

**THE THREAT OF ISIS-AFFILIATED FOREIGN TERRORIST
FIGHTERS TOWARDS CANADIAN NATIONAL SECURITY:
MAKING THE CASE FOR THE DEVELOPMENT OF A
PROSECUTORIAL–REINTEGRATIVE MODEL FOR RETURNEES**

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Abstract

Since the loss of approximately 98% of their territory, Islamic State of Iraq and Syria (ISIS) has become a shadow of its former self. Foreign recruits must now decide whether to leave the region and return home or stay and possibly continue the fight. Those that return constitute a threat to their home environments because of their maintained allegiances to ISIS, state of radicalization, post-traumatic stress disorder (PTSD), and improved lethality, and operational effectiveness in conducting acts of domestic terrorism. As a result, this article calls for the development and application of a prosecutorial-reintegrative model that is based off prior research on Foreign Terrorist Fighters (FTFs). The model should also be informed by up-to-date research in the field of deradicalization and disengagement and should consider the different classes of FTFs. Following an understanding of the qualitative differences of ISIS FTFs compared to past foreign fighters, the article concludes that directed counter violent extremist messaging and components of Saudi Arabia’s successful Prevention, Rehabilitation, and After Care (PRAC) program must be factored into any framework for rehabilitation and reintegration while Criminal Code and Anti-Terrorism Act provisions, complemented by evidence gathering strategies, are primarily used to hold FTFs accountable for serious offences.

Introduction

As of 2018, the outflow of foreign fighter returnees has become a trickle, while remaining a significant threat to Member States (Canadian Security Intelligence Service [CSIS], 2016; United Nations Security Council Counter-Terrorism Committee Executive Directorate [CTED], n.d.). The U.N. has defined foreign terrorist fighters (or FTFs) as “individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict” (United Nations Security Council Counter-Terrorism Committee, 2018, para. 2).

Although constituting only a small proportion of FTFs compared to those from other countries that have traveled to participate in the conflict in Syria and Iraq,

Canadian FTFs that have returned, and those that may return in the future, present risks that are no less significant than those facing other countries of origins that have dealt with a higher outflow and subsequent in flow of FTFs, such as those that have come back to France, Sweden, and the United Kingdom (Ragab, 2018, p. 89). As a result, the Canadian government is facing a grave situation, despite many publications and research conducted on the threat presented by foreign fighter returnees stating to the contrary.

This paper will explain why the concerns towards FTF's should not be dismissed so easily and why it is of paramount importance to prosecute foreign fighters that have committed heinous acts while overseas, while also being open to the idea of rehabilitation and reintegration of other classes of foreign fighters affiliated with ISIS. Reintegration should be modelled off Saudi Arabia's PRAC program, due to its high success rate. Given the human rights violations and the fact that Saudi Arabia is not a signatory to the Universal Declaration of Human Rights signed by western countries, any adoption of components from this program should be reconciled by modifying and underpinning it with U.N. resolutions 2178 and 2396, which mandate fair and equitable treatment of FTFs, the upholding of international law, and a comprehensive approach to addressing returnees (Akkad, 2012; Human Rights Watch, 2019; Pokalova, 2020; United Nations Counter-Terrorism Implementation Task Force [CTITF], 2018).

Through the development and application of a prosecutorial-reintegrative model, which is conceptualized and described below, it is hoped that the Canadian government will be able to sufficiently handle returnees in a way that will improve security and put the populace at ease, while also balancing civil liberties and the rights of the returnees. Thus, to achieve this balance, it is necessary that any model that is created considers contextual factors, prior research on deradicalization and disengagement, the current legal framework, and Canada's international obligations.

The first section will give a brief history of Canada's experience with foreign fighting in several different contexts. The purpose of this section will be to outline the generalities that were involved in conflicts that had a foreign fighter presence. This will then be followed by the next section which will describe the civil war in Syria and Iraq, which led to the rise of ISIS between 2013–2017. The third section will describe the foreign fighter phenomenon, the contextual factors that enabled it, and how it was fueled by ISIS. The fourth section will discuss the aftermath of ISIS' defeat in 2018, and security concerns that have arose because of FTF's either moving on to other conflicts or returning home. The next two sections will delve into an understanding of FTF categories and why it is

important to reintegration, and also discuss research on deradicalization and disengagement programmes that have been used in the past. Finally, the last sections will define and describe the model.

Canada's History with Foreign Fighting in the 20th Century

Spanish Civil War (1936–1939)

Canada's first experience with the phenomenon of its citizens going overseas to fight in foreign conflicts began with the Spanish Civil War (1936–1939). The civil war occurred as the Nationalist rebels, backed by the fascists, Italy, and Germany, fought for control of Spain against the Republican government, which was backed by Mexico and the Soviet Union. Despite Canada having no political objectives and simply being an onlooker to the conflict unfolding overseas, almost 1,700 Canadian volunteers flocked to Spain to fight for the Republican government against the fascists (Wentzell, 2020, para. 4).

Views on the idea of Canadians fighting for a foreign cause were mixed; while some thought of it as honorable, most officials regarded them as a security risk. This led to the creation of the Foreign Enlistment Act (FEA), which is still in effect today. The goal of the act was to prevent the possibility of Canadians volunteering in future conflicts and becoming trained combat veterans. Hence, heightening their chances of returning home and fomenting discord within young idealistic Canadians who may have thoughts of revolution (Wentzell, 2020, para. 3).

At some point in the conflict, the Republicans were forced to bargain for the removal of the enemy forces, which led to dismantling the International Brigades. The Canadian government, for the first time, faced the issue of repatriating Canadian foreign fighters. While many other countries funded and implemented repatriation programs to bring back their citizens, Prime Minister, Mackenzie King, vehemently refused to engage in similar efforts (Wentzell, 2020, para. 9). Consequently, the volunteers were forced to rely on private donations, an effort that was led by the national director for the League for Peace and Democracy, who also coordinated with the CPR and countries such as France, Spain, and the U.K. As a result of this effort, at least 250 Canadians were sent home on train, while 150 others were forced to leave on foot and cross the French border. The rest either perished or were captured by the Nationalists (Wentzell, 2020, para. 11).

Overall, Canada's first experience with foreign fighters was significant in several ways. First, it led to the creation of the Foreign Enlistment Act, an act that is still

in effect today, but mostly overshadowed by recent counterterrorism legislation. Second, the conflict introduced Canada's stance on repatriation, which was seen as less of a federal initiative and more of a private one. And finally, the conflict showed that Canada was initially willing to enforce the provisions of the FEA, until it was evident that none of the other countries would be prosecuting their own citizens that were returning.

