerations in this phase. Past experience has shown that rehabilitation works best as a long-term endeavour, thus, it is recommended to commence the process as early as possible, so already in this first, pre-trial stage.⁵⁴

It is important to note that in this phase, rehabilitation can generally not be made obligatory by the criminal justice sector, given that the potential guilt of an individual has not been established. However, this differs in some jurisdictions, for example with respect to suspected juvenile offenders or the use of other pre-trial judicial control measures. Also in some cases pre-trial detention may be suspended. A suspect is allowed to await his trial from home under strict conditions. The imposition of such conditions usually implies frequent reporting to probation officers or an area ban, but also leaves room for more focussed rehabilitative efforts. This provides some opportunities for reinforcing first rehabilitative endeavours.

However, rehabilitation can be made available on a voluntary basis to all individuals who fall under the scrutiny of the criminal justice sector or suspected foreign fighters can be recommended for a rehabilitation programme by those parties (families, municipalities, but also judges) encountered during this phase. As is currently

⁵³ See for more information Eurojust, "Foreign Fighters" (2015).

⁵⁴ A. Angell, and R. Gunaratna, *Terrorist Rehabilitation: The U.S. Experience in Iraq*, (London and New York: CRC Press, 2011), pp. 359-360 and 368.

happening in the Danish *Aarhus* programme, some returning foreign fighters who have not been suspected of criminal activity may be offered (social) support without the threat of jail time.⁵⁵ Here, and especially given the young age profile and early stages of radicalisation process of many foreign fighters, a decision to utilise rehabilitation as an alternative to prosecution altogether could also be made.

In the pre-trial phase, the following questions need to be answered: does the suspect want to (voluntarily) participate in a rehabilitation programme? If so, to what extent will this influence the course of the subsequent legal proceedings; for example, will it affect the existence and nature of charges, bail arrangements, mitigating circumstances or other aspects of the trial? And if not, how can participation be stimulated? To what extent can the radicalisation process be identified – either through a thorough classification based on participation of the suspect or based on the information provided by security, intelligence, social and other services (e.g., municipalities)? And to what extent can contact with parents, friends and others in this person's environment be established and utilised during rehabilitation and reintegration efforts?

Furthermore, and as in other stages of the proceedings, the objectives of the rehabilitation programme must be clearly defined: does it focus on trying to change the potential foreign fighter or returnees' fundamentalist beliefs (de-radicalisation) or does it focus on getting the person to denounce the use of violence or other activities related to violent extremism (disengagement)? Or, especially in the case of a disillusioned returnee from a conflict zone, does it mainly relate to the reintegration back into society? Or is the goal of rehabilitation mainly geared towards psychological support such as providing trauma counselling and treating PTSD?⁵⁶ Given the different profiles and stages of the radicalisation process as well as the nature of charges, which might not be directly linked to terrorism, each foreign fighter must be assessed on a case-by-case basis.

Finally, because participation in a rehabilitation programme can generally not be mandatory during the pre-trial phase, there is a risk that a foreign fighter might not be sincere about his/her motivations for participating voluntarily, but only partakes in the hope of minimising sentencing or otherwise positively influencing the outcome of subsequent proceedings. On the other hand – and notwithstanding the presumption of innocence – foreign fighters might shy away from voluntary participation in a de-radicalisation or disengagement programme because it could, to them, imply that they are inadvertently admitting to being radicalised or having committed crimes, prior to any legal proceedings. These risks and their consequences need to be taken seriously.

Trial Period and Sentencing

During the trial period, from the commencement of formal court proceedings until the final sentence has been determined – including through any potential appellate

⁵⁵ P. Bertelsen, *Danish Preventive Measures and De-Radicalization Strategies* (2015).

⁵⁶ R. Briggs Obe and T. Silverman, *Western Foreign Fighters* (2014), pp. 45-46.

procedures – another opportunity for utilising rehabilitation is available. This is especially true in cases where an alleged offender is detained during the trial proceedings, but can also play a role if he or she is released on bail.

