



**THE MANAGEMENT
OF TUNISIAN
TERRORIST
FIGHTERS
RETURNING FROM
CONFLICT AREAS**

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Recommendations

Different types of returnees:

- Returnees from hotbeds of tension should not fall into the same category given the variety of their actions, affiliations, gender, age, ideological formation, involvement in violent practices as well as their scientific and professional backgrounds. These details pertaining to the actions of returnees and their affiliations are crucial to set classification criteria and signal out the dangerous and the less dangerous.

Developing multi-dimensional policies:

- There is a dire need to formulate effective, integrated, multi-dimensional public policies on FTFs return, premised on a balance between the protection of returnee's fundamental right, putting an end to his impunity, as well as rehabilitation and reintegration within society, while inducing and capitalising on influential lobbyist groups.
- Develop the cognitive capabilities of prison staff to discover any extremist tendencies from prisoners of common crimes and to assess the continuing danger of prisoners of terrorist crimes.

The judicial response to returning terrorists and the legislative role of adjudicating terrorist crimes:

- Assign to the judicial terrorist pole the competence of decision-making on administrative requests for precautionary measures against suspects, notably, travel bans to prevent joining hotbeds of tension.
- The legislator should propose needed amendments for the regulation of crime of danger. Countering terrorism shouldn't be limited, in other words, to crimes of harm. Moreover, arrests and custodial sentences should be governed by guarantees pertaining to custody.
- The adoption of a legal text incriminating the negative handling, out of criminal intent or neglect of information originating from friendly states counter terrorism agencies, pursuant to the first article of 2015 Anti-Terrorism Law.
- The need to support and strengthen reform programs for agencies responsible for law enforcement, including the judiciary and the security and military apparatus at various levels, structurally and legally, and to strengthen capabilities and provide resources in order to ensure the achievement of efficiency in combating crime, including terrorist crimes, border control, preventing terrorists' infiltration and weapon smuggling.
- Lay the foundations for a meaningful collaboration between security agencies and civil society; for civil society can play a crucial role in promoting a

culture of whistle-blowing, tightly associated to citizenship, instead of the common deeply-entrenched perception equating it to “snitching”.

- Engage with the media in a bet to do community outreach on this intricate issue and hold roundtables with sociologist, psychologist, criminologist as well as legal, gender, security and legal experts.
- It is crucial to rehabilitate the role of families as a guarantor and primary watchdog providing support and guidance to those who have served their sentence and undergone official rehabilitation. Women, in particular, have an important impact on the family and local communities and can support rehabilitation programs.
- Provide psycho-social support to the families of returnees through governmental and grassroots organizations.

Alternative religious discourse:

- Combatting extremist ideology and invasive narratives through accurate explanation of terms and concepts and consolidation of true Islamic values based on coexistence, tolerance and non-violence.
- Working on opening windows of dialogue and communication with theorists embracing extremist and terrorist thinking, to induce them into necessary intellectual revision and embark with them on a bold, profound and long-term religious dialogue.

International cooperation:

- Boost economic cooperation and capitalise on international support to promote the economic development of internal and marginalised regions and entice entrepreneurship in a way that achieves equality between region and offers equal opportunities. Consolidate participatory democracy to achieve local development and contribute to sustainable development goals as the only way forward against the spread of violent extremism and youth radicalisation.
- Reinforce international cooperation and partnerships with various actors at local, national, regional and international levels towards the provision of necessary resources for the development of multi-dimensional public policies as well as effective strategies based on integrated and participatory approaches.

The methodology of the study

This study is premised on the analyses of criminal investigation files, court rulings, field work, outputs of 1253 public opinion surveys¹ and 19 focus groups involving youth from across the whole country, workshops for focus groups with security agencies² and findings of direct interviews with returnees from hotbeds of tension (about 40 interviews between January 2020 and May 2020), as well as testimonies presented by the family members of stranded fighters willing to regain their countries of origin.

Besides that, the scope of this study notably involves the handling of UN and think tanks reports and an insight into relevant comparative experiences with a view to widening intellectual horizons and deepening the understanding of the phenomenon of joining areas of armed Conflict and the subsequent return, drawing particularly on approaches adopted by several state to derive utmost learning and inspiration from their choices.

¹ 56.9% of respondents are males compared to 42.8% of females, 39.5% of respondents are 35 years old, 26.7% are between 35 and 50 years old, and 22% are between the ages of 60 and 65 and 11.6% for 65 or over: The numbers are close because the issue is a matter of public opinion and because everyone is concerned with it. ² The views of this group come in the form of a brainstorming reflecting the views of a small group of police members and is by no means a reflection of the views of the overall security institution.

The operational objectives of the study

This study purports to be a contribution to a greater prevention of terrorism and violent extremism by dint of presenting:

- The conclusions drawn from research, field work and theoretical assumptions, around the topic of the management of Tunisian Terrorist fighters returning from areas of armed Conflicts as well as the urgent need to account for the drivers of affiliation to armed religious organizations.
- A clearly defined synthesis on the management of Tunisian Terrorist fighters returning from areas of armed Conflicts arguing for the pressing imperative to formulate effective, integrated and multi-dimensional public policies addressing the matter.
- Recommendations drawn from analysing the rationale of returnees' prior decisions to join terrorist organizations, be it those who disavowed the Salafi-Jihadist ideology or those with unaltered allegiance. Indeed, such recommendations would help crystalize the effective elements at the core of an integrated multi-dimensional public policy formulation. For it should be premised, on one side, upon the basic rights of returnees guaranteed by international treaties, and on the other, upon an endeavour to combat their impunity and ensure reintegration within society.
- An analysis of and account for violent extremism and terrorism driving factors and pathways with Tunisian Jihadist returning from areas of armed Conflicts. The aim is to equip decision-makers (House of Representatives

- Government – President of the Republic – National Security Council – Civil Society ...) with scientific and objective data on returnees from hotbeds of tension to better assess the risks they pose and draw a clearer picture about their self-perception, as well as their views about their own families, society, the state as an institutional and functional concept, the international community and their perspectives and attitudes on freedom, democracy, religion and Jihad.
- Practical and effective mechanisms with a view to altering the predominantly hostile popular mood towards the return of Tunisian men and women from areas of armed Conflict.

General overview:

Tunisia is facing a serious « Jihadist » threat posed by the return of Tunisian fighters (of Tunisian or dual nationality). This return comes in various forms and takes different labels. For it can be voluntary, known to national security authorities or clandestine. It may also be the result of extradition through judicial channels of cooperation to execute international arrest warrants issued by Tunisian judicial authorities or it can also fall under the framework of bilateral negotiations for the repatriation and prosecution of Foreign Terrorist Fighters (FTFs) in their countries of origin.

The risks posed by these returnees who took up arms, received military training, and committed atrocities in Iraq, Syria, Libya, Yemen, Mali, Afghanistan, Pakistan, Mali's Azawad, Egypt's Sinai and North East Nigeria, is all the more serious as they have established direct communication with active organizations present in Tunisian mountains along with the greater numbers of Tunisian

“potential fighters”, in legal, “jihadists” and doctrinal sense. This particular category stands for those whom the ministry of interior banned from travelling to areas of armed Conflicts in order to join “El-Qaeda”, “ISIS” and its affiliated factions or other similar armed Islamist organizations (Nosra Front, Ahrar El-Sham, Jaych El-Islam (Army of Islam) and Jond El-Khilafa (Soldiers of the Caliphate)).

The underlying hazards of such return present a challenging situation to be addressed by the Tunisian State and its diplomacy, for the numbers of those clandestine returnees as well as those willing to return voluntarily or forcibly through extradition remain totally undetermined. Another important challenge is the general social hostility to and rejection of those fighters’ return, together with the lack of effective mechanism to address them. In this regard, the state is stuck in a dilemma of sorts, bound on the one hand to observe the rights enshrined by international treaties, and obligated on the other to guarantee fair trials and end impunity, to subsequently rehabilitate and reintegrate them in their communities upon serving their prison sentences.

Facing this seriously immediate threat, it is incumbent upon Tunisian authorities to embark on setting public policies addressing returnees from hotbeds of tension; Not only should these be effective and viable, but they should also strike an essential balance between the basic human rights of returnees and an ending to all forms of impunity, while equally providing for community rehabilitation and social reintegration. Such policies ought to be sensibly formulated to be assimilated and accepted by political and social actors and elite groups as well as community associations, journalists, and, most importantly, police syndicates which have a great sway and are capable of stirring the public sentiment for or against the return and reconciliation with these fighters.

These novel public policies should center around an underlying principle, namely the convergence of several concerted and integrated elements (security, legal, judicial, cultural, religious, educational, and media...), all quintessential to the management of the complex and multidimensional nature of the terrorist criminal act.

These newly established public policies would thus fix the deficiencies embedded in October 2016 National Strategy against Extremism and Terrorism, which rested primarily on “response, prevention, protection and tracking”, yet failed to design rehabilitation and reintegration policies.

