



## **UNITED KINGDOM'S STRATEGY IN RESPONDING FOREIGN TERRORIST FIGHTERS (FTF) RETURNEES FROM SYRIA CONFLICT IN 2018-2022**

**Aura Firdausi Yasmine<sup>1</sup> and Yusli Effendi<sup>2</sup>**

<sup>1</sup>Universitas Brawijaya, Malang, Indonesia  
aurafy@student.ub.ac.id

<sup>2</sup>Universitas Brawijaya, Malang, Indonesia  
y.effendi@ub.ac.id

### **ABSTRACT**

The increasing number of British Foreign Terrorist Fighters (FTF) Returnees from Syria demanded a special response from Britain's Government, compared to their previous ones. Britain with their infamous liberal values, without hesitation has abandoned certain limitations to liberty and human rights in order to protect their country from extremism carried by FTF returnees, by treating them as extraordinary criminals. Through literature study and Criminal Justice Model theory, this research identifies the contents in United Kingdom's (UK) Counter Terrorism Strategy (CONTEST), UK government's report, as well as independent review, and found that Britain's counter terrorism is predominantly used on a domestic level, mainly pushing the implementation of Temporary Exclusion Orders (TEO) and Prevent Duty. The UK has proven that they are not fully bound to the liberal values and is also capable of enforcing state violence as an effort against terrorism. Since they are dealing with FTF returnees this time, who are ultimately the citizens of Britain, their counterterrorism efforts deal significantly with inward looking measures instead of global or international. These measures include controlling an alleged FTF returnee movement on their way home, and also stripping the rights to travel, residence, and movement. Although considered to be a comprehensive strategy, another outcome of the UK's form of counterterrorism is the unwanted generalization of the British muslim community.

**Keywords:** Foreign Terrorist Fighters, Counter Terrorism, United Kingdom, Extremism, Islamophobia.

### **INTRODUCTION**

Islamic State of Iraq and Syria (ISIS) is a terrorist group who has become a global security issue since 2014. As of late, ISIS has also widened their international network by recruiting foreign terrorist fighters or commonly known as FTF, to fight alongside their local force. Therefore, when ISIS's operating area weakened back in 2017, their FTF

are gradually returning to their country of origin, and became FTF returnees. The United Kingdom (UK) became one of the countries with the highest FTF returnees rate which is 425 returnees in just February 2017 (Barrett, 2017). This huge number of returnees created its own national security threat for the UK because they went home with the doctrine and armed skill of a terrorist, but at the same time the country wasn't legally able to refuse their own people, even if they are deemed to be dangerous.

Since 2016, there have been 152 FTF returnees with a British origin who went through a citizenship deprivation process (Dettmer, 2017). During this year, the UK government was considered failing to preserve their humanity in responding to the returnees phenomenon. They were trumped in fear of the spread of radicalism in the British community, surpassing their responsibility to secure the returnee's status as a legal citizen from being stateless, which is a violation of basic human rights. Hence why a comprehensive reconsideration of UK counterterrorism response is needed, especially when it is faced with ISIS FTF returnees issues while at the same time lessening the departure of future British FTF(s).

Today, the UK has a Counterterrorism Strategy (CONTEST) to tackle this exact problem. Beginning with CONTEST 2009, this strategy is constantly evolving up to their latest one which is the CONTEST 2018 that was updated with a specific strategy for FTF returnees. CONTEST 2018 was established during PM Theresa May's term, with an initial intent to respond to the heightened Islamist terrorism activities in the UK since 2017. (Secretary of State for the Home Department, 2018). CONTEST has 4 pillars underlying all their strategies and measures which is: 1) Pursue (to stop a terrorist attack); 2) Prevent (to prevent extremist influence); 3) Protect (improving national security); and lastly 4) Prepare (to mitigate any terrorist activities).