Arab-Israeli War (1948)

The next known involvement of a foreign legion that contained Canadians was during the second phase of the war for Israel's independence. The beginning of the second phase coincided with the British Empire leaving Palestine upon the May 15, 1948 expiration date of the British Mandate. The British Mandate was a League of Nations mandate that entrusted administrative matters of Palestine to Britain until they were ready to be self-sufficient (Jewish Virtual Library, n.d., British Palestine Mandate: History & Overview section). Upon the expiration of the mandate, the state of Israel was declared through Resolution 181 of the U.N. partition plan (Office of the Historian, n.d.). Refusing to recognize this declaration, the Palestinian militias intensified their fighting and were also joined by the Arab nations, Syria, Lebanon, Iraq, Jordan, and Egypt, who invaded the territory known as Mandatory Palestine. The *Haganah*, the Jewish paramilitary organization, resolved to mobilize their numbers by making an appeal to both the pre-state Jewish community and the worldwide diaspora. As a result of this call to action, approximately 3,500 foreign volunteers from 58 countries were recruited and integrated into the military, most of whom arrived after the British Mandate ended. This led to the creation of Machal units, or "Overseas Volunteers", which also included Canadian Jews and non-Jews (Markovitzky, 2007, pp. 5–7). One notable Canadian Machal was Ben Dunkelman, a decorated World War II veteran of the 3rd Canadian Infantry Division, who served as Brigade Commander of the 7th Armored Brigade (Markovitzky, 2007, p. 19).

The lack of research on legislative responses towards curbing the recruitment of Canadian Machals suggests that the small proportion of both U.S. and Canadian recruits hardly warranted a response to begin with, due to the lack of national attention spotlighted on them. As Lowenstein (n.d.) states in his essay, "*Why the Experiences of North American Volunteers are Largely Unknown*", they were a largely unknown subset of the Jewish populations in both the United States and within Canada, even to the Jewish communities themselves. Furthermore, the odds of another American Jew "knowing someone like [him] were about 4000 to 1" (Lowenstein, n.d., para. 3). Thus, the lack of national attention over Canadians from the Jewish diaspora choosing to go overseas and participate in a foreign

conflict was one of the very first indications of the Canadian government's flexibility in enforcing the Foreign Enlistment Act, suggesting that enforcement of the act was largely determined by circumstances.

Vietnam War (1954–1975)

The next conflict that attracted foreign fighters from Canada was the Vietnam war. However, unlike the previous conflict, this one was different in the sense that many chose to join the U.S. armed forces and serve under a mandate, rather than travel overseas of their own prerogative. Thus, this era of foreign fighting was considered more acceptable, as Canadians chose to serve as members of an allied force rather than serve as foreign enlistees that were nothing more than unpaid mercenaries in the Spanish Civil War. The large proportion of Canadian volunteers migrating to U.S. recruiting stations paralleled the Canadian government's non-military support to the U.S., which is indicated through its export of military goods, munitions, and peacekeeping during the war's decline (Corday, 2015; CBC archives, 1975).

The lack of involvement by Canada in directly supporting the US with their military objectives in Vietnam marked a turning point in its foreign policy. The country became more assertive in its stance on participation in foreign conflicts, choosing to forgo military aggression, and instead, focus more on peacekeeping interventions and mediation. Another significant point was that compared to foreign involvement in the Spanish Civil War, there was no attempt whatsoever on the part of the Canadian government to prosecute foreign enlistees for violating the FEA (Goldsworthy, 2015). Difficulties tracking and prosecuting recruits due to false documentation, not meeting FEA guidelines due to North Vietnam's status as being "neither friend nor, exactly, foe" (Thorne, 2018, para. 27), and the threat of civil war between English Canada and French Canada during the Spanish Civil War were all possible reasons for this discrepancy (Granatstein, 2014; Nelson, 2018; Wentzell, 2017).

Bosnian War (1992–1995)

The breakdown of the Yugoslavian state and secession of the Bosniaks, Serbs, and Croats saw foreign fighters from respective diasporas showing their allegiances by filling the ranks of each separatist group. While mujahidin from the Middle East arrived to support the Muslim Bosniaks, the Serbs were augmented by fighters from Orthodox Christian countries, and the Croats were augmented by Catholic countries, including Canadians (Arielli, 2012, pp. 1–2 & 11). In the Croat military, a total of 456 volunteers from 35 countries were

recruited, which exemplified the tiny proportion that foreign fighters made up in manpower (Arielli, 2012, p. 2). Despite the varying backgrounds and total numbers, many of these fighters were fueled by the same militant nationalism that had led up to the breakdown of Yugoslavia to begin with.

The leadup to the breakdown of Yugoslavia was marked by hostilities after both the Serbs and Croats became independent from foreign rule. It was Serbia, however, that developed the first independent Slavic state. As an independent state, Serbia grew politically and culturally through a series of reforms, which led to increased nationalism. Changes in foreign policy led to greater economic independence, leading to the desire to trade with countries other than the Austro-Hungarian empire (Llewellyn & Thompson, 2017). Consequently, Serbian nationalism rose even further with many, including King Peter I calling for the creation of a Slavic superstate with Serbia at the centre; a proposal that gained further traction after successful territorial expansions during the Balkan Wars, which led to gaining 1.6 million Serbs from the Ottoman Empire (Llewellyn & Thompson, 2017). However, it was not until after World War I that the ideal of a Slavic superstate, with Serbia at its helm, would come into fruition.

In 1941, the Nazis broke up Yugoslavia, absorbing Bosnia in the process and creating a fascist puppet state of Croatia. The Croats now being the dominant group, viewed the Serbs as their political enemy and sought to enforce an exclusivist ideology by carrying out an ethnic cleansing plan, which led to scores of Serbs being killed between 1941 to 1945 (Hayden, 1995). The fascists were eventually overthrown by Communist leader, Josip Broz Tito, who attempted to keep Yugoslavia united through communism between 1945 to 1990. By creating a federation of independent republics that were divided along ethnic and nationalist lines, groups received some autonomy, but were ultimately under his dictatorial rule (History, 2010). After his death, the communist federation collapsed, leading to the partition of Croatia and displacement of Serbs and Muslims from areas deemed as Croat (Hayden, 1995). Since there was no single ethnic majority in Bosnia, a joint decision was made to annex large territories of the state and make it a part of Serbia and Croatia (Hayden, 1995). As a result of this decision, a bloody ethnic cleansing campaign was conducted between 1992 to 1995 on both sides to purge territories of groups that did not belong there, so that “homogenous nation-states” (Hayden, 1995, para. 23) could be created. Thus, an amalgamation of historical prejudices and grievances, combined with the current balkanization of geographic spaces among hostile separatists, is what formed the backdrop to the foreign fighter phenomenon described above.

Generalisations of Foreign Fighters in These Conflicts

The desire to fight overseas in conflicts that are not of interest to the host nation of the foreign fighter can be explained by a variety of different motivating factors. First, and most evident across the above conflicts, was the issue of ideology and transnational solidarity with those considered to be their brothers-in-arms (Markovitzky, 2007, p. 9). Canadian Jews, motivated by moral conviction, saw that members of their ethnic/religious groups were being beset by hostilities at all sides, and sought to join them to augment their small army with manpower, equipment, and specialists, such as medical professionals and combat veterans (Markovitzky, 2007, pp. 5 & 37).