The Tunisian State’s decision to take back Tunisian fighters and reintegrate them back into their communities through multi-dimensional rehabilitation has been met with polarized grassroots and political moods and views, tinged with contradictory stances culminating with media outlets publicly discussing the “Repentance and Clemency draft Law” which is not dissimilar to the Algerian “Peace and Reconciliation Charter”. The whole scene was also brimming with human rights, political and cultural pressures, coupled with Tunisia’s international obligations to take back fighters bearing its nationality.

Within the scope of this study about the management of Tunisian Terrorist fighters returning from areas of armed Conflicts and the effective public policies addressing that, we will first tackle the importance and value of this piece, as well as its limitations and theoretical framework. We will then delineate the different types of fighters return from areas of Islamic armed conflicts, also known as hotbeds, along with the selected classification criteria. Last but not least, we will expound on the proper public policies upon being in the custody of the Tunisian State and both during and after incarceration.

I. The importance of studying the management of Tunisian Terrorist fighters returning from Areas of Conflict and Effective Public Policies to address their cases

Studying the management of Tunisian Terrorist fighters returning from Areas of Conflict and the pressing need to set effective public policies to address their cases is of a paramount importance for it draws attention to an obscure area that has always been at the bottom of politicians and terrorism researchers concerns, notwithstanding what these returnees bring back with them in terms of hazards for national security, social stability and State's civil model and republican regime.

Interest in this issue, deemed an attractive subject matter for researchers, serves to theoretically lay bare the complex and multi-dimensional nature of the terrorist phenomenon, just as it offers politicians precious conclusions and executive summaries instrumental to sound political and security decision making processes, not to mention the substantial contribution in setting effective public policies to manage the risks posed by fighters these returnees.

II. The scope of studying the management of Tunisian Terrorist fighters returning from Areas of Conflict and Effective Public Policies to address their cases

The scope and theoretical framework of studying “the management of Tunisian Terrorist fighters returning from Areas of Conflict and Effective Public

Policies to address their cases” is restricted to the “return of Tunisian Fighters from hotbeds of tension”. That is to say, it does not purport to cover the terrorist phenomenon in general. Our analysis shall rather focus on deconstructing the drivers pushing fighters to make their decisions for recruitment and then to return. Besides, we shall analyse the balance between the basic human rights of returnees and an ending to all forms of impunity, while equally providing for community rehabilitation and social reintegration

III. The different patterns of return and drivers as key criteria for understanding the returnee decision to reach the hotspots

There are various methods and drivers of FTF’s return, along with their children and wives of dual or single nationality, from areas of armed Conflict described “hotbeds of tension” (Syria, Iraq, Libya and Yemen, some mountains and the Algerian desert, north-eastern Nigeria, Egypt’s Sinai, Somalia, Mali’s Azawad, Afghanistan, Pakistan) and previously Chechnya and Bosnia and Herzegovina.

The reasons and types of this return can be classified into 4 categories, depending on drivers, pathways, and the security, cultural and legal results associated with each type. We thereby identify the voluntary return (1), the clandestine return unknown to security authorities (2), extradition through judicial channels of cooperation or under the framework of bilateral negotiations for the repatriation of Foreign terrorist fighters (FTFs) (3) and the publicly announced return of organized violent groups, which is far from being recurrent and occurred only once after the revolution (4).

In the same context, results of two public opinion surveys showed that 62.6% of respondents were aware of the return of fighters from conflict zones, which is natural given the sensitivity of the issue and its wide and constant media coverage. Yet, 83.5% admitted to lacking accurate statistics about these returnees. Another interesting figure is that only 29.6% of respondents claimed that they have enough legal knowledge about the phenomenon, whereas 74.4% did not. This is an important indicator attesting for the need to disseminate legal knowledge on the matter, even though a core legal principle stipulates that “An ignorant can’t be excused because of his ignorance of law”. Indeed, Article 545 of the code of obligations and contracts stipulates that “ignorance of law is no excuse for committing a wrongdoing once the law has been published and its execution deadlines elapsed and has become known to all.”

When asked two quite provocative questions about the extent to which they might accept the return of fighters and forgive them their committed crimes, 55% of respondents expressed an unequivocal rejection of FTFs return, while 61.9% said they will not forgive them. Only 22% of respondents welcomed their return, while 22.9% complained about the lack of clear vision and consistent position on the potential return of fighters; a significant percentage that calls for further scrutiny and analysis.

To better understand the general public opinion on the topic of Tunisian Foreign fighters’ human rights, 80% of participants in focus groups consider that those returnees who are absolved of any terrorist crime should enjoy their human and civil rights and have the right to a fair trial and defence. Most participants rejected resorting to maximum penalties such as capital punishment and revocation of nationality, which has already been guaranteed in the Tunisian Constitution dated on January 27, 2014.

When asked a question about the youth's awareness of and position on the emergence and development of terrorist organizations and their members and leaders, especially their input on the death of members and leaders of these organizations, notably the killing of the terrorist, Abu Bakr al-Baghdadi, 70% of participants think that the killing of Al-Baghdadi trigger an escalation of reprisals by the organization, whose existence is not dependent on the presence of the leader but rather thrives on the diffusion of its extremist ideas and programs. This has been corroborated by 50% of participants who perceive returning fighters as a pitfall for society.

30 % of participants think that this risk level varies from one returnee to the other depending on the received training. However, they should all be capable of receiving psychological help and support and their behaviour should be monitored before social reintegration. Conversely, 20% of participants object to the return of these fighters to a normal life and community reintegration, and think that they should be isolated in special facilities and monitored by the police because of their perilous ideas.

1. Fighters' voluntary return and their disposition towards reconciliation with society

What we intend with voluntary return – which is ultimately a constitutional right for all Tunisians (Article 25 of the constitution) - boils down to the decision of the Tunisian fighter, men or women affiliated to any of the armed groups, to deliberately and freely renounce to their affiliation to the Salafist Jihadist ideology for family reasons, battle injuries, doctrinal disputes, or merely abandoning the roles assigned to them, be it battle fighting, battle support, logistics or any other service provision (education, nursing, management,

cooking, driving, construction, mechanical work...). The fighter would then manage to flee armed areas of Islamic and violent conflict, and would reach Tunisian soil on their own, or accompanied by their spouse and children. Typical pathways include land, air and maritime border crossing, usually escaping from Iraq or Syria towards Turkey and from there to Libya and Tunisia. Both fake and authentic travel documents can be used in the process.

There are no reliable official figures issued by Tunisian authorities on the exact number of Tunisian "terrorist fighters" and their children who proclaimed reconciliation with society, and who returned to Tunisia or intend to do so from the areas of armed Conflict, widely labelled "hotbeds of tension" or "conflict zones".

Albeit often contradictory, the figures revealed and discussed by journalists and politicians are largely drawn from think tank reports, investigation work conducted by human rights organizations, figures orally stated by the head of counter-terrorism national commission or mentioned in the declarations of successive ministers of interior in post-revolution governments either when they are heard before special parliamentary commissions, such as the security and defence commission, administration and armed forces commission, or in their media statements during international counter-terrorism seminars.

What is at once striking, yet peculiar is that UN reports present significantly higher numbers of Tunisian fighters within areas of Islamic armed conflicts than those communicated by Tunisian authorities, albeit admittedly it's so unlikely for both to confidently state the exact figures.

The decision of voluntary return has acquired an exceeding importance for it can be deemed a mitigating circumstance to the sentence to be incurred on the returnee. Beyond that, it is of paramount value in terms of intelligence to be gathered by security services, inherently propitious to abjuring the Jihadist

ideology and reconciliation with society, and serves as beacon to be followed by others who fell into the same pitfall to rethink their choices and abandon the violent Salafi-jihadist thinking.

The voluntary return of fighters from hotbeds of tension will not stand as a viable hypothesis unless there is enough reassurance for the returnee that retaliation won't befall and they won't spend the rest of their lives behind bars. They should be confident that a normal life is a realistic and viable prospect after serving their sentences. These fighters should be motivated to opt for voluntary return within a framework of effective public policies ensuring balance between punishment and rehabilitation and social reintegration; this rests on the shoulders of the state, the returnee and other relevant stakeholders.

For this voluntary return to be free of obstacles, it is incumbent upon the state to formulate reassuring, enticing and non-threatening, public policies, that shouldn't be restricted to the security, that is punitive dimension, for such policies are deemed retaliatory and can only nourish the violent extremism of these hardliners. In the same vein, it is incumbent upon returnees to prove their good faith, express remorse and publicly apologize, earnestly aspiring to a meaningful and honest reconciliation with society that restores mutual trust,

Distrust between society and returnees has grown considerably as many of the general amnesty beneficiaries turned out to be among the founders of the terrorist "Ansar Shariaa" Organization, with few joining hotbeds of tension, and others taking up arms against the state and its police and military services.

2. Fighters' clandestine return and the security handling

Tunisian security services remain completely oblivious to the exact numbers of returnees or fighters from areas of violent and armed Conflict willing to secretly return through taking different routes. Different possible return routes include, to mention but a few, direct journey from Turkey, transiting through Libya to Tunis, through Arab or European states for the sake of camouflage using falsified travel documents, or clandestine return crossing the Algerian or Libyan borders with Tunisia. In any case, the lack of certainty on figures amounts to a serious source of concern for the Tunisian State.