Introducing opportunities for rehabilitation at the trial stage might again influence the outcome of subsequent proceedings, similarly to those highlighted above. Additionally, the actual sentencing offers a greater opportunity for mandatory participation in rehabilitation programme. A rehabilitation programme can be prescribed as part of a prison sentence, be ordered as an alternative to incarceration, or be used to facilitate or serve as a precondition for early release. Again, it is important to keep in mind that rehabilitation works best when there is an openness and willingness to participate; however, as highlighted above, numerous “carrots and sticks” are available.⁵⁷

The potential for rehabilitative efforts in the trial and sentencing phase can also be found in other factors, for example the length of a trial, which often differs between countries as well as per case. A longer trial means more time for first rehabilitative endeavours. Considering that time already spent in pre-trial detention can be deducted from the final sentence, and given the often short prison sentences handed down in combination with long (pre-) trial detention periods, there is an important window of opportunity for utilising rehabilitation during this stage. The same goes when someone receives a longer prison sentence – which could also, conversely, foster (further) radicalisation. In some cases a rehabilitative programme might also be a preferred option for suspects or convicts of non-violent extremist offenses, but where indicators of radicalisation are present.⁵⁸ An earlier (extremist) conviction might provide a mandate for imposing certain restrictive measures which otherwise might have not been possible.

As in other phases, information about the suspect forms a central element for any rehabilitative effort, and an intake and risk assessment should occur upon incarceration, with relevant information from previous stages having been passed on to (prison) authorities. Insights are needed on various domains (cognitive, social and practical) for developing a first approach to foster rehabilitation.⁵⁹ For example in order to determine where the suspect should be detained, information about affiliates who might also be in prison is useful. The same goes when someone is released on bail and certain restrictive conditions might be imposed for this period, for example on contact restraining orders or area restrictions, in order to prohibit individuals from contacting their peers. In this phase, some of the questions that need to be addressed are similar

⁵⁷ S. Zeiger, “Disengagement and De-radicalization”, *CVE Research Brief Hedayah*, December 2014, <http://www.hedayah.ae/pdf/cve-research-brief-1.pdf>.

⁵⁸ B. Schuurman and E. Bakker, “Reintegrating Jihadist Extremists: Evaluating a Dutch Initiative, 2013-2014”, *Behavioral Sciences of Terrorism and Political Aggression* 8, No. 1 (January 2016), pp. 66-85.

⁵⁹ A. Speckhard. “Prison and Community-Based Disengagement and De-Radicalization Programs for Extremist Involved in Militant Jihadi Terrorism Ideologies and Activities. In A. Speckhard (Ed.), *Psychosocial, Organizational and Cultural Aspects of Terrorism* (Neuilly-sur-Seine: NATO-Research and Technology Organization, November 2011).

to those during the pre-trial phase, such as what risk classification can be made as well as what the goals of the intervention are.

Finally, a significant proportion of suspects will be either acquitted, will not receive a prison sentence, or will only be incarcerated for a short period. This, however, does not mean that rehabilitation is not important in this context. Research has shown that also these suspects can encounter serious problems during their reintegration, which in some cases leads to (further) radicalisation.⁶⁰

Post-Trial Incarceration

For convicted offenders who are sentenced to serve time in prison, rehabilitation programmes represent a valuable opportunity to influence foreign fighters' time during incarceration and their reintegration into society upon release. Participation in a rehabilitation programme during incarceration can be either mandatory, such as being part of the sentence, or voluntary. Regarding the former, rehabilitation programmes could be part of a (mitigated) sentence, a precondition for early release, or part of the penitentiary's institutional policy for (violent extremist) offenders.

Compared to the previous stages, participants can be more closely monitored during this phase within a detention facility, and rehabilitation can therefore be more in-depth, expansive, tailored to specific needs and incentivised. However, given the increasing application of preparatory sentences, and convictions – due to the nature of the foreign fighter phenomenon and the difficulty in obtaining evidence – for crimes with relatively low detention rates compared to those of convicted terrorist offenders, it must also be kept in mind that incarceration periods may often be relatively short or even non-existent, when time served during the trial stage equals the prison time prescribed in the verdict.

Several issues are of importance here. First, the interaction between prison staff and inmates is crucial for rehabilitation.⁶¹ This means training and/or hiring staff, possibly supplemented through external experts,⁶² with adequate and specialised knowledge, experience and skill to deal with these inmates. This does not mean that every staff member has to engage in religious dialogue with offenders – instead, this should be delegated to religious experts – but it entails being sensitive to the rehabilitation process and the specific demands that come with detainees with a violent extremist background.