Similar incidences of ideological motivation were seen in other instances with the desire to fight against fascism, which motivated the Communist Party of Canada (CPC) to join the Spanish Civil War, and motivated anti-Communist-minded Canadians to leave in droves to join the U.S. military during the Vietnam War. Many of these Canadians also shared a desire for adventure through combat, which was another motivating factor among foreign fighters in the Spanish Civil War and Vietnam War (Arielli, 2012; Thorne, 2018). The lack of political willpower by the Canadian government to enforce the FEA act in the face of these contexts that provided influence was also evident in the above conflicts.

The Bosnian War, on the other hand, was unique due to the number of different groups and foreign support involved. As the complex nature of this involvement by state actors affiliated with the Croats, Serbs, and Muslims goes beyond the scope of this section, only the involvement of the mujahidin, Russian, and Canadian volunteers in the Croatian Armed Forces will be discussed. Due to the lack of systematic data on foreign volunteers, Arielli (2012) resorts to anecdotal data to describe the types of volunteers that were likely to participate in the war. According to him, while many came to the Balkans for reasons such as personal motives, adventure, lack of opportunities back home, and low socioeconomic status, the majority came for ideological reasons, such as anti-communism and humanitarian reasons (Arielli, 2012, pp. 4–5).

The international community's refusal to carry out an armed intervention into the region led to a disillusionment that many fighters felt towards their home governments. Many felt that they were doing nothing while the slaughter of Croats was occurring (Arielli, 2012, p. 5). In that sense, it is likely that Canadian volunteers, having an attraction to war, may have been motivated to join the Croatian Armed Forces due to their perception of the Canadian government engaging in a less assertive approach through the UNPROFOR, or "United

Nations Protection Force” (Hirstov, 2018; Arielli, 2012, p. 6). This approach was largely the result of shifts in foreign policy from Mulroney’s aggressive interventionist approach to Chrétien’s more passive approach, and the changes in power dynamics that relegated Canada to a far less influential role in guiding decisions and the performance of UNPROFOR (Hristov, 2018). As a result, the decision to leave and take up arms for the Croats was guided by a range of influences that ranged from one’s sense of morality and self-ethical principles to personal satisfaction, adventure, and lack of opportunities back home. Arielli (2012), hence, categorizes these multitude of reasons as falling under a “search for meaning” (p. 7) which is what causes fighters to leave, with their desires of comradeship and power being reasons for them to stay.

Overall, the foreign fighter phenomena across all conflicts are characterized by many similarities, as well as differences, which are exacerbated by the unique political and sociocultural factors existent at the time. Therefore, it is difficult to develop a typical profile of the foreign fighter since many are guided by a spectrum of motivations in addition to their unique life cycles. However, one thing that cannot be disputed is the lasting effect that the phenomena has had on some war-torn regions. For instance, Blackwell (2015) states that the Bosnian War was largely seen as “testing ground” (para. 7) for Islamic foreign fighters; hence, the presence of 6,000 mujahidin in Bosnia contributed to the expansion of their global Jihadist ideology (CSIS, 2016, p. 15). This, in turn, led to notable Al-Qaeda figures, such as Khalid Sheikh Mohammed, getting trained there and then going on to commit acts of catastrophic terror including 9/11 (Blackwell, 2015). Other figures, such as Nusret Imamovic, leader of a Bosnian cell, went on to become leaders in the al-Nusra Front terrorist group. Bosnia has also been a hotspot of recruitment of foreign terrorist fighters, some of whom left to join ISIS in 2015 (Blackwell, 2015). Regardless of the variety of different motivating factors, it is apparent that ideological belief is a focal point to Jihadist recruitment; a factor that is extremely salient in the migration of foreign fighters to the Syrian civil war and militant organizations, such as ISIS.

Civil Wars in Syria & Iraq and the Emergence of ISIS

Civil War in Syria

The civil wars in Syria and Iraq were driven by sectarian violence and grievances against Bashar Al-Assad’s Syrian government and the Shia-dominated Iraqi government. In 2011, Syria became a part of the “Arab Spring”, a series of uprisings that took place across the Arab world against oppressive regimes responsible for the economic destitution of their states, lack of checks and

balances, corruption, inequality, and authoritarian attitudes (CSIS, 2016, p. 9; Horn 2014, p. 21). Fed up with their regimes, citizens in countries such as Lebanon, Libya, Egypt, Yemen, Syria, Iraq, and Tunisia staged massive protests towards their governments, calling for reforms (Laub, 2021). The movement spread to Syria, where the government's massive crackdown on dissenters has led to a protracted civil war; one that has been fueled by sectarian violence and the involvement of multiple state and non-state actors, making it the bloodiest and most prolonged conflict out of all the Arab Spring protests (Zuber & Moussa, 2018, pp. 248–249; Laub, 2021, para. 1).

Hassan (2016) has found that the breakout of civil wars, such as those in Syria and Iraq, can be linked to state governance, ethnic tensions, and third-party intervention. Applying his results to the Syrian Civil War, Hassan (2016) asserts that ethnic tensions between the Sunni majority and the Shiite minority, particularly the Alawites, to which al-Assad's family belongs to, are prominent drivers in the conflict. The ruling Alawites—who rose to power in 1963 after the French left, leaving them in charge of the security apparatus—economically and politically dominated the Shiites over the decades, creating unaddressed grievances in the process (Hassan, 2016, p. 59). The crackdown by state forces, being the final straw, directly resulted in these tensions coming to the forefront, transitioning from demonstrations to civil war.

The next underlying mechanism that Hassan (2016) finds responsible for the advent of the civil war, is state governance. State governance is comprised of both *military capabilities*, or the state's capacity to repress dissenters, and *quality of governance*, the level of public services and goods the state can provide to its citizens to alleviate grievances (p. 60). Prioritizing military budgets to the detriment of providing goods and services consolidated the regime's power to assert their authority against dissenters. However, the acts of rent seeking and patronage led to an economy that was reliant on state subsidies. At the same time, corruption severely undermined the government's ability to bureaucratically function for the economy's benefit as the country dealt with a record-setting drought and surging unemployment rate. The contrasting levels between military capabilities and governance thus played a major role in furthering Sunni resentment (Hassan, 2016, p. 60; Laub, 2021).

Despite its lack of statistical significance, Hassan (2016) found that third party intervention was also a major factor to the transition towards civil war. This mechanism was validated by government support from Iran and Russia who had unique geopolitical interests in the region, and support for the protesters by Saudi

Arabia and Turkey. Support for demonstrations eventually paved the way for the proliferation of Islamist militias that were funded by Gulf donors.

In 2012, Al-Qaeda formed the subsidiary group, Jabhat-al-Nusra, who recruited many rebels and militias, including foreign fighters. Unhindered by this affiliation, the US saw the Al-Qaeda backed rebels as a favorable option towards curbing Russian influence and showed their support by covertly training and arming them, as well as relegating them as victims of the Assad regime's extremely violent measures to increase support (CSIS, 2016, p. 37; Laub, 2021). Ultimately, the intervention of foreign states and non-state actors in the uprisings in Syria and Iraq is what separated them from other countries that were a part of the Arab Spring movement; thus, leading to the emergence of ISIS.