Lack of knowledge about the numbers of returnees or those willing to return hasn't prevented security services from preparing to this ineluctable hypothesis. The latter is drawn from and developed thanks to the data base on individuals who moved out of their places of residence and left Tunisia to join conflict areas. This hypothesis becomes even more forceful when associated with the video clips and live broadcasting posted on social media or on particular TV channels, whereby they threaten Tunisians and promise to return and hunt them down. These are the persons who have returned or are determined to, and who sneaked into Libya, Mali, Algeria, Egypt, Syria, or Iraq devoid of passports or using falsified documents, not unlike the methods they had already used to camouflage their journey towards the commonly known "hotbeds of tension".

There are other Tunisian terrorists who secretly left the Tunisian soil for a short period ranging from one and three months to join terrorist groups concentrations in the Libya, Algeria, Mali, or Egyptian Sinai to receive training on weapons, explosives, and car bombs, then they have returned or are still secretly

returning. Whereas Some of them chose to be stationed in the mountains, some others opted for an incognito return to the city, in order to entice new people, to provide supplies, to gather information or prepare maps for the benefit of the armed group to which they belong.

In most cases, security authorities do not notice fighters' clandestine return, except in an accidental manner when their name happens to be mentioned on the records of other criminal cases, or when they confess during criminal interrogation to other terrorist crimes, or when they are arrested because they are wanted by the judiciary, the police or the military. At times, security services capture returnees from hotspots as a result of security-intelligence work or while conducting planned or random search operations.

3. The handover of Tunisian Terrorist suspects following arrest warrants or within the framework of international negotiations stipulating each state's repatriation of its nationals

The extradition of Tunisians charged with terrorist crimes, whether at liberty or in provisional detention, amounts to a form of forced repatriation of Tunisian Terrorist fighters pursuant to international arrest warrants issued by Tunisian judicial authorities, or through channels of bilateral, regional and international cooperation, or based on UN Security Council counter terrorism resolutions.

However, the number of those wishing to return and are stranded on the Syrian-Turkish borders, or those detained by foreign authorities seeking to extradite them, remains completely unknown. This gap is attributed primarily to diplomatic inaction, exemplified in the absence of diplomatic relations with the

Syrian State and the non-existence of direct negotiations with the two Kurdish Administrations in Syria and Iraq.

Thanks to the execution international arrest warrants, or in the framework of bilateral agreements for the extradition of terrorist criminals and suspects, Tunisia managed after the revolution to repatriate a number of terrorist suspects classified as “dangerous”, who had been captured by Libyan authorities within conflict areas or had secretly infiltrated borders. The extradition was shrouded in utter confidentiality, and was only made public following the statements of the minister of interior during hearings by parliamentary committees or during the parliamentary hearing sessions of the government.

Tunisia has also repatriated many suspects classified as “dangerous” captured in many countries not considered hotbeds of tension, but had previously committed terrorist crimes in areas of armed and violent Conflict.

4. The return of Tunisian Terrorist fighters who used force in an attempt to found the Islamic Emirate, Tunisia’ Affiliate branch to the Caliphate

On March 7, 2016, a number of armed Tunisian Terrorist fighters waged an offensive to seize the city of Ben-guerdane, in the governorate of Mednine in the Tunisian South adjacent to the Libyan land and maritime borders. It was a bid to found an Islamic Emirate, believing that it was a first step towards the establishment of the Islamic State of Tunis, an affiliate branch to the caliphate, its Capital being Iraq and the Levant.

Driven by divine promises of gain paradise and a myriad virgins, the armed Salafist Terrorist fighters took hold of the local court to later transform it into

their Islamic Sharia Court, along with the local police department, supposed to be the venue of the Islamic police.

The capture only lasted for few hours before armed security forces killed some and arrested others, thereby thwarting this unusual, violent military return scheme, an isolated anomaly thus far.

The aggression of these two particular institutions is far from being random. Contrary to that, it was meticulously premeditated and suffused with a symbolic charge. For embedded in the Salafist Jihadist literature of promises and doctrinal perceptions is an inveterate hatred towards police and court venues; the former seen as “the locus of Taghut (Tyrannical power and oppression) and the latter deemed benches where “illegitimate judges rule”, applying “worldly laws” and disparaging “Gods Law”.

IV. Setting integrated, balanced, multi-dimensional policies to deal with returnees from hotbeds of tension

In this section, we shall highlight the ways through which these policies can guarantee a balance between respecting basic rights of returnees, combating their impunity, and providing for rehabilitation and social reintegration.

Our call for novel public policies to deal with fighters returning from areas of armed and violent Conflict emanates from the pressing need to repair the deficiencies of the National Counter-terrorism Strategy currently in force (2). These shortcomings can only be fixed by dint of displaying and understanding the possible theoretical proposals developed through our field work (focus group workshops, the questionnaires presented to returnees and security

officials, public opinion surveys as well as direct engagement with some returnees, both detained and released). Another source of inspiration in this endeavour shall be derived from other Arab and European countries comparative experiences in FTFs rehabilitation upon their return (2).

1. Government policies for managing returnees characterized by inadequate classification

The applicable public policies used to address returning terrorist fighters rests upon holding them accountable pursuant to basic law number 26 of 2015 dated on August 7 2015, pertaining to combatting terrorism and money laundering. It stipulates, as a matter of fact, that “travelling out of the Tunisian soil with the intention of committing, instigating, or providing training for the perpetration of the mentioned terrorist crimes” is a punishable crime.

The Tunisian state has opted for management of returning fighters that rests upon security, judicial and punitive treatment, while overlooking the sociological significance of their backgrounds, and the value in studying the sociology of extremist groups recruiting them. To top it off, the Tunisian authorities pay no heed to the drivers of their return or the reluctance thereof, and are totally oblivious to the historical and doctrinal significance of fighters self-attributed nicknames, notably, “mohajer” (immigrant) or “Ansar” (supporters).

Tunisian security services consider that all returnees from areas of armed and violent Conflicts are « Dangerous », and the cliché expression « very dangerous returning terrorists » has always been the only classification used to describe

these individuals, as illustrated in the National Counter Terrorism Strategy currently in force.

This unique classification raises many questions: who is this dangerous returning fighter? Is he the one previously affiliated with a terrorist organization, or he who has been indoctrinated and trained on arms? Is he the person who only took up arms, or who has just espoused the jihadist ideology? Can't he be the leader of a terrorist organization, the car bomb expert, or he who undertook a security intelligence mission?

To ensure the good management of this return, is it sound to equate and unify the treatment and classification of all kinds of fighters, currently described as dangerous by security services, however different their return drivers may be, and regardless of their sense of remorse and predisposition towards social reconciliation? There is a crucial question that begs for an answer: what was the role they played within the territory of their organization; administrative, vocational, commercial, or rather educational?

Following a deep discussion by the research team, holding direct interviews, and referring to questionnaires' outputs, the observations were divided into 04 types as follows:

*Observations denoting that one category of returnees continues to hold to Jihadist Takfirist ideology, and thereby still poses a risk for themselves and society. In this vein, experts input revisited key phrases and expressions, notably "undeclared hostility towards the political system", "dissatisfaction with post-revolution assets", one of them "considers that his active role within Ansar Sharia group is by no means terrorist and that this classification was set to comply with western interests. Probably, one of the most serious statements made by a returnee, who had joined takfirist groups right after 2011 revolution,

clearly illustrating the danger of online extremism: “I have been suffocating since my involuntary return, I barely leave my home after my release from prison, and if I do it, it is to respond to police summoning. I am still waiting to get my passport to leave Tunisia again, for I don’t belong here and I want to join my wife and children”. Interestingly enough, this returnee enjoys full family support, lives in a posh area, is well educated and earned a university degree. Yet, he made another very serious revelation saying “I am the unique son of my parents, yet they are more interested in their professional career and future than my welfare and problems.”

*Observations stating that a category of returnees has questioned and relativized their own beliefs and is now ready for reintegration, and experts referred to them saying “ a person who renounced to terrorist ideas and opened up commercial business”, “ he was calm and, with some selfevaluation, he could be reintegrated”, “ a very calm and ambitious person”, “quiet person, we implicitly sense his remorse – but mistreatment, dire economic and social conditions, and fear of prosecution all deter him from speaking up.” Most of those belonging to this category managed to overcome the economic difficulties and are leading a decent and balanced family life. Thus, they can be the pioneers in terms of reintegration, ending the surveillance and easing of administrative measure, while also taking the necessary precautions.

*Observations reflecting on returnees who are still stuck in a state of vulnerability, meaning that they can be easily radicalised again. Experts made the following remarks; “a person suffering from serious disturbances is in dire need of care and psychological rehabilitation, yearns for love, respect and attention in order to achieve reconciliation with the state, society and his own identity”, “he is alert to replies, seeks to improve his situation, but goes through

precarious conditions, “the female returnee undergoes psychological, social and economic hardships; she is vulnerable, vulnerable and prone to radicalisation.”

