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Foreign Fighters under International Law and Beyond

Andrea de Guttry
Francesca Capone
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Springer

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ISBN 978-94-6265-098-5 ISBN 978-94-6265-099-2 (eBook)
DOI 10.1007/978-94-6265-099-2

Library of Congress Control Number: 2015954346

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

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Printed on acid-free paper

Springer Science+Business Media B.V. Dordrecht is part of Springer Science+Business Media
(www.springer.com)

Foreword

The main threat to international security in the twentieth century was conflict between States. Two World Wars led to the creation of the United Nations in 1945, a forum established to ensure that disputes between States did not turn into military confrontations. NATO was established shortly after, as the dreams of a stable post-war order were shattered by the reality of the Cold War.

Policy makers today are rapidly adjusting to the idea that the assumptions underpinning security planning in the twentieth century do not apply to an array of transnational threats which have emerged over the past twenty years. Nowhere is this more apparent than in the case of foreign fighters (FFs).

As this publication will highlight, the phenomenon of foreigners joining conflicts thousands of miles from their homes is not new. Thanks to Orwell and Hemingway, many of us are familiar with the example of the international brigades which were formed to fight on behalf of the second Spanish Republic in the 1930s. More recently, FFs went to Afghanistan in the 1980s to fight Soviet occupation. And many outsiders flooded into the Balkans (particularly Bosnia) in the early 1990s to take up arms against the government in Belgrade.

These examples, in particular the latter two, barely attracted our attention at the time. In Europe, many reasoned that the phenomenon was welcome given that ‘my enemy’s enemy is my friend’. However, in hindsight, it is clear that the conflicts in Bosnia and in Afghanistan were incubators for the problems we face today, when foreign nationals join groups such as al-Shabab and Boko Haram in Africa, and Da’esh and al-Nusra in the Middle East.

A recent report published by the United Nations highlights the scale of the problem. An estimated 25,000 foreign nationals are fighting on behalf of terrorist groups around the world. Many of these are concentrated in Iraq, Syria, Somalia, Nigeria and across North Africa. Half of the world’s countries have supplied FFs. Over the past year, the numbers have doubled and there are no signs of this slowing down.

Given the trend, the public is right to be concerned. Further terrorist attacks in European capitals are inevitable, either because individuals feel inspired to copy terrorists’ brutality or as foreign terrorist fighters (FTFs) return to their

homes. Da'esh in particular has proved adept at convincing thousands of gullible European citizens that their interests are best served by taking up arms against some of the world's most tolerant and diverse societies.

This publication offers a number of prescriptions for tackling the FF phenomenon. I do not claim to have all of the answers, but it strikes me that policy makers should be guided in their actions by three watchwords:

Confidence

By global standards, European societies remain among the most advanced on earth. The fact that the continent represents the world in so many respects, including the diversity of its population, is a fundamental strength. The fact that we host so many thriving Muslim communities is the best possible response to the terrorist narrative suggesting that the West is at war with Islam. We should work with our diaspora communities relentlessly to promote this message;

Caution

The first duty of any government is to protect its citizens. Understandably there is a debate underway in many European capitals on the changes necessary to ensure that our security apparatus is equipped to deal with the FF phenomenon. For example, the European Parliament is (rightly in my view) considering a Directive on Passenger Name Records to ensure that law enforcement experts have access to potentially crucial data on the movements of FTFs. But in proposing new measures, we should ensure that they comply with the values which have become synonymous with the EU, namely respect for human rights, democracy and the rule of law;

Unity

EU citizens have been the target of three significant attacks in 2015 (Paris in January and Bardo and then Sousse in Tunisia). These attacks were clearly inspired by terrorist groups which purport to represent Islam. We will inevitably suffer further attacks, not least as FTFs return to their home countries. But I am confident that by working together across the EU to develop a coherent response to the terrorists' message, we will overcome this generational challenge. In doing so, we will need the support of education specialists who can recognise the signs of radicalisation and equip future generations with critical thinking skills; we will need to develop greater expertise in our law enforcement approach, building

stronger partnerships between police and local communities; and we need a unified diplomatic and humanitarian effort to bring an end to the conflicts which give many terrorist groups their centrifugal force.

This volume provides food for thought in all of these areas. It is well-timed and, I am sure, will become an essential reference text for policy makers.