Second, prison conditions are key for the success of rehabilitation efforts. For example when prisons are overcrowded, understaffed, or the custodial setting is not safe for staff nor inmates, is not secure or well operated, it is extremely difficult to have an

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⁶⁰ D. Weggemans and B. De Graaf, "After Release" (forthcoming, 2015).

⁶¹ D. M. Stone, *The Outcome of a Long Process*, p.236

⁶² See e.g. the Violence Prevention Network's *Taking Responsibility - Breaking away from Hate and Violence* project in prisons.

effective rehabilitation programme.⁶³ Frequent transfers of prisoners between institutions, for example due to overcrowding can also disrupt the rehabilitative process.⁶⁴ Similarly, considerable human and financial resources are required to undertake such interventions.

Last, a central debate in this context focuses on the dispersion or concentration of inmates with a violent extremist background. While, on the one hand, segregation of all convicted extremist offenders in separate wings (as in the Netherlands) curtails the problem of recruitment and spreading of extremism to some extent and limits the need for resources, it can, on the other, hand form a serious barrier for de-radicalisation and disengagement during rehabilitation. For instance, convicted extremist inmates may not be able to form tight groups amongst one another, and are confronted with alternative, non-extremist perspectives and views that could aid the rehabilitation process.⁶⁵ In fact, research has shown that in some prison settings, dispersion can be beneficial to de-radicalisation and disengagement.⁶⁶ Given the fact that inmates have different background and risk profiles, a case-by-case approach for deciding whether an inmate should be isolated from “regular” prisoners or not, is most favourable – when circumstances allow.

Beyond the Prison Context

There are a variety of opportunities for utilising rehabilitation programmes beyond prison. First, rehabilitation could be pursued as an alternative to prosecution (see above). Secondly, an individual might continue rehabilitation upon (early or regular) release from prison to facilitate the reintegration process. This again can be either mandatory or voluntary. Third, rehabilitation might be recommended or desired when an individual is acquitted at the conclusion of a trial. The fourth point concerns instances where charges are dropped, for example, due to lack of evidence, and rehabilitation can be recommended instead of a trial. Last, rehabilitation can play a role in the context of administrative sanctions such as the revocation of passports, blacklisting of individuals and freezing of social benefits, and there might be a certain overlap with the criminal justice sector. For example, rehabilitation could be incentivised so that participation or progress in such programmes is tied to lifting administrative measures. Again, the goal of the programme must be examined for full reintegration. It is logical to couple rehabilitation with lifting administrative measures in order for the individual to fully have the chance to reintegrate.

Integrating rehabilitation into the criminal justice sector approach entails not only preparing individuals for their return to the community but also monitoring and

⁶³ D. M. Stone, *The Outcome of a Long Process*, p.226 and 236; A. Angell, and R. Gunaratna, *Terrorist Rehabilitation: The U.S. Experience in Iraq* (2011), p. 360-1.

⁶⁴ Ibid.

⁶⁵ D. M. Stone, *A Long Process* (2015), p. 238.

⁶⁶ C. R. Jones, “Testing the Notion that Prisons are Schools for Terrorism: Examining Radicalization and Disengagement in the Philippine Corrective System”, in S. Zeiger and A. Aly (Eds.), *Countering Violent Extremism: Developing an Evidence Base for Policy and Practice*, Hedayah and Curtin University (2015), pp. 101-109, <http://www.hedayah.ae/pdf/cve-edited-volume.pdf>.

assisting them when encountering obstacles during their reintegration – for example, stigmatisation. Some communities may be highly averse to welcoming back former foreign fighters, especially upon release from prison or where there was much media around the individual. Ignoring and failing to address these factors potentially hinders reintegration and ultimately may lead to new deviant activities and security threats. One important aspect of rehabilitative efforts therefore is the assistance and training of the communities (primarily parents) who are confronted with the re-entry of a (former) violent extremist detainee.⁶⁷