This research aims to find out if CONTEST 2018 is truly consistent to the liberal values, such as protecting the people's rights to live regardless and especially of ISIS FTF returnees' status as alleged criminals, while at the same time protecting the country from any terrorist and extremist possibility to enter the domestic arena. Multiple European studies in the past have tried to explain the typical counterterrorism response to FTF activities from Syria once they have entered Europe, consisting of two responses such as criminalization or reintegration. Unfortunately, there is a lack of research on the implementation of counterterrorism in the UK.

Using the Criminal Justice Model by Crelinsten (Crelinsten, 2013), this research reviews the counterterrorism responses within UK's CONTEST 2018, which prioritizes the criminalization of the alleged terrorist suspect by the law enforcement, such as the arrest, prosecution, and punishment when they are being faced by the FTF returnees phenomenon and whether it aligns with the democratic values being upheld universally in the UK.

## **METHOD**

This study is in the form of qualitative research and an analytic descriptive method in order to create an organized narration on the research object, using Crelinsten's counterterrorism concept of Criminal Justice Model (CJM). The CJM concept includes both short- and long-term strategy with a non-military approach. The short-term strategy consists of arrest & detention, prosecution & trial, punishment, extradition, and international law & policing. On the other hand, long term strategy includes proactive policing, criminal intelligence, anti-terrorism legislation, and peacekeeping. With time and geographical limitations, literature research is the sole method to this research. By conducting thorough literature research, using materials such as the UK's official strategy called Counter Terrorism Strategy (CONTEST), counterterrorism annual report/review, individual review by credible UK counterterrorism experts, and article journals.

## **LITERATURE REVIEW**

This research also reviewed some literature connected to the FTF returnees topic in different countries or communities. Some believe that a hard approach strategy is the most effective form of counterterrorism, while others don't. In 2019, Babanoski analyzed the capacity of counterterrorism through the improvement of their trial system and also the cooperation of each actor to heightened the response needed in facing FTF returnees (Babanoski, 2020). FTF returnees from Syria and Iraq are the ultimate threats to security since they were exposed to radicalism and it would be a challenging process to eradicate that belief from a returnee. Their research believes that once an FTF returnee is indoctrinated and crosses this specific 'trance', counter radicalization by deradicalizing a returnee will not be an easy job to do.

From that approach, Babanoski explained a framework called Convention on the Prevention of Terrorism by European Union (EU) and Council of Europe Article 5-9, explaining the criminalization of all acts related to terrorism, even if that terrorism act has yet to be executed. In conclusion, Babanoski explained how Europe uses this criminalizing approach when it comes to FTF returnees, while at the same time still emphasizing the importance of civil society.

The second literature by Hoffman and Furlan touches on the state's challenge in repatriating foreign fighters. They consider the FTF returnees as highly possible to connect with a wide network of terrorists, so they are highly capable of spreading more radicalism once they returned back to their home countries. They explained these challenges in three parts: legal challenge, political challenge, and social challenge (Hoffman & Furlan, 2020). This article stated the difference of opinions within British citizens. In 2019, around 77% adult citizens in the UK admitted that they would rather the government prevent the return of any FTF (Hoffman & Furlan, 2020, 15). On the other hand, three quarter of the citizens, or 42% of them support the citizenship deprivation of FTF returnees and the 35% left conveyed that it is reasonable to treat the returnees as enemies. They concluded that there are different kinds of responses from

countries when facing the FTF returnees, including the UK who is willing to deprive a returnee of their citizenship, meaning that they were willing to take that hard approach in order to protect their country.

Third, Lister's research on responses in Europe towards foreign fighters' returnees post ISIS involvement in Iraq and Syria can be divided into two types, the hard policies and soft policies (Lister, 2015). He found that hard policies are only effective to maintain the state's security from terrorist threats in the short term. Unfortunately, passport deprivation from an individual with double citizenship through British Nationality Act Section 40 is too discriminatory and could not prove how hard policies could slow down the FTF's outflow.