Civil War in Iraq and Emergence of ISIS

The mechanisms illustrated above are also apparent in the civil war that occurred in Iraq in the years following the installation of a Shia-led government by the U.S. The Shia government in Iraq used similar repressive measures to alienate the Sunnis, excluding at least "35% of the Iraqi population from economic and political participation" (Hassan, 2016, pg. 54). In addition, a combination of "De-Baathification" (Jarrar, 2006, para. 7), growth of sectarian militias, and a power vacuum led to the rise of Al-Qaeda in Iraq (AQI), who took advantage of Sunni grievances to recruit them to their cause (CSIS, 2016; Dodge, 2013; Hassan 2016). Thus, the initial post-war insurgency was marked by ethnocentrism, inequality, and a desire to overturn the U.S. coalition's decision.

The insurgency gradually grew in intensity as AQI carried out large amounts of violence in the form of suicide bombings against Shiites and Sunnis alike. In 2007, the death of its leader, Abu Musab al-Zarqawi, led to the group renaming itself as the Islamic State of Iraq; Abu Bakr al-Baghdadi was officially declared Zarqawi's successor in 2010 (Horn, 2014; Hassan, 2016; Wilson Center, 2019). Over the next couple of years, the group's momentum was constrained by a lack of resources; however, the Syrian Civil War gave the group an opportunity to generate support, gaining them followers and foreign support through state actors and foreign fighters (Horn, 2014; Wilson Center, 2019). As foreign support for the rebels grew, its association by proxy led to greater prominence, while its split from Al-Qaeda and assimilation of its subsidiary, Jabhat al-Nusra, enhanced its strength significantly. This gave them the force needed to push the opposing forces back and take over large swathes of territories. Thus, the group became known as the Islamic State of Syria and Iraq in 2013, a rebranding meant to reflect its rise to power. This fact was further entrenched when al-Baghdadi

declared himself as the Caliphate the following year, to personify the group's recent success and its ability to create an Islamic utopia for the global Muslim community (Hassan, 2016; Horn, 2014; Oosterveld & Bloem, 2017).

Overall, the Syrian Civil war provided the perfect opportunity for recruitment and consolidating resources and manpower, which eventually paved the way for the foreign fighter phenomenon—a phenomenon characterized by a continuous influx of global participants entering the region and participating in the group's activities over the next several years.

ISIS' Role in Fomenting the FTF Phenomenon

ISIS, during the height of its infamy, showed several different qualities that put it far ahead of its Al-Qaeda rival; many of these qualities having a direct correlation to its ability to attract vast numbers of FTFs from around the world. First, compared to those who had attempted to travel and participate in the Iraqi insurgency following the toppling of the Baath party in 2003, ISIS recruits had less obstacles to hinder their travels because of foreign support and weak enforcement of the Syria-Turkish border (CSIS 2016, pp. 36 & 45; Jenkins, 2014). In addition, ISIS invested much more into its foreign fighter recruits, giving them a variety of different roles in their organization based on their unique skillsets, as opposed to jihadist movements of the past that had only utilized them as “fodder for suicide bomb attacks”, viewing them as “too costly to host, train, equip and manage” (CSIS, 2016, pp. 36 & 64). Thus, ISIS was viewed as an attractive option for the myriad array of foreign fighter recruits with different motivations.

Differences in operational strategies between the two organizations also pushed recruitment in ISIS' favour. As Oosterveld and Bloem (2017) note, Al-Qaeda's focus was to target the “far enemy” (i.e., the West), while ISIS' initial desire was to focus primarily on the “near enemy” (i.e., targets in Syria and Iraq, particularly Shia “apostates”) (p.9). The reason being, is it drew more financial support from Sunni Gulf donors, which was one of its primary sources. Also, by shifting their focus mainly to the territories under their control, they were able to focus more on building wealth in ways such as targeting criminal smuggling networks and extracting a fee for smuggling antiquities; applying religious taxes to those under their control; engaging in acts of kidnapping-for-ransom, especially against the Yazidis (a persecuted minority group); and finally, the oil trade was another major source of income for them (Oosterveld & Bloem, 2017). Focusing their efforts on wealth cemented their status above all other militant groups; thus, empowering them as a provider of lucrative incentives.

In terms of organization, ISIS' organization as a flat, network-based structure contrasts with Al-Qaeda's hierarchical one, giving it the image of an organization that is less bogged down by cumbersome doctrine and regulations, and far more cohesive than other groups (CSIS, 2016, p. 39). A flat network structure allows for greater autonomy among different cells, better coordination, and far more effective communication than hierarchical ones that tend to be more rigid and lack the ability to communicate freely between all parties. Much of the reason behind this was due to territories under ISIS' control acting as safe havens for foreign fighters and other jihadists arriving as they did not need to worry about surveillance in these spaces ("ISIS foreign fighters", 2020, p. 24; Jenkins, 2014). As a result of being able to engage in unrestrained communications, from 2013 to 2018, ISIS was able to use the Internet to call on foreign fighters to join the fight; thus, acting as a "digitally empowered entrepreneurship within a low-maintenance framework" (CSIS, 2016, p. 39).

ISIS has further set itself apart from other terrorist organizations due to their exceptional ability to leverage social media to disseminate propaganda. Such propaganda is publicized in the form of gruesome execution videos, first-hand FTF testimonials, battlefield photos of death and destruction caused by coalition forces, and other forms of correspondence that portray ISIS as a great alternative to the corrupt regimes in the Middle East (Malet, 2018, p. 23). Much of this propaganda rests on call-to-action narratives that call on Muslims, as well as recent converts to contribute to the ummah—or global Muslim community—by engaging in battles against the West, both in the conflict zone and abroad, using lone wolf terror (Atteridge, 2016; CSIS, 2016; Horn, 2016).

Many foreign fighters were predisposed to being influenced by the messages, due to their personal circumstances. For instance, interviews with defectors found that the desire for a "martyr's death" (Speckhard et al., 2018, p. 8) was especially salient among Arabs and some Westerners who were facing issues such as a perceived lack of purpose or meaning in one's life, unemployment, and guilt over perceived sins. For these people, the possibility of an "improved afterlife" (Speckhard et al., 2018, p. 8) was an important allure and sole factor to going overseas. For others, such as the Albanians, Speckhard et al. (2018) found that the returnees interviewed (six in total) believed going overseas to fight against the authoritarian regime in Syria was their Islamic duty; however, upon realizing the complexity of militias fighting each other, they returned while others remained, attracted by ISIS (p. 7).

Security Concerns Associated with FTFs in the Aftermath of ISIS' Defeat

The issue of how to effectively deal with the foreign fighters attempting to return to their home countries has plagued the international community since ISIS' defeat in Raqqa and Mosul in 2017. Despite difficulties in gathering reliable data at the time, the International Centre for the Study of Radicalisation (ICSR, Neumann, 2015, as cited by Atteridge, 2016) estimates in 2016 stated that there were over 20,000 foreign fighters in Iraq and Syria, with 11,000 originating from the Middle East and 4,500 coming from the West (Ragab, 2018).

However, stricter international controls and the lack of safe havens has led less fighters entering, and as of 2019, only 3,000 foreigners remain, according to the United States-led Combined Joint Task Force engaged in *Operation Inherent Resolve* (CJTIF-OIR) ("ISIS foreign fighters", 2020, p. 24). Thus, the issue now remains on where many of the untracked FTFs will be going to, and approximately how many of the 19,000 listed on ISIS records obtained by INTERPOL will be returning home (Barrett, 2017, p. 18).

