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from: EU Counter-Terrorism Coordinator in close consultation with the services of the Commission and the EEAS

to: Council (Justice and Home Affairs)

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Subject: Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria: state of play and proposals for future work.

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Foreign fighters remain a major threat to the European Union and its Member States, as well as to the MENA region: Syria continues to attract growing numbers of foreign fighters, including from Europe. The phenomenon is likely to persist in the coming years. An effective response must be comprehensive and requires a long-term commitment.

In December 2013, the Council identified four priority areas where EU action in support of Member States' efforts would be particularly useful: prevention, identification and detection of travel, criminal justice response and cooperation with third countries<sup>1</sup>. Progress was made in all four areas, but the response is not yet where it needs to be given the scale of the threat.

The present paper by the CTC, in close consultation with the services of the Commission and the EEAS, provides an update on progress and a number of suggestions for possible new actions in the four priority areas.

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<sup>1</sup> 16768/13

## Executive Summary

Reducing the flow of individuals who may participate in fighting in Syria and intervening on those on their return remains a challenge and a key priority. At Member State level further exchanges of best practice remain crucial and Member States should continue to develop national measures to stem the flow. At the European level this paper proposes two specific initiatives in support of Member State efforts in this field. The first is the creation of a Syria Strategic Communications Advisory Team and the second the creation of an EU web portal to list, publicise and coordinate Syria related humanitarian volunteering opportunities within the EU and the region.

Detection of foreign fighters during travel has benefited from an increased use of Article 36(2) and 36(3) alerts in the SIS II but there is still room for improvement. The use of Interpol's databases should also be maximised. Member States are encouraged to contribute to Europol's new Focal Point TRAVELLERS as it will only reach its full potential if Member States supply the information required. Efforts to interconnect national travel monitoring systems and to address the legal issues to ensure that all available data can be systematically checked against existing watch lists need to be taken forward. Member States should continue to make full use of the Terrorist Finance Tracking Program (TFTP) and they should also push for UN listing of individuals who facilitate and organise travel of foreign fighters.

Using the growing experience with investigation and prosecution of foreign fighters, a report on the criminal justice response should be submitted by Eurojust in the second half of this year so as to draw any relevant policy responses. Member States are encouraged to use Eurojust for strengthening their judicial cooperation.

Cooperation with countries in the region and other relevant partners needs to be sustained and can be implemented both through existing mechanisms and by implementing recommendations identified during visits and meetings with our counterparts. This includes sharing of expertise on a wide range of topics, including prevention, information exchange, border and aviation security as well as the criminal justice response but also addressing the many aspects of the foreign fighters issue in political dialogues and all other relevant fora. The conclusion of an operational agreement between Europol and relevant third countries, especially Turkey, should be a priority.

The Council is invited to give political guidance on both the ongoing and suggested future work.

## 1. Prevention

Reducing the flow of individuals who may participate in fighting in Syria remains a challenge.

The CTC, in consultation with the Commission and the EEAS, has developed two proposals to step up and improve communication initiatives regarding Syria both within the EU and in third countries. The Council is invited to endorse both proposals and commit to support their implementation as soon as possible.

The **first proposal** is designed to reduce the flow of foreign fighters through the use of targeted campaigns which address the range of motivations encouraging young people to travel to Syria. These motivations, however, vary across the EU and messaging therefore needs to be sensitive to the local context. Hence, country and community-specific communication responses are necessary. The EU could facilitate access to the expertise Member States would need in order to develop effective communication responses and appropriately targeted counter-narrative material. Given that this specific expertise is scarce and not currently available at EU level, it would be useful to build on the considerable expertise available with RICU in the UK Home Office through the creation of a 'Syria Strategic Communications Advisory Team'. This Advisory Team would be offered to all interested Member States, and - with EEAS support - hopefully also to third countries through regular sharing of expertise with governments such as Tunisia, Morocco, Jordan and Turkey. The Advisory Team would work with interested Member States to develop practical campaign communications solutions which could reduce the appeal for EU citizens to travel to Syria, both at local and national level. It would also build on RICU's work in the context of the UK-led work stream in the Terrorism Working Party on understanding community sentiment and tailored communications.

Given that many foreign fighters are motivated by perceptions of international community indifference to the conflict in Syria, the Advisory Team should also have a role in further promoting the significant role that the EU and Member States are playing in the international humanitarian relief effort and also in the political efforts to secure a peaceful resolution to the crisis. In particular the Team should work to ensure these positive messages reach a wider audience across the EU and beyond. Additionally the Team should be empowered to explore the promotion of existing counter-narrative material showing the reality of extremist actions in Syria and their popular rejection by Syrian communities.