In his research, he found out how soft policies involving local communities to reintegrate FTF returnees back to their original environment is the best action in tackling the heightened numbers of FTF and also countering violent extremism in general. Therefore, counterterrorism that reintegrates the returnees back to their society tends to give more good impact to a country and also to their own selves. Unfortunately, Lister did not explain what are the elements of both hard and soft policies in a detailed manner. On top of that, this research was executed in 2015 or before the release of CONTEST 3.0 or CONTEST 2018, and the ever-changing climate of terrorism.

Another article by Jawaid in 2017, brought up the difference in response between countries in Europe with Muslim majority countries in responding to FTF returnees (Jawaid, 2017). Jawaid saw how criminalizing or forcibly taking a returnee's passport will further alienate them in European countries. Meanwhile in Muslim majority countries, they would rather do skill building for returnees as an alternative to criminalization, which is significantly more 'attractive' than European responses. Cooperation between local national non-governmental organization (NGO) with Islamic community and also the police enforcement to easened the rehabilitation and reintegration process for returnees. Jawaid explained the steps to the soft approach in details that could be provided for FTF returnees, but his explanation also limited to only Muslim countries.

Through literature review from multiple writings with the qualitative method above, this research has a clearer picture of the counterterrorism model used in multiple countries and became a great starting point for counterterrorism strategy research in the UK that will be explained down below

## **RESULT & DISCUSSION**

### **ISIS FTF Returnees Phenomenon as a New Security Threat for The United**

#### **Kingdom**

The UK's counterterrorism strategy in general was influenced by the western view post 9/11 Al-Qaeda in the United States on identities, which includes 'self' vs 'others' pushing the US to create their own counterterrorism act called Global War on Terror (GWOT). With 'self' as a portrayal of the victims being attacked, meanwhile 'others' as

the role of the attacker (Viala-Gaudefroy, 2020). The 9/11 terrorist attack became a blueprint for countries in the west in topics of picking and choosing the most prominent identity from a Middle Eastern terrorist group, ending up in the generalization and a prejudiced view on Islam as a religion and Middle Eastern people, as a beginning to the cultivation of religion-based extremism including ISIS.

After 9/11 abroad, the UK's counterterrorism strategy first appeared because of the explosion in the London underground tube system on July 7th 2005 by an Islam fanatic group called the Terrorism Act 2006 (UK Public General Acts, 2006). Islam extremism became a must-eradicate terrorism form based on this strategy; it creates a shared view on the enemy within the British region who needs their specific counterterrorist measure. With the 'others' role in mind, this kind of counterterrorism construction typically is found post GWOT and of course worsened the already existing prejudice towards Muslim community in the UK area.

Terrorism Act 2006 established a path for extreme policing by the increase of intelligence staff, over surveillance in the British community, and the organizing of anti-Islam extremist group called the English Defence League (Kassimeris & Jackson, 2014). By inventing Terrorism Act relating to the identity of Muslim community post the 7/7 terrorist attack in London, it preserves a biased Islamophobic practice in the UK and endangers all the Muslim British.

It became no surprise that fast forward, ISIS influence entered the UK realm and got a hold of their status as a new terrorist threat with a completely new approach and tactics in spreading their ISIS radicalism. If the Al-Qaeda in the US and the 7/7 attack in the old UK was a physical statement executed in groups, ISIS exploited the ever-evolving social media to recruit their supporters.

In the UK, the widespread ISIS influence was caused by the low access to education and jobs, especially in the immigrant populations who are prone to feeling alienated from British society, making them very prone to any radical ideas on the internet (Abbas, 2023). ISIS itself targets male individuals who are isolated from their community for not finding their purpose in life in Europe in order to increase their desire to join ISIS as an FTF. (Gerstel, 2016). Though this fight proves to not prolong, causing their status to change as FTF returnees during the past few years.

It is speculated that this decision for a British FTF to return to the UK was because some of them regret not knowing how severe the ISIS conflict in Syria. Though others returned to avoid any further violence but not necessarily preventing other British from departing as an FTF, then there are some groups who went back to actively spread FTF stories to gain sympathy, and the last one is a group who specifically went back to execute a terrorist attack (Dawson, 2021). Their return pushed the concern of future threat since all the returnees must have been radicalized and equipped with a certain skill or knowledge to violence and spread it to other individuals susceptible to radicalism (Ajil, 2014).