For those that can be tracked upon return, monitoring appears to be the best bet, since it would be based upon Resolution 2396, which obliges the collection of biometric data and development of databases and watchlists for suspected FTFs (Entenmann, 2019, p. 91). The major concern associated with this measure, though, is understanding how much time should be devoted for those returnees that may or may not constitute a threat. Such a concern is faced with the challenge of balancing civil liberties and upholding constitutional rights, while also considering public safety (Barrett, 2017, pp. 26–27; Govier & Boutland, 2020). To that end, Malet and Hayes (2018) attempted to research the lag times in the time it took for a returnee to carry out an attack from the moment they arrived back to their home country. They found that 97% of cases had lag times of less than three years, with 3% of the cases carrying out attacks within 36 months of arriving back home (Malet and Hayes, 2018, pp. 16–17). The average, however, was five months (Govier & Boutland, 2020 pp.16–17; Hoffman & Furlan, 2020).

The data does not provide evidence as to the time spent in prison, and whether becoming radicalized while in there will cause returnees to engage in or delay terrorist acts upon release (Malet & Hayes, 2018, p. 23). Hence, there is no evidence to suggest that incarceration can halt a returnee who is a redirected ISIS affiliated sleeper terrorist, determined to carry out an attack. Assessing returnees on a case-by-case basis and monitoring them in the short-term is the best course of action, assuming a country has the resources to do.

In addition to the above, countries who wish to go the prosecution route will have other difficulties. For instance, difficulties in collecting evidence against returnees who participate in war crimes while in conflict zones has become an issue for many democratic countries. Social media accounts of fighters may provide evidence; however, they are unlikely to be admissible in court. In many cases, there “will be no reasonable prospect of finding evidence that will hold up in court” for cases involving ultraviolence, such as beheadings and sexual slavery (Govier & Boutland, 2020, p. 96). In response to this issue, many countries such as the UK, Canada, Australia, and Germany have expanded their national criminal legislations to encompass acts that include support and overseas travel for the purposes of participating in foreign terrorist organizations.

However, the duration for such crimes is only three to five years, and as such, virtually all returnees will complete their sentences or be released on parole at some point, making this a temporary solution at best (Govier & Boutland, 2020, pp. 100–102; Malet & Hayes, 2018, p. 14). In lieu of this, Canada should still opt to prosecute, especially if they can find a way to collect, document, and preserve evidence of acts of ultraviolence and make it available for trials (Matthews, 2018a, p. 8). Doing so, presents their responsibility in upholding the UN Convention on the Punishment and Prevention of the Crime of Genocide (1948), as well as its commitment to uphold the Responsibility to protect the Convention on the Rights of the Child and the International Convention Against Torture, all of which illustrate Canada’s commitment to ideals such as justice (Matthews, 2018a, 2018b).

For many countries, such as France, United Kingdom, and Australia, however, the idea of allowing returnees is completely unacceptable, not to mention, politically unfeasible due to the level of public opinion against doing so. These countries, along with the US, have even stated openly at one point that they would target their own civilians on the battlefield to reduce any future potential threat (Pokalova, 2020, p. 123). Such practices can constitute human rights violations as it involves taking advantage of war zone conditions to avoid rule of law standards that would apply to FTFs upon returning (Pokalova, 2020, p. 125). Nevertheless, such fears may be valid. Hegghammer states, in his 2013 study of foreign fighter returnees, no more than “one in nine” (as cited by Malet & Hayes, 2018, p. 8) foreign fighters will return to carry out a terrorist attack. These operatives may be more lethal as well since plots that involve foreign fighters are more likely to result in a great number of fatalities (Hoffman & Furlan, 2020; Leduc, 2016).

For a country such as Canada that has had 185 foreign fighters leave, if one were to assume that they will all end up returning, this ratio would lead one to expect that just over 20 possible returnees might still be radicalized or committed to ISIS; hence, even a few of them could be a great security risk (Fejes, 2019, p. 93). However, the long-term risks of barring returnees may still outweigh the costs of allowing them to return home, as explained below.

As a result of Hegghammer's ominous finding, many countries, such as the UK, are choosing to strip their returning citizens of their citizenship (Mironova, 2021). This essentially sends the signal that immigrants are second-class citizens and will likely only increase ethnic tensions in the future; the same tensions that led many disillusioned people to become swayed by ISIS' utopian claims. France has also chosen to outsource its prosecution to Iraq's criminal justice system, notorious for handing out extremely harsh penalties without consideration of due process and quality of evidence (Mironova, 2021, p. 3). Such actions are likely to exacerbate tensions in their country, as it shows France's lack of commitment to ideals, such as procedural justice, due process, civil rights, and fairness.

The U.S.' extreme focus on prosecution is also another matter that has drawn heavy criticism, making it a focal point for the creation of an Islamic state by Islamic propagandists. Heavy emphasis on prosecution and incarceration, such as that by the U.S., can also fuel extremist recruitment due to alienating community networks (CSIS, 2016, p. 139; Mironova, 2021 p. 3). Finally, barring returnees from returning essentially renders them stateless; therefore, leading to the possibility that they will remain in a persistent state of radicalization and mobilization as they move from conflict to conflict (Malet, 2015; Jenkins, 2019). This, in turn, will lead to them acting as recruiters for other jihadists because of their veteran status, which grants them celebrity status (Hoffman & Furlan, 2020). Such individuals may also end up forming the core of ISIS if it ever resurges to the same level ever again. Thus, given the transnational infrastructure associated with Islamist militancy and foreign fighters, it is important for countries to tread carefully so that the ethnic diaspora does not become swayed by ISIS, giving them an opportunity to swell their ranks once more with recruits.

Foreign Fighter Categories & Opportunities for Deradicalization/Disengagement

A common approach that many countries are taking with regards to returnees is the reintegrative route, especially with regards to women and children. Research has shown that ISIS women have been mostly relegated to roles such as housewives for young fighters and recruitment; their roles in combat have been

minimal, except for extreme circumstances (Barrett, 2017; Mirza, 2018; Ragab, 2018). Children, on the other hand, are seen by ISIS as valuable resources and are likely to be militarized in comparison to women. As Mirza (2018) further notes, “while the differentiation between roles and experiences provides valuable information about a returnee’s background, other important factors such as age, influences leading to radicalization, education, personal history, and social connections should be taken into consideration to support reintegration” (p. 25). Thus, it is necessary to focus more on reintegrative efforts towards Canadian returnees. Canadian returnees, despite their low numbers, are just as likely as foreign fighters from other countries to be radicalized and inspired; however, their uniquely distinct markers separate them biographically from other fighters (Wilner & Yar, 2019).

