

OKSANA BELOVA-DALTON

# FOREIGN (TERRORIST) FIGHTERS AND THEIR FAMILIES

IN FINLAND, SWEDEN, LATVIA, LITHUANIA,  
(NORTHWESTERN) RUSSIA AND THEIR  
IMPACT ON ESTONIA



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AND THEIR IMPACT ON ESTONIA**

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# EXECUTIVE SUMMARY

- Foreign terrorist fighters (the *FTFs*) or jihadist terrorists and their wives and children returning to their countries of origin after the fall of the ISIS caliphate in Syria has created a great pressure on the institutions of the EU member states. Revoking citizenship and leaving wives and children of FTFs in refugee camps leads to further radicalisation of these people, and they're perishing in harsh conditions. Repatriation, however, puts returnees in a hazy status between national security threats and subjects of reintegration. Hence, inter-institutional, cross-sector and multi-agency cooperation is vital to deradicalise and reintegrate FTFs and their families, prosecute adults for committed offenses, and help children overcome the traumas they received during their time in ISIS.
- Finland allows all of its citizens, including FTFs and their family members of Finnish nationality, to return to Finland. A necessary interinstitutional and multi-agency network is created to ensure due prosecution, deradicalisation and reintegration as well as help on different levels to the FTFs and their families. Experiences of the European refugee crisis of 2015 are significantly drawn upon. Comparable developments are also taking place in Sweden.
- Due to the absence of such returnees in Estonia and Lithuania (and some FTFs being sentenced in Latvia), these countries adhere to UN resolutions regarding FTFs and cooperate with other EU member states in discussing measures of treatment of such returnees. The recommendation would be to develop a plan of interinstitutional cooperation on returnees, since, if not FTFs and their families, other returnees or refugees from war or conflict zones may potentially come to the Baltic States in the future.
- According to the research by Sokiryanskaya (2020), wives, widows, and children of the fighters in wars between Russia and North Caucasus as well as FTFs themselves, are largely left to cope with their problems alone. No psychological, social or material help is provided, while oppression by the law enforcement bodies of these women and children is overwhelming. As a result, such children are vulnerable to radicalisation and are already having problems with the police. The recommendation is, therefore, not to leave the issue of dealing with FTF returnees and their families exclusively to law enforcement authorities.
- Another conflict zone to and from which foreign fighters (the *FFs*) travel is Ukraine. Many FFs with extreme right-wing beliefs went to fight in Ukraine. Notably, in the Donbas region, terrorist organisations like the Russian Imperial Movement are ready to host and train FFs from extremist organisations (e.g., Nordic Resistance Movement) to commit violent extremist acts in their count-

ries of origin. In Estonia, punishment for fighting on behalf of terrorist organisations such as DNR and LNR in the Donbas region is extradition from the country. There is currently little information on returnee FFs from Ukraine in Finland, Sweden, Latvia, Lithuania, and especially Russia.

- FTFs and FFs can travel to Estonia or use its territory for transit in several ways. First, unlawfully, by using illegal migration routes and counterfeited documents. FTFs are effectively trained by Islamist organisations to infiltrate border checks. Notably, if a person is absolutely silent about their adherence to an extremist organisation and foreign fighting, it is complicated to detect it. Second, FTFs and FFs can enter Estonia legally after serving their sentences in the countries neighbouring Estonia or other EU member states. The risk remains that, after release, former FTFs and FFs can radicalise again and resume (contributing to) terrorist activities. Currently, most EU border control measures are directed at thorough checking of third countries' nationals across multiple databases. However, FTFs or FFs already within the EU and using EU nationals' documents to travel by ferries, buses, rental cars, leisure boats or by foot can freely move across the EU without much risk of being detected.
- To improve the situation, smart gates at EU external borders in harbours, airports and on terrestrial borders could also be used for checking EU citizens in order to establish that a document indeed belongs to the person who presents it. Checking biometric data of all passengers on the EU internal borders could allow to check a person across multiple databases, including the SIS and the ones run by Europol and Interpol, and effectively detect travellers with malicious purposes to Estonia and other EU member states.



# INTRODUCTION

The terrorist threat in Europe is considered high, mainly due to jihadist terrorism and the phenomenon of (growing numbers of) foreign terrorist fighters (henceforth the *FTFs*) associated with jihadist terrorists who travel to and from conflict zones (Europol, s. a.). Recent attacks in the EU showed the intent and capability of jihadist terrorists to produce well-publicised terror by inflicting mass casualties. With their core based in the Middle East, jihadist extremists mobilise EU nationals who they can radicalise within a short span of time and act on behalf of the extremist group (ibid.).

Still, according to the EU Terrorism Situation & Trend Report (2020, p.44) (henceforth the *TE-SAT*), in 2019, there were few attempts to travel to conflict zones, while the FTFs already in the conflict zones are considered either killed, detained in refugee camps in Syria, or undetected. Monitoring of the detained FTFs in Syria and acquiring sufficient and verifiable information on FTFs is difficult due to the withdrawal of the US and subsequent intervention of Turkey (ibid.). Few FTFs decided to return to their home country in the EU in 2019, which, due to travel restrictions to and from conflict zones, requires the assistance of national authorities. As for the undetected FTFs, one possibility is that they can infiltrate the Schengen area relying on illegal immigration or false documents. Moreover, the FTFs joining ISIS<sup>1</sup> gave away their documents to the terrorist organisation, which can use these documents to send ISIS agents to the EU (ibid.). Overall, according to TE-SAT:

*While efforts to travel to war zones have all but ceased, returning jihadists, their children, and those individuals prevented from travelling will continue to pose a long-term challenge for security services. Continued calls by IS and al-Qaeda to carry out attacks in countries of origin have meant that individuals who previously would have travelled might now be encouraged to perpetrate terrorist acts in their home countries (TESAT, 2020, p. 45).*

As the situation with returning foreign terrorist fighters and their families evolves, the EU and its member states face increasingly more pressure on their institutions and societies to respond to the abovementioned potential security threat on the one hand and maintain the respect for fundamental rights of a person as well as freedom of movement across the EU internal borders on the other hand. In terms of child returnees from conflict zones, it is especially emphasized that the best interests of the child and security interests of the society are not mutually exclusive, but it requires a lot of work from the EU member states on various levels (institutions, NGOs, societies) to achieve this desired convergence. Active debate occurs between member states on policies related to the ways

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<sup>1</sup> Jihadist terrorist group ISIS is also referred to as *IS*, *ISIL*, and *Daesh* by different governments and media outlets (see more on this in Irshaid (2015)). In this report, the acronym *ISIS* is used.

of preventing radicalisation, exchange of information at the EU level, criminal prosecution of returnees, and disengagement/deradicalisation inside and outside prisons (Scherer, ed., 2018). A lot of effort and constant improvement of working methods is also needed on behalf of all parties dealing with counterterrorism (Interpol, Europol, security services of member states) and border control (Schengen Information System, Frontex, border guard services of the member states) to meticulously track any sign of terrorist activities at the highest level of professional expertise, without any infringements on the fundamental rights of person.

Estonia does not currently have any FTFs or their wives and children of Estonian nationality who would return from Syria or Iraq. Still, Estonia is interested in the measures implemented or planned to be implemented by its neighbours (Finland, Latvia, Lithuania, Sweden, and (Northwestern) Russia) regarding these returnees. Apart from that, however, there is also a security concern, since an FTF may radicalise again after having served their prison sentence in their country of origin (e.g., Finland, Latvia, Lithuania or Sweden) and travel freely across EU internal borders, including the Estonian one, which is in the direct vicinity of the abovementioned countries. In addition, a Russian FTF may apply for an EU member state visa and enter the EU, unless Russia provides any information regarding the background of such a person. Hence, the capabilities of the EU border guard services in addressing such issues are discussed in this report.

In the context of this report, an FTF is a foreign terrorist fighter who, beginning from 2011, went to Syria and Iraq to fight on the side of the ISIS terrorist organisation. Wives of the FTFs generally either followed their husbands or went to Syria and Iraq as jihadist brides to marry ISIS men. Children of the FTFs were either taken to Syria and Iraq by their parents or were born in the abovementioned conflict zones. In addition, it is also essential, at least to some degree, to touch upon the phenomenon of foreign fighters in Ukraine (henceforth the *FFs*), as it is another conflict zone since 2014 and foreign fighters return from there to their countries of origin, including Estonia, Finland, Latvia, Lithuania, Sweden, and other EU member states. As for Russia, it does not acknowledge its involvement in the conflict in Ukraine (Reinkort, 2015). According to a Ukrainian source, the Ukrainian border guard service reported in 2014 that Russian border guard officers let all Russian fighters through the border to Ukraine, but demolish all returnees, making it a one-way trip (Kharkiv Izvestia, 2014). As for Western FFs going to fight on the separatist side in Ukraine, Russia provided a “pipeline” for them to travel to Moscow and then to Rostov Oblast, next to the Ukrainian border (Rekawek, 2020, p. 4).

Since the topic of the FTFs and FFs is sensitive, the report only contains data that is not classified. The methodology of this report consisted, apart from the examination of publicly available documents and other published materials, semi-structured interviews with experts from the countries discussed in this report. Some experts sent their answers to the questionnaire by e-mail. Interviewed experts from law enforcement authorities of Estonia, Finland, Latvia, Lithuania, and Sweden are referred to anonymously, using alphabet letters to designate them. In addition, since there are either not many such experts or they were unavailable to the author of this report (in the case of Russia, for instance), it was not possible to provide the information on each of the discussed countries to the same degree. Nevertheless, the amount of collected information allowed to provide a general overview of the situation concerning FTFs and their families in the examined countries.



This report consists of three major parts. The first part gives an overview of:

- ♦ the phenomenon of foreign terrorist fighters and their families in Syria and Iraq;
- ♦ the phenomenon of foreign fighters in Ukraine;
- ♦ the situation of the wives and children of the FTFs in refugee camps in Syria;
- ♦ the issues EU member states need to solve in relation to the repatriation of FTFs and their families: the stress of these returnees on institutions, prosecution of the returnees who were engaged in violence, significant condemnation and stigmatization of these returnees in society, treatment and care for returnee children, integration of returnees into society, security risk, and the absence of effective assessment methods of the efficiency of disengagement and deradicalisation programmes applied to these returnees;
- ♦ capabilities of the EU in relation to early detection of any intention of terrorist activities (Interpol, Europol, Schengen Information System, Entry/Exit System, and a European Travel Information and Authorisation System);
- ♦ avenues to prove that a person is or has been involved in such activities (for example, Eurojust).

The second part of the report describes the situation of foreign (terrorist) fighters and their families in Estonia's neighbouring countries (Finland, Sweden, Latvia, Lithuania, and (Northwestern) Russia, while the third part of the report provides implications of these case studies for Estonia, examines avenues through which FTFs and FFs can infiltrate the EU, and discusses ways in which detecting FTFs and FFs in Estonia and the rest of the EU could become more efficient.

# 1. FOREIGN (TERRORIST) FIGHTERS AND THEIR FAMILIES: BACKGROUND AND EXISTING RESPONSE MEASURES

## 1.1. FOREIGN TERRORIST FIGHTERS IN SYRIA AND IRAQ: THE PHENOMENON AND DEFINITION

Since the beginning of the conflict in Syria in 2011, around 3 922–4 294 EU nationals travelled or made attempts to travel to Syria and Iraq to join ISIS, and around 30% of these individuals returned to their countries of origin (Scherrer, ed., 2018). The return can be divided into two waves – one took place in 2013–2014, prior to the declaration of a caliphate by ISIS militants in June 2014; the other took place in early 2015. After 2015, the flow of returnees declined (Scherrer, ed., 2018, p. 31). According to the RAN’s<sup>2</sup> manual on responses to returnees, there is a diversity of experiences across the categories of men, women, and (potential) child returnees. Nevertheless, “despite diverse backgrounds, experiences, roles, and motivations, all adult and child returnees are considered to have some level of trauma and emotional/psychological issues” (Scherrer, ed., 2018, p. 37).

The international security threat posed by foreign terrorist fighters was marked in UN Security Council Resolution 2178 in 2014 and intensified after the atrocious 2015 attacks in Paris, solidifying the common perception of foreign terrorist fighters as “battle-hardened, ideologically fervent combatants [who] return to Europe *en masse* with destructive intentions and capabilities” (Scherrer, ed., 2018, p. 26). Subsequent attacks in Brussels, Paris, Nice, Berlin, Manchester, and London were already viewed in the context of the emerging foreign terrorist fighter phenomenon. In reality, however, few cases of FTFs actually returning to commit terrorist attacks in Europe have been observed. Even though perpetrators of the Paris and Brussels attacks and also foiled plots were returnees from Iraq and Syria, no direct causal relation between “foreign fighting” and “political violence in Europe” could be established; hence, the threat of FTFs can be conceptualised as “low probability, high impact” (ibid.). It should be emphasized that returnees from Syria and

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<sup>2</sup> Radicalisation Awareness Network

Iraq are not a homogenous group in terms of backgrounds, experiences, and motivations: some of them can, in fact, become accomplices in planning, preparing, and committing attacks, while others, regardless of being or not being engaged in fighting in the conflict zone, show utter disengagement from violence and willingness to contribute to deradicalisation (Scherrer, ed., 2018, pp. 26–27). Nevertheless, due to posing a possible security threat in their home country, FTFs are “are viewed almost universally by both public opinion and security officials as terrorists” (Hoffman & Furlan, 2020, p. 10).

Stemming from the fact that FTFs are not a homogeneous group, their designation as “foreign terrorist fighters” is also contentious because a person is labelled as “terrorist” prior to any legal proceedings; moreover, there is no uniform definition of terrorism either in the UN or in academia. “Foreign fighter” has a similar problem, as the research shows that not all male departees engage in military activities on the side of extremist groups like ISIS. In addition, there is no uniform term for this phenomenon across the EU: “while Belgium and the UK favour “foreign terrorist fighters”, Denmark references “foreign fighters”, whereas the Dutch authorities use “jihadist travellers” (Scherrer, ed., 2018, pp. 27).

There are divergent perspectives on who and what the terms “foreign fighters” and “foreign terrorist fighters” describe. David Malet, author of a monograph on foreign fighters, defines them as “non-citizens of conflict states who join insurgencies during civil conflict” (Malet, 2013, p. 9). However, the cause they are/were fighting for might not be at all “foreign”, since in the case of being Muslim, these people are not foreign in the conflict related to Muslim concerns. Moreover, taking country of origin as a criterion will make us conclude that one third or more of ISIS militants were actually born in other countries than Syria or Iraq (Schmid & Tinnes, 2015, p. 11). According to Jahangir Arasli, an Azerbaijani intelligence analyst, “a foreign Islamist fighter is a volunteer combatant actor with no apparent link to the area of the ongoing armed conflict yet bound to it by his sense of the perceived Muslim religious duty” (cited in (Schmid & Tinnes, 2015, p. 12). This definition places emphasis on religion, which UNSC resolution 2178 avoids, referring to 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 (UN Security Council, 2014).*

As already mentioned, the UN Security Council does not have a universally accepted legal definition of terrorism and also does not provide any distinction between “foreign fighters” and “foreign terrorist fighters”. Also, as described above, not all departees to Syria and Iraq are fighters, so each word in the definition “foreign terrorist fighter” can be questioned. It would be more correct to refer to FTFs who travelled to Syria and Iraq as “departees”, while the FTFs who returned to their home country “returnees”, thus allowing for a wider range of profiles of the returning men, women, and children. Still, with the above discussion in mind and with respect to the different profiles of returnees, in this report, the term “foreign terrorist fighter” will nevertheless be used, since the states concerned in the case study (including Estonia) accept this term to refer to their nationals who went to Syria and Iraq to fight on the side of ISIS. As for the fighters who went to participate in the conflict in Ukraine, the term “foreign fighter” will be used. The

differentiation between the terms also reflects the different treatment of these individuals in the countries analysed in this report.