The **second proposal** is the establishment of an EU web portal on which volunteer groups or charity organisations can list opportunities for helping with the Syrian relief effort. The objective of the portal would be to channel the energy of young people into meaningful activities to support the Syrian civilian population. Volunteering opportunities exist within the EU and the region, but people have difficulty in finding the right way to help. The web portal would facilitate coordination and publicise these opportunities. While much of the content would be supplied by individual organisations (crowd-sourcing), the EU would need to make sure that the message gets out. Therefore, the web portal and any other future initiatives would need to be complemented by a comprehensive social media campaign to ensure that they are widely publicised and to promote the achievements of the volunteers to give others role models to follow.

The EU should also consider supporting specific charity or volunteering initiatives, which seek to offer legitimate opportunities to help Syria. EU endorsement alone of specific initiatives could provide substantial peace of mind to families of would-be travellers to the region.

In addition, as announced in its Communication on preventing violent extremism adopted on 15 January 2014, the Commission has initiated an expert level round table on cooperation between industry, government and civil society to exchange ideas on how to counter online radicalisation. These discussions should continue to increase understanding and trust between the two parties and also to seek to identify areas in which the EU, Member States and industry can work together. An increased understanding and agreement on the threats and responses, in particular on the role of internet and social media in the Syrian conflict, would be useful since many would-be foreign fighters get much of their information from social media outlets. Other initiatives outlined in the Communication such as on exit strategies are also relevant in the case of foreign fighters. The Commission will organise a high level conference on 17 June 2014 where issues related to both communication and exit strategies will be discussed.

Several other initiatives have been taken with a specific focus on the early detection of the radicalisation process which potential foreign fighters go through and ways to prevent them from engaging in terrorist activities in Syria and/or upon return. In January 2014, the European Commission's Radicalisation Awareness Network organised a Cities Conference on foreign fighters, which focused on good practices for engagement with foreign fighters and their families before, during and after travel. Bringing practitioners together added clear value and generated links between practitioners, sharing of best practice and stimulated ideas amongst policy makers. The Commission should continue to look for opportunities to build on this success. The RAN has organised another dedicated conference on working with families of foreign fighters on 26-27 May in Berlin.

A number of Member States have already set up foreign fighters specific projects, while others are still in the process of exploring this. Member States are invited to continue to share good practices in this regard. Financial support from the Commission to Member States through the Internal Security Fund (ISF) may play a significant role in ensuring that these important exchanges continue. The Commission will publish in the second half of 2014 a dedicated ISF call inviting project proposals submitted by at least two co-beneficiaries established in two different Member States.

Another important element in the prevention of radicalisation is to address the role that satellite TV broadcastings play in encouraging young people to go fighting in Syria and elsewhere. According to the "Audio-visual media services without frontiers" Directive<sup>2</sup>, Member States cannot prohibit satellite TV broadcastings from third countries on their territory when these broadcastings do not use satellite capacity of one of the Member States. This is the case for a number of satellite TV's broadcasting from the Gulf States, which appear to attract a wide audience in Europe. It is important to address this issue with the countries concerned through an expert level meeting.

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<sup>2</sup> DIRECTIVE 2007/65/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

## 2. Identification and detection of travel

There are numerous challenges to detecting foreign fighters during travel but most are related to information sharing, border security/management in countries surrounding Syria and countering the financing of terrorism.

The pre-condition for detecting suspicious travel is effective collection and dissemination of **information** using the full spectrum of available tools. One of the available tools to detect such suspicious travel movements of known individuals is the use of the provisions of the articles 36(2) and 36(3) of the Schengen Information System (SIS II). A significant increase in the use of both article 36(2) and 36(3) was noted since the issue was first raised in 2013. In April 2014, in the context of the French-led work stream on SIS II, a seminar between experts from the Terrorism and SIS/SIRENE Working Parties was held to further promote the operational benefits of the use of SIS II, in particular with regard to the detection of suspicious travel related to foreign fighters in Syria. Terrorism experts presented anonymised case studies to the SIS/SIRENE experts, showing the benefits of the SIS II in the context of counter-terrorism investigations and prosecutions related to the phenomenon of foreign fighters. Member States are encouraged to continue to use SIS II to its maximum extent, especially in the context of foreign fighters. The Commission will organise two additional seminars on the use of article 36 in the coming months.