A report compiling data on 95 Canadians who were caught between 2006 and 2017 either sponsoring, facilitating, or participating in terrorism found that the Canadian sample had higher educational attainment, were slightly older, were Canadian residents, and had fewer criminal records than their European counterparts (Wilner & Yar, 2019, p. 5). Furthermore, 70% of the individuals caught attempted to travel abroad to join or support a foreign terrorist organization. Of this number, close to 80% succeeded in doing so between 2011 and 2014 (Wilner & Yar, 2019, p. 23). Currently, the number of attacks that have taken place are rudimentary and have been carried out by those inspired, rather than trained by ISIS (Wilner & Yar, 2019, p. 5). Hence, the significance of 80% statistic is that it shows that Canadians are less likely to come home trained and ready to carry out a lethal attack. This provides further support for an emphasis on reintegration.

Deradicalization and Disengagement Programmes

A spate of programmes has been carried out over the years, many that have been subject to a variety of challenges, as well as questionable successes. To begin, a definition of these terms and an understanding of them in the context of foreign fighting is in order. Deradicalization is the change in attitude, characterized by reduced support for violent extremist ideology, whereas disengagement is seen as a change in behavior, characterized by avoiding and rejecting violent participation (Syafiq, 2019, p. 8). Due to the loaded nature of these terms and the fact that radicalization is a highly individualised process among each radical, the term reintegration is more apt, as it considers various factors that influence the person’s decision to turn to terrorism (Holmer & Shtuni, 2017; Marsden, 2018).

It is these contextual factors that hinder many deradicalization programs that focus exclusively on ideology, to the detriment of other motivations that can influence an extremist. At the same time, a lack of systematic evaluation in examining deradicalization attempts based on the terrorism—ideology link is also a significant factor to the challenges facing programmes (Pettinger, 2017; Stern, 2010, pp. 5–9). In addition, research on deradicalization programs is incredibly sparse, making it even more difficult to develop empirically valid indicators of success (Horgan et al., 2020; Malet & Hayes, 2018; Syafiq, 2019).

Nevertheless, there have been programs with significant success rates, such as Saudi Arabia, that Canada should model their efforts on when developing their own model based on a combination of prosecution and reintegration. Saudi Arabia's Prevention, Rehabilitation, and After-care (PRAC) program is focused on returnees and is based around counter-violent extremist messaging (CVE) that attempts to dissuade jihadism as a romantic notion, while rehabilitation offers counselling services that involve religious debate and social support (Stern 2010; Holmer & Shtuni, 2017; Bakrania, 2014). Families are also involved in this.

A crucial component that many failed programs lack is after-care. In PRAC, after-care is described as the support given after an extremist has renounced his views, usually in the form of providing stipends and housing (Bakrania, 2014; Stern, 2010). Success in this case, is defined as refraining from extremist activities, such as support for terrorism or actions. Although the Canadian model does not need to be the same as PRAC, it should have components of this which place a huge emphasis on CVE and after-care for those categories of FTFs mentioned by Zeiger (2019) and Entenmann (2019) that have no evidence of ultraviolence against them (or has not been discovered) and women/children. This strategy is based off the Global Counterterrorism forum's best practice manual for detecting and intervening upon return; specifically, good practices 16 and 19 which outline robust risk assessments and the need for comprehensive reintegration (like the PRAC program) that address motivational factors and radicalization to violent extremism while abroad (Global Counterterrorism Forum, 2016, pp. 8–9).

The Canadian Prosecutorial-Reintegration Model: An Innovative, but Necessary Approach

As of 2015, Parliament has supported a broad number of initiatives against ISIS, including those that address the threat posed by returning FTFs. The most relevant actions have been their support for U.N. resolutions 2178 and 2396, which collectively call on nation-states to focus their efforts on developing

counter-terrorism policies that can contribute to greater security, while respecting international laws. While a valid notion, there have been significant challenges highlighted with both resolutions; challenges that pertain to human rights and civil liberties. Despite the well-intentioned proposals of the U.N. Security Council, certain states, through citizenship revocation, and those with harsh judicial systems, such as Iraq and Syria, have shown a disregard for the rights of those who have gone overseas (Mironova, 2021, pp. 3–6; Pokalova, 2020, pp. 129 & 220). As the United Nations High Commissioner for Human Rights notes:

Some of the measures taken...may have a negative impact, for example, on the right to due process for affected individuals, including the right to presumption of innocence; to enjoyment of the right to freedom of movement, and be protected against arbitrary deprivation of nationality; to the rights to freedom of religion, belief, opinion, expression or association; and to protection against arbitrary or unlawful interference in privacy. (CTITF, 2018, p. 3)

Thus, it is highly likely that any legislative, operational, or administrative sanctions placed on individuals can infringe on these rights if it is not justified upon clearly defined criteria stemming from legal principles, such as proportionality, necessity, and non-discrimination—principles that Member States such as Canada have an obligation to uphold due to treaties such as the Covenant of Civil and Political Rights (United Nations General Assembly, 1976). Furthermore, the resolutions are mostly aimed at determining how to prevent an FTF from leaving their state of origin, and their legal status once arriving in a conflict zone, yet only a small part of the UN's efforts deal with returnees (Fejes, 2019, p. 96).

Overall, to prevent these challenges from arising, it is necessary to develop an innovative framework that underpins core aspects of resolutions 2178 and 2396, rather than rely on them completely. Doing so will have a two-fold effect—first, creating a model for best practices which will showcase Canada as a leader in addressing this phenomenon, since currently Canada has no repatriation policy towards returnees, nor a successful track record for prosecuting terrorist offences compared to other states (Smith, 2019). The second is that this model will be subject to continuous review from an independent oversight body. As a result, there will be less chances of any negative impacts occurring in terms of civil rights violations; thus, ensuring that obligations to the Covenant of Civil and Political rights, which enshrines the rights that are mentioned above, remain honoured.

Developing Working Definitions for ‘Prosecutorial’ and ‘Reintegration’

Despite the notorious difficulties in defining terrorism, there are two notable pieces of legislation drawn upon when federally prosecuting acts of terrorism, as well as related acts involving, travel, facilitation, and funding of terrorism. The primary legislations are the Anti-Terrorism Act (ATA) and the Criminal Code. Therefore, for the purposes of this model, any conceptual definition of ‘prosecutorial’ must be based on the jurisprudence associated with these legislations. It must also be contextualized within the context of Canadian foreign fighter participation in asymmetric conflicts involving FTOs (foreign terrorist organizations).

At the fundamental level, terrorism is formally recognized under section 83.01 of the Criminal Code and is defined as:

an act or omission, in or outside Canada, that is committed in whole or in part for a political, religious or ideological purpose, objective or cause and in whole or in part with the intention of intimidating the public, or segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act.
(Criminal Code, 1985, s. 83.01(b)(i))

These acts are outlined in more detail in conventions created by the UN, which are also implemented in the Criminal Code. Additionally, the following subsection lists the consequences of such acts, which can include significant property damage, death and bodily harm, endangerment, risks to the health and safety of the public, and interference or disruption of essential services, facilities, or systems (Criminal Code, RSC 1985, c. C-46). Scholars have concurred that the elements within this definition are similar in many ways to those contained within legal definitions created by other Western governments, such as those exemplified by the British Terrorist Act and EU Framework for Combatting Terrorism (Department of Justice, 2015). Due to this similarity, this definition can be an exemplary starting point for the creation of a conceptual definition of prosecutorial within the Canadian prosecutorial-reintegration model.