6. Conclusion

This Policy Brief has outlined the need for, and benefits of, utilising rehabilitation as important element of a pragmatic and reasonable response to the foreign fighter phenomenon. It lays the basis for a long-term security approach and provides an attractive alternative, both within the criminal justice sector and as part of an overall comprehensive approach. There is a clear need for rehabilitation, given the increased burden on judicial sectors and evidentiary problems, charges being dropped and suspected foreign fighters being charged with “lesser” offenses. While recognising that rehabilitation is not always successful or is not necessarily suitable for every single foreign fighter, the benefits are manifold and range from practical considerations to contributing to make an overall and especially long-term response to foreign fighters more effective. (This is notwithstanding the urgent necessity to address the root causes of the foreign fighter problem, both in home countries and abroad.)

Using lessons learned from past rehabilitative practices and research, and applying these to the specifics of the current foreign fighters’ context, this Policy Brief explored four stages of the criminal justice sector chain during which rehabilitation can be applied. While each stage presents its own challenges that need to be addressed before employing a rehabilitation programme, many of which relate to the actual prescription of rehabilitation, ample opportunities exist within each phase. It is clear that all cases need to be assessed individually for potential risks and prospects, depending on a number of factors such as the nature of charges, the stage of radicalisation process, motivations, age and chances of rehabilitative success. Subsequently, a programme with clearly defined objectives needs to be tailored to the individual case, and monitoring, evaluation mechanisms in place to measure success and mitigate risks.

⁶⁷ See for more information and examples on this paragraph, e.g. the studies published for the research project by S. Sieckelinck, and M. De Winter (eds.), “Formers & Families. Transitional journeys in and out of extremism in the United Kingdom, Denmark and The Netherlands”, *National Coordinator for Security and Counterterrorism* (October, 2015), https://www.nctv.nl/Images/end-report-formers-and-families_tcm126-610119.pdf; RAN, *Declaration of and Good Practices for Engagement with Foreign Fighters* (2013); RAN, *Cities Conference Foreign Fighters* (2014); and A. J. Gielen, “Supporting Families of Foreign Fighters: A Realistic Approach for Measuring the Effectiveness”, *Journal for Deradicalisation*, no. 2 (2015), pp. 21-48.

On a European level, various organs have taken promising measures toward integrating rehabilitation into criminal proceedings, but the Council of Europe as well as Eurojust would be equally well served to follow suit, given that rehabilitation complements their priority areas of strengthening efforts to prevent and suppress terrorism within the confines of human rights and the rule of law and the importance of building local communities' resilience towards radicalisation and extremism, respectively. While the EU may not be able to regulate all activity within Member States on this front, they will be able to facilitate the need to cooperate and share knowledge, efforts and experiences on rehabilitation and reintegration. One point that deserves extra focus is that of inter-ministry cooperation, both at the national level but also beyond that, into the EU level, which would be ideal for the facilitation of information sharing and idea exchanging on multi-actor approaches.

Within Member States, various new rehabilitation programmes are being developed or existing ones are adapting to address the foreign fighter phenomenon. In order to ensure the effectiveness of rehabilitation, it is important to not design such programmes as merely a knee-jerk reaction to security threats.⁶⁸ As this Policy Brief has shown, there is no need to re-invent the wheel, but many lessons, good practices and specific examples exist to guide the rehabilitation of foreign fighters.

Rehabilitation programmes are frequently framed as part of a “softer” approach to counter violent extremism and the foreign fighter phenomenon, contrasting starkly with the (often more popular) “harder”, punitive approach. Such a view is counterproductive, as both options (rehabilitation and prosecution) are part of the same effort to not only counter but also prevent (further) radicalisation. It is clear that rehabilitation cannot always be effective, or a suitable alternative to prosecution; let alone that rehabilitation should be the only option for those foreign fighters who can be proven to have committed criminal acts. As Matthew Levitt noted at a February 2013 meeting on foreign fighter rehabilitation in the criminal justice sector: “[n]ot every returning foreign fighter or terrorist dropout can be reintegrated into society, but some can. Even among those who can be prosecuted and convicted, the vast majority will eventually be released. It is therefore neither ‘soft’ nor ‘weak’ to be talking about how to rehabilitate them, especially in the prison context but elsewhere as well”.⁶⁹

⁶⁸ See also T. Veldhuis, “Captivated by Fear” (2015), especially pp. 171-3.