Gilles de Kerchove
EU Counter-Terrorism Coordinator

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Abbreviations

ACBPS	Australian Customs and Border Protection Service
ACSRT	African Centre for the Study and Research on Terrorism
AFRIPOL	African Police Cooperation Organisation
ALA	Arab Liberation Army
ANZCTC	Australia-New Zealand Counter-Terrorism Committee
AP I	Additional Protocol I to the 1949 Geneva Conventions
AP II	Additional Protocol II to the 1949 Geneva Conventions
API	Advanced Passenger Information
AQAP	Al-Qaeda in the Arab Peninsula
AQIM	Al-Qaeda in the Islamic Maghreb
ASIO	Australian Security Intelligence Organisation
AST	Ansar al-Sharia in Tunisia
ATU	Action against Terrorism Unit
AU	African Union
AWB	Afrikaner Resistance Movement
BPC	Belgian Penal Code
CISSA	Committee of Intelligence and Security Services of Africa
CODEXTER	Council of Europe Committee of Experts on Terrorism
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSCC	Center for Strategic Counterterrorism Communications
CSIS	Canadian Security Intelligence Service
CTC	Counter-Terrorism Committee
CTED	Counter-Terrorism Committee Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
CVE	Countering Violent Extremism
DCC	Dutch Criminal Code
DHS	Department of Homeland Security
ECHR	European Convention on Human Rights
ECOWAS	Economic Community of West African States

ECRIS	European Criminal Records Information System
EEAS	European External Action Service
ENP	European Neighbourhood Policy
EU	European Union
EUMS	European Union Military Staff
FF	Foreign Fighter
FRY	Federal Republic of Yugoslavia
FSA	Free Syrian Army
FTF	Foreign Terrorist Fighter
FTO	Foreign Terrorist Organisation
GC	Geneva Convention
GCCS	Global Center on Cooperative Security
GCTF	Global Counterterrorism Forum
IAC	International Armed Conflict
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICCT	International Centre for Counter-Terrorism—The Hague
ICL	International Criminal Law
ICSR	International Centre for the Study of Radicalisation and Political Violence
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILC	International Law Commission
IR	International Relations
IS	Islamic State
ISIL	Islamic State of Iraq and the Levant
ISIS	Islamic State of Iraq and Syria
JHA	Justice and Home Affairs
KLA	Kosovo Liberation Army
MENA	Middle East and North Africa
MLA	Mutual Legal Assistance
MLAT	Mutual Legal Assistance Treaties
MUJAO	Movement for the Oneness of the Jihad in Africa
NCTC	National Counterterrorism Center
NGO	Non-Governmental Organisation
NIAC	Non-International Armed Conflict
NSAG	Non-State Armed Group
NZSIS	New Zealand Security Intelligence Service
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PIRA	Provisional Irish Republican Army
PNR	Passenger Name Record

POW	Prisoner of War
PTSD	Post-Traumatic Stress Disorder
RAN	Radicalisation Awareness Network
SCSL	Special Court for Sierra Leone
SIS	Schengen Information System
SNTT	Say No to Terror
SSCAT	Syria Strategic Communications Advisory Team
STL	Special Tribunal for Lebanon
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TIDE	Terrorist Identities Datamart Environment
UK	United Kingdom
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNGA	United Nations General Assembly
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	UN Office on Drugs and Crime
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
USAID/OTI	US Agency for International Development's Office of Transition Initiatives
VBIED	Vehicle-Borne Improvised Explosive Device

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About the Editors

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Chapter 1

Introduction

Andrea de Guttry, Francesca Capone and Christophe Paulussen

Abstract In this introductory chapter, the authors present the different parts and chapters of a book which is one of the first that comprehensively addresses, from various perspectives, a phenomenon that is not new to societies, but that has received increasing attention in recent years and months, particularly because of the conflicts in Syria and Iraq: the issue of foreign fighters, which this book defines as ‘individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict’. The authors note that the foreign fighters topic will no doubt remain on the political agenda for many years and therefore argue that it is of the utmost importance to deepen our knowledge about the root causes of this phenomenon and to take adequate and rule of law-respecting responses that will bring results in the long term.