## 1.2. FOREIGN FIGHTERS IN UKRAINE

According to Rekawek (2020, p. 7), at least 17 000 foreign fighters fought in the conflict in Ukraine up to 2020. Of these FFs, 15 000 were Russians, of whom 3 000 fought on the Ukrainian side and 12 000 fought on the side of the DNR and LNR. The remaining 2 000 foreign fighters came either from post-Soviet republics like Belarus and Georgia (ca 1 000) or from Western countries (ca 1 000). According to Murauskaite (2020, p. 4), between 1 500 and 2 000 foreign fighters from 54 countries joined the conflict in Ukraine on either the Ukrainian or separatist pro-Russian side in the period between 2014 and 2019. Notably, in recent reports, Austria reported that two North Caucasian jihadist fighters from Austria were detected in the conflict zone of Eastern Ukraine (TE-SAT, 2020, p. 45). According to the numbers presented in Murauskaite's report, in 2014–2016, two persons from Estonia, 12 persons from Latvia, 21 persons from Lithuania, 7 persons from Finland, and 17 persons from Sweden went fight in Ukraine. In terms of Scandinavia, Murauskaite (2020, p. 2) maintains that this region is especially concerned with the conflict in Ukraine, since it is one of the stimuli of the domestic rise of neo-Nazism. Notably, the recruitment strategy of FFs on both sides of the conflict relied on active social media campaigns, including fighters' posts and videos, profiles of hero fighters, or appeals to the nobility of the cause (Murauskaite, 2020, p. 25).

Like FTFs, FFs have different profiles, experiences, and motivations: many were battle-hardened veterans who came to settle scores with Russia or Ukraine (e.g., taking the fight against Russia from Chechnya or Georgia to Ukraine); some were ideologically driven against the Western world order and believed that it was harmful to them personally and served as the cause of the Russian-Ukrainian conflict generally; some were political activists, mainly from Russia and Belarus, who felt they had exhausted their means (e.g., art, literature, NGO work) in their home countries; the smallest category of foreign fighters in Ukraine was comprised of adventure-seeking civilians who did not make it to the actual war or quickly disappeared in its course. The greatest cause for concern are the categories of disillusioned ideologues and adventure seekers. (Murauskaite, 2020, pp. 21–22) Rekawek (2020, p. 4) also points out the category of adventurers among the FFs in Ukraine. However, his categories of FFs also include resetters (who want a career in a new country, either in separatist republics or Ukraine) and ghosts (those who move back and forth from the frontline after recuperating and gathering funds back at home) (ibid.).

According to Rekawek (2020, p. 3), several hundred Western individuals with extreme right-wing (henceforth *XRW*) or nationalist beliefs travelled to fight in Ukraine. Although there was no recruitment along the *XRW* lines, many individuals with anti-Western sentiments went to Ukraine to fight against the Western establishment on both sides of the conflict. They supported either the “nationalist revolution” (Ukrainian side) or a perceived revolt against the hated political power (the separatist side), the so-called “Donbass in my country”, deemed impossible in fighters' own countries and, therefore, supported in Ukraine (ibid.). Ukrainian units hosting *XRW* FFs in Kyiv do not have the goal of turning these people into *XRW* terrorists capable of committing terrorist acts back at home. The separatist side also opposed the idea of hosting Czech *XRW* fighters like those from the Czechoslovak Soldiers in Reserve, whose goal is to perpetrate terrorist attacks back at

home. However, terrorist organisations like the Russian Imperial Movement are ready to host and train members of anti-democratic movements like the Nordic Resistance Movement (ibid.). Notably, the ranks of separatists in Ukraine included members of groups like the Russian National Unity of A. P. Barkashov, which has a track record of terrorist activity in the Baltic States (2020, p. 4).

As in the case of foreign terrorist fighters, the prosecution of returning foreign fighters differs from one EU member state to another. Still, while prosecution of FTFs on terrorism charges is widely accepted, its implementation in terms of FFs is uncertain, as most countries applied punitive measures only to FFs on the pro-Russian side. Some EU member states used prosecution of FTFs as a precedent and incurred charges of (support of) terrorism on their returnee FFs; some member states implemented criminal measures (often for possession of arms or illicit funds); some member states used their legal provisions which prohibit foreign fighting. Notably, implementation of charges ranged from a “formalized political slap on the wrists” to severe prison sentences: for instance, a Czech army veteran was sentenced to 5–20 years imprisonment on the charges of terrorism for fighting on the pro-Russian side in Ukraine. After the first returnee FF was sentenced in the UK to five years in prison for assisting terrorism on the pro-Russian side of the conflict in Ukraine, debates were spurred as to equivalent treatment of returning FFs from both sides (Murauskaite, 2020).

Notably, in most countries, the returning FFs from the disillusioned ideologues’ category join national or international unions which stand against Western capitalist world order, for instance, Union of Donbas Volunteers (international), Donbassforeningen (Sweden) or Coordinamento Solidale per il Donbass (Italy) (Murauskaite, 2020, p. 21). Major concerns regarding returnee FFs is social marginalisation or becoming vulnerable to external (in the first place, Russian) influence (e.g., being used for political purposes and incited to violence). Social marginalisation may also lead to violent outcomes (ibid.).

Just like Ukraine and several other countries, Estonia has designated the separatist pro-Russian forces in Ukraine – the DNR (Donetsk People’s Republic) and the LNR (Luhansk People’s Republic) – as terrorist organisations. Hence, for Estonia, returnee ISIS fighters and returnee DNR and LNR fighters are charged with terrorism. (Reinkort, 2015) Internationally, however, it is ISIS that is designated as a terrorist organisation in several UNSC resolutions – 1267 (1999), 1989 (2011), and 2253 (2015), while there is no such international consensus on the DNR and LNR. For instance, in 2014, three Democratic US senators urged Obama to designate self-declared DNR as a “foreign terrorist organisation” (Johnson, 2014); however, there is no DNR on the list of the US-designated foreign terrorist organisations (U.S. Department of State, s. a.). This is another reason why returnee ISIS fighters are commonly referred to as FTFs (as it is certain that they belonged to an internationally acknowledged terrorist organisation), while returnee fighters in Ukraine are referred to as FFs (as there is no recognized designation of the DNR and LNR as terrorist organisations by international organisations like the UN).

### 1.3. FAMILIES OF FOREIGN TERRORIST FIGHTERS

One estimate from February 2015 indicated that there were at least 550 Muslim women from the West residing in ISIS-controlled territories. According to more realistic estimates, the number of girls and women made up at least 10 per cent of foreigners, meaning that up to 2 500 females departed for Syria, sometimes with husbands and children. The



role of females in ISIS very rarely amounted to participation in suicide operations or acts of self-defence; rather, women were meant to serve men's sexual needs, get pregnant, produce "cubs of the Caliphate", and act as "cheerleaders" of the Syrian jihad (Schmid 2015, p. 5).

The complicated question about the wives of FTFs is whether they are loyal followers of jihad or victims of coercion and violence, whether they went to Syria to become terrorists or naively sought a more righteous life for their children under the caliphate. Also, many women like those from the Caucasus followed their husbands, fathers, and grandfathers, as it is in their culture to do so. As a result, some women in Syrian refugee camps are begging to return to their home countries, ready to stand trial and be punished, while others are waiting for ISIS to rise again and save them (Prevention Media, 2020). According to Europol:

*The subject of returning women and minors is another source of concern recognised by a number of EU Member States. Many of the **women who travelled to the conflict zones did not limit themselves to the role of wives and mothers**. Due to differing national legislations, women are prosecuted (for offences such as providing support to IS) in some EU Member States, but not in others. The security concerns relate to their high degree of radicalisation and, if not prosecuted or managed effectively, their ability to move freely within the Schengen area upon their return. This is also true of **children who may be severely traumatised by exposure to radical beliefs and brutal acts of violence**, bearing in mind that **some of them have received military training**, during which they have been taught how to kill and use a variety of weapons (TE-SAT, 2020, p. 45).*

Nevertheless, the problem is all the more pressing, as the UN as well as Kurdish officials who are in charge of the Al Hol refugee camp are calling for countries around the world to repatriate their nationals (wives and children of FTFs who left for conflict zones). Major refugee camps for wives and children of ISIS members in Syria are Al Hol (ca 66 000 inhabitants: as of 4 October 2020, 64 619 individuals lived at Al Hol, comprising 48 per cent Iraqis (30 824), 37 per cent Syrians (24 325) and 15 per cent third-country nationals (9 462) (UNOCHA, 2020)) in north-east Syria and Roj (ca 4 000 inhabitants), a smaller refugee camp close to the Iraqi border. Living conditions there are harsh: no clean water, good food or decent medical services; infectious diseases, including tuberculosis, kill about a dozen people each month:

*Their hazy legal status as neither combatants nor civilians, and the stigma attached to them, discourages some UN aid bodies from providing any service at all. It also puts doctors and guards in the position of looking after women whom they view as unrepentant ISIL militants (Crisis Group, 2020).*

It was feared, therefore, that, in the case of COVID-19 spread in these camps, their inhabitants were going to die without any medical assistance (ibid.). In 2019, more than 500 persons died in Al Hol, 371 of whom were children (Viirand, 2020).

Moreover, there are slayings constantly occurring in Al Hol refugee camp. Although Syrian Kurdish officials run the camp, they struggle with ISIS militants who seek to punish their perceived enemies. The escalation of violence leads to more intense calls for countries to repatriate their citizens resident in the camp, since the repatriation was slowed



down by the pandemic. According to the UN officials, leaving children in the camp would lead to the risk of them being radicalised: “Al Hol will be the womb that will give birth to new generations of extremists,” said Abdullah Suleiman Ali, a Syrian researcher on extremism (The National, 2021). The UN urges the countries around the world to repatriate the children of FTFs. It is important that these people are still their nationals, whose protection and assistance is required by the national laws and international agreements, let alone children’s rights (Viirand, 2020). Most of the children in refugee camps do not even have official documents. Moreover, EU member states witness a number of legal, ethical, and practical concerns regarding the judicial treatment of European detainees in Iraq and Syria, substantiated by the emergence of a number of cases in the public domain (Scherrer, ed., 2018, p. 52).

The urgent need to bring back children (and possibly women) from Al Hol and Roj, therefore, requires action. There are about 900 children in the camps whose parents departed for ISIS from France, Belgium, Canada, Australia, and other Western countries. The following section gives an overview of policies countries around the world have implemented with regard to their citizens who are family members of FTFs.

#### **1.4. EXISTING POLICIES ON FTFs AND THEIR FAMILIES IN DIFFERENT COUNTRIES**

Today, a number of countries are considering their options of treating their citizens detained in refugee camps in Syria. For instance, France, Belgium, and the Netherlands are reluctant to repatriate adults from Syrian refugee camps. In Canada, the survey showed that 71 per cent of respondents were against the repatriation of citizens who used to be ISIS members. ISIS members and their wives and children in the detention camps in Iraq are prosecuted by Iraq itself, and it is complicated to develop a dialogue with Iraq on repatriation, since that would imply that repatriating countries do not have sufficient trust in the Iraqi criminal justice system. The only exception is children (Prevention Media, 2020). In 2020, France repatriated ten children, with 70 remaining in the refugee camps.

The fears of repatriation are grounded in terrorist attacks committed in recent years by the FTFs returning to Europe. Some FTFs, although disillusioned about the ISIS tactics in general, can still be excited with individual ISIS leaders and, therefore, still dream about the Islamic State. Moreover, many potential repatriates witnessed so much violence in ISIS that it can lead to their unpredictable and uncontrolled behaviour. In Barrett’s terms, terrorism is preconditioned by emotion as much as by ideology: hence, even the people most disillusioned about ISIS can start positively recollecting their life in ISIS over time (Prevention Media, 2020). In addition, risks include an FTF becoming a recruiter and radicaliser of vulnerable community members upon their return and also a provider of logistics and material support to terrorists and terrorist networks (Hoffman & Furlan, 2020, p. 9). Nevertheless, repatriating, prosecuting, and incarcerating FTFs allows to control the threat posed by FTFs, while the denial of citizenship to FTFs only motivates them to feel like citizens of ISIS. Last but not least, FTFs denied repatriation may relocate to conflict-affected and high-risk areas and plan/commit local as well as international attacks (Hoffman & Furlan, 2020, p. 10).

The EU member states are acting on the issue of repatriation independently, as the EU is not adopting a common policy on this issue in the near future. In case repatriated to their

countries of origin, women and children of FTFs should be reintegrated into the society without segregation and social exclusion, which can be a trigger of further radicalisation. Women who joined ISIS should be prosecuted for terrorist activities (each case being considered individually). However, prosecuting terrorist offenses can be challenging, and this is particularly affected by the different laws and legal systems in different EU member states. Results of the study conducted by the European Parliamentary Research Service, with the focus on examining policies regarding returnee FTFs in Belgium, Denmark, Germany, France, the Netherlands, and the UK, are as follows:

- *Member States' responses to returnees have increasingly converged following the passage of United Nations Security Council Resolution 2178. The question is no longer one of criminalisation or reintegration, but how these two impulses are related as part of comprehensive responses.*
- *Member States have increasingly turned to toughening administrative measures (i.e. pre-trial detention, citizenship deprivation, restriction of movement) to manage the perceived risks posed by returnees.*
- *Some Member States are pursuing strategies of investigating and prosecuting departees in absentia, whereas judicial trends are also emerging in the pursuit of internet, battlefield, and intelligence evidence, and a renewed parity in the investigation and prosecution of male and female departees.*
- *Member States vary significantly in their models for imprisoning terrorism-related and violent extremist offenders. Across the six cases, there is a general shift towards containment models that separate or isolate terrorism-related suspects and offenders from common law criminals.*
- *Member States also deploy a range of different approaches to the rehabilitation and reintegration of terrorism-related suspects and offenders, which vary regarding their objectives, inclusion criteria, methods, approaches to evaluation, and the availability of their results. In most cases, it is too early to discern solid conclusions about the impact of these measures.*
- *It is difficult to ascertain a clear comparative picture of Member States' approaches to child returnees as it is still an emerging issue. Most policies are case-by-case in nature, relying on a mixture of child care and security practices (Scherrer, ed., 2018, p. 39).*

The EU is currently searching for solutions to multiple issues concerning child returnees, including discrepancies between ethical and legal issues. Among other things, on 14 and 15 April 2021, Project-based Collaboration on Child Returnees – Consensus Conference: “Management of Child Returnees: Learning from Adjacent Fields” took place, with a focus on the elaboration of consolidated knowledge and expertise on the long-term work with child returnees, foreseeing long-term consequences and effects as well as assessing implemented measures. For these purposes, experiences from adjacent fields were discussed: “management of children soldiers or coming back from war zones, child refugees, children separated from their parents in a flea route, children suffering from “toxic-stress”, children victims of (inter-generational) indoctrination”<sup>3</sup>

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<sup>3</sup> Project-based Collaboration on Child Returnees - Consensus Conference: “Management of Child Returnees: Learning from Adjacent Fields”, 15 April 2021 (<https://eu.eventscloud.com/website/4317/>)