To add greater context to the working definition, it is necessary to understand how the punitive effects of domestic legislation towards overseas crimes can be applied. Wickson (2019) notes that extraterritorial exceptions allow Canada to enforce relevant provisions on Canadian foreign fighters that have committed crimes against humanity in the form of war crimes, torture, and genocide, as well

as treason and terrorism from the Criminal Code (p. 59). ISIS' crimes against the Yazidis have already been admonished by the Canadian government as crimes against humanity; therefore, any possible evidence of Canadian ISIS returnees having committed such crimes warrants prosecution (Matthews, 2018a, 2018b).

However, this is easier said than done, since collecting credible evidence, gathering witnesses, and progressing through the courts is an issue that makes it difficult to enforce the provisions of the Criminal Code and ATA (Fejes, 2019, p. 98; Govier & Boutland, 2020, p. 96). Based on these factors, it is obvious that despite the potential to hold returnees accountable for their crimes, the intelligence-to-evidence aspect needs to be addressed, along with a better understanding of the most applicable provisions towards FTFs.

Terrorism prosecutions in Canada have also been subject to constitutional challenges since the inception of the ATA with judicial interpretation of the provisions being a source of contention among counsels. The most relevant ones, as they relate to the threat posed by returnees, have been those associated with 83.01's definition for 'terrorist activity', 83.02's definition for 'terrorist group', and 83.18's definition for 'participation in terrorist group activity'.

The predicate (offence-preceding) definition for terrorist activity has been constitutionally upheld by the Supreme Court on the basis that: 1) it does not infringe on section 2 of the Charter rights 2) it is not over broad due to the motive clause inherent in the definition, which severely limits its scope to those acts that are carried out for religious, ideological, and political purposes, and 3) it does not create an offense that is "inchoate upon inchoate" (Nesbitt & Hagg, 2020, p. 612). For section 83.02 that defines 'terrorist group', the Ontario Superior Court, in the case of *Ali*, rebuked the Crown's assertion that a lone wolf alone could constitute a terrorist group. Instead, they agreed with the defense's argument that there was a "conceptual distinction" (Nesbitt & Hagg, 2020, p. 614) between someone who perpetrates acts to enhance the objectives of a group such as ISIS, and a situation, such as *Ali*, which makes no mention of advancing any specific terrorist group's terrorist purposes. This means that FTFs that have returned can be susceptible to prosecution since they were acting on behalf of ISIS, whose actions are captured under 83.02, which states that a terrorist entity must have 'terrorist activity' as one or more of its purposes (Nesbitt & Hagg, 2020, p. 616).

Furthermore, Nesbitt and Hagg (2020) found that section 83.18 was the second most prosecuted offence because of the broad nature of the definition for participating in activity for a terrorist group, which criminalized a wide range of actions "that have the potential to—and are intended to—materially enhance the

abilities of terrorist groups” (p. 625). As a result, foreign participants that have participated in non-terrorist activities, such as logistics, recruitment, and administrative work, can be susceptible to prosecution under this section.

Taken further, the above definitions also incorporate international treaties and protocols into their interpretation, which are equally relevant towards defining prosecutorial. The most relevant issue related to international law is the law of armed conflict. Under the *Additional Protocols* of 1977, civilians must meet strictly defined criteria to be considered a combatant, which includes compliance with the rules of international law, being under the command of a person of a responsibility and being marked by a distinct emblem. The modern definition, however, does not require the wearing of uniforms or overt carrying of weapons.

The criteria for being a combatant are relevant because section 83.01 also contains an armed conflict exemption, which exempts participants from liability of terrorism if they are lawful combatants. Based on what is known though ISIS’ lack of compliance with the rules of international law, it would not make them lawful combatants; therefore, any Canadian returnees would not be able to use the armed conflict exemption and would thus be held criminally liable for their actions (Wickson, 2019, pp. 61–63).

Overall, the above can be summed into a simple but effective conceptual definition for prosecutorial which is *an approach that focuses on holding FTFs lawfully accountable in open trials for committing acts that contravene terrorism provisions under part II.2 of the Criminal Code, the U.N. Convention on Punishment and Prevention of the Crime of Genocide (which Canada is a signatory to), and finally, the Crimes against Humanity and War Crimes Act.*

Defining Reintegration

To define reintegration for the model in question, it will be necessary to consider the context-specific radicalization factors, and the length of time a foreign fighter has spent in Iraq and Syria. As terrorism expert, Daniel Byman, states with regards to the effects of radicalization in a conflict zone on a returnee’s ability to reintegrate, the change in mindset is “perhaps the most important change, but the one hardest to quantify” (Hoffman & Furlan, 2020, pp. 9–10). In other words, reintegration must factor in the returnee’s unique experiences and if they still believe in ideologically motivated violent extremism upon returning to their country of origin. Interviews with former ISIS fighters that have seemingly defected shows that many still long for the idea of a caliphate, and the interpersonal bonds that came with fighting alongside those who shared similar

ideals. Therefore, it is imperative that any conceptualization of reintegration should include valid empirical indicators that evaluate affirmations in mindset (Bakrania, 2014, p. 2; Speckhard et al., 2018, p. 4).

Generally, those who have not engaged in acts of ultraviolence or crimes against humanity are likely to be better candidates for reintegration than those who have, due to their distinct levels of radicalization. One way of learning the extent of a person's radicalization upon their exit from extremism is through a screening process like Germany's Hayat program, modelled off their successful EXIT program, which is a reintegrative program for far-right radicals (Pokalova, 2020).

The Hayat program aims to address three levels of deradicalization by focusing on: 1) the pragmatic level, which involves helping with everyday tasks, such as education and job skills development; 2) the ideological level, which provides help in breaking away from extremist narratives, and 3) the affective level, which provides emotional support through mentors and support network. These components are also found in Saudi Arabia's program as well and must be factored into the definition (Holmer & Shtuni, 2017; Pokalova, 2020).

In addition to the above, any working definition that factors in individualized experiences upon exit, must also look at entry drivers, such as concepts of identity and widespread mistrust of government institutions and mainstream politics that ISIS has managed to exploit in their successful recruitment drive (Barrett, 2017, p. 27). Bakrania (2014), Holmer and Shtuni (2017), and Levy (2018) have found that successful recruitment of individuals into extremist networks is similar to the processes that are involved when they choose to disengage from violent extremism. Meaning, that in both cases it has less to do with shifts in ideology (at least in the beginning), but more to do with the desire to attach oneself to new social groups or networks that fulfill an innate desire for a new identity.

Interviews with foreign fighters have shown that the process is gradual and begins with feeling attached to the symbols and signifiers that are affiliated with militarism or religious identity (white robes, pants, and beard) prior to being recruited. Conversely, interviewees are likely to show a similar, gradual attachment to symbols that represent civilian life prior to making the decision to leave their extremist networks (Duriesmith & Ismail, 2019, pp. 11–12). This illustrates the importance of counter-violent extremist messaging in the creation of any sort of reintegration narrative, which is further supported by deradicalization and disengagement research that has found that “many can be prompted to leave chiefly by negative perceptions about the movement in question” (Berger, 2016, p.3; Horgan et al. 2020, p. 13). As a result, the

conceptual definition of reintegration will include components of identity, symbols of reintegration, divisive narratives that undermine logic used to justify violent extremism.