In addition to the SIS II, it is also important to make full use of Interpol's databases, to which 190 member countries contribute. Interpol's Stolen and Lost Travel Documents would be particularly useful with regard to foreign fighters. In this regards, the Commission could consider negotiations to start implementing Art. 55 of the Decision 2007/533/JHA which provides for access of Member States to data from the Interpol's Stolen and Lost Travel Documents database through SIS II. A better use of Interpol's system of international notices could improve Member State's ability to detect individuals suspected of being involved in terrorist activities. Notices that are issued by a member country are always disseminated to all Interpol member countries. Therefore, diffusions produced by a member country through their Interpol National Central Bureau, upon request, can circulate either to all Interpol member countries or to a restricted group.

Furthermore, several Member States are setting up dedicated systems to monitor travel information in order to identify individuals presenting a risk before their departure, during their stay in conflict zones and upon their return from conflict zones. 15 Member States received funding to set up their own Passenger Information Units but interconnectivity between these units is not yet foreseen.

This interconnectivity would be necessary to cover the various aspects of terrorist travels to the maximum extent. In addition, it is essential that the expertise on the use of travel information available with the competent authorities, such as border police and security services, is being shared among other experts at national and European level to ensure that the existing systems are used to their full extent. Moreover, the legal framework can be improved to ensure that all available data (EU Passenger Name Record (PNR) and Advance Passenger Information (API)) can be systematically checked against national or multilateral watch lists. This would increase the effectiveness of both SIS II and Interpol alerts. The establishment of an EU PNR, including PNR data on intra EU flights, should be considered a priority. Accordingly there is a need for more cooperation with the European Parliament.

Since the last operational meeting on foreign fighters at Europol in February 2013, Europol created a new Focal Point TRAVELLERS<sup>3</sup> within the Analytical Work File. The new Focal Point is a unique pan-European analytical tool that will support the competent authorities of participating Member States and third countries (with whom an operational agreement has been concluded) through collecting, analysing and sharing information at EU level on the recruitment and travel facilitation of suspected individuals. Member States are therefore encouraged to contribute information and make full use of this Focal Point as it will only reach its full potential if Member States supply the information required. Upon Member States' request, the Focal Point could produce both analyses of EU travel patterns and operational reports in support of Member States' investigations. Periodical situational reports could be provided as well, which should allow Member States' competent authorities to better identify and monitor the threat of those traveling across international borders to engage in terrorist activities.

The initiative of the incoming Italian Presidency on strengthening the use of multinational ad-hoc teams for gathering and exchanging information on terrorism will also be useful in this regard and is much welcomed.

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<sup>3</sup> Council Decision 2005/671/JHA

Detection of travel, however, does not only depend on an effective exchange of information. It also requires strengthening **border security**, especially in countries surrounding Syria. Under the leadership of the Greek Presidency Council Conclusions on Terrorism and Border Security will be adopted, which should enable us to take more targeted action also with regard to foreign fighters traveling to Syria. Custom controls, for instance, should pay special attention to the possibility for foreign fighters to return with illicit goods such as weaponry, ammunition or explosive and to the cash couriers. A workshop on border security in the region, to allow sharing best practices and information as well as identification of assistance needs, including expertise and equipment would be a useful follow-up.

There is a need to further map, assess and disrupt financial flows to terrorist groups operating in Syria. On 22 May 2014 the Greek Presidency organised an EU-US workshop on Countering the Financing of Terrorism. The workshop focussed on financial flows to extremist and/or terrorist groups operating in Syria. The informal nature of the workshop contributed to an open and free exchange of views and experiences by the participants. A tangible take-away from the meeting is the expressed intent by US and EU participants to increase their cooperation and coordination when engaging with Gulf countries. Special attention needs to be paid to Gulf States who are taking steps to counter terrorist financing, for example through legislation, but who can still benefit from increased cooperation and/or sharing of expertise (e.g. work through registered charities).

Member States should continue to make full use of the Terrorist Finance Tracking Program (TFTP) which is proving to be of significant value to foreign fighter related counter terrorism investigations. According to Europol, since the inception of the TFTP in August 2010, over 5,000 “leads” have been provided to EU Member States in relation to TFTP Counter Terrorism investigations. The Europol TFTP unit has noted an increase in Member States' Transnational Terrorist Fighter CT investigations. TFTP derived leads have proven of benefit to EU Member States' Syria CT investigations contributing to cash seizures at EU hub airports. Seized funds were intended to support the activities of foreign fighters located within Syria. Returning foreign fighters from Syria with explosive traces have been subject to TFTP related enquiries. Financial transaction data relating to the suspects and their activities was provided by leads derived from TFTP.



