

FOREIGN FIGHTERS - PERCEPTION OF THREAT

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Abstract: *In the past few years, the civil war in Syria has been a major security problem for Europe. This is the first conflict in which many European citizens have joined as fighters in terrorist organizations. For many of them publicly released videos confirming the crimes committed. After returning to their home countries of Europe, these individuals represent the potential for domestic terrorism, a challenge to European security and cohesion. Since 2012, about 5,000 people have traveled from Europe to Syria and Iraq. About 1,500 of these foreign terrorist fighters have returned to their home European countries. Some have returned disappointed or traumatized by their military experience, but there are some who have bad intentions. Given that this threat is new, the question is which persons should be considered as foreign fighters and which terms are most appropriate for them in the academic debate. In this paper, we will try to define the concept of foreign fighters, the lack of a comprehensive approach, and the appropriate measures to counter this threat, as the response of Western democracies has so far been uncoordinated and stereotyped.*

Keywords: *security, foreign fighters, threat, terrorism*

1. Introduction

Since the beginning of the Syrian conflict in 2011, thousands of EU citizens have traveled or attempted to travel to conflict zones in Iraq and Syria to join militant terrorist groups such as the Islamic State - IS.⁶³ Most terrorist attacks in Europe, and especially the attacks in Brussels in 2016 and Paris in 2015, were committed by criminals involved in organized crime and trafficking and were part of the most successful terrorist organization in the world. It is estimated that the contingent of foreign fighters originating in the EU Member States (mainly from Belgium, France, Germany and the UK) is between 3900-4300 people. About 30% of them have already returned to their home countries.⁶⁴

In its 2017 annual report on terrorism, Europol estimates that the degradation of the IS is expected to increase the number of foreign returnee fighters. The issue of returnees raises many challenges: - They are perceived as a security threat. During their stay in the conflict zones, they gain combat experience, which raises fears that they pose a terrorist threat to the EU through radicalization, fundraising and activities aiding terrorist operations.⁶⁵ - The threat of returnees does not just apply to individuals because in many cases, foreign fighters have brought their families into conflict zones, or formed a new family there. The families of foreign fighters, more precisely their wives and children in the conflict zones, received military training. This raises the question of the impact that can have their return to Europe, the threat that they may pose as social and criminal problem. - Issues related to foreign fighters are related to a wide range of policies: policies related to preventing radicalization, namely tackling the

⁶³ P. Bakowski, L. Puccio, „Foreign fighters: Member State responses and EU action“, EPRS, European Parliament,

⁶⁴ B. Van Ginkel and E. Entenmann (Eds.), 'The Foreign Fighters Phenomenon in the European Union.

Profiles, Threats & Policies', The International Centre for Counter-Terrorism, The Hague, 2016.

⁶⁵ 2017 TE-SAT Report, Europol, p.14.

motivations that drive persons to conflict zones and joining terrorist groups, sharing information at EU level, criminal persecution of returnees, exclusion from militant activities, deradicalisation and rehabilitation.

2. A brief historical overview of the threat of returnees - foreign fighters

The first major recorded case of foreign fighter involvement in Europe is the case of the Bosnian war. According to estimates, the total number of foreign fighters in Bosnia during the war is about 5,000. According to French security analysis, an estimated 1,000 North Africans traveled to Bosnia for training during the war. Foreign fighters have gained considerable paramilitary experience as well as a reputation for brutal treatment of civilians. However, they also did not have good relations with the Bosniaks, who saw them as incorrect, both individually and collectively, because of accession to the Dayton Peace Accords, which required the mujahideen to leave Bosnia. In the following period, the first jihadist suicide bombing in Europe was carried out in Croatia.⁶⁶ The terrorist attack in Rijeka took place on October 20, 1995, when the Egyptian terrorist organization Al Gama al Islamiyah tried to destroy a police station with a suicide bomber and a car bomb. 27 people were injured at the police station and the perpetrator killed himself. The reason for the attack is considered capturing Talat Fouad Qasim member of the terrorist organization al-Gama'a al-Islamiya, by Croatian forces in his attempt to enter Bosnia. As a result, al-Islamiyah decided to launch a terrorist attack on Croatia.⁶⁷ After a detailed security check, it was concluded that Hassan Saad, an Egyptian living in Bosnia and Herzegovina since 1994, organized the attack.⁶⁸