Keywords Foreign fighters • Definition • Responses • Risk • International law • Long term

This book is one of the first that comprehensively addresses, from various perspectives, a phenomenon that is not new to societies—the reader will read more about its historical roots in Chap. 3—but that has received increasing attention in recent years and months, particularly because of the conflicts in Syria and Iraq. The authors of Chap. 2 arrived at a combined estimate of a total number of more than

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30,000 foreign fighters for the entire conflict in Syria and Iraq since 2011, and on 29 May 2015 the UN Security Council expressed

its grave concern that there are now over 25,000 foreign terrorist fighters from over 100 countries who have travelled to join or fight for terrorist entities associated with Al-Qaida, including ISIL and ANF, and notes that the flow is mainly focused on, but not limited to, movement into the Syrian Arab Republic and Iraq.¹

This book defines foreign fighters as ‘individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict’. This definition recalls that adopted in the Geneva Academy of International Humanitarian Law and Human Rights’ Academy Briefing No. 7, entitled ‘Foreign Fighters under International Law’ and authored by Dr. Sandra Krähenmann, one of the contributors to this book.² However, it departs from it on an important issue; this book will not limit the definition to those who join a non-State armed group (even if these constitute, indeed, the largest group), but it will include also the foreigners fighting on the side of a government. The rationale behind this choice lies in the fact that the phenomenon of foreign fighters does not have an ascertained legal meaning under the existing international legal framework and the present book, in light of recent events and situations, strives to provide the reader with the most comprehensive overview of the issues at stake.

The phenomenon of foreign fighters is constantly evolving, and one can be assured that in between the moment this book is submitted to the publisher (1 July 2015) and the moment the reader can actually hold the book in his/her hand, several new incidents and subsequent policy measures will have seen the light. The editors have always realised this—that the book will never be able to keep up with the speed with which this phenomenon is developing—and as result, have asked the authors of the book to not only look at daily practice that can mainly be linked to Syria and Iraq, but to also dig deeper and present general and more long-lasting observations that are insightful to future conflicts and dilemmas.

Because of the problem’s complexities, the exponentially mounting numbers of foreign fighters and the growing risk that either returnees or copy cats at home will create havoc in countries other than Syria and Iraq, the countries that are presently suffering most, governments around the world are frantically looking for effective responses to counter this phenomenon. And indeed, facing the possibility of an

¹See UN Security Council, ‘Statement by the President of the Security Council’, S/PRST/2015/11, 29 May 2015, available at: <http://www.un.org/en/sc/documents/statements/2015.shtml> (last accessed 17 June 2015).

²See Geneva Academy of International Humanitarian Law and Human Rights, Academy Briefing No. 7, ‘Foreign Fighters under International Law’, October 2014, available at: <http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20breifs/Foreign%20Fighters%20Under%20International%20Law%20Briefing%20no7.pdf> (last accessed 17 June 2015), p. 6: ‘A foreign fighter is an individual who leaves his or her country of origin or habitual residence to join a non-state armed group in an armed conflict abroad and who is primarily motivated by ideology, religion, and/or kinship.’

attack, States have to continue to do whatever is reasonably possible to minimise this risk and continue to give the problem due attention.

At the same time, however, a danger is looming, similar to what occurred in the post 9/11 period, of governments trying to fight this problem with everything at their disposal, without really knowing first what the problem is and how it can be tackled in the most effective and durable way.

Indeed, there is a perceptible trend of adopting many measures to address the problem. However, one can wonder whether these are necessary in the first place and second, whether they are disproportionate. The desire for a show of strength leads the focus towards concrete short-term actions, to show constituents that something is being done about the problem. This is perhaps understandable from a political point of view—to avoid later reproach for not having done enough to thwart an attack—but the public at large should also understand that 100 % safety is not achievable and that even with all the most repressive measures in the world combined, an attack is always possible—and something we should be able to deal with as a society.

The editors also note that the current foreign fighters problem is often framed in counter-terrorism terminology, as is for instance evidenced by the important UN Security Council Resolution 2178, that will be addressed in several chapters throughout this book, in particular Chap. 14. However, the phenomenon is much more complex and the terrorism label also imports a risk, namely that certain governments will seize their opportunity, taking advantage of the current lack of clarity and strategy on how to counter an organisation like ISIS that constantly seems to be one step ahead, to enact measures that will allow them to do what they always wanted to do, but never could. That is, to silence political opponents or even minority groups under the guise of countering terrorism.

The foreign fighters topic will no doubt remain on the political agenda for many years. It is therefore of the utmost importance to deepen our knowledge about the root causes of this phenomenon and to take adequate and rule of law-respecting responses that will bring results in the long term.

With this book, the editors want to offer academics, policy makers and the public at large various observations on how the foreign fighters problem, not necessarily the foreign *terrorist* fighters problem, can be somewhat contained (as mentioned before, 100 % safety is never possible), in an effective and long term way. Such an approach would be respectful of international law, and avoid undermining the values and norms for which our societies stand and that organisations like ISIS seek to destroy.