It is additionally important to use existing administrative tools at our disposal to tackle the specific problem of foreign fighters. Member States should make effective use of the UN sanctions regime established under UNSCR 1267 and subsequent resolutions and push for UN listing, next to national listing, of individuals who facilitate and organise travel of foreign fighters. Listed individuals would then be subject to the assets freeze, travel ban and arms embargo.

### **3. Criminal justice response**

Since the last tactical meeting at Eurojust in June 2013, where prosecution efforts were still beginning, and Eurojust's report to the Council in December 2013, EU Member States are gaining experience with investigation and prosecution of foreign fighters before departure or after return from Syria. Therefore, successful practices, lessons learnt and challenges will be shared at another Eurojust tactical meeting on 5 June 2014, including with regard to facilitation networks and to cooperation with third countries. The following countries will be invited to participate in Eurojust's meeting: Albania, Bosnia and Hercegovina, Former Yugoslav Republic of Macedonia, Montenegro, Norway, Serbia, Turkey and the United States.

Member States are encouraged to use Eurojust for strengthening their judicial cooperation, in particular with a view of ensuring a more effective coordination in the investigations and prosecutions of foreign fighters related cases, including the establishment of Joint Investigation Teams <sup>4</sup>where appropriate.

It is suggested that Eurojust sends an updated report to the Council in the autumn about the criminal justice response to this phenomenon, exploring, inter alia, the potential need to update the EU Framework Decision on Combating Terrorism of 2008 to have a common reference for investigations and prosecutions.

In July, the Commission intends to publish a report about the measures Member States have taken to comply with the requirements set out in Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA on combating terrorism and in particular those related to the criminalisation of public provocation, recruitment and training for terrorism.

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<sup>4</sup> Council Framework Decision 2002/465/JHA

#### **4. Cooperation with third countries**

Joint CTC, EEAS and Commission missions to Iraq, Western Balkans, Saudi-Arabia and Qatar, Jordan and Lebanon, Turkey and Central Asia have increased our insights in the phenomenon of foreign fighters and have allowed an in-depth exchange of analysis, including on the subjects such as prevention, border management/security, countering terrorist financing, etc. These joint visits were framed by the priorities set out in the Strategic Engagement Plan developed by the EEAS in conjunction with the CTC and Commission services.

Both the requested EU Head of Missions (HoMs) reporting and the IntCen analyses provided a very useful basis in preparation of these missions. In the future, it will be important to continue to receive regular up-to-date assessments and analyses both from IntCen and EU HoMs to underpin our policy responses, not only in Europe, but also in third countries. A common assessment of the evolving threat in Europe and the region is a prerequisite to joint action to address it.

A number of concrete avenues for cooperation were identified in the different countries, which should now be translated as a priority and as soon as possible into projects under the different financial instruments (IcSP, Taiex, etc.), especially since countries such Lebanon are becoming increasingly de-stabilised by the Syrian conflict and the foreign fighter phenomenon. The annex provides an overview of key recommendations for action in each of the visited countries. The Council is invited to consider these project proposals and support for their implementation as soon as possible.

To be efficient and to avoid overlaps, it is essential for Member States to indicate, through the relevant Council Working Groups, the areas in which the EU should set up projects, where Member States can feed in expertise and resources and what Member States are already doing bilaterally.

Meanwhile, it is important to continue political engagement and messaging within all relevant Political Dialogues, and information sharing on foreign fighters related issues between the EU Member States / EU Delegation and the relevant third countries.

Information sharing with the United States (US) remains important as the US is particularly concerned about European foreign fighters travelling to the US via the Visa Waiver Programme. There are frequent exchanges between the different US departments and agencies and their counterparts in the Member States and the EU.

In addition to the country visits, the CTC chaired an informal meeting co-organised with the EEAS and supported by the Commission, to discuss foreign fighters with 8 regional key countries – Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia, Turkey and Iraq (Libya was invited but did not attend). The meeting heard regional perspectives on the issues, exchanged best practice policy responses, and explored possible areas of cooperation. The convergence of views on both the threat, and the response was striking. In addition, it was the first time that the EU discussed with the Mediterranean countries a common terrorist threat in an informal format at high level. Morocco will organise a follow-up meeting in Rabat in June. This meeting will focus on prevention, detection of suspicious travel and the different approaches with regard to returnees.