* Observations related to a category of returnees who have nothing to do with extremist ideology and better remain unclassified while devoting more efforts to returnees posing real threats, and in this vein, experts stated the following “the female returnee seems free from any takfirist thinking - She just left to persuade her husband to get back, he died in the battle and she returned on her own”. “despite the fact that he travelled to Iraq and lived the Jihad experience, his ideological reference is Arab Nationalism – Baathist, not religious one. His suffering from marginalisation and unemployment are the drivers that pushed him towards extremism and criminality.”

This category can be easily rescued. More important still, should they be properly integrated within counter-terrorism program, these can serve to better understand issues associated with Tunisian fighters’ return.

The organic law number 26 of 2015 dated on August 7 2015 on combatting terrorism and money laundering constitutes the sole legal basis for the handling all of defendants, irrespective of their classifications, and referrals to the judicial pole specialised in the prosecution of defendants accused of terrorist crimes within and outside Tunisian soil.

A. Prosecuting returnees from areas of violent conflicts and the evidentiary issues associated with terrorist crimes

All returnees belonging to organisations active in zones of violent and armed Conflict are referred to the competent judiciary in prosecuting perpetrators of

terrorism crimes, in accordance with Organic Law No. 2015-26 dated 7 August 2015, related to combating terrorism and money laundering. The status of the referred can be either returnees in custody, who constitute the majority, or returnees at liberty, who are low in numbers.

The security institution updates data related to Salafist Takfirist individuals, who left their places of residence to tend to their daily jobs, by monitoring their movements across official access points and through border control with the purpose of preventing them from travelling or sneaking in or out of Tunisia.

This effort has made it possible to update the database on the movements of Takfirist combat individuals and allowed for technical and security-related classifications domestically and internationally. Moreover, this effort allowed to pinpoint the absentees who joined combat hotspots abroad (Iraq, Syria, Libya, Mali, Yemen) to terrorise the international community, along with the absentees who joined the mountainous areas domestically in order to perpetrate violent acts to terrorise the State and communities. Furthermore, day-to-day work allowed to map the position and deployment of Takfirist individuals within the country, from North to South, so that local, regional, and central plans are aligned with the level of risks and threats, which would yield an efficient security and proactive actions. One of the prominent security measures taken by the Ministry of Interior is essentially to review the structural organisation of its various central departments, through the creation of new administrative structures, in order to enable maximum efficiency of the Ministry in the face of the exacerbation of the phenomenon of terrorism within Tunisia and beyond.

However, Tunisian security services in charge of investigations and interrogations of the accused are faced with the problem of providing evidence proving that the suspect has committed material acts covered by the antiterrorism law, especially when the accused denies participation or

perpetration of violence, murder, and other acts considered as terrorist crimes under the aforementioned law, which may make it difficult to prepare a case file supported by evidence that refute all assumptions of the criminal doubt benefitting the accused. The membership of the accused in an armed terrorist organisation is the only proven crime out of the list of terrorist crimes.

The Tunisian security apparatus lacks the technical capabilities necessary to investigate and verify the veracity of the statements made by the accused concerning their affiliation or non-affiliation with terrorist organisations and their commission or non-commission of terrorist crimes, some of which amount to crimes against humanity and genocide, as stipulated in the Rome Statute of the International Criminal Court.

B. Persons in custody and sentenced to imprisonment:

The largest number of male and female Tunisian returnees affiliated to organisations politically or legally classified as terrorist organisations and active in zones of armed and violent Conflict (Libya, Azawad in Mali, Somalia, Iraq, Syria, Yemen, Afghanistan, Pakistan, Sinai in Egypt, some Algerian mountains and deserts, and South-Eastern Nigeria), are referred to the competent judiciary in prosecuting perpetrators of terrorism crimes stipulated in Organic Law No. 2015-26 dated 7 August 2015, related to combating terrorism and money laundering.

Male and female returnees continue to be remanded to prisons as persons in custody until final criminal judgements are issued against them, and hence their legal status and position would change from persons in custody to prisoners convicted with terrorist crimes. These male and female prisoners enjoy all rights guaranteed by both Prisons Law and the bylaws of those institutions, and they

are not subject to differential or discriminatory treatment than that common law prisoners.

Mixing returning terrorists in prisons with common law prisoners has raised new problems, as proved by the possibility of inducing prisoners, who committed common law crimes, to join their ranks. Therefore, the purpose of their imprisonment would not be tantamount to redressing their terrorist criminal behaviours, but instead, they would devote themselves to “preach” inside prisons in order to recruit “new terrorist fighters” from the pool of "common law" prisoners who were serving short prison sentences.

As a consequence, the Ministry of Justice has announced that terrorist prisoners are to be separated from common law prisoners through the allocation of special wards and rooms for terrorist prisoners returning from hotspots and convicted of terrorist crimes in Tunisia.

However, this solution was also ineffective, as they [the returnees] intensified the dogmatic awareness of terrorist prisoners arrested in Tunisia and were able to convey their combat and organisational experience through circles of discussion and lessons delivered in prison.

C. Returnees not in custody with suspended sentences:

A number of other returnees from zones of armed and violent Conflict (Libya, Azawad in Mali, Iraq, Syria, Sinai in Egypt, Yemen, North-Eastern Nigeria, some Algerian mountains and deserts, Afghanistan, Pakistan), who are mostly women, are kept at liberty by the investigative judge, as he is convinced by the

statements of the accused of committing terrorist crimes, outside Tunisia, that carry a reduced sentence of one or two years of imprisonment.

This conviction is established when the judge is persuaded that the accused was not an original perpetrator or accomplice in murder, rape, or burning of property etc... Thus, their actions were limited to working in a bakery, preparing food, providing water, or driving a civilian truck. As for women kept at liberty, they are the ones whose involvement in terrorist organisations was mainly limited to preparing food, raising orphaned children, teaching, and nursing.

The prosecution of such people, while at liberty, does not mean that the conviction is expunged. In case they are convicted, the punishment will be reduced i.e., an effective or suspended sentence of imprisonment for two or three years.

2. New public policies founded on balance between the protection of returnees basic rights, combatting impunity and social re-integration.

The Adoption of the methodology to classify terrorist fighters returning from zones of armed and violent Conflict helps to formulate a theoretical framework that looks into the sociology of their social origins and the sociology of the internal construct of the extremist groups to which the returnees were affiliated. It is useful to define the concept of the dangerous returnee from hotspots, and therefore, we abandon, through this approach, the common descriptive or statistical approaches analysing this category of terrorists.

In order to set the criteria used to classify returnees from hotspots ranging from dangerous to less dangerous, we must define what a dangerous returning fighter

means; is he/she the person who belonged to a classified terrorist organisation, or the one who was indoctrinated, bore arms, fought and killed, or is he the one who only bore arms, or the one who led a terrorist group or was specialised in rigging cars with bombs, or is he the one who had a security intelligence mission or had a media and promotion mission, or the one who took over as the judiciary?

Or, do we classify the returnee based on the time they joined the terrorist organisation, age, criminal record, the duration spent in zones of armed conflict, the training lessons and the group he joined, how they returned, gender, or based on the countries he joined?

Should the treatment of a returnee from hotspots, who meets one of the abovementioned criteria, be equal to a returnee whose role was limited to administrative, commercial, educational, or sport-related tasks?

It is not useful to treat all returnees from hotspots with the same deterrence mechanism and the same rehabilitation and integration techniques as part of one category based on their actions and affiliations. Indeed, the micro-details pertaining to the actions of returnees from hotspots and those of organisations to which they were affiliated are of great importance in terms of classifying them and formulating effective public policies based on the balance between the returnees' fundamental rights, combating their impunity, and enabling their rehabilitation and reintegration into the community.

In this regard, lessons must be drawn from the Saudi experience where Sunni organisations received support in the face of "Shiite expansion", as these organisations took advantage of this assistance to turn into terrorist organisations threatening international peace and security. Additionally, some of the returnees to Jordan from Afghanistan took advantage of the experience

of rehabilitation and reintegration by joining the civil community to benefit from programs of rehabilitation and international organisations support, and then used these funds to form cells linked to terrorist organisations.

Hence, the element of balance in these public policies pertaining to the return of fighters from hotspots is conducive to their acceptance by the community and lobbyists who influence public opinion such as politicians, organisations, civil society, security unions, journalists, and bloggers.

3. The instrumental role of integrated multi-dimensional public policies in the rehabilitation and social re-integration of returnees

The rehabilitation and reintegration of male and female returnees from hotbeds of tension is contingent upon setting integrated, multi-dimensional public policies that guarantee the combination of security and judicial treatment with a view to ending all forms of returnees' impunity. Crucial is equally the respect of fundamental human rights principles enshrined in international conventions, from the time of returnee's arrest and custody, through the trial process until their conviction or acquittal. Besides, culture, psychology and sport-based approaches are of paramount value.