Some recommendations given by the experts at the conference include avoidance of revenge culture – if a returnee child internalised the narrative that their father was a hero who died for jihad, there should be dialogue instead of a straightforward claim that the child’s father was a criminal; the child’s father should not be either condemned or praised. Narratives and spoken words have an impact on the brain, so we should be careful about how we speak. Returnee children may be inclined to morbid adaptation/dignity, since they were raised for war and jihad for them has a glorious meaning, e.g., “happiness, achieved through death”. The West, in contrast, may consist of non-believers in the eyes of a returnee child because they prosecute the child’s mother. In this case, culture, sport, arts, and dialogue is what helps to go back to a path of healthy development. Education plays the key role in providing knowledge about other perspectives and cultural spaces, thus broadening the world of a returnee child. This child should receive social and emotional support, holistic treatment, their picture of the world should be understood, and their language should be spoken.<sup>4</sup>

Practitioners may have to deal with a child who may be at the same time a murderer (child-soldier), while there is no such expertise in many social workers and psychologists or psychiatrists. Specialists also need to be able to deal with transgenerational trauma (generational transmission of trauma), as children carry with them the baggage of what they’ve been through and, thus, are vulnerable to requests of joining criminal organisations. There is no experience in any EU member state with this. Risk-assessment methods are discussed regarding further radicalisation and reoffending in child returnees (along with countermeasures). Institutional neglect (as there is nobody who is continually investing in the child, since the caretakers/teachers constantly change) should be avoided to secure fully-fledged development. For that matter, foster care is a very good option for a returnee child, but the quality of foster care should be evaluated (supervised meetings with foster parents should be organised). In case a returnee child has parents, specialists should assess whether the child should be with them or with a foster family.<sup>5</sup>

Regardless of their actions, pursuant to the international law, all children recruited into armed or terrorist groups are considered the victims of crimes committed by adults (despite the fact that “insights into the roles of minors recruited into groups like ISIS have led to a trend towards triaging child returnees into different categories of threat, some observers cite the norm of “primary victimisation” in international law to urge against the exceptional judicial treatment of children who may have committed terrorism-related offences in Iraq or Syria” (Scherrer, ed., 2018, p. 52)). Considering children as primarily victims does not exclude security concerns, as children with repeated, prolonged trauma can be revictimised. For the same reason, officers should be careful in involving a returnee child in criminal proceedings as a witness or a victim. An Italian model of protecting the children from mafia families envisages specialized and multidisciplinary teams (including psychologists, workers in the field of education, officials who can help people get a workplace and find accommodation, police psychologists) to work with child witnesses and victims. These children can experience extreme victimization and stigma because the armed groups in which their parents participated are extremely stigmatized. Despite this fact, children need to be able to speak about their experiences as well as develop a feeling of belonging and importance. Reproduction of an us-them divide should be avoided.

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

ded. Communities and societies are sometimes more open to helping child returnees than we think, provided that the state guarantees security.<sup>6</sup>

All in all, minors should be looked after, and their identity and feeling of belonging should be developed, while isolation and a narrative of distrust should be avoided. Unless we work with the returnee children, there is the risk of further damage, as feelings of grievance and revenge are prominent reasons for recruitment. It is important to help a returnee child to overcome feelings of shame and humiliation; for this reason, returnee children can be referred to not as victims, but **survivors**. This way it is possible to empower them and motivate self-reflection, which offers a way of taking charge of the traumatic experiences and moving on. Notably, children of FTFs, due to sensory deprivation resulting from no play and no interaction affecting the brain, are likely not to be able to control their emotions and be prone to emotional explosions. These children may also have PTSD, and unless we deal with this, we will get a new generation of terrorists, even worse than the present one.<sup>7</sup>

## 1.5. CAPACITIES OF THE EU IN TRACING MOVEMENT ON TERRORIST PURPOSES AND PROVING THE CRIMES OF FTFs

In respecting personal fundamental rights and freedoms on the one hand and countering the deadly threat of terrorism on the other, a great responsibility lies on the EU (and also international) capabilities of tracking and preventing terrorist activities. In terms of an FTF who has served their sentence in the EU member state of origin, fundamental rights only allow to track such a person when they are suspected of some relapse in unlawful activity. Below is a brief overview of currently employed organisations and systems that help with detecting, tracing, and investigating terrorist activities. Their aim so far has been a better operationalisation of communication on cases under investigation and interoperability of databases.

### 1.5.1. Interpol

Cooperation in the framework of Interpol is currently an essential counter-terrorism venue. Interpol is focused on preventing terrorist travel, tracing terrorist financing, analysing social media, countering CBRN (chemical, biological, radiological, and nuclear) terrorist attacks, and developing international counter-terrorism projects (Interpol, s. a.). One such project is “Project First” (Facial, Imaging, Recognition, Searching and Tracking), which aims to help countries share biometric data on FTFs and other terrorist suspects. The biometric data of prison inmates convicted of terrorism-related offences is recorded by local law enforcement officers and entered into Interpol databases. One such database is Blue Notices, an international alert system that collects additional information on a person’s identity, location or unlawful activities. The data can also be checked against other Interpol databases (e.g., facial recognition system and fingerprints database) to more efficiently identify individuals and trace their international movements. For instance, the creation of digital profiles of unknown terrorist convicts in a Bagdad prison in 2018 helped, through Blue Notices, gain additional information and identify three high-profile terrorists already recorded in Interpol databases (ibid.).

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

Among other things, Interpol implements a military-to-police information exchange model (Mi-Lex) to provide law enforcement officers with information from conflict zones to facilitate investigation and prosecution (of FTFs, for instance): “Military first responders can share declassified information collected from the battlefield with relevant Interpol National Central Bureaus who process the information according to our rules and enter it into databases and analysis files. Authorized frontline users in member countries can then access the information via the I-24/7 network” (ibid.).

### 1.5.2. Europol

An essential party in the cooperation on counter-terrorism efforts is Europol and its European Counter Terrorism Centre (henceforth the *ECTC*), which was officially launched on 1 January 2016. The ECTC facilitates effective cross-border cooperation between designated counter-terrorist authorities. (Europol, s. a.) The ECTC was designed as “a central hub in the EU in the fight against terrorism” and focuses on:

- *providing operational support upon a request from a EU Member State for investigations;*
- *tackling foreign fighters;*
- *sharing intelligence and expertise on terrorism financing (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit);*
- *online terrorist propaganda and extremism (through the EU Internet Referral Unit);*
- *illegal arms trafficking;*
- *international cooperation among counterterrorism authorities (Europol, s. a. (a)).*

Even before launching the ECTC, Europol was making efforts to facilitate the investigation of the 2015 Paris attacks by enabling and enhancing the capabilities of information exchange and analysis. Europol’s Emergency Response Team (the *EMRT*) was supporting investigations in France and Belgium on a 24/7 basis. Among other things, Europol’s analysts and specialists were deployed to Paris, to Interpol in Lyon, and to Brussels (Europol, s. a.).

### 1.5.3. Schengen Information System

The Schengen Information System (henceforth the *SIS*) “is the most widely used and largest information sharing system for security and border management in Europe” (European Commission, s. a.). The major aim of SIS is to assist designated authorities in Europe in maintaining security in Europe in the of absence of internal border checks. The SIS provides:

- ♦ border control cooperation (allowing border guard officers, migration officers, and visa-issuing authorities to check alerts on third-country nationals and, in case of such an alert, refuse the traveller entry or stay in the Schengen area);



- ♦ law enforcement cooperation (allowing designated authorities to make and check alerts on missing persons as well as persons and objects connected to criminal offences);
- ♦ cooperation on vehicle registration (allowing to check the legal status of the vehicle presented for registration).

An alert also contains instructions on how to deal with a person or object once detected. For exchange of supplementary information and coordination of activities related to the alerts, each member state has a national SIRENE Bureau. Notably, “at the end of 2019, SIS contained approximately 91 million records, it was accessed 6.7 billion times and secured 283 713 hits (when a search leads to an alert and the authorities confirm it)” (European Commission, s. a.).

In 2013, the second generation Schengen Information System (the *SISII*) was introduced, replacing the initial SIS1 (European Commission, s. a. (b)). The future developments of SIS will include:

- ♦ new categories of alerts and sharing more data;
- ♦ palm prints, fingerprints, facial images, and DNA concerning, for example, missing persons;
- ♦ sharing of more terrorism-related information, for example, of persons and objects involved in these activities;
- ♦ entering of alerts to protect certain categories of vulnerable persons;
- ♦ sharing of return decisions and entry bans;
- ♦ allowing access to Europol in all alert categories as well as to European Border and Coast Guard Agency operational teams to perform tasks in the hotspots. (Europol, s. a.)

New functionalities should become operational by December 2021:

*Moreover, the introduction since March 2018 of an AFIS (Automated Fingerprint Identification System) in SIS, and the resulting possibility of making searches using fingerprints, makes it even more difficult for criminals to move unnoticed across Europe. /.../ Member States are now gradually rolling out the fingerprint search functionality to their police officers and border guards (ibid.).*

Importantly, on 9 December 2020, a proposal was adopted by the European Commission to enable Europol to issue alerts in SIS based on third-country sourced information, which is primarily aimed at detecting FTFs.

#### **1.5.4. European Travel Information and Authorisation System**

According to regulation no. 2018/1240 of the EU Parliament and of the Council as of 12 December 2018, the aim of the European Travel Information and Authorisation System (henceforth the *ETIAS*) is to “determine the eligibility of visa-exempt third-country nationals prior to their travel to the Schengen Area, and whether such travel poses a security, illegal immigration or high epidemic risk” (EUR-Lex, 2018). Pursuant to clause



10 of the regulation, ETIAS aims to assess visitors and prevent risks before they arrive at the external border crossing points. Pursuant to clause 12 of the regulation, ETIAS:

*Should also support the objectives of the Schengen Information System (SIS) related to alerts on third-country nationals subject to a refusal of entry and stay, on persons wanted for arrest for surrender purposes or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet or specific checks. For this purpose, ETIAS should compare relevant data from application files against relevant alerts in SIS. Where the comparison reveals a correspondence between personal data in the application file and alerts on third-country nationals subject to a refusal of entry and stay or on persons wanted for arrest for surrender purposes or extradition purposes, the application file should be processed manually by the ETIAS National Unit of the Member State responsible (ibid.).*

### **1.5.5. Entry»Exit System**

According to Regulation no. 2017/2226 of the European Parliament and of the Council, an Entry/Exit System (henceforth the *EES*) is being established “to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes” (EUR-Lex, 2017). The Entry/Exit system (in the form of ABC gates) is a part of the EU’s integrated border management strategy, which aims to calculate the duration of the third-country nationals’ authorised stay in the EU. The system should replace the stamp in their passports. The Entry/Exit system is a part of the “Smart Borders” initiative. According to clause 8 of the regulation:

*It is necessary to specify the objectives of the EES, the categories of data to be entered into the EES, the purposes for which the data is to be used, the criteria for their entry, the authorities authorised to access the data, further rules on data processing and the protection of personal data, as well as the technical architecture of the EES, rules concerning its operation and use, and interoperability with other information systems. It is also necessary to define responsibilities for the EES (ibid.).*

Importantly, the regulation explicitly states that the EES should be facilitated to help prevent, detect, and investigate terrorist offences or other serious criminal offences. The system should serve as a verification tool in cases when a third-country national has destroyed their documents or when designated authorities need fingerprints or facial images of a person in their investigation of a criminal offense. Among other things, according to clause 22 of the above regulation, “it should also be possible to use such data as a tool to construct evidence by tracking the travel routes of a person suspected of having committed a crime or of a victim of crime” (ibid.). EES should be implemented in Estonia from the beginning of 2022.

It is stressed in the corresponding regulations that both Entry/Exit and ETIAS are created for counter-terrorism purposes and are part of the EU initiative of interoperability of information systems:

*The Communication of the Commission of 6 April 2016 entitled ‘Stronger and Smarter Information Systems for Borders and Security’ outlined the need for the Union to*

*strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism. It emphasises the need to improve the interoperability of information systems. Importantly, it sets out possible options for maximising the benefits of existing information systems and, if necessary, developing new and complementary ones to address still existing information gaps (EU Monitor, 2019).*

### **1.5.6. Eurojust, battlefield evidence, and the Genocide Network**

When an FTF returns to their country of origin in the EU, a problem may arise due to the fact that there is too little evidence or information regarding what exactly this person committed in a conflict zone. For such purposes, Eurojust is working on venues to receive battlefield evidence to be transmitted to judicial authorities for use in criminal proceedings against FTFs. While, according to the 2018 Eurojust Memorandum on Battlefield Evidence, there was no significant use of battlefield evidence among EU member states, then the 2020 report showed an increase in this experience, and “several countries have used such evidence in their criminal proceedings against foreign terrorist fighters and other persons suspected of criminal offences during armed conflicts” (Eurojust, 2020, p. 2).

Evidence from the battlefield may include photos of crimes committed against civilians or disabled soldiers and, thus, prove the commitment of such offences. The US authorities are leading in their experience in collecting battlefield information and sharing it with international partners (Eurojust, 2020, p. 3). Notably, the concept of the battlefield is not limited to Syria and Iraq, although the threat of FTFs and their committed crimes are mostly associated with these conflict zones. Information and documents on military conflicts has also been received from Rwanda and Mali (Eurojust, 2020, p. 6).

Battlefield evidence can be collected by:

- ♦ military forces;
- ♦ NGOs and UN peacekeeping missions,
- ♦ UN entities and related organisations;
- ♦ organisations like International, Impartial and Independent Mechanism on Syria (IIIM) or the Independent International Commission of Inquiry on the Syrian Arab Republic;
- ♦ Unicef and UN-related expert groups (Eurojust, 2020).

Information may be requested from these organisations (using, for instance, MLA requests or EIO (European Investigation Order)). Relevant information can also be offered by these organisations on their own initiative (spontaneous transmission). Types of battlefield evidence include biometric data, ISIS registration forms, letters describing potential terrorist plots, a contract of marriage, a will, and so on (Eurojust, 2020).

In their prosecution of FTFs, EU member states can also be helped by the Genocide Network, which assists national authorities in investigating and prosecuting core international crimes, as in most EU member states, FTFs are cumulatively prosecuted for crimes of genocide, crimes against humanity, and war crimes (Eurojust, s. a.). For instance, in

Estonia, terrorist offenders are prosecuted on the basis of the Estonian Penal Code, which contains sections on all possible criminal offences, including war crimes. In each case, evidence is collected in the course of prosecution for all offences that the person subject to the proceedings has committed, and punishment is imposed pursuant to all relevant sections, e.g., war crime (e.g., acts of war against a civilian population, use of prohibited weapons, etc.), financing and supporting of terrorist activities, uniting with a terrorist organisation, travelling for terrorist purposes, etc. The aim of the Genocide Network is to prevent perpetrators from attaining impunity in the member states: “the Network is a unique forum, with Member State national authorities joining Observer States and associate organisations from the European Union, United Nations and beyond, as well as civil society, in a common goal: the fight against impunity” (ibid.).

Expert V from the Estonian Internal Security Service admits that since there are not many FTFs in Estonia, there is no experience with requesting or receiving battlefield evidence specifically with regard to FTFs. In the case of necessity, Estonian law enforcement authorities are definitely interested in each piece of information that can be considered as evidence. However, speaking about Syria, there is a problem with proving anything. Namely, if there was a combat, for instance, it is very complicated to find evidence showing that a person participated there and what they did precisely. In Syria, governments do not function properly, so there is nobody one can address with a request for legal aid.