It remains equally important to make full use of other opportunities to cooperate with key countries within the framework of EU agencies such as Frontex, Eurojust and Europol. Europol's agreements with relevant third countries<sup>5</sup> play an important role. The recent conclusion of an operational agreement with Serbia (not yet in force) and Albania and the prospect of other ones are very positive developments. The conclusion of an operational agreement with Turkey is still being negotiated with the competent Turkish authorities. This should be a priority, especially given the strategic importance of Turkey for the travel movements of foreign fighters to and from Syria. In the meanwhile it would be important to reflect on ways and means to strengthen the incorporation of relevant information received by Member States law enforcement authorities from the relevant third countries into Europol's analytical work.

Cooperation within existing international fora such as the Global Counter Terrorism Forum (GCTF), in particular the Dutch-Moroccan-led Working Group on Foreign Fighters remains important as well. A successful first meeting was held in February and second in May 2014.

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<sup>5</sup> Council decision 2009/935/JHA

## ANNEX

**Jordan:** Jordanian authorities already have developed a considerable expertise with regard to the prevention of radicalisation and de-radicalisation in prisons, but saw scope for further exchange of expertise and best practices with EU experts. Specifically, Jordanian authorities would welcome EU support in:

- the set up of a proper legal and judicial framework to deal with returnees
- the expansion of the Amman Message, which promotes a tolerant message of Islam, from a regional to a global initiative.

**Lebanon:** Lebanese authorities were eager to explore cooperation with the EU in a number of areas. Of primary importance to the Lebanese authorities were assistance to:

- relocate hard-core Islamist prisoners from the Roumieh prison to a separate high security prison
- the set up of a third land border regiment to protect the border areas further south at the legal crossing points between Lebanon and Syria
- the extension and deepening of current EU border security work (EU Integrated Border Management Project)
- the elaboration of a national CT strategy and legislation, and training of judges and prosecutors, either directly or via the Institute for Justice and Rule of Law.

**Turkey:** Turkey has spent a lot of resources to host approximately 1 mio Syrian refugees on its territory. This is putting enormous social and economic pressure on the whole country and Turkey would welcome increased assistance of the European Union in this regard. Other issues that were discussed with the Turkish authorities are following:

- our request for a single operational gateway / point of contact for foreign fighters issues to which the Ministry of Interior in the meantime has responded positively.
- our offer of joint work on aviation security
- better processing of Advanced Passenger Information related to travel movements through the establishment of Passenger Information Units.
- our request to conclude take the necessary action to conclude an operational agreement with Europol

**Tunisia:** Tunisian authorities have requested the assistance of the EU to be able to manage the border with Libya. Libya has not only become a transit hub for foreign fighters coming from Tunisia, but Tunisian foreign fighters are reportedly also attending terrorist training camps in Libya before travelling to Syria. Tunisia is also interested in working with the EU on other issues related to foreign fighters, for example the internet.

**Iraq:** Already last year, PM Maliki requested EU counter terrorism support. A joint CTC/EEAS visit identified a number of areas around which EU support for Iraq's CT efforts could be articulated:

- Supporting the drafting of the CT part of the National Security Strategy, including the promotion of a more comprehensive, balanced rule of law and prevention-based approach
- Improving controls at the border of Syria across which groups, such as the Islamic State of Iraq and the Levant (ISIS), operate freely.

**Western Balkans:** Following the outcome of last year's joint CTC/EEAS visit to the Western Balkans, following initiatives are being explored:

- a regional workshop in September 2014 to raise awareness and build capacity on counter-radicalisation issues
- Europol and Eurojust to organise a meeting with investigators and prosecutors from the Western Balkans to discuss challenges related to foreign fighters.

**Kingdom of Saudi Arabia:** Saudi authorities expressed their willingness to further explore cooperation with the EU and offered expertise in a number of areas, such as the identification of video-clips that contain good counter-narrative material. This should be further explored. At the same time, as mentioned previously, it would be important to also engage in a discussion on issues such as satellite TV broadcasts in Europe which call on Sunni Muslims to engage physically or materially in the Syrian war.

**Qatar:** Qatari authorities appeared less eager to engage in close cooperation with the EU which can probably be explained by the fact that foreign fighters are not a problem to the Qatari authorities and that their primary objective is to topple the Assad regime. It would nevertheless be useful to continue our engagement with Qatar, in particular on the funding of the different groups operating in Syria.

**Syria:** Although it may be too early for concrete partnerships or initiatives, it is important to start reflecting on how to engage with Syrian communities. This could be done in the context of the EU's consistent support to civil society groups.

- Actively engage with Syrian community actors in liberated areas to understand and confront the extremist threat.
- Provide assistance packages (justice/security, health, food, medical, power, water) that legitimise local governance actors that enjoy community support but lack resources.

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