A case by case approach, leading to the aggregation of similar cases and the differentiation of divergent ones, is an indispensable methodology to be adopted for the formulation of conceptions that lay bare the roots of Jihadist thinking and identifies the sources of its growth.

A. The gender of returnees from areas of violent and armed Conflicts. (Women and Minors)

The intention behind referring to gender is to classify different categories in accordance with their unique features, legal and civil status specific to each. Based on that, we will shed light on the most important categories; children accompanied by both parents, orphans, half orphans, then discuss the category of female returnees.

B. The return of children born of male and female Tunisian terrorist fighters

The successive Tunisian post Revolution governments have been reluctant to accept the return of around one to two hundred child living in Libya's Misrata and Tripoli, Syria and Iraq. This concerns both children accompanied by their mothers or orphans whose parents have been killed in Syria, Iraq or Libya, who need to be rehabilitated and reintegrated in the Tunisian society in accordance with the children protection provisions in national and international legislation, albeit being raised and indoctrinated as "cubs of the Caliphate" and sons of Isis".

The reluctance is rooted in several reasons, chief among which is the lengthy process of nationality and descent verification; whether they were born in Tunisia or just born of Tunisian fathers or mothers. Besides, the terrorist attacks that hit Tunisia generated a deep sense of sorrow and fear, thereby stirring within Tunisian citizens a staunch feeling of resentment towards any "terrorist" men or women, regardless of them being fathers or mothers.

This sense of resentment has blatantly reached its climax when a significant portion of society called on the judiciary to pronounce and execute the death penalty against these female and male terrorists, regardless of their parental status.

38.8 % accept the return and reintegration of returning children because they are deemed innocent. 21% accept their partial reintegration, while 35.4% utterly reject that claiming that “they possibly witnessed or were trained on act of terror and killing.”

Civil society organizations, in favour of their return, have launched a campaign entitled “it is my right to return “demanding that the Tunisian State repatriate Tunisian children stuck in hotbeds of tension.

The state responded positively to this pressure and took an initiative to repatriate 6 orphans previously rescued by the Libyan Red Crescent upon their parents’ death. The children were received by the President of the Republic In Carthage Palace on January 23 2020. As per children accompanied by their mothers living in detention centers like Misrata’s and “El-Houl Camp” in Syria’s Hassaka, the state’s approach has been unsteady towards them.

C. The return of foreign terrorist fighters:

Political actors, security policies developers and experts and civil society stakeholders across different countries have adopted divergent views regarding the best methods to be used with women who had joined Isis, be it those incarcerated in detention camps (after the downfall of Isis), those wishing to return, or those who have made it back home either formally or informally.

These divergences boil down to:

First view: recognizes the need to repatriate these women and to work on formulating programs capable of severing all ties with violent extremism towards full rehabilitation and social reintegration.

Second view: hesitation and carefulness in dealing with the issue, trying to win time to look at it through several relevant lenses; legal, social, security, economic...etc.

Third view: give in to the shock and rejection of any relationship with these “time bombs”, then the utter dismissal of a possible repatriation arguing that they are traitors to the nation who have committed crimes against their families and communities.

55.9% of those who responded to the questionnaire, in the Tunisian feminist sphere, do not accept the reintegration of women returning from hotspots and justify their position by saying that « these women are capable of smooth integration in families and communities, which poses a real threat of radicalisation », while 22.5% accept their reintegration, stressing the use of a case by case approach, though.

While it is true that several studies and research papers were written across European countries to examine the returnees’ phenomenon, the part pertaining to female returnees failed to draw as much interest, for we barely find as much valuable research pieces on that. The situation is even more dire in the Arab world as Arab researchers seem to pay no heed to women returnees. This absence of reliable content has propelled, as a consequence, media content from a documentary or news content to the primary source of information, taking thus the forefront of opinion shaping by dint of articles and media reports. Conversely, In-depth, scientifically rigorous, testimony-based studies have been

relegated and have seen their numbers abate. Accordingly, the scarcity of research focusing on female returnees has created a sense of loss for policy-makers who, facing this very intricate situation, floundered in their vain attempts here and there to adopt non-existent best practices.

This issue, nonetheless, is far from being unprecedented, for Spain had already addressed the problem of mercenaries return following their involvement in the civil war (1936-1939), just as it was the case with Yugoslavia at the end of the 1990 civil war. Yet, this situation is particularly complex as it involves a massive number of women with very complicated backgrounds (mothers, widows, girls, divorcees, wounded, sick...)

There are no official and accurate figures about the total number of women who joined areas of violent and armed Conflict (Libya, Iraq, Syria, Mali, Afghanistan). All the numbers published in the media, and also mentioned in some research and reports speak of 200 women, which is an inaccurate estimate.

Furthermore, there are no official and accurate figures about the number of women who led their husbands out for Jihad or did join them later. Similarly, the number of those who left Tunisia out of full knowledge and conviction - for diverse reasons - of their own roles, commonly referred to in the media and politics as “marriage jihad” - as well as the number of women who were forced, upon joining, to engage in this practice, remains completely out of reach. There are also unknown figures as to the number of unmarried women who joined to provide assistance to “jihadist fighters” with roles including nursing, cooking, housekeeping, propaganda videos production for Isis, along with other Isis management tasks fighters assigned them to.

There are no accurate official figures on the number of "marriage jihadist" women, unmarried women, widows, or divorced women willing to return with their children, or those unwilling who prefer imprisonment or death over return.

All numbers circulating on Tunisian women affiliated with terrorist organizations in areas of violent and armed Conflict (Libya, Iraq, Syria, Mali, regardless of their legal positions, are unmarried or married, widowed or divorced, detained or imprisoned, with or without children) are just estimates. These figures vary from year to year, going either up or down, yet these numbers remain, albeit estimates, an important indicator.

Undoubtedly, addressing the issues of returning women is dependent on the selection of one specific approach, so widely recognized by several UN agencies that it has become a prevalent tool deployed by experts on counter-terrorism, violent extremism and security studies. Evidently, it is the gender-based approach, whose particular value lies in the focus on relational structures: gender relations, social relations, deconstructing thereby power-based relationships and uncovering its toll on women, often forced to obey and accompany their husbands to Syria, Libya or other battlefields. The gender-based approach serves as a mirror to the formulation of social and cultural identities, along with diverse social upbringings, with an acute interest in the impact of social and religious perception on defining roles and features each culture attributes to men and women, respectively.

This approach draws its value and legitimacy from the fact that women, girls and children affiliated with violent and extremist groups usually constitute an invisible bloc constantly overlooked by security policy makers, albeit gender-based dynamics are quite conspicuous on the ground. As a matter of fact, women and girls, sexually abused by Isis due to their defiance of orders, are today victims of social stigmatization by their own communities, subject to

traumas, and in dire need of wanting psychological, social and health assistance. As for those still stranded in Iraq, they face the death penalty. Research has shown that the social stigma associated with returning Nigerian women, preventing widows from sustaining their children, may prompt them back to extremism and ease their second radicalisation. In light of such intricate, thorny situation, gender consideration is vital to addressing female returnees' file and setting national plans, policies and rehabilitation programs.

V. Integrated multi-dimensional approaches for the rehabilitation of returnees from hotbeds of tension.

The returnee's decision to travel to areas of violent and armed Conflicts is result of a composite decision-making process wherein different psychological, religious, financial and social upbringing aspects overlap. Thus, the security-based approach to deal with returnees from hotbeds of tension is on its own of very limited impact and results. To redeem that, it is mandatory to adopt a public policy that brings together integrated and mutually interacting approaches paving the way for state authorities to face the terrorist phenomenon with its composite and complex nature.

These new public policies consist of the following elements: the security component (1), the cultural component (2), the psychological component (3), the religious component (4), comparative experiences (5).

1. The educational, sociological and cultural approach for rehabilitation and re-integration:

In Tunisia, it is quite obvious to notice the dwindling influence of classical, ethical, social and aesthetic instruments of education (family/ school/ cultural venues/ public venues/ religious facilities). Conversely, it is hardly possible to miss predominant role played by virtual platforms in reshaping budding brains (TV/ Internet / social media websites)

All reports and statistics indicate that internet and social media platform are today shaping and reshaping the minds of Tunisian youths, luring many into the mires of violence, terrorism and drugs.

As much as the role of the ministry of education is integral to the National Counter-terrorism Strategy, it has always been part of the problem. In other words, it was one of the tools nourishing extremism and leading to violence. An introspective look into educational, pedagogical methods of both religious and artistic discourses reflects what Paolo Freire termed “the Pedagogy of the Oppressed”, solely relying on citing and memorization, obedience, simulation, the reproduction of the past, the complex of pioneers, the preponderance of the Benefactor’s literature and the quasi absence of critical discourse. Education, in itself, doesn’t eliminate terrorism, but rather contributes, alongside other stakeholders to shape minds that rebuff it. The sector of education in Tunisia needs to go through an in-depth revision of its content, curricular and approaches

in order to boost its role in eradicating terrorist ideology and recruitment indoctrination.