In more detail, this book consists of 25 chapters written by distinguished academics, researchers from think-tanks and practitioners and the editors are more than happy that they received so many enthusiastic responses when they approached the authors in question.

Part I of this book will offer a multidisciplinary overview of new challenges for an old phenomenon. It will start with the latest data and statistics on the phenomenon (Chap. 2), followed by a chapter explaining the history of foreign fighters involvement in national and international wars (Chap. 3). After that, the

phenomenon will be addressed from an international relations theory perspective (Chap. 4). The following chapters will focus on root causes and will delve into the motivations which bring a person to go to combat zones (Chap. 5), the important and emerging role of social media in the recruitment of foreign fighters (Chap. 6), and an analysis of foreign men and women in ISIL through a gender perspective (Chap. 7). The final chapter of this part (Chap. 8) will look at the military impact of foreign fighters on the battlefield.

After this, the legal dimension, and in particular the status of the foreign fighters, will be analysed in Part II. Chapter 9 will begin with a legal analysis of the phenomenon under international humanitarian law, after which it is addressed from an international criminal law perspective (Chap. 10). Chapter 11 will look at child soldiers and the expanding practice of minors recruited to become foreign fighters and the last chapter of this part analyses armed opposition groups' (and foreign fighters') abidance by human rights law (Chap. 12).

Part III of this book, entitled 'Tackling the Phenomenon of Foreign Fighters at the Supranational Level', focuses on international responses and starts with a chapter explaining the obligations under international law of the foreign fighter's State of nationality or habitual residence, State of transit and State of destination (Chap. 13). It is followed by a chapter analysing the role played by the UN in countering the phenomenon of foreign terrorist fighters (Chap. 14) and a chapter looking at States' prevention and responses to the phenomenon of foreign fighters against the backdrop of international human rights law obligations (Chap. 15). After that, the more regionally-focused chapters will be presented, namely the regional answers and governance structure of the EU for dealing with foreign fighters (Chap. 16), a more detailed EU-focused chapter on collecting and sharing intelligence (Chap. 17), and finally the responses of the OSCE (Chap. 18) and the AU (Chap. 19) in countering this phenomenon.

The final substantive part of the book, Part IV ('Tackling the Phenomenon of Foreign Fighters at the National Level') will look at the national level and starts with an overview of the national measures implemented in a few Western European countries (Chap. 20), and a chapter explaining how the USA, Canada, Australia and New-Zealand are responding to the foreign fighters phenomenon (Chap. 21). As most foreign fighters still originate from the countries bordering Syria and Iraq, the next chapter will delve into the MENA countries' reaction to the phenomenon of foreign fighters (Chap. 22). Chapter 23 looks at a specific response at the national level, namely the deprivation of nationality and its international law implications and the last chapter, Chap. 24, addresses the impact of foreign fighters on internally displaced persons, asylum seekers and refugees from Syria and Iraq.

Finally, some concluding remarks will be offered in Chap. 25.

As can be seen from this introduction, this book will mainly focus on the (international) legal aspects of the foreign fighter issue. However, the editors realise of course that legal responses are only one of the available tools to counter this phenomenon and that these responses must be combined with other tools, to promote a holistic and comprehensive approach.

It is the desire of the editors that all these chapters will provide more in-depth and durable knowledge about a topic that will remain with us for many years to come, and that it will inspire especially policy-makers to find the most effective, proportionate, and international law-based solutions of which our societies can be proud.

In conclusion, the editors wish to thank all of those who contributed, with great professionalism and enthusiasm, to this volume. They first of all express their deep and sincere gratitude to the authors who have agreed to take part in this project and share their knowledge and expertise. The editors are also very grateful to the publishing team of T.M.C. Asser Press, in particular Ms Marjolijn Bastiaans and Ms Kiki van Gurp, responsible for production, and Mr Philip van Tongeren, Director and Publisher, for their invaluable support and advice. Moreover, they would like to thank Ms Anna Riddell for serving as copy editor and providing detailed and constructive suggestions. Finally, Ms Silvia Venier, Ms Denise Venturi and Mr Shisong Jiang, Ph.D. students at the Scuola Superiore Sant'Anna, should be thanked for assisting with the thematic index of this book.