After the conflicts in Afghanistan, Pakistan and Bosnia, the number of European militant Islamists who became foreign fighters remained low, with no apparent presence of those who had flown from Southeast Asia or North Africa. The 2003 Iraq conflict, which mobilized a third generation of jihadists in the service of al-Qaeda in Iraq, numbered some 5,000 foreign fighters and 100 were from Europe. Most were from France and Belgium. In this civil war, transnational volunteers committed more than three-quarters of suicide attacks. At the beginning of the 21st century, most of them arrived traveling through Turkey and staying in safe houses in Syria. The reason for their radicalization is the failed assimilation, and no border controls have managed to keep them in Europe. An important destination for third-generation jihadists has been the decades-long conflict in Somalia, where the al-Shabaab terrorist organization played a major role. At the time of the Arab Spring in Somalia there were about 1500-2000 foreign fighters, and 10 percent were EU citizens. About 100 Britons have flocked to the Horn of Africa to join militant Islamists. Al Shabaab has successfully recruited dozens of volunteers from Somali refugee communities in Scandinavia. After at least 20 young people left Stockholm, parents began banning their children from attending prayer services for fear of being radicalized. A Somali man staying in Denmark and linked to al-Shabaab tried to kill a cartoonist who drew cartoon about the prophet and Somali returnees were arrested while planning a suicide attack on an Australian army barracks.⁶⁹ Omar Hafik Hammami (1984 - 2013), also known by the pseudonym Abu Mansour al-Amriki, was a US citizen who was a member and leader of the Somali Islamist militant group alShabaab. In November 2012, the FBI added Hamami to its list of most wanted terrorists. Omar was raised in a Christian family with an American Protestant mother and a Muslim father born

⁶⁶ E. Kohlmann, *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network*, New York, Berg 200

⁶⁷ E. F. Kohlmann, „The Afghan-Bosnian Mujahideen Network in Europe“, 9 August 2008

⁶⁸ A. B. Breivik, „A European Declaration of Independence“, London, 2011

⁶⁹ D. Malet, B. Priest and S. Staggs, „Involving Foreign Fighters in Somalia,“ in *Globalizing Somalia: Multilateral International, and Transnational Repercussions of Conflict*, E. Leonard and G. Ramsay, eds., London: Bloomsbury Academic, 2013.

in Syria.⁷⁰ Omar began identifying himself as a Muslim in high school after traveling to Syria and meeting with his relatives after leaving college. After moving to Toronto, Canada in 2004, he married a woman of Somali-Canadian descent, and in 2005 traveled to Egypt. Then, he left his wife at the end of 2006 and joined the terrorist organization al-Shabab in Somalia. Omar worked as a commander, propagandist and recruiter.⁷¹ Foreign fighters who have been involved in conflicts around the world may not be many, but it is significant that they eventually return to their home countries in Europe and North America. For example, al Qaeda's foreign fighters on the Arabian Peninsula (AQAP) in the Yemen conflict were primarily Saudis, Pakistanis, and Egyptians, but there were those who came from Western countries from Europe, Oceania, and North America.⁷²

3. Motives for recruitment in transnational terrorist organizations

Overall, there is a lack of solid empirical evidence and consensus on what motivates an individual to leave their home country to join a terrorist organization in a foreign country and engage in violent conflict. Self-radicalization and the role of social networks are part of the motivating factors for joining terrorist organizations. The role of social networks as a motivating factor is more evident in Europe than it is in the Middle East or North Africa. The geographical proximity and better knowledge of Syrian culture and language makes Arab foreign fighters less dependent on Europeans to reach the conflict zone, while their European counterparts are more likely to be influenced by group thinking, inspired by one or more individuals within their networks. The decision to join a terrorist group is based on a preexisting friendship and relationship. This group evolves into a group of future perpetrators who will later join a formal terrorist cell, with