⁶⁹ M. Levitt’s contribution in “Rehabilitation and Reintegration” (2015).

Bibliography

- Ahmed, M. "Prison Radicalisation in Europe". *Tony Blair Faith Foundation Opinion Piece*, 17 August 2015,
<http://tonyblairfaithfoundation.org/religion-geopolitics/commentaries/opinion/prison-radicalisation-europe>.
- Angell, A. and R. Gunaratna. *Terrorist Rehabilitation: The U.S. Experience in Iraq*. London and New York: CRC Press, 2011.
- Bakker, E. "Meeting at NATO's COE-DAT on Foreign Fighters: Push and Pull Factors", *Leiden Safety and Security Blog*. Universiteit Leiden, 22 June 2015,
<http://leidensafetyandsecurityblog.nl/articles/meeting-at-natos-coe-dat-on-foreign-fighters-push-and-pull-factors>.
- Bakker, E. and P. Grol "Motives and Considerations of Potential Foreign Fighters from the Netherlands", *The International Centre for Counter-Terrorism - The Hague* 6, no. 3 (2015),
<http://icct.nl/wp-content/uploads/2015/07/ICCT-Bakker-Grol-Motives-and-Considerations-of-Potential-Foreign-Fighters-from-the-Netherlands-July2015.pdf>.
- Bakowski, P. and L. Puccio. "'Foreign Fighters': Member States' Responses and EU Action in an International Context". *European Parliament Briefing* PE 548.980, Members' Research Service, February 2015,
<http://www.europarl.europa.eu/EPRS/EPRS-Briefing-548980-Foreign-fighters-FINAL.pdf>.
- Barbier, J. and M. Keulemans. "Heeft merendeel jihadisten psychische problemen?". *Volkskrant* 11 June 2015,
<http://www.volkskrant.nl/wetenschap/heeft-merendeel-jihadisten-psychische-problemen~a4070300/>.
- Barrett, R. "Foreign Fighters in Syria". *The Soufan Group*, June 2014,
<http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>.
- Bertelsen, P. "Danish Preventive Measures and De-Radicalization Strategies: The Aarhus Model". *Panorama: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, January 2015,
http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler_radikalisering/Panorama.pdf.
- Bigo, D., L. Bonelli, E-P. Guittet and F. Ragazzi. "Preventing and Countering Youth Radicalisation in the EU". *Directorate General for Internal Policies, Civil Liberties, Justice and Home Affairs Study* PE 509.977, April 2014,
[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509977/IPOL-LIBE_ET\(2014\)509977_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509977/IPOL-LIBE_ET(2014)509977_EN.pdf).
- Blokker, B. and A. Kouwenhoven. "Jihad: Puberoplossing voor een Puberbrein". *NRC Next* [in Dutch], 21 September 2015,
<http://www.nrc.nl/next/2015/09/21/jihad-puberoplossing-voor-een-puberbrein-1536964>.