Part I
**Foreign Fighters: A Multidisciplinary
Overview of New Challenges for an Old
Phenomenon**

Chapter 2

Foreign Fighters in the Syria and Iraq Conflict: Statistics and Characteristics of a Rapidly Growing Phenomenon

Edwin Bakker and Mark Singleton

Abstract This chapter focuses on the statistics and characteristics of foreign fighters of all sides of the conflict in Syria and Iraq, and the reasons for this phenomenon as well as some general policy responses in the countries from which these fighters originate. First, the authors provide a short historical background of foreign fighters and a definition of the term, which is used throughout this book. Next, it describes the rapidly growing numbers and characteristics of these fighters in Syria and Iraq. Finally, adding up the various assessments, the authors arrive at a combined estimate of a total number of more than 30,000 foreign fighters of all sorts for the entire conflict in Syria and Iraq since 2011.

Keywords Statistics • Characteristics • Foreign Fighters • Historical background • Proxy war • Trends • Country of origin • Definitions • Islamic State • Terrorism • Transit country • Transnational threat

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2.1 Introduction

The foreign fighters phenomenon is not new. However, today's record numbers are having a profound impact, both in countries of origin and countries of destination. Developments in Syria and Iraq in particular have turned it into a global phenomenon, threatening national and international security. In both countries, citizens from all continents have joined various groups and fractions on all sides of the conflict, such as the self-proclaimed Islamic State,¹ Jabhat al Nusra,² the Free Syrian Army,³ Kurdish groups, and groups and militias fighting on the side of the Assad regime have also attracted foreign fighters, primarily Shias from Lebanon, Iraq, Iran and Afghanistan. What started as a local political, sectarian and ethnic conflict, has now morphed into one with security implications for many countries across the globe.

This chapter focuses on the statistics and characteristics of foreign fighters in Syria and Iraq, and the explanations and reactions to this phenomenon in the countries from which these fighters originate. First, the chapter provides a short historical background of foreign fighters and a definition of the term. Next, it describes the rapidly growing numbers and characteristics of these fighters in Syria and Iraq. Finally, adding up the various assessments, the authors arrive at a combined estimate of a total number of more than 30,000 foreign fighters of all sorts for the entire conflict in Syria and Iraq since 2011.

2.2 Background and Definition

In the first decennium of the 21st Century, the number of foreign fighters was limited in size and these fighters were seen as a relatively isolated phenomenon. Most of them were fighting under the banner of jihadi Salafism, described by Stern and

¹The group that is calling itself Islamic State is also frequently referred to as the Islamic State in Iraq and the Levant (ISIL) or the Islamic State of Iraq and al Sham (ISIS) or as Da'esh, a term based on its Arabic acronym.

²Jabhat al Nusra is also referred to as the al Nusra Front, or *Jabhat an Nuṣrah li Ahli ash Shām*, meaning 'The Support Front for the People of al Sham'. It is a branch of al Qaeda operating in Syria and Lebanon.

³The Free Syrian Army started as a group of defected Syrian Armed Forces officers and soldiers. It is regarded a 'moderate' rebel group and is not listed as a terrorist organisation as opposed to Islamic State and Jabhat al Nusra that are on the UN list of designated terrorist organisations.

Berger as ‘a branch of Salafism that believes that any government that does not rule through Sharia is an illegitimate infidel regime. Jihadi Salafism embraces the use of violence to overthrow these regimes’.⁴ With the outbreak of the civil war in Syria in the summer of 2011 the picture changed significantly. The jihadist Salafist movement became larger, more visible and very active. Since 2011, thousands of foreign jihadist fighters have left their home country to become involved in the armed struggles in Syria and Iraq, and elsewhere. Other groups followed, including Shias and the Kurdish diaspora, to defend their brethren in need.

Over the course of history, there have been several examples of ‘foreign fighters’, ranging from relatively large and organised groups to individual cases.⁵ They include the group of Catholic youngsters who gave heed to the call of the Pope Pius IX to assist him in his struggle against the Italian Unificationists in the 1860s.⁶ Thousands of so-called Zouaves left for Italy to fight, amongst others, against troops led by Giuseppe Garibaldi and Victor Emmanuel. During the Spanish civil war, many foreign citizens joined the International Brigades to fight alongside the Republican government against the Nationalists led by General Franco. In the seventies, some individuals took part in training camps of the Palestine Liberation Organisation, although only few played an active role in the organisation’s violent activities. Other liberation movements, such as the African National Congress, attracted limited numbers of persons aiming to join their struggle.