a well-defined hierarchy. The role of families in the decision to leave for Syria as a motivating factor is small, meaning that parents are rarely aware that their children want to join a terrorist organization. Most children who leave home to fight abroad, even after arriving, report to their parents to tell them where they are. The role of ideology is also an important factor, but many people who go abroad to fight know little about religion. There is a tendency among the returnees from the battlefields to explain their decision to go to Syria as a form of jihad, though they are very unaware of the conditions for jihad in Islam. Ideology, including global neo-jihadist ideology, is an important part of the explanation for the shift to political violence. Many returnees argue that their motivation to go to Syria is an obligation to defend their Sunni friends from the Syrian Shiite government and its allies. This confirms that many young Muslims, no matter where they come from, perceive the conflict in Syria as more of a community conflict than a religious one. The IS and other factions fighting the Syrian regime have succeeded in portraying the conflict as sectarian, combining a religious and social obligation to join. It is clear that terrorist groups can only keep their members united by promoting a common cause. Their specific interpretation of religion, however distorted, provides the necessary motive. Ideological motivation, as empirical research has shown, is often better than economic and educational motivation.⁷³ Also, the immediate financial reward influences the decision to join the crisis regions. However, this fact is hiding from the public because these people will look more like mercenaries than noble defenders of their community. IS propaganda does not exclude material rewards, which has always been an important part of its attempt to motivate young people to join them in Syria. Foreign fighters regularly receive salaries while staying in the formations of transnational terrorist organizations. Since the announcement of the

⁷⁰ Press, Associated, "US-born 'jihadist rapper' Omar Hammami reportedly killed in Somalia". The Guardian, 12 September, 2013

⁷¹ J. Thomas, „Son of infamous al Qaeda family killed by Ethiopian forces“, Long War Journal, 30 December, 2011

⁷² M. Noonan, „The Foreign Fighters Problem: Recent Trends and Case Studies“, Philadelphia, Foreign Policy Research Institute, 2011

⁷³ M. Sageman, „Leaderless Jihad“, Pennsylvania, Pennsylvania University Press, 2008

Caliphate in June 2014, the IS has focused on building the state as much as conquering territory, and therefore required engineers, doctors, teachers, judges, imams, technicians and administrators of all kinds.⁷⁴ These IS claims have attracted more experienced foreign fighters who have partially filled out the administration of the terrorist organization. Many foreign fighters come from disadvantaged economic and educational environments where they have poor prospects for employment and earnings. Their choice to join IS is found in widespread advertising for the most powerful and best-funded terrorist group in recent history.⁷⁵ Political factors are sometimes responsible for this situation in Western democracies, leading to conditions conducive to a certain kind of radicalization that can make individuals go to Syria or Iraq in search of better opportunities. For example, political discrimination against certain groups or individuals in some countries has reduced their social and political mobility and resulted in deprivation of liberty. Such measures include confiscation or prohibition on renewal of a passport, unnecessary security harassment, bias in the distribution of state benefits or discriminatory practices in the labor market. The term "social injustice" and "unfair access to opportunities" is a common theme among foreign fighters when they describe the environmental conditions that influenced their decision to become IS members. The role of the Internet and social media has a major impact on the recruitment of foreign fighters, especially in the initial phase of the process. Potential recruits via social media initially connect with supporters or IS members, so that the Internet will ultimately have a strong influence on their decision to leave for Syria.⁷⁶ However, the original idea of leaving for Syria is developing in the real world, and later the Internet has accelerated the process by watching news and watching videos of what is happening in the crisis region. During this phase, through the Internet, potential foreign fighters confirm

their views and reinforce the ideas, perceptions and narratives that they have already developed or are beginning to develop. At that point, the Internet plays a key role in reinforcing the decision that has already been made. We can conclude that most of the foreign fighters involved in the Middle East conflicts are young men, economically and educationally endangered, unemployed. It is difficult to generalize because the decision to become a foreign fighter and part of a transnational terrorist organization is the result of a mix of factors that form a complex motive. What can be confirmed for sure is that social networks often play a key role as a mechanism for directing individuals' energy to go into conflict regions. It is important to note that the role and identity of the recruiters does not necessarily have to be a member of a terrorist organization. Usually these are people who successfully recruit young people because of their popularity in the community, good connections and an established network.

4. Conclusion

We can conclude that in the end, the radicalization process and the decision to become a foreign fighter is an individual decision. There are many facilitators in decision-making, and the most significant can be listed as: job failure, school stigmatization, labor market discrimination, family problems and disagreements, dysfunctional family, prison experience, personal failure rights or a multitude of other factors. Online narratives and images available in the media reinforce this decision and bring the suffering of the group closer to the local and intimate level. The change in the political environment of the Arab world and the downward economic and political trends of 2011 onwards has been a huge motivator for recruiting foreign fighters who have been manipulated to find their way to Syria and Iraq. For potential recruits,

⁷⁴ HUFFINGTON POST „4 Things To Know About Dabiq, ISIS Slick Propaganda Magazine“, October 2, 2016