Indeed, challenges concerning MLA requests are caused by the lack of a functioning criminal justice system in Syria (Eurojust 2020, p. 17). Other challenges in relying on battlefield evidence include the ability to actually rely on the piece of evidence. To do this, it should be clear how the evidence was obtained, whether it contributes to the quality of the chain of evidence, whether the statements of potential witnesses are reliable, and whether the authority (police, prosecutor or court) can rely on the evidence collected by a private organisation (risk of contamination).

### **1.5.7. European Border and Coast Guard Agency (Frontex)**

Like the above organisations and systems, Frontex also claims a role in the issue of detecting foreign fighters. To support border authorities of EU member states and Schengen associated countries, Frontex (in close cooperation with national experts, the EEAS, EU agencies, and Interpol) produced a handbook on common risk indicators (and on their operationalisation) regarding travelling terrorists and other subjects of interest (Europa Nu, s. a). Although risk indicators are highlighted and examined very thoroughly, it is still possible that an FTF may cross the EU border undetected. For instance, Expert L from the Estonian Police and Border Guard Board stresses that:

*In the case of lone perpetrators, there is a chance that a skilled profiler or border guard officer will detect them. However, as we now know, people who fight in certain organisations, say Islamist warriors, have special training on how to turn a foreign fighter into a civilian, or how to infiltrate through border checks in such a way as to deceive police and border guard officers that the person has not been a foreign fighter. There is training on how to behave, how to look, what luggage to carry, etc. This training always makes profiling more difficult.*

The same idea is expressed by Expert P from the Polish Border Guard:

*We know that such a person can be professionally trained and knows exactly how there are obstacles at the airport or during border control or during a vehicle selected for inspection. I know from my experience that foreign fighters have travelled to Poland more than once, but it's always about transit.*

### **1.5.8. Existing deradicalisation and reintegration programmes**

Needless to say, in dealing with returnees, deradicalisation and reintegration programmes are of crucial importance. Deradicalisation programmes in prisons are especially important, as returnees who have been imprisoned may exploit their status as foreign fighters to recruit followers. Also, “the threat posed by radicalisation in prisons rises proportionally with the increasing number of returnees and the first releases of sentenced extremists could again change the dynamics of the jihadist scene” (TE-SAT, 2020, p.45).

Heidi Maiberg (Royal Holloway, University of London), whose research focuses on the impact assessment of methods that are used to support deradicalisation and/or disengagement of extremists (Islamist and far-right extremists), was interviewed as an expert in the framework of this report and provided the following summary on current exit and reintegration programmes and assessment of their efficiency:

*In 2017, there were approximately 40–50 deradicalisation (or CVE) programs in operation globally (Koehler, 2017, p. 1) in addition to DDP-type (desistance and disengagement programme) and DDR-type (disarmament, demobilization and reintegration) activities in practice. Koehler (2016) has categorized current deradicalisation programmes in use worldwide into seven types. The key elements that distinguish programmes from one another are the programme’s actor, relevance of the ideological component, contact approach, and the principle of voluntariness. Most European programmes are supported and facilitated by either non-governmental or governmental counterparts. General practice shows that programmes are either run by NGO-s and CSO-s, militaries or prisons. Participants come to programmes voluntarily or are appointed by the court. Although, in Europe, ideology as a component is not in direct focus, ideology or beliefs can still be addressed in theological counselling – if it is needed – or discussions with a mentor (Koehler, 2016, pp. 119–128). Programmes in Northern Africa, the Middle East and Asia tend to have mandatory religious classes in addition to (vocational) education opportunities.*

*Due to differences in typology and methodology, local context and difficulties in accessing data, conducting a comparison of programmes and their impact assessment are complicated. A commonly used indicator of success in such programmes is the participants’ level of recidivism (Cherney, 2020). However, recidivism as the only assessment tool will not mean that an intervention has been effective, as, like pointed out by Marsden (2015), many other factors have an influence on reoffending. Also, the recidivism of terrorists is lower than the recidivism level of criminals of different types (Silke, 2014).*

*Besides risk assessment tools like VERA-2, there is a limited number of ways to assess an EXIT programmes’ impact. Gielen (2018) has provided a proposal for conducting a realistic evaluation of exit programs for jihadist women. Cherney and Belton’s research on the proactive integrated support model has shown promising results on terrorist and at-risk offenders in custody. In addition to implementing the model, researchers also assessed its impact by analysing the participants’ case note data. Lastly, Bouzar*

*and Bénézech have created a tool, NOORAPPLI 3D, which aims to evaluate the level of “paranoid perspective” and “socialization in terrorism” in addition to ideological dimensions and dehumanizing victims (Bouzar and Bénézech, 2019).*

*Despite the recent developments, the lack of practical, ready-to-use mechanisms or tools creates an environment where programmes work on vague or untested assumptions while knowing that “getting it wrong” can have dramatic effects and possibly contribute to further radicalisation (Gøtzsche-Astrup, 2018, p. 90). To prevent a negative impact, RAN has created manuals for peer and self-review for exit work (van de Donk, Uhlmann and Keizer, 2019) and advocates involvement of theory of change in the programmes.*

*In summary, it is difficult to outline successful and unsuccessful deradicalisation, disengagement, rehabilitation, and reintegration programmes and methods in use due to several issues. Firstly, unstandardized practices and differences in methodology and the local contexts cause a highly complicated field for comparison. Secondly, even for programmes that work on a voluntary basis, researchers have difficulties in accessing data of their activities and results. Lastly, although there are some risk-assessment tools, the mentioned EXIT-programme evaluation resources need further testing before implementing them in practice.*

Notably, practitioners across Europe have sought to reformulate what is meant by “evaluation” of deradicalisation and disengagement programmes “as a pragmatic response to the challenging scenarios they confront on a daily basis” (Scherrer, ed., 2018, p. 52). In addition, RAN has proposed a risk investigative tool called RAN CoE Returnee 45, designed especially for working with FTF returnees and including all important parameters and risk behaviours inherent in FTF returnees. Moreover, “the RAN CoE Returnee 45 provides a template for the multi-agency response to organise operational data on returnees so that specific focus areas can be identified and isolated when planning interventions.” (RAN, 2017). RAN CoE Returnee 45 should be cross-verified with other information sources; also, instead of being a predictive tool, RAN CoE Returnee 45 rather flags and organises risk behaviours that are needed to be further dealt with by competent professionals (ibid.).



## 2. FOREIGN (TERRORIST) FIGHTERS AND THEIR FAMILIES IN FINLAND, SWEDEN, LATVIA, LITHUANIA AND (NORTHWESTERN) RUSSIA

### 2.1. METHODOLOGY

Apart from the analysis of public documents and materials, competent experts from the countries examined in this report were asked to answer the following questions in writing:

- How many FTFs and family members of FTFs (women and children) have returned to [country name], and how many are expected to return?
- What are/have been the [country name]'s policies so far with respect to these people (men, women, and children separately)?
- Does [country name] implement any exit and reintegration programmes?
- What are [country name]'s further activities regarding FTFs and their wives who have served their prison sentences? Will their details be entered in some database, so that other member states can see who is travelling in their territory?
- How about foreign fighters in Ukraine? Have there been any FF's in Ukraine from your country? Are they coming back and being prosecuted? Is there any difference in the treatment of FTFs from Syria and Iraq on the one hand and FFs in Ukraine on the other?

In addition, semi-structured interviews were conducted with Estonian border guard experts on the current capabilities of the EU organisations and systems (Europol, Frontex, SIS, EES, ETIAS) as well as Interpol in intercepting FTFs (including recidivist FTFs) within the EU as well as on how these capacities could be further improved. In total, 11 experts gave their responses to the above questions. It should be noted that considering the sensitivity of the topic, responses were given by the experts in the amount and detail they deemed and found possible.



## 2.2. FINLAND

On 16 December 2019, the Finnish government released a plan concerning the women and children of Finnish nationality detained at the Al Hol refugee camp (Viirand, 2019). The Finnish prime minister Sanna Marin emphasized that the children needed to be repatriated at the first opportunity, while there were no obligations with respect to adults, each case being treated individually. The plan foresees the Ministry of Foreign Affairs and its special representative to assume the leading authority in this issue and lead the respective activities of and cooperation with other institutions and make decisions on repatriation pursuant to Finnish laws. International law, human rights, and the child's rights are also to be respected. The aim is to protect the interests of the child in all circumstances, working together with child protection officials proceeding from the Child Protection Act. In each case, the competent authority seeks to ensure that the repatriate does not cause a security threat to the Finnish people. The officials are obligated to handle each case on the basis of the constitution, so that the security of the Finnish people is not threatened. Competent officials investigate and assess cases in which criminal proceedings might be necessary (ibid.).

As of 19 December 2019, there were about 30 children (including two orphans) and 10 women of Finnish nationality in Al Hol. Their return to Finland was considered a complicated issue, since Finnish security police regarded these women and, to some extent, also the children as a possible security threat due to terrorist links. Finnish Minister of Foreign Affairs Pekka Haavisto was even on the verge of impeachment due to his nont-transparent plan to return these children from Al Hol (Viirand, 2019). Still, the plan proposed by the Finnish government is being implemented. On 19 December 2019, it was reported that the two orphans were being repatriated to Finland. When in Finland, the children were to be subjected to health examinations and the care of child protection officers. Kirsi Varhila, a high-level official of the Ministry of Social Affairs and Health, said those children were apparently traumatized in various ways and, therefore, needed diverse support; their condition would be monitored, and their development would be supported in the long-term perspective. (Viirand, 2019 (a)) Finland considers it vital to respect the rights of children and to help them in every possible way. According to Expert T from the Police of Finland:

*Starting in 2012, a number of people travelled from Finland to the conflict zones in Syria and Iraq. To date, over 30 have returned. The Finnish authorities have repatriated two orphaned children from the Al Hol camp. In addition, three families have left the camp on their own initiative and have since been assisted to return to Finland under the Consular Services Act. **There are still fewer than ten Finnish adults and about 20 children in the Al Hol camp.** Under the direction of the Ministry for Foreign Affairs, the situation of the detainees has been investigated by various authorities, including the Ministry of Social Affairs and Health and the police. Efforts by the Government and authorities to solve the situation are based on the following considerations:*

*According to a decision taken by the Chancellor of Justice on 10 October 2019, children should be helped whenever possible. **International conventions ratified by Finland also oblige the authorities to assist children.** The competent authority for assisting Finns abroad, for the possible repatriation of Finnish citizens and for related issues is the Ministry for Foreign Affairs. The Minister for Foreign Affairs has appointed a special representative to resolve the plight of Finns detained in the Al Hol camp. Finland cannot take charge of children residing in the territory of another state without the consent*

of the national authorities of that state. The Ministry for Foreign Affairs is, therefore, currently negotiating with the Kurdish administration, which is in charge of the camp.

Any decisions concerning individual children will be taken by public officials charged with the task. Within the scope of its powers under the Consular Services Act, the Ministry for Foreign Affairs will endeavour, whenever possible, to repatriate at least the children on a case-by-case basis. **If separating a child from their parent or guardian is not justified by facts or law, the determining factor is the best interests of the child.** The authority responsible for child welfare legislation is the Ministry of Social Affairs and Health.

The situation at the Al Hol camp is unstable. Several individuals have returned or may eventually return on their own initiative, as under Finnish law, Finnish citizens and holders of a residence permit in Finland always have the right to return to Finland and should not be prevented from doing so. Our legislation does not treat Finnish citizens unequally, regardless of gender (male or female). **A Finnish citizen always has the right to return to his or her home country, and entry cannot be denied** (unlike in some other European countries<sup>8</sup> for their own nationals).

The Ministry of the Interior is coordinating security measures in preparation for the potential return of the individuals concerned to Finland. **The various authorities involved are working closely together across sectors.** For security reasons, however, they are not releasing any detailed information on their plans.

Since the children have been living in extremely difficult conditions, the priority is to protect them in every possible way and to provide them with all the immediate and long-term support they need. The Ministry of Social Affairs and Health is coordinating the work done by the social welfare and health authorities. Broadly speaking, the authorities' plans are based on the returnee policy adopted by the ministerial working group on internal security and justice in 2017. **This policy requires central government and municipal authorities as well as CSOs to work together to ensure sufficient support for the reintegration of returnees into Finnish society.**

**Pertaining to disengagement or helping returnees disavow violent ideologies, the Finnish policies are as follows.** The returnees have seen, experienced and, in some cases, committed violent acts. Just like anyone who has grown up or lived in a violent environment, they will need help to renounce violence. **Islamic communities play a vital role here: they can help returnees disavow a violent interpretation of their religion and replace it with a mainstream interpretation of Islam that eschews violence.** The situation of every child returning to Finland from the refugee camp will be assessed individually, on a case-by-case basis. The aim is to provide each child with systematic and long-term support relying on cooperation between authorities and promoting reintegration to normal living.

As for the prosecution of returnees, the Finnish stance is as follows. **Regardless of gender, all adults returning from a region in Syria, once governed by ISIL, will be criminally liable for any offences they have committed there.** They moved to the region

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<sup>8</sup> For instance, in 2019, the UK stripped Shamima Begum, a teenager who left for ISIS and then wished to return in 2019 with her newborn child, of citizenship and left her stateless (Benton & Banulescu-Bogdan, 2019). There are around 15 or 20 families in refugee camps in north-east Syria who originally came from the UK, including that of Begum and others, whose citizenship was revoked. While the UK considers these families a national threat, Rights and Security International accuses the UK of ignoring fundamental human rights and abandoning its citizens to torture and death (Sabbagh, 2021).

*voluntarily, and may have been involved in terrorist activity or may have supported such an activity in one way or another. Finnish legislation on terrorist offences has been amended recently to cover a wide range of terrorist acts and support for terrorism. Finland will do everything in its power to bring to justice those who are guilty of crimes. Children may be witnesses or victims of crime. The social services will be responsible for dealing with children under 15 years of age.*

*I myself support the idea that, **in addition to terrorist offenses, other possible crimes should be taken into account during the pre-trial investigation.** These could be war crimes, genocide, crimes related to human trafficking, etc. If we do not have enough evidence of terrorist crimes, the prosecutor would then have the opportunity to assess other crimes as an alternative. No war crimes have been investigated in Finland in connection with FTF returnees so far, but, for instance, after 2016, when asylum seekers arrived in Finland from Iraq, war crimes have been investigated, for example, in cases where crimes have been committed in the country of origin and found as evidence, e.g., footage, in which the body of a killed enemy has been desecrated.*

In 2017, Finland issued a Proposal for Arranging Cross-sectoral Cooperation on Managing Returnees from Conflict Zones, including a proposal for combining NGOs' services with the action of the authorities (Ministry of the Interior of Finland, 2017). However, there are no such developments in terms of foreign fighters returning from Ukraine. Still, in Expert T's opinion, the legislation is the same in all cases; he emphasizes that it is important that participation in armed conflict can be assessed not only as a terrorist offense, but also as other criminal offences such as war crimes, crimes against humanity, genocide, etc.

The Genocide Network Secretariat of Eurojust has reported on some cases of cumulative prosecution of FTFs and similar perpetrators in Finland, when trials were based on international core crimes rather than on terrorism legislation, since evidence of terrorist offences was either missing or not proven to be reliable during the trial (Eurojust, 2020(a)). It should be noted that membership in a terrorist organisation does not constitute a criminal offense in Finland (Eurojust, 2020(a), p. 24). One case of the prosecution consisted in charging an Iraqi citizen who fought against ISIS with a 13 month suspended sentence for posing in the picture with the severed head of a dead enemy soldier (charges: the war crime of outrage upon personal dignity) (ibid.). In addition, there is an ongoing case involving two Iraqi twin brothers suspected of participating in the Camp Speicher massacre and, together with ISIS militants, killing young unarmed recruits and soldiers residing in the camp. Possible charges are murders with a terrorist intent and aggravated war crimes committed by murdering; however, there is still a lack of evidence of the suspects' involvement in the massacre (Eurojust, 2020(a), p. 24).