Undoubtedly, the UK government had to improve their counterterrorism strategy immediately, which is CONTEST itself, that would involve a different set of measures from other countries like the US who focus a lot of their counterterrorism in a militaristic manner on the battlefield. In 2017, the transition of terrorist attack probability in the UK goes from 'likely' to 'highly likely' from multiple Islamist terrorist attacks in Westminster, Manchester Arena, London Bridge, and Parsons Green combined with the heightened numbers of FTF returnees fueled the fire of the UK's stance against accepting any returnees from ISIS Syria (Bureau of Counterterrorism, 2020).

Therefore, as a response, the improvement of CONTEST in 2018 during Theresa May's term known to be CONTEST 3.0 is finally established to tackle the returnees issue. It is also important to note that the construction of discriminatory law or any policy that may violate the freedom of expression and freedom of thinking, would reduce the quality of any liberal country, which could also simultaneously push the creation of extremist groups and need to be avoided at all cost (Secretary of State for the Home Department, 2018).

CONTEST 2018 or CONTEST 3.0 and the anti-terrorism regulations inside must provide a comprehensive steps to tackle any terrorist and radicalizing acts brought by the FTF returnees while at the same time considering their human rights by conducting a humanized response to prevent any further entanglement of British individuals in the extremist groups and therefore prevent them from becoming an FTF.

### **Implementation of CONTEST 2018 in Responding to FTF Returnees from Syria in 2018-2022**

With A brief understanding of the UK's counterterrorism strategy, the government treats the FTF returnees issue as an extraordinary crime, which needed a serious approach even more than any other form of criminality. Now, their strategy involved a unique measure to anticipate the challenge to criminalize FTF returnees and bring their case to a trial. The criminal justice concept used in this writing is explained in two parts, the first one is to identify the UK's short-term strategy and the second one is the long-term strategy.

The UK's approach to criminal acts would enforce the court and trial system, showing their alignment to a textbook democracy understanding, that the UK would not throw a suspect in prison for as long as there is no concrete evidence of one's wrongdoings. Although one or two actions are considered to be democratic, FTF returnees from ISIS operation areas in Syria have pushed the UK to construct a counterterrorism strategy that has crossed a suspect's basic rights, most definitely as a result of a perception that Islamic terrorism counts as an extraordinary crime.

In the arrest & detention process, the UK government conducted a special measure for FTF returnees from Syria. They are being treated as criminals, but since the majority of times it is near impossible to prove their violent activities during their time as an FTF, the returnees need their own actions. Hence the establishment of Temporary Exclusion

Order (TEO) specifically targeting FTF returnees from ISIS along with Terrorism Prevention and Investigation Measures (TPIM) by the UK's Secretary of State (Hall, 2023). It is safe to say that TEO and TPIM are actions bound by the law that operates non-traditionally since the suspects being detained will not necessarily be thrown in prison. These measures are conducted to orchestrate FTF returnees' arrival and post-arrival accordingly and reduce their threats as much as possible.

TEO is the ultimate way for an FTF returnee could ever come back to the UK region legally and avoid a heavier sentence, by giving them a specialized route home (from what departure airport to which arrival airport and when to come back) and prohibited from changing it. The HM Government's released transparency data has shown that the TEO process has been applied less onto FTF returnees with two possibilities, either there is a decrease in the number of returnees or the British FTF returnees are returning home less. Below is TEO data from Jonathan Hall's individual report from 2018 to 2022 (Hall, 2023).