- Boucek, C. "Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare". *Carnegie Endowment for International Peace Paper*, September 2008, <http://carnegieendowment.org/2008/09/22/saudi-arabia-s-soft-counterterrorism-strategy-prevention-rehabilitation-and-aftercare/54>.
- Brandon, J. *Unlocking al-Qaeda: Islamist Extremism in British Prisons*. London, England: Quilliam Foundation, 2009.
- Briggs Obe, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat*. Institute for Strategic Dialogue, 2014, http://www.strategicdialogue.org/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.
- Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA) and Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE). *Analyse der den Deutschen Sicherheitsbehörden Vorliegenden Informationen über die Radikalisierungshintergründe und -Verläufe der Personen, die aus Islamistischer Motivation aus Deutschland in Richtung Syrien Ausgereist Sind* [Analysis of Information available to German Security Authorities about the Radicalisation Backgrounds and Processes of Persons who, for Islamic Motivations, Left from Germany towards Syria]. 1 December 2014.
- Byman, D. and J. Shapiro. "Be Afraid, Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq". *Brookings Institution Paper*, January 2015, <http://www.brookings.edu/~media/research/files/papers/2014/11/western-foreign-fighters-in-syria-and-iraq-byman-shapiro/be-afraid-web.pdf>.
- Cilluffo, F., S. Cardash and A. Whitehead. "Radicalisation: Behind Bars and Beyond Borders". *Brown Journal of World Affairs* 13, No. 2 (2007).
- Cuthbertson, I. "Prisons and the Education of Terrorists". *World Policy Journal*, no. 21 (2004).
- Coolsaet, R. "What Drives Europeans to Syria, and to IS? Insights from the Belgian Case". *Egmont Paper*, no. 75 (2015), http://www.egmontinstitute.be/wp-content/uploads/2015/03/academia-egmont.papers.75_16x24.pdf.
- Council of Europe, *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism*, 2015, <http://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/rms/090000168047c5ea>.
- Davies, L. Z. Limbada, L. Z. McDonald, B. Spalek and D. Weeks. "Formers and Families: Transitional Journeys in and out of violent extremism in the UK". *Connect Justice/Justice in Conflict*, 2015, <http://www.connectjustice.org/admin/data/files/UK%20Formers%20&%20Families%20Final.pdf>.
- Eurojust. "Foreign Fighters: Eurojust's Views on the Phenomenon and the Criminal Justice Response". *Summary of Main Findings*, January 2015, <http://www.statewatch.org/news/2015/feb/eu-eurojust-foreign-fighters.pdf>.
- Gielen, A. J. "Supporting Families of Foreign Fighters: A Realistic Approach for Measuring the Effectiveness". *Journal for Deradicalisation*, no. 2 (2015).

- Ginkel, van, B. "New Security Council Resolution 2178: Missed Opportunity for a Holistic Approach". *ICCT Commentary*, 4 November 2014, <http://icct.nl/publication/the-new-security-council-resolution-2178-on-foreign-terrorist-fighters-a-missed-opportunity-for-a-holistic-approach/>.
- Global Counterterrorism Forum (GCTF). *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*, 2012, <https://www.thegctf.org/documents/10162/38330/Rome+Memorandum-English>.
- Gunaratna, R. "Terrorist Rehabilitation: A Global Imperative". *Journal of Policing, Intelligence and Counter Terrorism* 6, no. 1 (2011), <http://www.tandfonline.com/doi/abs/10.1080/18335330.2011.553182?journalCode=rpic20#.VpTnucbhCUk>.
- Guttry, de, A., F. Capone and Ch. Paulussen. "Introduction". In: A. de Guttry, F. Capone and Ch. Paulussen, *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag, forthcoming.
- Hamm, M. *The Spectacular Few: Prisoner Radicalisation and the Evolving Terrorist Threat*. New York: University Press, 2013.
- Hegghammer, T. "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice Between Domestic and Foreign Fighting". *American Political Science Review* 107, no. 1 (2013), http://hegghammer.com/files/Hegghammer_-_Should_I_stay_or_should_I_go.pdf.
- Hegghammer, T. and P. Nesser. "Assessing the Islamic State's Commitment to Attacking the West". *Perspectives on Terrorism* 9, no. 1 (2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440/871>.
- Holmer, G. "What to Do When Foreign Fighters Come Home". *United States Institute for Peace*, 2 June 2015, <http://www.usip.org/publications/2015/06/02/what-do-when-foreign-fighters-come-home>.
- Horgan J., and K. Braddock. "Rehabilitating the Terrorists?: Challenges in Assessing the Effectiveness of De-Radicalisation Programmes". *Terrorism and Political Violence*, no. 22 (2010).
- Hunt, C. "The Myth of the Returned Foreign Fighter". *A Medium Cooperation*, 10 September 2015, <https://medium.com/the-bridge/the-myth-of-the-returned-foreign-fighter-a15896bdebf>.
- Global Center on Cooperative Security, Human Security Collective and International Centre for Counter-Terrorism – The Hague. "Addressing the Foreign Terrorist Fighters Phenomenon from a European Union Perspective: UN Security Council Resolution 2178, Legal Issues, and Challenges and Opportunities for EU Foreign Security and Development Policy". *Policy Brief*, December 2014, <http://icct.nl/publication/addressing-the-foreign-terrorist-fighters-phenomenon-from-a-european-union-perspective/>.
- Jones, C. "Are Prisons Really Schools for Terrorism? Challenging the Rhetoric on Prison Radicalization". *Punishment & Society* 16, no. 1 (2014).