The returnee's decision to join areas of violent armed Conflict is one complex decision in which psychological, religious, financial aspects overlap and come into contact with their social upbringing and their world vision. Indeed, some of these returnees had participated in the post revolution sit-ins across the country, whereas others played an active role in seizing mosques' platforms and evicting their imams, state civil servants. Others, on the other hand, have never been associated with any political party or organization, while we may also find those who belonged to "Ansar Sharia", classified by the Tunisian government as terrorist organization on August 27, 2013. Across all these variations, we may find the young man and the adult, the person with average education and completely illiterate, not to mention ex-convicts as well.

What is unambiguously straightforward, though, is that most terrorists pertain to the youth category, marked by incongruous levels of education and intellect, as some could barely know how to write in correct Arabic and come with a very limited primary education, undertaking thus blacksmithing and carpentry tasks. Others, however, boast a high level of education, sometimes bachelor in maths or physics, or even an engineering or medical degrees, albeit rare, while the majority remains university graduates with predominantly scientific training.

52.4% of the returnees' responding to the survey mentioned that giving up on their schools was due to a sense of futility and disillusionment in education. This figure shows the drastic role played by educational curricular, and it is high time that we revisit the role of our educational sector to preserve our youth and avoid pushing them towards finding alternatives to their failure at school in terrorism and criminality. More than 84% of respondents had failed a class at least once, and this shows the important correlation between providing the good conditions

of success, or the lack thereof, and the increase of vulnerability leading to terrorism and delinquency.

More than 50% of those who joined hotbeds of tension are married. It is worth mentioning that most of them got married after their return from areas of conflict with the help of their families, to ensure stability. Some returnees from the third generation consider that marriage is but a religious duty, while others give a significant value to children and their future.

In addition, more than 72% of the respondents interviewed have children, with an average of 2, and the oldest children not exceeding 17 years old. This indicates the responsibility of parents of returnees towards their children in light of the economic and social difficulties they live in. This percentage poses yet another challenge, which is the possibility of raising a new generation of young people who will live in a total breakaway from the system. In addition, 94.4 of the returnee's wives are not working, which will deepen the family's economic and social situation in addition to their poor educational level, further exacerbating the vulnerability of their children.

Approximately 27% of the respondents reported that they went through a period of depression as a result of unemployment and the lack of job opportunities in addition to the lack financial means that would enable them to meet their needs in life. This, at once, amounts to one of the push factors and one of the manifestations of fragility that contribute to making recruitment of Tunisian youth an easy task. As a result, a small number of respondents reported that they thought about suicide as a result of depression and poverty. It is worth noting the high rate of suicide in Tunisia, especially in some states of the center. About 73% of respondents work, but their situation is very precarious, as their income is so low, and they are often working in informal and precarious professions that do not yield a decent financial return. Indeed, most of the returnees from hotspots are engaged in liberal work in trade and handicrafts,

while others practice intermittent work as a daily laborer, and most of them do not enjoy social coverage and security. This is in addition to the restrictions most of them complain about. For the majority of the unemployed reported that finding a job is very difficult, especially if the person does not possess certificates and has a criminal file with the police. "Everyone in Tunisia does not work, I do not have diplomas or qualifications." stated one of the returnees. This table identifies the nature of professions undertaken by the interviewed sample.

Profession	Percentage
Contractor	4,8
Skilled worker	23,8
Non-skilled worker	19,0
Farming worker	4,8
Free labour (street vendor)	19,0
Liberal profession (engineer)	19,0
Business-man	9,5

Nearly 50% of the respondents stated that their income ranges between 300 and 600 dinars per month, which is a small income compared to the living standards in Tunisia. Financial straits and unemployment are considered among the chief drivers for joining conflict areas, especially for the third generation. Nearly 90% of those involved in hotspots went through a period of unemployment, and this is the case for a significant percentage of young people in Tunisia, whether they have earned a degree or not.

This poses serious issues for those trying to rehabilitate them, mainly pertaining to the best ways to handle them. Is it best to adopt a standard curriculum for all

at the same time, or is it necessary to disaggregate them in accordance with their varied levels? Is it judicious to concoct collective solutions while simultaneously adopt some of the previously mentioned notions for certain cases that require a customized approach?

Based on the findings of questionnaires and direct interviews, it transpires that the common denominator of the « deceived ones » is their disposition to go astray once they are made to see something as true and factual, inflaming thereby their religious fervour, albeit being completely different, if not nonreligious, prior to that. Yet, those who breached these youthful minds were acutely aware of their originally inclined nature, manifested in the cultural vacuum and critical impotence. “taking them down” becomes so plain a task for the recruiter, the “supervisor”, who is ingenious enough to render their experience a rediscovery of a new, yet well-known, religion coupled with a process of self-fashioning.

We also conclude from the answers to questionnaires and direct conversations with returnees, whether those who renounced to embracing the Salafi jihadist ideology or who still adhere to it at the ideological level, that the duality of the House of Islam and the House of Infidelity still permeates their minds; It is a dichotomy that gained momentum in the Umayyad era, and in this regard, Dar (House of) al-Islam refers to the land subject to the rule of Muslims, and to the House of infidelity or the abode of war to countries that are subject to the rule of non-Muslims. It is their own Manichean vision with which they perceive and divide the world, and where the accomplishment of jihad and martyrdom become their two highest obligations. The complexity of jurisprudential details stands as one the reasons that explain the diverse affiliations and allegiances among the Salafi fighting organizations.

Most of the returnees who were submit to interrogations considered their arrest and imprisonment a "trial from God" and "jihad of the soul" and did not acknowledge that the actions they committed were criminal.

This duality is drawn from an old jurisprudential system developed by Ibn Taymiya and adopted later by the “new scholars” who didn’t abandon this duality. It is perfectly exemplified in slogans reiterated by returnees “Jihad for the sake of God to establish the law of God and the caliphate”. This is a quite common declaration recorded in the minutes of police and judicial investigations.

The reintegration of those who believe that their own convictions are divinely devised is not an easy task. Hence, their rehabilitation and reintegration must be preceded by the formulation of composite, cultural and intellectual plan, with a gradual implementation. It may start with spreading a culture that severs between the sacred and the legacy, as an introduction to altering returnees’ perception and curbing new recruitments.

Change shall begin when prisoners are motivated to read novels. A deep intellectual dialogue must be launched with prisoners around controversial issues aiming towards sowing doubts and pushing them to question what they perceive as religious teachings, for these ultimately are but the intellectual product of human beings, not unlike them.

2. The security-based approach and its underlying challenges.

Security agencies are at the front line dealing with returnees, estimated to number 1000, and therefore play a key role as they initiate the investigation of the returnee looking to identify the pathways of recruitment and return and figure what he is planning to do along with all the physical acts and crimes he committed in and outside the country.

The legal and physical tasks of security services dealing with returnees, to mention but a few,

- Determining the true identity of the returnees, because they always move using nicknames (Abu Al-Baraa, Abu Al-Muhajir Al-Tunisi, Al-Shanqeeti, Abu Al-Libi, Abu Al-Jazaery.)
- Determine who recruited the returnees, the methods used for that and their locations (associations, Tunisian or foreign entities, smugglers, people in government or in the opposition, merchants, in the mosque, in the administration).
- Identify sources of funding as well as logistics and exit and return facilitation.
- Identify the organizations they joined and whether they started right away with weapon training or had been indoctrinated first.
- Identify the pathways of the Salafist Jihadist departure and return and gather information on what he is planning to do, his relationships and all

physical acts and crimes he committed inside and outside the country, besides responsibilities assumed in his affiliated organization.

In addition to these tasks, security services dealing with returnees assume the task of administrative monitoring, following them up, and investigating their behaviour and their network of relationships which may be exploited to recruit or carry out terrorist operations.

The Ministry of the Interior places a number of returnees under house arrest in accordance with the emergency law or subject them to administrative control as a complementary punishment to monitor returnees who have served their prison sentences. This administrative control consists in the regular contact of the returnee Salafist with the police station which holds the jurisdiction over his area of residence in order to sign in a notebook dedicated to proving that he hasn't left the country to join hotbeds of tension.

Security services carry out these tasks in full compliance with human rights regulations guaranteed to returnees by state covenants, however serious their criminal or terrorist actions might be.

On another note, some of the outputs of focus group workshops involving a number of security personnel from different security squads, organized in the governorates of Beja on October 13, 2013, and Sousse on June 26, 2015, reflected the difficulties and obstacles encountered when combatting terrorist crimes. These points were extracted from the questionnaires distributed to the security forces, in which the regulations for the protection of security personnel were respected by refraining from revealing their names to protect their personal information.