Ultimately, the reintegration of foreign fighter returnees must be tailored to the unique circumstances that each individual is returning to in their home countries (Pokalova, 2020, p. 110). Not all will be candidates for reintegration because not all will recognize such attempts by Western governments as valid, due to remaining committed to ISIS' paradigm of thinking towards the West. However, most of those who have gone to Syria and Iraq are young men and women who have undergone traumatic experiences, disillusionment, burnout, and physical and psychological wounds (Holmer & Shtuni, 2017, p. 5). Such individuals are mentally primed for reintegration and should not be ignored, provided they have not committed crimes against humanity.

Furthermore, as Pettinger (2017) states, reintegration programs based on deradicalization need to be evaluated thoroughly, so that flawed programmes are not expanded upon and risk becoming a stimulant for division and racism; a trajectory which can further grievances and turn individuals to violent ideologies. Based on this, the most consistent definition that aligns with what has been stated above is that it is *a multi-disciplinary approach that assesses FTF candidates in order to determine their pre-entry circumstances, FTF background, and level of radicalization, prior to subjecting them to reintegrative efforts that are based on holistic strategies that involve deradicalization and disengagement.*

Description of the Prosecutorial-Reintegration Model

Given the nature of the foreign fighting phenomenon and its ability to complicate and embroil nation-states into conflicts in which they have little to no stake in, it is necessary for Canada to have a means for deterring future would-be foreign fighters. Mobilizations involving jihadist fighters have shown far more persistence than other historical foreign fighter groups due to not having assistance in reintegrating by their governments, which leaves fighters moving from conflict to conflict until they are killed, primarily through martyrdom operations (Malet, 2015, p. 14).

Furthermore, while the “boomerang effect” (CSIS, 2016, p.16), or the effect of carrying out a series of attacks, has not manifested on a widespread scale, Fejes (2019) believes that there is a heightened possibility that more FTFs will return since there are still approximately 90 Canadians remaining in the Middle East. This contingent is likely to be more dangerous and experienced as well, which

further underscores the necessity of openly prosecuting FTFs that constitute a threat (Fejes, 2019, p. 94).

The intelligence-to-evidence is another critical component that many states have begun to address. The difficulties involved in collecting evidence in war torn regions may be alleviated if more effort is placed on exchanging information with military forces that collect evidence regularly in battlefields which involve non-state actors. Keeping tabs on them through regular intelligence sharing based on collected and preserved battlefield and digital evidence would aid greatly in developing cases against them and prosecuting individuals under the ATA provisions, if/when they return home (U.N. Security Council Counter-terrorism Committee, 2018).

In terms of reintegration, Saudi Arabia's PRAC program is a pioneer in deradicalization with an 80-90% deradicalization success rate and can be looked at as an informative model of approach, since many programmes tend to be prison-based and overseen by government and NGOs, which neglects aspects such as community involvement and prison-based extremist networks that can offset deradicalization attempts (Carvalho et al., 2019). As Carvalho et al. (2019) concludes in her synthetic review of psychosocial processes and deradicalization studies, a multidisciplinary team that involves professionals well trained in behavioral change, combined with a holistic approach that involves community intervention, are far more effective at helping radicals. These aspects can be found in the PRAC program and must be mirrored while tailoring each intervention to the individuals' experiences and contexts from which they arise, whether they are a child related to an ISIS fighter, a former ISIS bride, or ISIS foreign terrorist fighters involved in different roles such as combat, propaganda operations, recruitment, or logistics. During the program, interlocutors should focus on the three levels of deradicalization discussed above while at the same time utilizing five D's of CVE (discourage, disabuse, disavow, directionless, disillusion, and divide) that focuses less on emphasis of counter-values, and more emphasis on creating further divergence from ISIS narratives and methods, since exiting extremist groups has more to do with an individual's criticisms of the movement, rather than ideological shifts (Berger, 2016, pp. 6-7; Horgan et al., 2020, p. 13; Zeiger, 2019, p. 100).

The aftermath of any reintegration program is the most critical because the returnee will no longer be subject to the constraints of the program. In this phase, after-care should be comprised of aid in the form of vocational training, basic education, and mentoring using former extremists that can bond with the individual throughout the duration of the program and offer support outside of it

as they transition to civilian life. However, great care must be taken to ensure that such mentors are vetted and do not hold immoderate views, as this can do more harm than good for the returnee's reintegrative thought process (Bakrania 2014; Holmer & Shtuni, 2017).

Conclusion

In essence, Canada is no stranger to the phenomenon of foreign fighting. Its history has involved members of its society, with varying motivations, choosing to go overseas and fight for a cause that they believe is just. While past conflicts have shown that the threat presented by foreign fighters is negligible, the nature of ISIS' ideology, its ability to thrive and adapt to state responses, and most importantly, its success in enticing foreigners to their cause, should raise cause for concern. Prior to his demise, al-Baghdadi called on attacks against western nations during his recording, in which he called for sympathizers to continue the fight by engaging in domestic terrorism within their countries of origin, referring to those who previously carried out attacks in Canada as "striking lions" (Kalvapalle, 2018, para. 6). As a result of this declaration, Canada must remain vigilant towards returnees that represent a significant threat, while also acknowledging that many who are returning simply want to move on with their lives. To that effect, Canada must ultimately follow its own path to developing a dual-purpose model for justice, which includes prosecution and reintegration, that is underpinned by core guidelines from the U.N. resolutions and best practices for addressing FTFs.

The main purpose should be to deter and rehabilitate the different types of returnees. The former can be achieved by improving on the intelligence-to-evidence concept and regular intelligence sharing and overseas monitoring of any future travellers that have plans of participating with FTOs. Travellers that are aware that they cannot engage in war crimes with impunity in a conflict zone will likely think twice before engaging in such crimes. Beyond the traditional concept of deterrence through punishment, delegitimization of political, ideological, and religious rationales for terrorist behavior can also aid in deterring future participants. Thus, at the strategic level, which is the most important level, CVE messages tailored towards addressing the crisis in Syria and Iraq and aspects of ISIS, can be used to carry out deterrence through a denial of objectives. This type of deterrence can "manipulate a decision to pursue a particular action" (Wilner, 2015, p. 456), such as those by recruiters that attempt to reach out to online youth over social media.

Successful recipients of CVE messaging can operate as strong counter-terrorism defense mechanisms against these sorts of actions, since their ability to act as local mentors and activists in their communities can significantly hinder propaganda efforts; thus, curtailing unwanted behavior from the ISIS agent who loses “the ability to act as it wishes, [and] not because it chooses to act differently” (Wilner, 2015, p. 456). Overall, the effect of deterrence theory on foreign terrorist fighters is an under researched area and should be studied more thoroughly to adapt and respond to any future conflicts that attract foreign fighters to the causes of terrorist organizations.

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