Regarding treatment of the returnee children in Finland, it can be similar to the treatment of other refugee children in Finland. In the autumn of 2015, Europe struggled to find ways to cope with the influx of refugees escaping the conflict and crisis in the Middle East, South Asia and Africa. For these purposes, *Save the Children Finland*, an NGO founded in 1922 and so far acting to protect children's rights, launched a pilot project of *Child Friendly Spaces* (henceforth the *CFSS*), which, along with foster family care, can also be used for the benefit of the returnee children of FTFs. Eveliina Viitanen from *Save the Children Finland* is of the opinion that foster family care can be more preferable for a returnee child than growing up in an institutional setting. Moreover, a foster family should be found that shares the religious and cultural background of the child (for ins-

tance, Muslim families for the returnees from Al Hol) and provide the child with the education on their cultural basis. Long-term monitoring of the returnee child is conducted through collecting feedback from the foster family as well as from the child in order to see the development in the child's behaviour and psychological state. Eveliina Viitanen clarifies specifically for the purposes of this report that:

***Child Friendly Spaces and Family care have so far only been tested with refugee children in Finland, so we do not actually have experience on how they would benefit children returnees. In Finland, we do believe that especially family foster care could be an option for those children who do not have an opportunity to stay with their own families, but as I mentioned, there always needs to be a careful individual assessment made with each child – and also with the foster family.***

*With Child Friendly Spaces activities, I think that the idea behind the model and the experiences could be utilised while supporting children returnees in Finland, but I do not actually see that the model could be used as such. The reason for that is that here in Finland, the numbers of children returning are very low, and Child Friendly Spaces is a model for group support.*

***However, I do think that when it comes to children returnees, it would be very good to have a support group for these children and their families, where the idea could be similar to that of Child Friendly Spaces: a welcoming atmosphere where people who are carrying out the activities have enough understanding for the special protection and support needs these children and families may have. At the same time, through these continuous meetings, there could be possibilities to observe the wellbeing of the children and react to the possible changes in their behaviour, etc.***

*Where CFS activities have actually been very helpful is reception centres. While the staff and, e.g., the social workers meet the children only occasionally or only when there is already a really big need for support, our volunteers and staff who meet these children every week or even many times a week have had the opportunity to follow the children more carefully and in their natural surroundings, where they do natural things such as playing or socializing with other children. Here we have had a very good opportunity to quickly notice if there was a change in a child's behaviour and react to that. What we have usually done is had a discussion with the child and parent (if possible) and directed the child to the specialised care, as to health care, social services or, in those reception centres where there is such a person, to the family and crisis worker who usually already knows the child and can continue working with the child more closely through their special expertise. Something similar could be considered with returnee children.*

To summarize, Finland has a clear perspective on the repatriation or return of FTFs and their family members of Finnish nationality. Apparently, in the long-term, Finland can share good practices for tackling this issue with other countries, including Estonia. As for Finland's treatment of FFs in Ukraine, there is currently not sufficient information.



## 2.3. SWEDEN

According to Expert W from the Division for Police Issues of the Swedish Ministry of Justice:

*Of the approximately 300 persons that left Sweden and travelled to the conflict area in Syria and Iraq since 2012, around 150 have returned to Sweden. The Swedish Security Services, along with their close partners in the intelligence community, have a good overview of Swedish citizens and persons with a strong Swedish connection who are still in Syria (FTFs and their families). It means that they often have information about possible returnees, and can provide for relevant authorities to take preparatory measures such as contact with social services if there are children returning, and for the police or security service to prepare for measures related to criminal investigation and continued intelligence gathering. There is a continuous dialogue between the Swedish Security Service, the Police Authority and other authorities and government offices who are in need of this kind of information. **In order to ascertain detection, all Swedish FTFs (men and women) are registered in the Schengen Information System.** Information on these individuals has also been shared in other international channels in order to facilitate early detection. The number of possible returnees depends on the situation in the area and other aspects.*

*The work regarding returning FTFs and their families is centred around the network of cooperating national authorities under the coordination of the Swedish Centre for Preventing Violent Extremism. There is a good and extensive cooperation between competent Swedish authorities. All authorities, within their respective tasks, play a role in the work with returning FTFs and their family members when they arrive in Sweden. All returning FTFs are assessed as to their intent and capability to commit terror-related activities as well as tried under criminal investigations when possible.*

*The network consists of representatives from the Swedish Centre for Preventing Violent Extremism, the Ministry for Foreign Affairs, the Police Authority, the Security Service, the Swedish Prosecution Authority, the Swedish Migration Agency, the National Board for Health and Welfare, the National Agency for Education and the Swedish Association of Local Authorities and Regions. **The authorities in the network have, among other things, agreed on a joint communication strategy and can swiftly make decisions and identify the need for changes in their joint approach.***

*Regarding children, for every child Swedish authorities are aware of, the so-called "Reports of concern" have been made to the relevant social services in Sweden. Swedish social services have as a principle that every child's situation should be investigated individually. The guardians' ability to care for the child is also assessed individually. These principles also apply to the current cases with returning women and children. If there is a significant risk of harm to a child's health or development, social services make a claim to the administrative court in order to be able to take care of such children. **The best interest of the child shall be of vital concern in the decision-making.***

*Regarding adults, accountability for the serious crimes committed in Syria and Iraq is a long-standing priority for the Swedish government. Crimes committed should primarily be prosecuted and tried before courts in the region where much of the evidence and victims are still located. Swedish courts do, however, have the possibility to try many alleged crimes committed outside Sweden. The competent Swedish authorities have a close and well-functioning cooperation in finding evidence of crimes related to the*



*conflict in Syria, ranging from, e.g., offences against health and liberty to war crimes and terror-related crimes. Several crime investigations regarding FTFs (both men and women) are ongoing, and a number of judgements regarding crimes linked to the conflict have already been handed down by national courts. **Even though a lot of evidence exists for the crimes committed by ISIL, a lot of work and international cooperation is needed in order to obtain and make use of it nationally. Both Europol and Eurojust, but also, for example, UNITAD and IIIM play an important role here. In Sweden, charges for crimes against humanity or war crimes have so far been more feasible than charges for terrorism-related crimes.***

*As mentioned above, there is good and extensive cooperation between competent Swedish authorities, and this is also the case between the Prison and Probation Service, the Security Service and the Police Authority regarding the follow-up and monitoring of FTFs. For returnees that are convicted, the Swedish Prison and Probation Service (SPPS) has a systematic approach with risk assessment, security and reintegration efforts. When a former FTF is released from prison, it is the responsibility of the Swedish Security Service and the Police Authority, depending on the kind of threat the person poses, to make a continuous assessment of the person and to detect and prevent further criminal activities.*

*Regarding the work with reintegration of men and women in society, there is no model as such, as the work is adjusted to individual needs. The Police authorities, together with the municipalities, take different measures. Municipalities in need of support in developing appropriate measures can address the Swedish Center for Preventing Violent Extremism for guidance. The National Board for Health and Welfare has also developed handbooks for social services. The reintegration measures need to be gender-sensitive, taking into account the different roles women and men could have had and also the fact that women most likely were more responsible for the children, and have a lesser status than men in the IS-controlled areas in Syria. **Men could be ranked higher by friends and family also when they come back, but women, who could have been married to several men during their time in Syria and have also got children with different fathers, can be despised in the local community.***

The Genocide Network Secretariat of Eurojust has reported on several cases of cumulative prosecution of FTFs and similar perpetrators in Sweden (Eurojust, 2020(a)). Similarly to Finland, membership in a terrorist organisation does not constitute a criminal offense in Sweden. The cases discussed were prosecuted under terrorism legislation but for war crimes, since terrorism-related elements were either not existing or proven in the course of the trials (Eurojust, 2020(a), p. 22). In one case, an Iraqi migrant was charged with nine months of imprisonment for the war crime of outrage upon personal dignity for sharing on Facebook pictures in which he was posing next to the severed heads of dead enemy soldiers and posing “next to dead enemy soldiers with someone placing a foot against a dead person’s head and him placing a foot or a weapon against a dead person’s chest” (ibid.). The ruling was made pursuant to the Act on Criminal Responsibility for genocide, crimes against humanity, and war crimes (Eurojust, 2020(a), p. 23).

In another case, Stockholm District Court sentenced a Syrian national to life imprisonment for the war crime of participation in the extrajudicial killing of seven captured Syrian army soldiers no longer participating in military activities. The major piece of evidence was a YouTube video of an execution featuring the perpetrator. In one more case, a Syrian national and long-term resident of Sweden was charged with eight years of imprisonment

and a lifetime ban from Sweden for war crimes and torture, consisting in torturing an injured person and posting the video of torture on Facebook. Both the victim and the perpetrator were affiliated with Syrian opposition forces (Eurojust, 2020(a), p. 23).

From the news articles, it is known that, in autumn 2019, several (under ten) women of Swedish nationality fled from Al Hol with their children but were detained by Syrian authorities and underwent a court trial (Viirand 2019(b)). Pertaining to FFs in Ukraine, for instance, in 2017, “two Swedish members of the neoNazi Nordic Resistance Movement (which is fiercely anti-immigrant) have reportedly gone into Ukraine to train with a Russian battalion fighting there, and upon their return bombed a centre for asylum seekers in Sweden” (Murauskaite 2020, p. 20). There is also an organisation called Donbassföreningen in Sweden whose activists have the goal “to support the anti-fascist forces in Ukraine and to expose the one-sided reporting from the Swedish media” (Donbassföreningen, 2015).

All in all, treatment of returnee FTFs and their families in Sweden is comparable to Finland. Strong interinstitutional collaboration is achieved to effectively solve the issue. In this cooperation, the role of the Centre for Preventing Violent Extremism is emphasized in the case of Sweden. As for Swedish FFs in Ukraine, there is, as in the case of Finland, not sufficient information.

## 2.4. LATVIA

Karlis Eihenbaums, a spokesman for Latvia’s foreign ministry, said in 2014 that “Latvia will secure all the necessary national measures in order to eliminate recruiting of foreign militants in Latvia, involvement of Latvian citizens in military conflicts abroad, and other support measures to terrorists” (The Baltic Times, 2014). As of 22 September 2014, there were no Latvian nationals fighting for ISIS in Syria and Iraq (ibid.). According to Expert M from the Border Guard College of the State Border Guard of the Republic of Latvia, at least one Latvian national was sentenced in Latvia for participation in the conflict in Syria, while several persons are wanted for participation in the conflict in Ukraine. According to Expert J from the Latvian Border Guard College, six foreign fighters (participating in military conflicts either in Syria, Libya, Iraq or Crimea) were sentenced in Latvia. In Expert M’s words, the Latvian Penal Code stipulates up to ten years of imprisonment for participation in an illegal armed conflict.

According to Murauskaite (2020, p. 18), “Latvia chose to prosecute its returnees but treated these activities differently than terrorism – in 2019, it sentenced a pro-Russian fighter from Daugavpils (of non-citizen status) to five years in prison for participation in an armed conflict outside Latvia”. The Supreme Court upheld the decision of the Riga District Court, according to which a non-citizen of Latvia, Artem Skrypnik, was sentenced to five years of imprisonment for his participation in the military conflict in South-Eastern Ukraine; the sentence is not subject to appeal. The Riga District Court had previously sentenced Skrypnik, a resident of Daugavpils, to five years imprisonment with probation supervision for two years for his active participation in the armed conflict in Eastern Ukraine (TVNET, 2019).

According to Expert J, in Latvia, the issue of reintegration of radicalised persons lies in the competence of the Latvian State Security Service as well as the State Probation Service. Expert M maintains that there are very few radicalised persons in Latvia who need to be

subjected to exit and reintegration programmes. Also, there are no separate databases for FTFs (and FFs), since there are too few such persons. To detect and track such individuals, SIS II is used. In Expert J's words, the Latvian border guard elaborated a system of risk indicators which, during the Latvian presidency of the EU, was proposed to the EU and taken as the basis of the framework of common risk indicators developed by Frontex to detect foreign terrorist fighters and other subjects of interest. The Latvian State Security Service is the central authority in countering FTFs. Apart from national information systems, international information systems are used, including Interpol resources such as API (Advanced Passenger Information), PNR (Passenger Name Record), and SLTD (database of Stolen and Lost Travel Documents).

## 2.5. LITHUANIA

According to Lithuania's statement, made by Linas Linkevičius, Foreign Minister of Lithuania at the UN Security Council briefing on foreign terrorist fighters in 2015:

***No country can consider itself immune to the threat of FTFs. Waiting until it happens would be the worst possible choice. We all must take very seriously our obligations under resolution 2178, as well as other relevant counter-terrorism resolutions and international instruments. The Lithuanian Penal Code, for instance, establishes as criminal offences various FTF-related activities. Those who commit acts forbidden by international agreements, including terrorist acts, can be held responsible under Lithuanian law irrespective of their citizenship, their place of residence, the place of the commission of the crime, or whether the act is punishable under the laws of the place where it was committed.***

*Lithuania relies on some well-established measures to prevent the travel of terrorists across its borders, as well as to disrupt the facilitation of their travel. These measures include effective border controls, which is also part of the Schengen system, and routine use of various Interpol databases. Lithuania also employs a variety of measures to prevent money laundering and terrorist financing, in compliance with FATF and European Union standards. We also stress the importance of providing a determined response at the EU level and within the Schengen space (Linkevičius, 2015).*

In the words of Expert E from the Counter-Terrorism Unit of the Lithuanian Criminal Police Bureau, "at the moment, Lithuanian police and intelligence have not identified any Lithuanian national who could be identified as an FTF and had travelled to Syria and/or Iraq. We do not have FTFs, so no returnees as well. We do acknowledge the challenge to handle this issue for MS, and we do cooperate with MS on the EU level by exchanging information, looking into the measures taken by other countries, assessing the reports, etc."

According to Murauskaite (2020, p. 10), of all the Baltic states, Lithuania had the highest number of fighters (up to 20) involved in the conflict in Ukraine, and most of the Lithuanian fighters were on the Ukrainian side: "historically, Lithuania has been actively advocating the EU to pay more attention to Ukraine and to offer assistance to Ukraine once the conflict started".

In Lithuania, there is no public information regarding the persons having been prosecuted for participating in the conflict in Ukraine on either side, even though some pro-Rus-

sian fighters were investigated. One pro-Ukrainian Lithuanian foreign fighter interviewed by Murauskaite said he experienced a boost in confidence after his return to Lithuania, which allowed him to start his own business; nevertheless, he was subjected to criticism over going to Ukraine despite Lithuania's official backing of Ukraine (Murauskaite, 2020, p. 20).

## 2.6. RUSSIA

Russians join various terrorist groups, including ISIS, Jabhat al-Nusra (Syrian branch of Al-Qaeda), Jaish al-Muhajireen wal-Ansar (a large Islamist group consisting of mostly Russian and CIS nationals), and other smaller terrorist groups. In 2015, the Russian Ministry of Foreign Affairs, together with the Federal Security Service, tracked more than 2 800 Russian citizens who left Russia for military combat in Syria and Iraq; 889 FTFs returned to Russia and were prosecuted under subsection 2 of section 208 of the Russian Penal Code (participation in an illegal armed unit on the territory of a foreign country, punished by imprisonment from 8 to 15 years). (RBC, 2015) The Federal Penitentiary Service and police officers made lists of inmates serving their sentences for extremist and terrorist offences. In the lists, persons are determined who are in the orbit of operational interest. After release from prison, these persons are controlled by field officers, and territorial police units are informed about these persons moving to their place of residence (ibid.).