- Jones, C. R. "Testing the Notion that Prisons are Schools for Terrorism: Examining Radicalization and Disengagement in the Philippine Corrective System". In S. Zeiger and A. Aly (Eds.). *Countering Violent Extremism: Developing an Evidence Base for Policy and Practice*, Hedayah and Curtin University, 2015, <http://www.hedayah.ae/pdf/cve-edited-volume.pdf>.
- Kerchove, de, G. "Foreign Fighters and Returnees: Discussion Paper". *Note from the EU Counter-Terrorism Coordinator to the Council of the European Union* 15715/214 REV2, 2 December 2014, <http://data.consilium.europa.eu/doc/document/ST-15715-2014-REV-2/en/pdf>.
- Kerchove, de, G. "Rehabilitation and Reintegration of Returning Foreign Terrorist Fighters". *The Washington Institute for Near East Policy*, panel discussion, 23 February 2015, <http://www.washingtoninstitute.org/policy-analysis/view/rehabilitation-and-reintegration-of-returning-foreign-terrorist-fighters>.
- Krähnemann, S. "Foreign Fighters under International Law, *Geneva Academy of International Humanitarian Law and Human Rights*". *Academic Briefing* 7, October 2014, <http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20briefs/Foreign%20Fighters%20Under%20International%20Law%20Briefing%20no7.pdf>.
- Lister, C. "Returning Foreign Fighters: Criminalization of Reintegration?". *Brookings Doha Centre Policy Briefing*, August 2015, <http://www.brookings.edu/~media/research/files/papers/2015/08/13-foreign-fighters-lister/en-fighters-web.pdf>.
- Martinson, R. "What Works? Questions and Answers About Prison Reform". *The Public Interest*, no. 35 (1974).
- Monahan, J. "The Individual Risk Assessment of Terrorism". *Psychology, Public Policy, and Law*, no. 18 (2012).
- National Coordinator for Security and Counterterrorism. "NCTV Maintains Threat Level at Substantial". *Netherlands Ministry of Security and Justice Press Release*, July 2013, http://english.nctb.nl/currenttopics/press_releases/2013/nctv-maintains-threat-level-at-substantial.aspx.
- Neumann, P.R. "Foreign Fighters Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s". ICSR, 26 January 2015, <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s> .
- Paulussen, C. "The Syrian Foreign Fighters Problem: A Test Case from The Netherlands". *ICCT Commentary*, 2 December 2013, <http://icct.nl/publication/the-syrian-foreign-fighters-problem-a-test-case-from-the-netherlands/>.
- Paulussen, C. and E. Entenmann. "National Responses in Select Western European Countries to the Foreign Fighter Phenomenon". In: A. de Guttery, F. Capone and Ch. Paulussen (eds.). *Foreign Fighters Under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague (forthcoming).