Year	Number of FTF Returnees
2018	Applied for 14 men and 2 women Total of returning individuals: 2 men and 3 women
2019	2 men and 2 women Total of returning individuals: a man and a woman
2020	1 man Total of returning individuals: a woman from the 2019 TEO
2021	4 men and a woman. Total of returning individuals: 3 men, a woman, and a man from the 2020 TEO
2022	2 men Total of returning individuals: a man

**Table 1.** TEO 2018-2022

Once the returnees arrive, TPIM will come into force. TPIM itself are acts applied to terrorist suspects if a court procedure is deemed impossible on the time being. This act was introduced in 2011 by Theresa May (Fenwick, 2017). TPIM includes measures such as residence, travel, property, exclusion, movement directions, financial services, electronic communication device, association, work or studies, reporting, polygraph, drug testing, photography, monitoring, and provision of residence information measure (UK Public General Act, 2015). If the FTF returnees (or the subjects to TEO and TPIM) were found to violate these measures, it will be dealt on trials.

This research found that TPIM is not solely for FTF returnees but also for other domestic terrorist suspects, so the status of a suspect as an FTF or a domestic terrorist was not stated clearly enough in the UK's annual report. The TPIM's notice in 2018 until 2021 are all British citizens, with Hall adding that TPIM subjects in 2021 are all islamic terrorists (Hall, 2023).

Year	Number of TPIM's Subjects
2018	4 TPIMs
2019	7 TPIMs
2020	6 TPIMs
2021	5 TPIMs
2022	2 TPIMs

**Table 2.** TPIM in 2018-2021

In this process, since TPIM is a special measure, concrete and tangible evidence of a terrorist act is not necessarily needed in order for a returnee to be considered a TPIM subject. This fact opened a possibility for the Secretary of State to easily give any returnees a sanction deemed suitable for them. Making it a big concern if a returnee must willfully receive other sanctions completely irrelevant to their criminal act abroad. However, TEO and TPIM are both making great efforts to bridge an FTF returnee to return home before they receive deradicalization and being fully accepted back into society through the Desistance and Disengagement Programme (DDP) (Secretary of State for the Home Department, 2018). This program includes mandatory mentoring, psychological support, and socialization about theology or ideology for TEO and TPIM subjects (GOV.UK, 2019).

Out of all the FTF returnees cases, there is one case where a returnee was thrown into prison because there is clear and tangible evidence to his participation in Al Qaeda and connection to ISIS propaganda in Syria, Mohammed Yamin (O'Brien, 2019). Yamin is facing what is called the prosecution and trial, or a rare occurrence in the FTF returnees case. In the UK, severe criminal cases or Indictable-only offenses such as terrorism are dealt with in the Crown Court. This type of court (Courts and Tribunals Judiciary, n.d.).

Yamin was involved in a terrorist organization in Syria back in October 2013 before he returned to the UK in May a year later (De Simone, 2019). Mark Dennis QC used a video screenshot from a documentary by Vice News covering the Al-Qaeda speech in Syria in 2013 as the main evidence against Yamin, achieving this by utilizing the face and voice recognition technology (De Simone, 2019). He received 10 years and 6-month prison time with accusation of Terrorism Act 2006 Engaging in Preparation of Terrorist Acts in Old Bailey Crown Court (Ward, 2019).

Through Yamin's case, it is safe to assume that since he was being dealt with in a Crown Court, then any FTF returnees with proven evidence of his terrorist doings abroad, whether its involvement in terrorist conspiracy or training, they are all considered to be indictable-only case or an extraordinary crime needing a higher attention in preventing or tackling it. Yamin's case counts as one of the only FTF returnee with undeniable evidence publicized by the media. Of course, this is a rare occurrence since not every returnee has

records of their image or video appearing on media like Yamin, hence the establishment of TEO and TPIM.



**Figure 1.** Mohammed Yamin in Embedded with Al-Qaeda in Syria: ISIS and Al Nusra

**Source:** YouTube Vice

Another unfortunate and severe scenario happened to Shamima Begum, a returnee and a minor when she first joined as an ISIS FTF, was punished by receiving a citizenship deprivation. The Home Office attempted to justify their position by stating that Begum would not be completely stateless, since her parents were immigrants from Bangladesh (Rawlinson & Dodd, 2019). This effort proves the Deprivation of Citizenship written in British Nationality Act 1948 which gives the Secretary of State a full power to deprive one's legal citizen status (Dawson, 2019).