In August 2017, the governor of Chechnya Ramzan Kadyrov repatriated to Grozny the first plane with women and children from Syria and Iraq. Chechen women were released home upon Kadyrov's permission, while Dagestani women were to be prosecuted (ibid.). In Russia, cooking, purchasing foodstuffs, washing, and making clothes for ISIS members constitutes a criminal offence (Prevention Media, 2020). After several planes with repatriates came to Grozny with the support of Kadyrov in the course of several months, the repatriation stalled, since Russian security forces did not approve of mass repatriation of potentially dangerous people, some of whom (namely of Chechen origin) are not prosecuted in accordance with the law (ibid.). From December 2018, under the supervision of children's ombudsman Anna Kuznetsova, 157 children and no adults were repatriated from Syria and Iraq. During the active phase of the COVID-19 pandemic, the repatriation process came to a halt. On 18 August 2020, Kuznetsova accounted for 26 more children from one to six years of age repatriated to Russia. Repatriated children are mostly orphans whose parents died in Syria. It is unclear whether Russia will resume repatriating women from the refugee camps in Syria and Iraq and what policies will be implemented towards them (ibid.). As of 4 October 2020, when COVID-19 preventive measures were eased, 16 children of Russian nationality were repatriated, who were initially relocated from Al Hol to Al Roj on 8 September (UNOCHA, 2020). In early March 2020, a three-year-old child and a seventy-five-year old woman, both Russian citizens, died in Al-Hol, which initiated rumours about Covid-19 spreading there (Crisis Group, 2020).

### 2.6.1. Terrorist activities in Northwestern Russia (Kaliningrad oblast and St. Petersburg)

In 2020, in Kaliningrad oblast, 11 terrorist crimes were recorded in the first half of the year alone, which is an increase of 83,3 per cent over the same period in 2019 (Medvedeva, 2021). The most recent prevented terrorist attack in Kaliningrad occurred on



3 March 2021, as the perpetrator planned to blow up a power plant, being dissatisfied with the authorities over the introduction of anti-pandemic measures (New Kaliningrad, 2021). It is not specified in the two above-cited sources, whether and to what extent the committed terrorist attacks were perpetrated by foreign terrorist fighters.

In March 2018, a resident of Kaliningrad oblast was sentenced to five years in a penal colony for financing ISIS, a terrorist organisation banned in Russia, by transferring to its member 60 thousand roubles. The recipient of the money helped wounded and sick militants in Syria, which, according to the Russian legislation, is equated with participation in terrorist activities (Medvedeva, 2021). A month later, eight persons from Central Asian republics suspected of involvement in activities of the terrorist group Jamaat Tawhid Wal Jihad, a structural unit of ISIS, were detained in Kaliningrad for recruiting residents of Kaliningrad through closed channels of social media and maintaining direct contact with participants of illegal armed groups, including one FTF from Kaliningrad in Syria. In the seized computers and mobile phones, security forces detected files containing “propaganda video materials of terrorists”, and bank cards, “possibly used in criminal activities” (ibid.).

Furthermore, in summer 2018, nine other persons were arrested as suspects in Kaliningrad on charges of recruiting for terrorist activities, some of them were later released. In July 2020, the FSB again reported that, in Kaliningrad, four recruiters of the international terrorist organisation Katibat al Tawhid wal Jihad were detained. Officials found that members of the criminal group had been recruiting and ideologically training migrant workers from Central Asia for further transfer to the war zone. Extremist literature, flags, and paraphernalia of the terrorist organisation were found in the apartment where the detainees were living (ibid.).

In November 2020, the FSB head office initiated criminal proceedings against a citizen of Kyrgyzstan who was suspected of not reporting a known terrorist acquaintance. According to the investigation, he knew that his acquaintance participated in combat operations on the territory of Syria as a member of the international terrorist organisation Jabhat al-Nusra – Jamaat al-Tawhid wal-Jihad and did not report the offense to the law enforcement agencies. Notably, very little is known about the fate of those suspected of the crimes described above – usually no further information is provided by the media following the reports on detention by the FSB. Notably, there are numerous convicted lone actors in Kaliningrad oblast; also, many people were indicted for social media posts about jihadists as well as liking or sharing such posts (ibid.).

In St Petersburg, anti-terrorist activity also seems to be intense. According to the news, Russia’s President Vladimir Putin thanked the FBI for sharing information that helped foil a terror attack by ISIS members in St. Petersburg in December 2019, during the New Year holidays (AP News, 2020). Similarly, in 2017, Putin thanked Trump for CIA information that helped foil a series of bombings of St. Petersburg’s Kazan Cathedral and other crowded places by ISIS adherents (ibid.). In April 2017, a terrorist attack was committed in the St Petersburg metro, claiming 11 lives (BBC News, 2017). The explosion emanated from a briefcase left on the train; the second device was detected intact and defused. Initially, suspects of committing the attack included ISIS-inspired groups and Chechen nationalists (ibid.).



It was, among other things, suggested that the attack may have been perpetrated by FTFs: “Chechen militants and international jihadists do have a track record of plotting to attack Russia’s transport hubs, notably in Moscow. An estimated 7 000 Russians have travelled to Syria to join extremist groups – and some have returned” (BBC News, 2017). The group called Imam Shamil Battalion claimed responsibility for the attack and reported they were acting on instructions from al-Qaeda leader Ayman al-Zawahiri. Their aim was revenge for Russian government violence in Syria, Libya, and Chechnya (Deutsche Welle, 2017). In 2019, eleven persons suspected of being involved in the bombing of the St Petersburg metro were found guilty; the attack was linked with an Islamist terror plot (Deutsche Welle, 2019). In 2018, a St Petersburg resident, aged 35, perpetrated a bombing of a supermarket, resulting in 18 wounded persons. Although ISIS claimed responsibility for the attack, it was established that the perpetrator had psychiatric treatment since the age of 19, and no evidence of the attack being linked with ISIS was provided (BBC News, 2018). To summarize, just like in the case of Kaliningrad oblast and, apparently, other regions of Russia, it is difficult to determine whether FTFs had any connection with perpetrated as well as thwarted plots. One implication of this discussion is that terrorist activity is rather high in the direct vicinity of the Estonian border.

### **2.6.2. Russia’s double game with FTFs**

There are people like university student Varvara Karaulova (prosecuted for the intent to join ISIS) and Anatoly Zemlyanka (who made a video of himself executing a Russian man and joining ISIS in 2013), but it was also claimed that “evidence points to the FSB directly feeding Dagestanis to ISIL” (Weiss, 2017). Reporter Elena Milashina conducted fieldwork in the village of Novosaitili in Dagestan in 2015 and concluded that:

*The Russian special services have controlled the flow of jihadists into Syria, where they have lately joined up not only with ISIL but other radical Islamist factions. In other words, Russian officials are added to the ranks of terrorists, which the Russian government has deemed a collective threat to the security and longevity of its dictatorial ally on the Mediterranean, Bashar al-Assad (Cries from the depths, 2015).*

While officially backing Assad, Russia got rid of its jihadists by sending them to Syria, thus diminishing the terrorist threat in Russia and seeking to pacify its decades-long insurgency in the North Caucasus. Notably, “penetrating and coopting terrorism also has a long, well-attested history in the annals of Chekist tradecraft” (ibid.). In 2011, 22 out of 2 500 residents of Novosaitili village went to Syria. The FSB established a green corridor to Syria through Turkey, since Russia is a very difficult country to enter and exit. Of these people, five were killed, and five returned home. There was a negotiator in the village who, together with the FSB, sent several underground resistance leaders abroad to jihad. According to the negotiator, one man who is probably behind several terrorist bombings, was allowed by the FSB to go to Turkey upon his agreement to quit jihad in Dagestan (“agent agreement” was signed with this person). The FSB provided the man with a passport and accompanied him to Turkey. This person subsequently died in Syria, but before that, he connected the FSB with five persons who were offered the same quid pro quo schemes (ibid.).

In June 2014, the Caucasus Emirate pledged allegiance to ISIS, which gave Abu Bakr al-Baghdadi’s a nominal affiliate in Russia. However, the Russian government was not

terrified and made political use of the situation. In the words of Joanna Paraszczuk, a reporter covering the Middle East, “Russia is very happy about this because it means that it can now blame the local insurgency on ISIS – ‘an international group created by the West’ (ibid.). The Chechen Republic is an Islamist republic in all practices. Like Afghanistan, Chechnya started with the fight against Russian occupation and ended in the extremist regime, semi-autonomously run by Kadyrov. It is believed that the FSB relies on Kadyrov to gain intelligence on Caucasian jihadists. It is also believed that feeding its jihadists to Syria has helped Russia achieve several aims: apart from clearing the volatile North Caucasus of Islamists, it has caused volatility in the Middle East, and, thus, driven up oil prices (ibid.).

However, it can be said that Chechen FTFs do not amount to those for whom the FSB creates a green corridor to Syria. Some of them are also trying to enter the EU. One possible route of FTFs to the Schengen area is from the Caucasus to Poland. According to Expert P from the Polish Border Guard:

*In Poland, the Border Guard is occupied solely with the recognition of the phenomenon of terrorism, with regard to the provisions on combating terrorism and cross-border crime. Our tasks include, first of all, recognizing this phenomenon. In Poland, we are on the border with Russia, Belarus, and Ukraine, we secure a section of the border of the EU. Here we can choose from the FTFs from the Caucasus region of Chechnya. We check-in at our airports. We choose people who may come back from the conflict zone or who go there.*

### **2.6.3. Socio-psychological and adaptation needs of families of former fighters in the North Caucasus**

In the report by Jekaterina Sokiryanskaya (2020), the experience of 40 women from Chechnya, Ingushetia, and Dagestan was recorded and analysed. These women are either returnees from Syria and Iraq or wives/daughters of the fighters killed or sentenced to a long-term imprisonment due to participation in the armed conflicts in the North Caucasus and/or the Middle East.

The armed conflict between Russia and Northern Caucasus was active in 1994–1996 and 1999–2009 and produced thousands of widows, wives, and children of the people whom Russian authorities designated as members of the armed underground. According to Sokiryanskaya (2020), now it is time for the state and society to redefine their attitudes towards the abovementioned families and, instead of strict law enforcement measures and stigmatization, develop measures for socio-psychological support and active and constructive inclusion of these people in society. Children, wives, and widows have been coping with their own tragedies for many years – deep psychological trauma, lack of employment opportunities in state institutions, social problems, stigma, increased attention, and direct pressure, if not reprisals, from law enforcement agencies which has affected their physical and mental health (ibid.).

Only one of the women interviewed by Sokiryanskaya contacted a psychologist, and another widow who returned from Syria worked with a psychologist in a pre-trial detention facility. Both women found the experience very positive. Almost all other women said that they were in great need of psychological assistance, but such services were too

expensive and that there were no professionals in small towns and villages. More than two-thirds of the interviewed women do not have permanent employment and do not have their own housing. Women who are not working live mainly by survivor's pensions, receive assistance from relatives, and one-off assistance from philanthropists. In Chechnya, several interviewed women were denied survivor's benefit because their husbands were fighting against the state. Among their basic needs, the respondents mentioned payment for medical treatment for children, education, and housing. Two-thirds of respondents' families are unable to support their children's development and cannot afford any extra-curricular activities (ibid.).

Most of the women surveyed were not denied services in medical, educational or other institutions. However, in two cases, educational institutions officially refused to accept children, and almost all women said that after what happened to their husbands, they were barred from employment in state organisations. In general, however, such women and children are not rejected by the community, although many interviewees encounter some form of bias among neighbours or villagers, as well as teachers at school. Only a few women complained of isolation and the reluctance of others to communicate with them and their children (ibid.).

At present, the state's interaction with the wives and widows of former fighters is almost exclusively confined to law enforcement, is carried out by security forces, and is primarily aimed at control. The regime of interaction of law enforcement agencies with the widows and wives of former fighters differs in each republic. The most favourable situation is in Ingushetia, where security forces mainly conduct interrogations and investigations within the framework of the law. The relatively favourable treatment of the wives and children of former fighters in Ingushetia is explained by Yunus-Bek Evkurov's attitude to the problem of preventing radicalisation. During his work as the head of the republic in 2008–2019, work with the families of the militants was identified as a priority, and the head of the republic established two community councils for this purpose. Since then, no information has emerged in the public space on the activities of these structures, and yet the policy of support rather than repression has sent important signals to both society and security forces (ibid.).

In Dagestan, the situation seems to be the least positive due to the widespread use of the so-called preventive professional register, which was introduced in 2015, when about 16 000 people were registered as "religious extremists", including almost all the widows and wives of former members of the underground. Despite the fact that, according to the Ministry of Internal Affairs, since 2017, no such register has been officially kept, all respondents indicated that it exists informally. In the professional register, according to the respondents, police officers severely restricted their rights to privacy and freedom of movement, as well as de facto denied them employment in state organisations. In Dagestan, respondents admitted that the situation with the professional register had calmed for the past two to three years, although the monitoring by the authorities continues (ibid.). It is particularly disturbing for women in Dagestan that their children are also placed on a preventive register, singling them out among their peers, thus stigmatizing them. The staff of the juvenile affairs units talk to teachers, ask for child profiles and come to children's homes to interview them (also in the absence of their parents). In Ingushetia, this work is also being done, but more delicately. In Dagestan and Chechnya, sons of the former fighters are beginning to have problems with law enforcement, including unlawful detentions and beatings (ibid.).

Entrusting the work with widows and wives of former fighters almost exclusively to the security forces, the state can hardly expect anything other than pressure and deterrence, and, as a side effect, – frustration, anger, or even hatred of these women and, subsequently, their children. These feelings contribute to the preconditions for radicalisation. Women designated by security forces as a risk group must be dealt with strictly within the framework of law, otherwise their actions will have the opposite effect (ibid.).

Children have suffered psychological trauma due to the killing or arrest of their father, and this trauma affects their health, performance, development and socialization, but only in a few cases have they received professional psychological assistance. The question of how to explain to the children what happened to their fathers, why they were killed or are serving a prison sentence, worries many women, as they do not know how to do it properly. In Ingushetia and Dagestan, some families do not discuss the father's history with the children, and then the children learn about what happened from other people or from the Internet (ibid.).

In Chechnya, families usually explain to the children that the father had fought and died for his beliefs or homeland. All prisoners' wives interviewed in Chechnya noted that their children were proud of their fathers. Most children have a deep need for a positive image of their father, so attempts by the authorities to impose a negative image on fathers are unlikely to succeed. A broader discussion of the post-Soviet Chechen history, involving independent experts and eyewitnesses, would help young people to form their own critical view of the tragic events of that time, contribute to a more adequate assessment of what happened, and to understanding that atrocities have been committed by all parties to the conflict. Unfortunately, in today's Chechnya and Russia, it is almost impossible to organize such open debates, but in the future, they must take place, because, without discussion and acceptance of mutual guilt, reconciliation and sustainable peace are impossible (ibid.).