For the sake of this report, other questionnaires were held with security personnel, and has proven to be very valuable to understand their stance on this

thorny issue and grasp the difficulties and obstacles that lie in the way of their work. For they are considered Tunisia's spearhead in its war against terrorism. In this light, we tried to learn more about the readiness of the security institution in Tunisia, both at psychological and mental dimensions, to address this relatively novel threat. The returnee, in fact, is always considered, in the perception of the police, a source of threat to law enforcement, armed officers and national security altogether. Facing this internal, yet also external threat, security personnel stressed the importance of the awareness of the political ruling class to set a clearly defined national plan and strategy, for it can only serve them in their tasks and responsibilities against terror. Moreover, most security personnel recognized the insufficiency of physical and human resources and the lack of trainings on counterterrorism in general and returnees file in particular. The material, logistical, technical and technological support remains one of the most essential necessities required by the security personnel, so that they can carry out their mission to the fullest and in best conditions. Accordingly, the absence of a legislative framework, for their and their families' protection, has been highlighted as one of the pressing demands, particularly in light of the reluctance of the legislative branch (the parliament basically) to enact a law for the protection of armed security forces. Most security personnel reiterated the need to pay more attention to training, on job training, as well as material and social assistance so that they can fulfil their missions in the best ways. They did not fail to mention the urgency of setting a clearly defined national strategy to address returnees from hotbeds of tension from a security perspective, illustrated through the establishment of special detention centers, electronic bracelet monitoring, alluding equally to the value of opening channels of collaboration with the country the fighter had joined so that the crime is identified and the file can be referred to the court. In the same regard, respondents from security services called for the continuation of regional and

international collaboration forming a platform to exchange information to allow proactive security operations against the terrorist threat. They also alluded to the need to engage civil society and family environment to curb the spread of the terrorist threat and prevent it from happening. In this sense, they called for the adoption of a comprehensive approach that brings together the security dimension, but most importantly also, the intellectual, educational and cultural dimensions, which have to be underscored and foregrounded by the ruling class to help gradually eradicate this phenomenon.

Police consider returnees from a hotbed of tension "dangerous " or a "very dangerous" elements. As for their answers about the extent of their readiness in terms of technical training to face this returning danger, their opinions varied, for some affirmed having received training while others qualified it to be a poor training given the lack of training exercises, added to their poor knowledge about counter terrorism laws. Some of the security personnel have gained experience on handling terrorism by accumulating field experiences and investigation with returning terrorists.

As for their reception, the respondents emphasized that there is no security protocol for dealing with returnees in general, and with women and children in particular. Custody is carried out according to personal efforts and interpretations.

3. The importance of devoting particular attention to returnees' psychological state.

What can be deduced based on the replies of returnees recorded in the minutes of police and judicial investigation or gathered through direct conversations is the high level of hostility towards society, the state and its institutions, notably security services.

Though delving into the psychological realm of the returnee can be crucial to understanding its character and impulses, which were completely unbridled to indulge in violence, killings, burglary and free movement, the returnee, whose psyche is shaken-up by traumas, is denied any special care or assistance by psychiatrists and psychologists. The latter are however involved in preparing medical reports assessing the seriousness of these returnees providing valuable scientific data to be fed to the formulation of rehabilitation and community reintegration public policies, for at the end of the day, not all returnees are driven by the same level of Islamic extremism.

If it is incumbent upon the judicial branch to carry on the enforcement of laws, the social and psychological institutions should also be ready to provide social support and mentoring to vulnerable categories predisposed to being recruited by terrorists.

People returning from areas of armed Conflicts may be vulnerable individuals, who, along with their families, went through traumatic experiences that morphed them into a potential threat for themselves and their communities.

4. The role of religion within public policies addressing returnees from hotbeds of tension

The religious dimension is deemed one of the most significant aspects that deserves to be studied when handling « mechanisms for dealing with returnees from hotbeds of tension ». For religion has assumed a forceful impact in the gradual transformation of the extremist idea into an actual practice that puts, under religious cloak, collective security at risk. This practice is exemplified, individually or collectively, in what is commonly known as terrorist organizations and the radicalisation process.

Joining terrorist organization reflects at its essence the visible manifestation of the integration of violent individual action into the even more violent collective one. For collective terrorist practices and armed terror on the ground is a phenomenon wherein the religious dimension is inextricably intertwined with subjective and objective features of the perpetrator.

Returnees from hotbeds of tension stand for individuals who fell into the abyss of violent extremism by joining fighting in conflict areas to which they have never belonged neither in time nor in space. Interpreting and understanding these individuals can never be reached unless a proper diagnosis of the two most important areas of the individual, namely the subjective and objective domains.

The expected result behind incorporating the religious aspect in the formulation of public policies dealing with returnees is to succeed in altering the character of the returnee and uprooting the sources of his extremism. For the disregard of the religious dimension, along with the content of its discourse, is but another opportunity to further feed and radicalise returnee's extremist ideas, which he

will try to impose and disseminate in the public domain upon blindly assimilating them from religious books of dubious authenticity or absurd anachronism, or else from jurisprudential course on websites.

55% of the respondents assert that religious institutions have had an important role dealing with the file, compared to 28.5% undermining the role of the religious establishment, 10.6% partially agree, and 5.9% have no opinion on the matter. It is worth noting that the Ministry of Religious Affairs is represented through a member in the National Anti-Terrorism Committee.

Looking at the statements of returnees from hotbeds of tension, whether arrested or released, we deduce some sort of conformity in their replies, "I got out of the abode of infidelity," "I migrated to support my Muslim brothers in Iraq, the Levant and Libya," and "I have forsaken the country that does not rule by the law of God.", "The state is hostile to Islam."

Returnees are characterized by striking disparities in terms of their religious knowledge and jurisprudential learning, and according to the criteria of mastery of religion and jurisprudence, they can be divided into:

First: the set of returnees considered "theoreticians" of terrorism and extremist thinking:

This group holds the "intellectual power", some of them bear titles such as "Sheikh" and "scholar". It is very unlikely to persuade them to rethink their own ideas, for their rethinking occurs only voluntarily and based on the initiative of the "sheikhs" of the group. Intellectual revision would probably occur when a long term bold, honest and thorough religious dialogue is held.

Second: a set of sympathising partisans, conditioned by their psychology and mood.

They hold limited and superficial understanding of religious teachings and extremist theorisation, and they mostly belong to the category of persons executing the theories and Fatwas of the Sheikhs.

Third: another group without any religious, scientific, ethical or intellectual background. They consist of a set of illiterate with criminal records (drugs, theft, murder, rape) who were beguiled by Jihadist theoreticians that “Jihad for the sake of God” is their only way for redemption and atonement of their sins. Thereby, they make up the “Army” and “soldiers” of God bearing arms and fighting for the “Black Standard”.

One of the priorities of the religious handling of returnees is to focus on amending their religious awareness, particularly those sympathising partisans, the illiterate, the half-educated, the extremists and those with prior criminal history. This is a priority group for they constitute, first and foremost, the largest category in terms of number, and second, because they are predisposed to relinquish jihadist violent practices should their religious fallacies be deconstructed and amended by a moderate Islamic Sheikh who masters their own jargon and concepts and manages to earn their attention and trust. The first focus should be directed at religious and Islamic values associated with the sanctity of the body in life, with a view to putting an end to the culture of death and heaven-seeking suicide they wishfully call “martyrdom operations”. This task should be undertaken by many Salafist scholars/sheikhs from outside the Tunisian official religious administration.

An effective angle for approaching their religious minds is to ask them to explain the logic behind the posting of videos on their websites, showing Terrorist fighters decapitating, burning, water-boarding or bullet shooting while stating the confession of belief, whereas the victim also is pronouncing the confession “There is no God but God and Muhammad is the prophet of God. ” then, the

process should go on with questioning and challenging the veracity of their religious ideas, which ultimately boil down to “religious populism”, simplistic yet so perilous, for its spread undermines the very core of mutual coexistence.

A number of returnees tried to explain and justify the reasons for their hostility and rejection of the content of the official Tunisian religious discourse, whether in mosques during the month of Ramadan, or during the religious holidays, or in the Friday prayer sermons, or that broadcast on religious radio and television, dismissing it as "the religion of the ruler" construed according to their own wishes and vested interests.

Therefore, they have resorted to the undue consumption of what is posted on YouTube and broadcast on TV channels, with fatwas considering Tunisia a land of infidels and thus of Jihad, and with that being unlikely now, it behoves the true Tunisian Muslim to leave the country in order to assist his brothers who are subject to the injustice of infidels wherever they are.

Looking at returnees’ statements, we establish the need for the revision of the official clichéd religious discourse and for launching a thorough dialogue on religion, particularly the issues of “Hijra and Nusra” (migration and Islamic support) as well as “Jihad for the sake of God”. It is of paramount importance to carefully choose persons who will preach the new religious discourse in the public sphere, which has gained its emancipation after being long shut down prior to the revolution.

The official Tunisian religious discourse, along with its institutions, have faced the competition of Salafists over the public spheres and the management of daily tasks, so much so that disorganized religious practices, like public prayers in the street, stadiums have become prevalent culminating in mosques’ burglary, the eviction of imams: state’s religious servants, establishing religious preaching

tents on streets, public squares and in front of high schools, and the distribution of Jihad inciting CDs, pamphlets, leaflets Salafist books and clothing.