⁷⁵ A. Speckhard, A.S. Yayla, „Eyewitness Accounts from Recent Defectors from Islamic State: Why They

Joined, What They Saw, Why They Quit“, Perspectives in Terrorism, 9(6), 2015

⁷⁶ The Soufan Group, „FOREIGN FIGHTERS: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq“, DECEMBER, 2015

injustice, such as the perception of crimes committed against their brothers, coincides with the notion of jihad, which they consider justified, especially at a time when Muslims are being attacked.. For many, therefore, referring to crisis regions is similar to performing jihad in addition to seeking a better life. Most foreign fighters interpret religion in terms of justice and injustice rather than in terms of godliness and spirituality. This has important implications in politics as well. If Muslims around the world perceive attacks on terrorist organizations as unjust, aggressive, and part of a wider conspiracy to eliminate their community, then any military operation against violent extremist groups could encourage more young people to become part of transnational terrorist organizations, instead of preventing this. There is no simple solution to the problem of foreign fighters. Terrorism cannot be defeated only by the use of military force, law enforcement measures and intelligence operations. First and foremost, there is a need to address the conditions that are accelerating the spread of terrorism, including the recruitment of foreign

fighters. This implies that a fundamental shift in the fight against terrorism is needed to prevent conditions that are conducive to its rise. At a national level, through a comprehensive approach, Western democracies can do much to address the factors that facilitate the recruitment of foreign fighters into the ranks of transnational terrorist organizations. The measures may include better education, economic opportunities, reduction of marginalization and discrimination in the labor market, i.e. full implementation of comprehensive measures. Each state should create national plans to curb conditions conducive to the spread of violent extremism, terrorism and foreign fighters, according to local priorities, needs, resources, legal systems and challenges. At the regional level, ongoing unresolved conflicts are the reason and basis for joining transnational terrorist organizations. Indoctrination and training are provided in these areas and represent safe havens for terrorist groups and foreign fighters. Western

democracies must do everything in their power to resolve conflicts and prevent terrorist groups from pursuing their goals. Long-term measures to resolve regional conflicts and the elimination of the threat from terrorist organizations require effective action at the regional level. Strong regional cooperation and coordination is needed, improved border security and intelligence sharing, increased economic cooperation, a mutually supportive approach to improving the rule of law, and a common approach to transnational threats. The refugee crisis resulting from the conflict in Syria has clearly shown the detrimental impact on Western democracies and the need for regional co-operation. Only with international cooperation is it possible to successfully tackle these transnational threats, since no country or region in the world can handle the problem with its own resources and capacities. In September 2014, the United Nations Security Council took action to counter the threat of foreign fighters by adopting Resolution 2178, and in December 2015 Resolution 2253. Particular emphasis is placed on the need to establish a working group and develop an implementation plan for capacity building and technical assistance to counteract foreign fighters' action, their radicalization, travel to conflict areas, funding, potential return and reactivation, and their reintegration. and rehabilitation. There is no single solution to dealing with the threat of foreign fighters, but working together at national, regional and international levels will create a safer environment for all.

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RIGHT TO EDUCATION AND ANTI - DISCRIMINATION LAW IN THE FIELD OF EDUCATION IN BOSNIA AND HERZEGOVINA

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Doktorand na Pravnom fakultetu Sveučilišta u Mostaru, II. generacija, i član radne skupine za izradu „Smjernica za prepoznavanje diskriminacije u obrazovanju u Bosni i Hercegovini“, donesenih od strane predstavnika svih mjerodavnih obrazovnih vlasti u BiH, uz podršku OEES-a BiH-e

Abstract

As Bosnia and Herzegovina goes through the process of implementing the Stabilization and Association Agreement with the European Union, the response to discrimination in general, and in the field of education in particular, is an important element in the process of meeting the conditions for accession to the European Union. Considering that education is important for every society as a whole and represents the foundation for its further democratic development and the realization and protection of fundamental human rights and freedoms. A particular challenge for Bosnia and Herzegovina in the EU accession process is the introduction of international standards in the field of education, bearing in mind the complexity of the education system given its constitutional competence in BiH. Exercising the right to education according to domestic and international legal norms implies exercising the right to education without discrimination.

Key words: *right to education, right to education in the international and legal framework of BiH, anti-discrimination law, protection against discrimination in the field of education.*