What these examples have in common is what David Malet calls a transnational identity that connected them to foreign communities and the perceived need to support fellow members of that community under threat.⁷ The ideological background of this identity ranged from communism and left-wing activism, to Catholicism and ethno-nationalism. The latest transnational identity that has produced foreign fighters is that of the Ummah—the community of Muslim believers—and the ideology or belief in the so-called violent jihad.⁸

Until recently, this particular form of jihad was primarily associated with the fight of so-called mujahedeen⁹ in Afghanistan, first against the Red Army of the Soviet Union, and afterwards against a wide range of other warring parties. The civil war in Afghanistan attracted about 20,000¹⁰ from across the globe, especially from Arab countries whose fighters were known as ‘Afghan Arabs’. They were led by

⁴Stern and Berger 2014 p. xii.

⁵For more information, see Chap. 3 by Flores in this volume.

⁶B.S. Exton, ‘The Pope’s Legion: the multinational fighting force that defended the Vatican’, *Catholic News Agency*, 12 September 2008. <http://www.catholicnewsagency.com/column.php?n=435>. Accessed 16 June 2015.

⁷Malet 2013.

⁸Following Stern and Berger (p. xi), the authors use the term jihad to refer a broad range of actions, from spiritual struggles to armed conflict.

⁹Following Stern and Berger (p. xii), the authors use the term mujahid (plural mujahideen) to refer to a Muslim fighter waging military jihad.

¹⁰Neumann 2015.

Abdullah Yussuf Azzam who preached both defensive jihad and offensive jihad by Muslims to help the Afghan mujahedeen. His militant ideology and paramilitary manuals were promoted through print and the Internet. His most relevant manifesto was 'Join the Caravan' (1987)¹¹ in which he called upon Muslims to rally in defence of Muslim victims of aggression, to restore Muslim lands from foreign domination, and to uphold the Muslim faith. By the turn of the century, however, the jihadist movement had petered out. Many veterans returned home or found asylum in Western countries. Some moved on to other battlefields, such as Pakistan and Kashmir, Bosnia and the Philippines. New conflicts that attracted jihadist foreign fighters included, amongst others, Chechnya, Iraq (in the period after the US-led invasion in 2003), Somalia and Mali. However, their numbers were relatively small until the Arab Spring and the outbreak of the current civil war in Syria and Iraq. Today, according to Nick Rasmussen, director of the US National Counterterrorism Center (NCTC), the rate of foreign fighter travel to Syria is without precedent, exceeding the rate of foreigners who went to wage jihad in Afghanistan, Pakistan, Iraq, Yemen or Somalia at any other point in the past 20 years.¹²

Terminology used to describe those that left their country to fight with one of the insurgent and terrorist groups in the civil war in Syria and Iraq varies from foreign fighters, foreign rebel fighters and foreign terrorist fighters to foreign jihadist fighters. Other terms that have been used to describe this phenomenon and that primarily focus on the insurgency element include 'transnational insurgent' or 'global insurgent'.¹³ Often, adjectives are added to indicate certain types of groups, tactics or ideologies, such as 'rebel', 'insurgent', 'terrorist' or 'jihadist'. Some are highly subjective or sensitive, for instance 'terrorist' and 'jihadist'. In this chapter, the authors focus on the general phenomenon of persons that join a fight abroad and use the following short and neutral definition of foreign fighters as 'individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict.' As mentioned earlier, this chapter focuses on the current situation in Syria and Iraq that has put the issue of foreign fighters high on the international agenda. This is notwithstanding a reported 5,000 individuals who have flocked to Libya, including many who first fought in Syria/Iraq and are now supporting the Libyan 'province' established by the Islamic State.¹⁴

¹¹Azzam 1987.

¹²'20,000 Foreign Fighters Flock To Syria, Iraq', *Huffington Post*, 2 February 2015. http://www.huffingtonpost.com/2015/02/10/foreign-fighters-syria-iraq_n_6656114.html. Accessed 16 June 2015; Brian Murphy, 'Official: Over 20,000 foreign fighters lured by militant factions in Syria', *The Washington Post*, 2 February 2015. http://www.washingtonpost.com/world/national-security/official-over-20000-foreign-fighters-lured-by-militant-factions-in-syria/2015/02/11/8f12eaa0-b212-11e4-827f-93f454140e2b_story.html. Accessed 16 June 2015.

¹³Salehyan 2009; Mackinlay 2002.

¹⁴J. Moore, '5,000 Foreign Fighters Flock to Libya as ISIS Call for Jihadists [sic]', *Newsweek*, 3 March 2015. www.europe.newsweek.com/5000-foreign-fighters-flock-libya-isis-call-jihadists-310948. Accessed 16 June 2015.