In this light, apart from considering these classifications, handling returnees requires special focus on the category inclined to self-revision and to keeping at bay from radicalisation and terrorism, for they are chiefly concerned by rehabilitation and reintegration programs at all level, including the religious one. To ensure the good preparation of a rehabilitation and reintegration vision, we deem necessary to analyse these two areas in the returnees personality. First:

▪ **The subjective traits in the religious personality of the returnee, marked by:**

- Lack of correct and appropriate religious knowledge
- the absence of religious awareness necessary to counter erroneous and poisonous ideas.
- precarious religious scruples and spirituality.
- predisposition to be moulded in different fashions given the lack of religious and ethical checks forbidding that.
- inconsistency in the reception of the available religious discourse and invasive ideas manifested mainly after 14 January 2011
- distrust in the Tunisian religious school of reference.
- the search from an alternative to the Tunisian religious narrative on social media and YouTube.
- Persistent questioning and adoption of invasive religious narrative, believing they are the most accurate.
- repulsion towards the religious stereotypical narrative and questioning its credibility based on the overlapping of the religious and political.

- the misunderstanding of many religious terms and concepts such as Jihad, Caliphate, rule of God, loyalty and disavowal, and Nusrah, particularly after 14 January 2011.

▪ **The objective dimensions in the religious personality of the returnee:** No personality can be revealed without the proper studying of its objective realm and its physical environment, thus delving into these arrays of the self is necessary given the subjective and the objective do often overlap.

➤ **Pre-January 14 2011 phase:** marked by the prevalence of the official religious narrative:

- the overlapping between the political and religious aspects, mostly in Friday sermons.
- lack of interest in spirituality, mainly with youth.
- spiritual and religious needs are not properly met, so recipients seek satisfaction elsewhere.
- lack of specialised religious programs broadcast media outlets, and if they do exist, they failed to capture the interest of viewers and listeners.

➤ **Post January 14 2014 phase: here we talk about 2 main levels:**

❖ The first level from late 2013 to early 2014: this level is mainly distinguished by:

- the prevalence of invasive religious narratives in the Tunisian religious spheres.
- the dwindling influence of the Tunisian authentic religious narrative.
- the prevalence of a form of religious anarchy in mosques

- the spread of new religious practices, alien to the Tunisian scene, such as preaching tents and live religious lectures given by scholars strange to the Tunisian school of reference.
 - a near absence of all Tunisian religious iconic figures to counter this anarchy.
 - the retreating role of official religious institutions like the ministry of religious affairs, University of Zaytouna, the Tunisian House of Fatwa and the Supreme Islamic Council
- ❖ The second level starting from the end of 2013 and particularly throughout 2014: this phase comprises a number of significant dates with strong impact on reclaiming the religious scene from the prevalent anarchy, namely:
- August 27, 2013 government announcement to classify Ansar al-Sharia as a terrorist organization
 - January 27, 2014 The constitution of January 27 2014 was promulgated, with the assertion that the state is the sole sponsor of religion
 - March 8, 2014, a ministerial circular was issued, according to which the Ministry of Religious Affairs prohibits the opening of mosques and mosques outside prayer times.

These dates, as well as others, contributed to:

- working on reclaiming the religious narrative pronounced by state institutions, chiefly mosques.
- working on rooting the authentic Tunisian religious narrative, with efforts exerted by the University of Zaytouna and the ministry of religious affairs by means of seminars, events, lectures, courses and workshops.
- working on the promotion of a moderate and tolerant religious discourse true to the genuine non-violent hate-free Islamic narrative.

This led to:

- Asserting the sovereignty of the state through imposing sanctions on violators, like Imams who do not adhere to the official religious orientation.
- Compliance with the new measures taken by the ministry of religious affairs on mosques.
- The decline of alternative religious narratives mainly thanks to the new official measures taken by the state (enforcing the law on mosques management)

Based on that, we deduce the following:

- Terrorist organizations have greatly and dangerously benefited from the chaos which pervaded the country in general and the religious arena, especially in the post January 14, 2011 period, to recruit huge numbers of Tunisian youth, taking advantage of the lack of their religious and spiritual immunity, both subjectively and objectively.
- The years 2011, 2012 and 2013 represented an ideal climate for a polarizing movement, the direct result of which was the delinquency of young people and their descent into violent extremism and terrorism in general.
- The polarization trend ended at a later stage after 2013, to usher the so-called "bellicose influx" into hotbeds of tension, based on the erroneous understanding of the concept of "Jihad" widely propagated back then.

This concept, « bellicose influx to fight the infidels » (Nafir) was the fundamental principle used to justify rising against the harassment of the state (law enforcement, in their perception, boils down to an undue harassment and a violation of their sacred beliefs.

They consider that influx to fight the infidels is a sacred duty to defend and preserve their religious convictions and counter anyone who dares to compromise them, even if that involves killing and arms bearing.

The use of weapons is considered necessary as a response to the harm inflicted upon them in their religious life, as they tend to use it as an ideal solution according to their religious convictions.

Terrorist groups perceive themselves as the only religious group worthy of representing religion, thereby, indoctrination for recruitment subscribes to their general strategy with travelling to hotbeds of tension as one important milestone, while fighting in these hotspots represents its most violent and atrocious manifestation.

The underlying idea behind fighting in hotbeds of tension is the wrong or delusional thinking of one's right to exist which can only be enjoyed through eradicating the enemy. Such thinking emanates from a crooked understanding of the religious concept of Jihad. We shall quickly explain to you, in a nutshell, how terrorist groups unduly misinterpret this term to serve their interests.

5. Learning from comparative cases dealing with fighters returning from areas of armed and violent Conflicts

Undoubtedly, the revisiting of Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders, as well as comparative experiences (European for example) can only offer an insight to two divergent strategies on the matter; the first of which is characterized by stringent measures such as revocation of nationality for foreign fighters returning from areas of violent and armed Islamic fighting or banning their return, however, the second method was much softer in its handling of returnees, exemplified in monitoring, rehabilitation and job opportunities Sweden as an example opted for.

The revisiting of Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders, as well as comparative experiences on handling returning fighters from areas of violent and armed Conflict represents one of the effective methodologies Tunisia should adopt when formulating its public policies relevant to the matter.

What we learn from comparative experience is the possible merging of the rather soft measures along with the harder, more stringent ones, that is the convergence of two European models to ensure there is no way for impunity.

This methodology allows for the formulation of a well-balanced public policy equally inspired from the experiences of Egypt, Algeria, Mauritania, Saudi Arabiya, and Morocco; countries with which the Tunisian society has so much in common, while also paying due consideration to the social specificities unique to each country.

A. The Egyptian experience:

The Egyptian experience relies on the use of the notoriety of Salafist Jihadist theoreticians who announced their repentance and engaged in deep rethinking of Salafist jihadist ideas and published their outputs in books, videos and on social media. This experience consists also in building a network of grassroots organizations for rehabilitation and fighting violent extremism.

B. The Moroccan experience:

Without an inkling of hesitation, the Moroccan kingdom has decided, clearly and openly, to accept the return of its FTFs within a plan of accountability, rehabilitation and reintegration. At the core of this plan is the deconstruction of Salafist extremist discourse mainly with incarcerated returnees. Prison employees were also trained on ways to handle prisoners' extremism and can count on a training guide where they can find the criteria and visible indicators which portend the prisoners' inclination towards extremist path. Besides, Morocco has opened its prisons to the Mohammadian league of scholars and the National Council for Human Right to take part in rehabilitating prisoners of terrorism crimes and implement a programme entitled "Reconciliation": "reconciliation with the self, reconciliation with the Koranic text, and reconciliation with society".

C. The Algerian experience:

The Algerian experience dealing with Islamist fighters represents a comprehensive approach pertaining to all fighters inside and outside Algeria. Indeed, it does not only concern fighters returning from hotspots. The pillars of this experience rest on the National Concord Law promulgated on July 13, 1999, and the Charter for Peace and National Reconciliation, which was largely endorsed by the Algerian people in a popular referendum, granting pardon to all those who lay down their arms.

D. The Mauritanian experience:

The Mauritanian experience in combatting terrorism and dealing with FTF's return for areas of armed and violent Conflict subscribes to a comprehensive experience that is by no means limited to returnees, for it is a comprehensive plan, mixing both control and containment, and including several elements like dialogue towards rehabilitation, lengthy judicial sentences, inspiration from the cultural heritage of Koran teaching and learning, and the inducement of Salafist imams who are close to the jihadist and represent their ideological reference. This is in addition to holding a thorough dialogue on religion and jurisprudence led by the religious administration and assisted by popular imams.

E. The Saudi experience

The basis for Saudi Arabia's approach with returnees from hotspots is Royal Order No. A: / 44, dated 4/3/1435 AH.

The Royal Order doesn't signal out returnees but covers all persons committing terrorist crimes inside and outside the kingdom. This law imposed a prison term of no less than 3 years for each committed crime, and no more than 20 years for those who participated in fighting, belonged to extremist currents, or glorified or helped them.

Added to this injunctive security-based solution, there is the idea of "Counselling", through which senior Imams and sheiks, psychologist, and sociologists get in touch with the returnee to help rehabilitate and reintegrate him into society. This programme is being implemented in "Mohammed bin Naïf Counselling and Care Center".