- Radicalisation Awareness Network (RAN). "RAN Cities Conference Foreign Fighters". *RAN Conference Paper*, 20 January 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network%2520/cities-conference/docs/conference_paper_cities_conference_en.pdf.
- Radicalisation Awareness Network (RAN). *Declaration of and Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration*, November 2013, <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf>.
- Raisse, T. "La Justice Va Tester des Stages de Déradicalisation" *Le Parisien*, 9 September 2015, <http://www.leparisien.fr/faits-divers/la-justice-va-tester-des-stages-de-deradicalisation-09-09-2015-5075335.php>,
- Rappaport, A., T. Veldhuis and A. Guiora. "Homeland Security and the Inmate Population: The Risk and Reality of Islamic Radicalization in Prison". In: L. Gideon (Ed.), *Special Needs of Offenders in Correctional Institutions*, pp. 431-458, Thousand Oaks, CA: SAGE Publication, 2012.
- Reed, A., J. de Roy van Zuijdewijn and E. Bakker. "Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences". *The International Centre for Counter-Terrorism- The Hague 6, no. 1 (2015)*, <http://www.icct.nl/download/file/ICCT-Reed-De-Roy-Van-Zuijdewijn-Bakker-Pathways-Of-Foreign-Fighters-Policy-Options-And-Their-Un-Intended-Consequences-April2015%25281%2529.pdf>.
- "Roundtable Expert Meeting & Conference on Rehabilitation and Reintegration of Violent Extremist Offenders: Core Principles & Good Practices. *ICCT Background Paper*, February 2012, <http://www.icct.nl/download/file/ICCT-Background-Paper-Rehab-Core-Principles-Good-Practices.pdf>.
- S., Julie. "Complexities in Profiling Western Foreign Fighters". *Counter Extremism Project*, 31 March 2015, <http://www.counterextremism.com/blog/complexities-profiling-western-foreign-fighters>.
- Schmitt E., and S. Sengupta. "Thousands Enter Syria to Join ISIS Despite Global Efforts". *New York Times*, 26 September 2015, http://www.nytimes.com/2015/09/27/world/middleeast/thousands-enter-syria-to-join-isis-despite-global-efforts.html?_r=0.
- Sieckelinck, S., and M. De Winter (Eds.). "Formers & Families. Transitional journeys in and out of extremism in the United Kingdom, Denmark and The Netherlands". *National Coordinator for Security and Counterterrorism*, October 2015, https://www.nctv.nl/Images/end-report-formers-and-families_tcm126-610119.pdf.
- Speckhard, A. "Prison and Community-Based Disengagement and De-Radicalization Programs for Extremist Involved in Militant Jihadi Terrorism Ideologies and Activities". In A. Speckhard (Ed.). *Psychosocial, Organizational and Cultural Aspects of Terrorism*. Neuilly-sur-Seine: NATO-Research and Technology Organization, November 2011.
- Schuurman, B. and E. Bakker, "Reintegrating Jihadist Extremists: Evaluating a Dutch Initiative, 2013-2014". *Behavioral Sciences of Terrorism and Political Aggression* 8, no. 1 (2016).

Stone, D. M. "The Outcome of a Long Process: Tracking Terrorist Rehabilitation and the Beginning of a Longer One – Implementing Best Practices in Regional Contexts". In R. Gunaratna and M. Bin Al (Eds.). *Terrorist Rehabilitation: A New Frontier in Counter-Terrorism*. London, United Kingdom: Imperial College Press, 2015.

Tweede Kamer. *Kamerbrief over Verplichte Deradicalisering en Administratieve Detentie*, 8 December 2015, <https://www.rijksoverheid.nl/documenten/kamerstukken/2015/12/08/tk-verplichte-deradicalisering-en-administratieve-detentie>.

UN Security Council. "Resolution 2174 (2014)". *S/RES/2178*, 24 September 2014, http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf.

Useem B. and O. Clayton. "Radicalization of U.S prisoners". *Criminology and Public Policy* 8, no. 3 (2009).

Veldhuis, T. "Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach". *The International Centre for Counter-Terrorism - The Hague* 3, no. 2 (2012), <http://www.icct.nl/download/file/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration-Programmes-March-2012.pdf>.

Veldhuis, T. *Captivated by Fear: An Evaluation of Terrorism Detention Policy*, Ridderprint, 2015.

Weggemans, D., E. Bakker, and P. Grol. "Who Are They and Why do They Go? The Radicalization and Preparatory Processes of Dutch Jihadist Foreign Fighters?". *Perspectives on Terrorism* 8, no.4 (2014), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/365>.

Weggemans, D. and B. De Graaf, *After Release: An Explorative Study on Recidivism and Re-Integration of Former Detainees with a Jihadi Background*, forthcoming, 2015.

Weenink, A. "[Behavioral Problems and Disorders among Radicals in Police Files](#)". *Perspectives on Terrorism* 9, No. 2, (2015).

Zeiger, S. "Disengagement and De-radicalization". *CVE Research Brief Hedayah*, December 2014. <http://www.hedayah.ae/pdf/cve-research-brief-1.pdf>.

Rehabilitation for Foreign Fighters? Relevance, Challenges and Opportunities for the Criminal Justice Sector

Eva Entenmann, Liesbeth van der Heide, Daan Weggemans and Jessica Dorsey
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Contact ICCT

ICCT
Zeestraat 100
2518 AD The Hague
The Netherlands

T +31 (0)70 763 0050
E info@icct.nl