In Chechnya, children of respondents whose husbands are serving life sentences have the opportunity to visit their fathers on extended visits. All the mothers say that the children have a very hard time meeting their fathers in prison. Psychosocial support for children before and after such visits could make such visits less traumatic. Children who have returned from conflict zones in Syria and Iraq have common characteristics with children of former fighters who have fought in Russia, but there are many specific characteristics. These children have more severe psychosocial trauma, and some are injured, have harsher health and adaptation problems, younger children have a poor command of Russian and older children have serious gaps in school education due to long learning interruptions. In Chechnya, families with child returnees born to non-Chechens sometimes face additional problems of rejection by relatives because of the stigma attached to inter-ethnic marriages, especially when a Chechen woman marries a non-Chechen man. Women who migrate to the Middle East are clearly stigmatized and isolated in the society (ibid.).

In most cases, grandparents who are already in old age, have their own health problems and are traumatized by the loss of a son or daughter, take custody of returned orphans. The interviewed grandmothers have not yet been granted permanent custody of the children, which means that they do not receive financial benefits and take care of the children at the expense of their pensions. They are terribly short of funds for medicines and for the treatment and maintenance of their grandchildren, for filling their knowledge

gaps, and often they do not know how to help the children cope with the grief of losing their parents and other daunting challenges they face in the society and at school (ibid.).

Almost all of the interviewed women spoke of the need for programmes to help their families adapt. These families need social, psychological, charitable, educational, and developmental assistance. Cooperation with law enforcement agencies should be strictly within the framework of law. Work with families should be transparent, sensitive, and not stigmatizing. If necessary, it may involve a trained theologian and consultant in the field of prevention of radicalisation. Orphans who have returned from the conflict zone in the Middle East require separate rehabilitation and integration support. Long-term peace in the North Caucasus depends to a large extent on how successful, psychologically stable, and integrated these children grow up to become (ibid.).

To summarize, there are many valuable lessons to learn from the Russian situation with families of FTFs and other former fighters. First, without an interinstitutional, cross-sectoral effort, it is very difficult for such women and children to cope with their problems, including deep psychological traumas. Second, no repressive measures and violations of fundamental rights and freedoms should be implemented, including restrictions on freedom of movement and work in state institutions – such measures only have an adverse effect; third, Russia is already facing the consequences of children of former fighters growing up and becoming radicalised due to the absence of necessary psychological and social (including financial) help for them and their mothers. It can be argued that, with such a repressive approach to the families of former fighters, including FTFs, Russia is far from improving the current situation with extremism and terrorism in the North Caucasus and Russia as a whole.



### 3. IMPACT OF THE SITUATION WITH FOREIGN (TERRORIST) FIGHTERS AND THEIR FAMILIES ON ESTONIA

As of 18 December 2019, the Estonian Internal Security Service has stated in its annual review that, beginning from 2013, they have detected around twenty persons, including minors, connected to Estonia who stay or have stayed in the conflict zones in Syria and Iraq and have connections with extremist movements (Puusepp, 2020, p. 41; BNS, 2019). There has currently been only one foreign terrorist fighter of Estonian nationality who left for Syria with his family. This person is dead, but there is no information regarding his wife and children (and their number). According to Expert V from the Estonian Internal Security Service, Estonia is not repatriating its nationals from the conflict zones; rather, they need to contact Estonian embassies and consulates and ask for assistance. In this case, just like Finland and several other EU members states, Estonia allows its citizens back to their home country. In the words of Expert A, a former official at the Estonian Police and Border Guard Board for 30 years and a specialist in risk analysis for 15 years, no criminal offense in any country can deprive an Estonian citizen of the constitutional right to return to the territory of Estonia. Still, in Expert V's terms, "Estonia then needs to establish if a returnee committed a crime and needs to be prosecuted. The reason why FTFs are afraid of returning to their country of origin is that they do not know if they are going to jail or not."

Estonia does not yet have an official policy to implement in case the aforementioned woman and her children express their desire to return to Estonia. As discussed in this report, each case is unique – there can be many mitigating circumstances in each woman's case; however, Estonia is still of the opinion that returning ISIS wives should be prosecuted. Based on this and assuming that a woman in question will get a prison sentence, Estonia (as well as other EU member states) needs to have a strategy/plan as to what to undertake with her child(ren), how to accommodate, assist, and monitor them as well as to reintegrate them into society, learning from good practices and mistakes made in other countries. Hence, a lot of work still needs to be done.

Although Estonia is actively participating in the development of exit and reintegration programmes, there is no uniform umbrella exit programme, but each case is approached

individually, depending on the specifics and the degree of severity. As stressed in all discussions of deradicalisation and reintegration, both of them are a shared, multi-agency effort, involving cooperation and interoperability among law enforcement agencies, educational agencies, social workers and psychologists, relevant NGOs, religious agencies (e.g., chaplains and imams) and other relevant contributors. In Estonia, currently, a manual on detection and prevention of radicalisation in schools and a manual on detection and prevention of radicalisation for police officers are implemented. Estonia is actively participating in EU programmes for detection and prevention of radicalisation in prisons, as well as developing relevant risk assessment methods. However, since there are currently no assessment methods for the success/performance of deradicalisation programmes, there are still many risks involved in dealing with the returning families of foreign terrorist fighters. Still, in case women returnees have served their sentence and their children attend schools in EU member states, the task of monitoring them should only be performed by relevant authorities. It is of quintessential importance to detect and prevent any possible stigmatization of these people due to their past on behalf of schoolmates, colleagues, etc. This requires a lot of social effort and awareness, especially given the rise of right-wing extremist movements and other conservative trends across Europe.

In relation to cumulative prosecution of FTFs, in Estonia, terrorist offenders are prosecuted on the basis of the Estonian Penal Code, which contains sections on all criminal offenses, including war crimes and terrorism. In each individual case, evidence is collected for all offences that the accused has committed, and punishment is imposed based on all relevant sections. Estonia also consults EU and international resolutions, e.g. United Nations Security Council resolutions 2178 (2014) and 2396 (2017).

In Estonia, there is no experience of separating terrorism-related offenders from violent extremist offenders in prisons, since there is no history of such offences in Estonia. Currently, what is monitored in Estonian prisons is order, absence of bullying and physical/psychological abuse. Notably, “detaining terrorism-related suspects and offenders in specialised wings or units have aroused concerns about fundamental rights compliance and, therein, the counter-productiveness of these policies” (Scherrer, ed., 2018, p. 52).

### 3.1. (RETURNEE) FOREIGN FIGHTERS IN UKRAINE

As for foreign fighters in Ukraine, according to Murauskaite (2020, p. 10), “with Latvia’s large ethnic-Russian population and a quieter political stance on the issue, the balance seemed to favour the pro-Russian side. But it seems somewhat surprising that the 2014–2016 statistics captured no Estonians backing Ukraine, and only a few fighting on the Russian side”. In Estonia, the charges for participation in the conflict in Ukraine (on the separatist side) is terrorism, and the punishment is extradition from the country. In 2016, there has been one instance of extradition of a pro-Russian foreign fighter in Estonia (Tuulik, s. a.). In the words of Expert A:

*When an Estonian citizen participates in Ukrainian voluntary battalions (and we have been told in the newspapers that a couple of people went to Ukraine to provide assistance), it is a question of status. Do we treat this Estonian citizen as a foreign fighter or not? In fact, we consider that it is prohibited to participate in military activities in another country. Had this person fought on the other side, he would have been considered a foreign fighter. There is a political aspect to this whole issue.*

Expert L from the Estonian Police and Border Guard Board says that it is possible to profile a returnee foreign fighter in Ukraine on the basis of passport data, age, gender, appearance, face, facial expression, hands, luggage, attitude, body posture, and the way a person speaks. If there is any suspicion that the person may be a foreign fighter, the person is referred to a second level check, where they are subjected to a thorough interview, examination of things and clothes, etc. However, as Expert L admits:

*I do not know how big this problem is now, whether these FFs are being monitored, whether they can be identified, whether anyone is suspected at all, although we realise that there are adventure seekers who want to go and try a firearm somewhere and blow things up, no matter on which side and for what ideas.*

Expert R from the Police and Border Guard Board stresses that if we are talking about Ukraine, then the Baltic States and Finland have a liaison officer there; so, in case there are any FFs from these countries, the liaison officer of the consular service will start working on the ground to collect information about these people. The role of a liaison officer is, among other things, to support the first level of integrated border management in the third countries, so first inspections into potential returnee FFs are starting already in these countries. The liaison officer helps gather information from the local sources. With regard to an Estonian citizen, it is expected that the liaison officer will help to gather information about Estonian citizens who are at risk; with regard to a third-country national applying for an Estonian visa in Ukraine, their background will be examined on the spot and will be the basis for issuing a visa. There is an integrated border management model, structured in such a way that checks start from the country of departure.

### **3.2. CLEAN PROFILE OF FTFs AND FFs AFTER THEIR RELEASE FROM PRISONS**

One point of concern in relation to FTFs is that when FTFs and their wives and also FFs have served their prison sentences, they can move freely in the Schengen area, including Estonia. A question arises how can an Estonian border guard become aware that a person with an FTF background arrives and stays in the Estonian territory. According to Expert T from the Police of Finland, there have not been any FTF returnees convicted to prison after returning to Finland. Notably, a person who is released from prison and has served their sentence has to be treated as innocent. Official action with regard to such persons can only be undertaken if there are reasonable grounds to suspect that they may still be involved in terrorist activities, etc.

There are currently no databases that would provide information that a person has been convicted for terrorist offences in the past. Expert T maintains that:

*Law enforcement authorities exchange information with each other, and Europol has a key role to play, especially in FTF matters. Also, if the legal conditions are met, there is information about persons and/or alerts in the SIS-system or in the Interpol databases, in which case border guards also have access to the information, at least in Finland and, I assume, that also in Estonia. In addition, the security and intelligence services of*

*different countries (e.g., SUPO<sup>9</sup> and KAPO<sup>10</sup>) exchange information on FTF issues, and I assume that this will also happen between Finland and Estonia.*

Hence, in case a former FTF resumes or their family members start engagement in terrorist activities, the existing capacities of Estonia and the EU should be enough to detect, track, and prevent them.

Expert A confirms that monitoring a returnee FTF or his wife after release from prison has no legal basis. Internal control may be assigned through a social worker or community police officer who occasionally visits the person and looks at what the person is doing in the society, but we are not dealing with secret intelligence or surveillance. In Expert A's terms, there is no point in such surveillance in the Estonian context, because Estonia is different from the EU member states with a larger Muslim community:

*Estonia's Islamic community is not interested in spreading radical Islam. We cannot rule out that this is done somewhere in an apartment in a small town in Estonia, but on a larger scale such behavioural patterns are more significant. In the latter case, the religious community itself makes sure that such information reaches law enforcement agencies. It is only from this point on that it is possible to start some additional activities regarding former FTFs or their family members.*

### 3.3. FTFs IN DISGUISE

Another prominent concern is that, according to Expert A, as long as there are hotbeds of conflict in the world, there is always the possibility that Estonian citizens can participate in any of the hotspots involving hostilities in a foreign country. Despite all of the available knowledge about foreign terrorist fighters, it is relatively difficult to detect an FTF if a person does not use any social media or disclose themselves in any other way. It is easier to detect and identify those who boast, show off, take and post pictures or, in other words, leave a mark, while “we do not know anything about those who do it quietly, until one day it may happen that this person arrives home in a coffin and then their activities come to light”. According to Expert V from the Estonian Internal Security Service, FTFs can indeed travel in conflict zones and return in disguise. Hence, there can potentially be FTFs and FFs in Estonia of whom we know nothing.

Expert L maintains that if a person travels to a conflict zone and security authorities have no information that he/she is radicalised or has the intent to join a party to the conflict, then it is very difficult to detect this person on departure. That is why thousands of Europeans got into the conflict zone. Some were known to be radicalised, but regarding many others it came as a surprise. However, upon return, there are different characteristics of how to recognize returnee FTFs and FFs:

*On departure, if a person travels to an Arab country, or to a country where we know that there are camps that train fighters, we understand, based on a plane ticket, that the person may be moving in that direction. Then it definitely depends on the profiler. He/she looks at this person, talks to them, asks where he/she is going and why, but*

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<sup>9</sup> Finnish Security Intelligence Service

<sup>10</sup> Estonian Internal Security Service

*even if the profiler has the suspicion that the person may be involved in foreign fighting, there are yet no facts.*

Some EU member states introduced toughened counter-terrorism measures, restricting the movement of European departees, but these measures are questionable in terms of fundamental rights compliance and are, therefore, counter-productive (Scherrer, ed., 2018, p. 52). Expert L maintains that more grounds for detention and facts indicating participation in foreign fighting arise when the person sets to return. In Expert L's opinion, there may be no facts, but more signs, for instance, if a person presents a passport that has not been exchanged and a border guard officer can see which countries that person has visited and how long he/she has been there. Luggage and its nature are also in the scope of attention. Among other things, there can be changes in a person's psychology or appearance, such as when he/she has been in a battle situation, post-traumatic syndromes, battle-hardened face features may appear and so on. Many such indicators should be checked during profiling, but it all depends on the proficiency and knowledge of the profiler as well as their interviewing skills. In some countries, language skills are crucially important. According to Expert L, another example of indications of returnee FTFs and FFs is when a person comes with a completely clean passport and claims that he/she has lost their passport:

*However, this also arouses suspicions – why a person comes from such a country, and suddenly their passport is empty, containing neither a visa nor stamp. Perhaps relevant authorities should be consulted, so that they can keep an eye on the person in the future if he/she cannot prove their motives even to a border guard officer.*

### **3.4. PROBLEMS CONCERNING ISSUING OF AN EU VISA TO THIRD-COUNTRY NATIONALS, INCLUDING FTFs AND FFs**

In the words of Expert A, if the Republic of Estonia has refused to issue a visa at the Embassy of Estonia in Moscow, a person can go to the embassy of another EU member state and get a visa there. That unified European Visa Information System is being improved in order to reduce these risks and provide member states' consular services with the information on refusals. The current system has its shortcomings, it needs to be improved, which is difficult because it is at the European level, concerns European data exchanges, and there are risks of conflicts with national legislations, especially those concerning personal data. Expert A refers to serious problems with some member states in this regard: "when it comes to getting any data, there are a number of obstacles before you get anything, unless there is a word with a "T" [terrorism]; in this case, the information moves as quickly and directly as possible."

According to Expert R, one component of the integrated border management model is a common visa policy. In fact, according to the regulations, there cannot be a situation like the one described above – that, in case of refusal, a person can get a visa at an embassy of another EU member state. Entry/Exit and ETIAS systems are already helping to solve the issue: if a member state enters an entry ban, it will be extended to all other member states. However, if a member state makes a negative decision for security reasons (e.g., being averse to immigration), that may not work. The Entry/Exit system contributes to the uniform visa policy. Expert R admits that, currently, only the first steps are being made, so that, hopefully, by 2030 everything will be automated and human errors can be avoided.



### 3.5. FTFS AND FFS IN POSSESSION OF FORGED DOCUMENTS

According to Expert A, it is possible to buy an authentic, valid document in a member state by bribing an official, as corruption remains. Expert L also maintains that documents are always forged, and this is not a problem – the better the counterfeit, the more difficult it is to detect it. Expert L admits that, in Estonia, officials are very well trained on how to detect counterfeit documents. The most difficult thing that can be detected in case of counterfeits is when the document was indeed purchased from the public authority for a bribe. In this case, the chances of detecting such a person are low. In such a situation, it is necessary to detect the agents issuing these documents and check how many of these and to whom they were issued. Expert L adds that, in the case of Finland and Sweden, and also other countries with a central document issuance system, where all documents are fingerprinted, it is currently relatively difficult to issue an authentic document for a bribe, but not impossible.