The UK government also participated, though not intensively, in the international cooperation for counterterrorism, in the form of extradition and international law. Mutual Legal Assistance is also provided alongside extradition, if another country needs assistance in dealing with a British terrorist for their wrongdoings that costs the lives of a country's citizen (Home Office, 2013).

Participating as a member of the International Civil Aviation Organization (ICAO) has also become the UK's strategy in international counterterrorism as an implementation of the UN Security Council Resolution on Aviation Security in order to tackle any travel attempts of an FTF (Secretary of State for the Home Department, 2018).

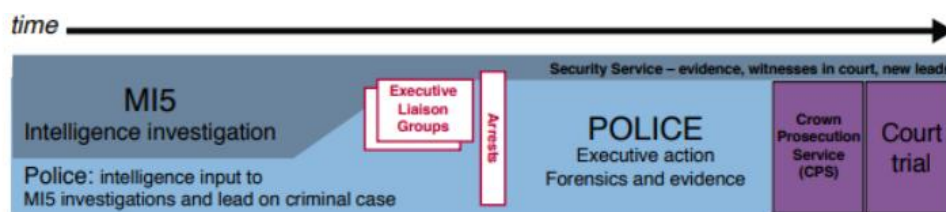
Meanwhile, on the long-term side, the UK is not only active on jurisdictional level when it comes to dealing with FTF returnees but they also showed their dedication in preventing radicalism in the British community. This action belongs to the Prevent pillar in the CONTEST 2018 in the form of Prevent Duty, a program that encourage people to stay vigilant and avoiding any extremist materials both on the internet and in real life, which was also written in Counter Terrorism and Security Act (CTSA) 2015 (UK Public General Acts, 2015).

With police enforcement as the driving force in Prevent Duty, the locals are obligated to share a ‘referral’ to the police whenever they find an individual susceptible to extreme ideas. Later on, the police will discuss this referral with other decision makers such as local government, educational institutions, and also the health sector. In 2017/2018, the highest referral cases were from the education sector with suspicion Islam extremism and also from the right-wing extremist, English Defence League (Home Office, 2023).

Encouragement from the government for the people to stay vigilant against the threat of radicalism has significantly raised the fear mongering feeling within the British community. Naturally, this gives impacts to the marginalized communities, the British Muslims. Some students in the UK feel as if their life was threatened as a Muslim post the Prevent Duty regulation in their school since their appearance matches the imagery of a terrorist (Abbas et al., 2021).

It is found that the UK focuses on radicalism prevention for their long-term counterterrorism strategy, but the government also has their supporting counterterrorist system such as their Counter Terrorism Policing (CTP) and MI5 to share intelligence with one another. There are also anti-terrorism legislations as the basis of the whole British counter terrorism, some are already mentioned above such as CTSA 2015 and also Terrorism Act 2000 to explain types of terrorist organizations on paper (UK Public General Acts, 2000).

The UK is also a member of peacekeeping with agendas against the global cultivation of FTF in The Global Coalition against Daesh in line with UN Security Council Resolution 2178, though this is not a part of their nationwide policing for FTF returnees matters, especially since the Great Britain area is relatively peaceful or in another word not a battleground that needs peacekeeping soldiers around (The Global Coalition, n.d.).



**Figure 2.** Intelligence and Security Committee of Parliament. 2018.

## CONCLUSION

In conclusion, the counterterrorism responses towards the FTF returnees from Syria in 2018-2022 is very inward looking as the majority of their actions focuses mainly on how to receive a returnee’s arrival and how to manage their movement and proceed with trials if needed once they arrive in the UK. Not only that, this research showed that countries like the UK, even when they are the face of liberal values, still show tendencies towards liberty violations, proven in the way they construct their counterterrorist strategies against FTF returnees such as the TEO, TPIM, and Prevent Duty. Which might,

even if it is involuntarily, create an unsafe environment for the marginalized British Muslims.

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