In Expert L's opinion, perhaps the most difficult issue is fraud, as there is a growing number of fraudsters in the EU member states, i.e., people present a document belonging to another person. Determining whether a person is the same or not is sometimes based on a photo in a passport, but it is very difficult because photos in passports are not always of the highest quality. The most reliable passport is the one with a chip, so a person's fingerprints and photo on the chip can be checked. This is not to mention that there have been passports in certain African countries, which have since spread, with chips overwritten or fake chips inserted that showed another person's photo or fingerprints. Hence, an important security risk is the cooperation of FTFS with criminals dealing with document fraud.

### 3.6. RUSSIA AND RUSSIAN FTFS AND FFS COMING TO ESTONIA

In terms of Russia, considering the discussion above, it is unlikely that it is possible to get any trustworthy information on foreign (terrorist) fighters and probably on their families, too. To summarize, all of the information on Russian FTFS is rather vague. Apparently, there are FTFS in Northwestern Russia (Kaliningrad oblast and St. Petersburg) as well as in other parts of Russia bordering with Estonia and the rest of the EU. Hence, it is possible that a Russian FTF or FF can acquire a visa and access the EU, unless Russian authorities notify the EU about this person and their background. According to Expert A, this will happen only in cases where it corresponds to Russia's interests:

*I tend to think that Russia will not inform us. If they are interested in the person not leaving Russian territory, whether or not the person applies for a visa, Russia will not allow him or her to leave its borders. If they consider the person a danger, that he/she is bound to a cell and is going to commit a terrorist offence in Estonia or, transiting Estonia, in Finland, then, through some channels, Russia will inform either Estonia or Finland. Sometimes information came from Russia, and it was quite possible to get a background on who the person was and where he/she was moving. When international terrorism is at stake, international cooperation has worked so far, and I see no reason why it should not continue working.*

In terms of foreign fighters in Ukraine, Expert A maintains that:

*If Russia identifies someone who fought on the pro-Ukrainian side, they will give this person to the DNR, not to Estonia. Russia always acts in the ways it finds useful at the time. If there is a need to show a good face, in a blink of an eye will they find a Russian citizen with an Estonian residence permit who has fought in Ukraine and tell us, “you see, he’s been there”. This has not happened so far, but if it is in Russia’s interests, they will sacrifice this citizen without any hesitation, although this is a very dubious scenario in the near future.*

According to Expert R, if a person (an FTF or FF, for instance) comes to the EU from Russia on a visa basis and Russia did not provide information about this person, a member state’s consular department in Russia responsible for issuing visas also has the EU’s liaison officers, whose tasks include cooperation with local organisations involved in border surveillance. The information received about a person applying for a visa in advance will be entered into the Entry/Exit system:

*Again, it depends on how well or poorly our people work there on the ground. Still, it is a little easier for all of us with this system, as background checks are already starting in third countries.*

Expert R maintains that when a liaison officer receives information, he/she must go to the Entry/Exit system and enter the risk indicators, which will make it possible to enter a visa ban that will apply to all member states. Currently, this function is partly performed by the SIS, but Entry/Exit and ETIAS will make it more efficient. The SIS has a database of fingerprints, but fingerprints were only collected when a person was apprehended in an illegal act. Now, however, fingerprints are collected upon issuing a visa. In future, visas will contain biometric data that will be compared using smart gates, with that on the passport chip.

### **3.7. FREE MOVEMENT OF FTFS AND FFS WITHIN THE EU**

According to Expert A, in case of both Syria and Ukraine, border guards are equipped with profiles on how to recognize or identify potential individuals who have taken part in these conflicts. Still, Expert A admits that “the bottleneck” of the EU border guard is that there are no internal border controls and, if an FTF or FF enters the territory of another member state’s external border, it is essentially completely safe and risk-free to travel to Estonia, as no one will check this person unless he/she breaks the law and thus attracts the attention of law enforcement. Expert A maintains that there is the possibility of adding markers and covert surveillance to a person through Interpol, Europol, and the SIS. A person may not be a terrorist, but he/she may be an important person from the point of view of terrorist activities and whose movements member states should monitor. This system works in the case of Estonia. With regard to the movement of passenger ferries between Estonia and Finland, despite the fact that there are no border checks, the control of passenger lists works. Persons, names and documents are automatically checked against the respective databases, and if there is a hit, Estonia’s border guard officers will first look into the SIS and see what activities are required in relation to this person. It is theoretically possible to make a document-based check on international bus routes, since passengers have to register their documents upon buying a ticket. However, such checks definitely do not work for people moving on foot or travelling in a rental car, because they do not register anywhere and it is difficult to identify them unless they buy

anything using a bank card and somehow leave a mark that would give a hit in the SIS. Expert R maintains that, theoretically, if no one stops a person, he/she can come from Finland to Estonia not by a passenger ship, but by their own boat, in which case he/she can cross the border anywhere. However, there are also Finnish liaison officers, through whom this information is usually passed.

According to Expert L, when there are resources, a patrol goes to conduct random checks on Estonia–Finland passenger ferries and monitors the traffic there and decides who to take for an interview:

*We have specific instructions from the Internal Security Service and Frontex regarding foreign fighters and what they look like. If a person does not look like that, there is a good chance he/she will make it through. There are also people among our colleagues who look different from usual (for example, have a beard or it seems that a person may have a military background), so I have seen my colleagues taken aside by the Finnish border guard officers to establish their identity. I also have personally taken part in patrolling and seen how vehicles and people from Finland are checked.*

Furthermore, according to Expert A, today, it is possible to take someone's mobile phone, open an electronic ticket, enter the restricted area of the Tallinn airport, and pass through the travel gate without showing a document:

*What we actually see in the system is whose travel document is registered, but we do not see who actually uses that document. In such a case, a homeless man or an Estonian citizen who just needs money can give away their ID card to somebody else who will buy a ticket. As a result, the holder of the ID card was not leaving Tallinn or arriving at the destination; also, mobile positioning only shows the location of the mobile phone, not the person.*

In Expert A's opinion, the solution to the above issue is biometrics. However, the question is how far is it possible to go with that. The freedom of movement of people, goods and services within Europe is a valuable freedom and a right. As it starts to be limited by additional control measures, this will lead to a situation where this freedom as such will become restricted. All technological solutions have been introduced with the aim of making border crossings smoother and faster. Expert A stresses that now, with all these automated detection capabilities, it is clear that a QR code on a mobile phone is not enough to establish the identity of a traveller, so there needs to be an additional measure, namely biometric identification. Many countries have already introduced it. This is one measure that reduces the risk of someone travelling with another person's travel document.

In the words of Expert L, to make sure that the person is presenting their own passport, the Entry/Exit system is being introduced. However, since there are no border controls between Estonia and Finland, people do not have to go through the smart gate either. According to Expert R, the Entry/Exit system is part of the Smart Borders project, or part of artificial intelligence that helps protect borders. The system will be everywhere at border crossing points where the EU has an external border. Entry/Exit is aimed at visa holders, so that all data can already be in the system. All anomalies will be selected before the person reaches the border, which will significantly improve border checks. Entry/Exit is a programme that includes smart gates. People's biometrics are entered into the Entry-Exit system, so it starts reading fingerprints and facial features and itself identifies a person.

Expert R emphasizes that:

*We are currently talking about external borders, but Entry/Exit will be part of integrated border management as a whole. I expect it to work at Europe's internal borders, too, for instance, in police patrols. So that when a police officer checks documents, the programme helps them to bring together the document and the person – whether the document belongs to the person in front of you or not. In terms of the system, there is no distinction between internal and external borders. In the future, it can also be used in the Apollo application for patrol police.*

Expert R also says that the benefit of Entry/Exit is that it will allow to effectively tackle the issue of visa misuse, travelling for malicious purposes or overstay. As for Estonia, there are future hopes to ensure that the patrol police officer in Paide can go anywhere, even to check construction workers, and he/she does not have to be a migration official to check a person against the Apollo database, which, in turn, interacts with the Entry/Exit or the ETIAS database. By doing so, a police officer immediately gets the picture of the person being checked – how long he/she has been in Estonia, when he/she entered Estonia, and so on.

Furthermore, according to Expert R, the Schengen Information System at internal borders does not currently work in this way. A person can travel relatively freely. For example, the border with Latvia can be crossed in any place without any restrictions. Consequently, if there is a lack of control at the border, a person can theoretically move on from Tallinn to Lisbon without anyone even noticing. Precisely to prevent this from happening, smart borders are being introduced where the databases will begin to communicate nationally. If, for example, a person attracts the attention of patrol police in the traffic, various inquiries can be made nationally through biometrics. Notably, the fight against terrorism is the cornerstone of the Smart Borders project.

Expert R stresses that the Estonian Internal Security Service will also have access to Entry/Exit and ETIAS databases, as EU member states have the right to enter relevant data into these systems to mitigate security risks. Communication will also take place through these databases: member states will be able to enter alerts or bans or other data, and it will not be possible to obtain an EU visa in another member state's consular department if the first member state issued a visa ban. In addition, Entry/Exit and ETIAS also communicate with the SIS, the system of stolen documents and stolen vehicles, etc. These systems provide the end user with a general file. Each system contains files and connects to other systems that are already in use. Expert R says that the dream of the future, as well as the steps taken at present, are predicated on the idea that if a person has had or still has some kind of background related to terrorism, it should be reflected in at least some database.

Importantly, there are currently exceptions for Entry/Exit and ETIAS systems. For instance, the citizens of the European Union are not entered into these programmes. They will be or already are in other programmes. The umbrella organisation for the fight against terrorism is Interpol, so FTFs who are EU citizens are rather found in the Interpol databases. As for ETIAS, Interpol is the only international (non-EU) organisation that has access to it. There will be, thus, a network of systems that supports not only Europol but also EU member states, providing access to Interpol databases, border control organisations, and, upon necessity, security authorities.

# CONCLUSION

Of the case study countries neighbouring Estonia, the clearest in its approach and policies towards FTFs and their families was Finland, while the least clear and convincing was Russia, which has a double-faced approach to the issue of FTFs and, overall, seems to be a valuable example of mistakes to be learned from in terms of deradicalisation/reintegration processes. Russia's major mistake appears to be subjecting families of FTFs and former fighters in the conflict between Russia and Northern Caucasus exclusively to oppressive and stigmatizing treatment by law enforcement, while no social support is provided, thus depriving the women and children concerned of vital psychological and material help as well as opportunities to reintegrate.

Sweden appears to have comparable developments to Finland with its interinstitutional cooperative network in place to work with FTFs and their families from different perspectives, from prosecution to reintegration. Notably, for the time being, there is no sufficient information on the treatment of returnee FFs to Finland and Sweden. In this respect, the clearest policy on FFs on the pro-Russian side is implemented by Estonia – such fighters of Estonian nationality (or long-term residents of Estonia) are extradited to Ukraine. As for FTFs and their families, Estonia seems to have the same perspective on the issue as Latvia and Lithuania – participating in the EU's initiatives, learning from the EU's best practices, and adhering to the established regulations and common frameworks and rules. For the time being, in Estonia, Latvia, and Lithuania, the topic of FTFs/FFs rather belongs to the expertise of internal security services; however, interinstitutional cooperation, like the one developed by Finland and Sweden, should be planned in advance in case Estonia, Latvia, and Lithuania need to host returnees from conflict zones even if they have no connection to foreign (terrorist) fighting. Treatment of returnees whose hazy status of both victims of armed conflicts and a potential security threat poses a long-term challenge to be faced.

One major result of this report is relatively obvious: one cannot be 100% certain that there are no radicalised FTFs on the territory of any EU member state, including Estonia. The experts interviewed in the framework of this report agreed that it is clear that the ones we are after are always a step ahead of all of our developments. Risk factors include the inability to always detect an FTF or FF if they are entirely secretive about their extremist activities; possibly insufficient profiling skills of some of the EU border guard officers; progressing skills of FTFs and FFs to hide all risk indicators; also, there are many ways of getting a false document, including an authentic document of an EU national for a bribe. Hence, despite all the security measures, there is a danger that FTFs and FFs can still infiltrate the EU. Thus, there should be more mechanisms in the EU to detect such individuals at the EU internal borders.



It is emphasized that Entry/Exit and ETIAS systems have been created for counter-terrorism purposes and contribute to the EU's initiative to increase the interoperability of information systems. It is also stated that existing information gaps will be tackled by developing new and complementary systems (EU Monitor, 2019). This report concludes that one persisting information gap appears to be the opportunity of an EU national (a possible FTF or FF) to travel with forged or false identity (other person's documents) within the EU. Border guard experts interviewed for this report suggest that smart gates being introduced to EU's borders with third countries could also be used to check the biometric data of EU nationals to confirm the match between the registered document and its holder, while at the EU internal borders, some kind of biometric data control could be implemented with regard to all passengers for the same purposes. This would improve the capabilities of the Estonian border guard with regard to ferry transportation between Estonia, Finland, and Sweden, while there should be more opportunities to check the data of the people who travel in the EU by boat or rental car – for instance, enabling a check against the SIS when a person pays with a bank card.

In addition, an American congressional bipartisan report, released in late September 2015, concluded that “there is currently no comprehensive global database of foreign fighter names. Instead, countries, including the U.S., rely on a weak, patchwork system for swapping individual extremist identities” (Schmid 2015, p. 6). The solution to the issue is currently seen in the creation of a network of interacting information systems and databases that could provide as much information on the search target as possible.

As the UN Security Council puts it, “responses must be constantly adjusted and modified, if not to outpace then at least to match the level of adaptability and dynamics of the foreign terrorist fighters” (UN Security Council, 2015). Nevertheless, it is of essential importance that designated authorities of the EU, including Estonia, are developing themselves professionally to counter threats without allowing these threats to make the EU and its member states slide into losing fundamental personal rights and freedoms. Especially based on the example of Russia, it seems to be extremely counter-productive to implement repressive policies that contradict an individual's fundamental rights. To quote Lithuania's statement at the UN Security Council briefing on foreign terrorist fighters, “respect of fundamental rights is crucial in the fight against terrorism. Our common work must be based on a proper balance between security and fundamental rights. As we seek to curb and contain this dangerous phenomenon, we must do so in full respect of human rights, fundamental freedoms, pluralism, the rule of law, and democratic governance” (Linkevičius, 2015).

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# **FOREIGN TERRORIST FIGHTERS (FTFS) AND THEIR FAMILIES RETURNING TO THEIR COUNTRIES OF ORIGIN AFTER THE FALL OF THE ISIS CALIPHATE IN SYRIA HAS CREATED SIGNIFICANT PRESSURE ON THE INSTITUTIONS OF EU MEMBER STATES AND REQUIRES THE CREATION OF A MULTI-AGENCY NETWORK TO ENSURE DUE PROSECUTION, DERADICALISATION, REINTEGRATION, AS WELL AS ASSISTANCE AT DIFFERENT LEVELS TO THE FTFS AND THEIR FAMILIES.**

Another conflict zone to and from which foreign fighters (FFs) travel is Ukraine. Many FFs with extreme right-wing beliefs went to fight in Ukraine, where they could receive training to commit violent acts in their countries of origin. FTFS and FFs can travel to Estonia or use its territory for transit in several ways. Firstly, unlawfully, by using illegal migration routes and counterfeited documents. Secondly, FTFS and FFs can enter Estonia legally after serving their sentences in the countries neighbouring Estonia or other EU member states. The risk remains that, after release, former FTFS and FFs can radicalise again and resume (contributions to) terrorist activities. To improve the situation, a biometric data check of all passengers, including EU citizens, could be implemented on the EU external and internal borders in order to check a person across multiple databases and effectively detect travellers with malicious purposes to Estonia and other EU member states.

