



**Centre for the Response to
Radicalisation and Terrorism**

At The Henry Jackson Society

British Jihadists: Preventing Travel Abroad and Stopping Attacks at Home

Centre for the Response to Radicalisation and Terrorism
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Summary

- At least 500 British Muslims have travelled to Syria, with many joining violent Islamist groups and up to 300 already back on British soil. Some, returning with combat experience and training, will seek to engage in terrorism in the United Kingdom (UK).
- The recent Western focus of the region's dominant Islamist terrorist group, Islamic State (IS), makes it the single biggest terrorism threat to the UK, most likely to manifest in the group directing or inspiring plots from abroad or by sending fighters back to the UK either in an operational capacity or motivated to self-start.
- The problem of returning trained fighters targeting the UK is not new. Henry Jackson Society analysis of Islamism-inspired terrorism offences shows that individuals who had previously fought in jihadist conflicts or trained abroad were disproportionately involved in the most serious offences in the UK over the last 15 years.
- British counter-terrorism measures regarding foreign fighters related to Syria have become more robust over the previous 12–18 months. Criminal measures taken include prosecuting aspiring and returning fighters as well as drafting legislation to widen extra-territorial jurisdiction to more effectively prosecute activities abroad. Non-criminal measures used by the Home Secretary include passport confiscation under Royal Prerogative and deprivation of citizenship for dual nationals and naturalised British citizens. Preventative efforts have focused on the de-radicalisation programme, Channel, and counter-messaging to discourage travel to Syria.
- On 1 September 2014, Prime Minister David Cameron outlined counter-terrorism measures designed to fill specific operational and legislative gaps in the government's existing armoury. He proposed expanding government powers relating to: passport confiscation; citizenship deprivation; and additional restrictions on terrorism suspects. All three proposals will engender varying political, legal and reputational challenges.
- The following policy options offer alternatives or modifications designed to: prevent foreign travel; protect against attacks from returning fighters and sympathisers; reintegrate returning fighters; and, strengthen counter-radicalisation efforts more broadly:
 - Selective use of the treason law and the suspension of benefits could provide alternative, and high-profile, mechanisms for deterring foreign fighters;
 - Modifications to the Prime Minister's current proposals, such as legislating to allow passport confiscation without Royal Prerogative and a more widespread use of Terrorism Prevention and Investigation Measures (TPIMs), could serve to enhance their effectiveness;
 - A standardised protocol for all returning fighters with a range of measures commensurate to the threat posed would ensure a minimum standard of contact for all; and, a focus on prosecuting the promotion of IS materials would serve to disrupt extremists' propaganda efforts in the UK;
 - Utilising Channel in targeted counter-radicalisation settings, such as schools and universities, would help challenge Syria-related extremism in the UK; and, the introduction of a national counselling service would help support the families of returning or aspiring foreign fighters.

Introduction

Over a decade on from the 9/11 terrorist attacks in New York and Washington D.C. in 2001, parts of the Middle East resemble the terrorist safe havens Allied forces went into Afghanistan to disrupt. With the on-going Syrian conflict in its fourth year and the Islamist terrorist group Islamic State (IS)¹ now controlling large swathes of territory spanning northern Iraq and Syria, the threat to the United Kingdom (UK) emanating from this destabilisation has never been greater.

At least 500 British Muslims have travelled to Syria, with many joining violent Islamist groups and up to 300 already back on British soil. At the same time, IS – which has been openly committing acts of brutality on an unprecedented scale compared to previous conflicts involving jihadist groups and British fighters – has recently turned its attention towards the West. The UK terrorism alert level was increased for the first time in three years on 29 August 2014, from “substantial” to “severe”, meaning that a terrorist attack is now considered “highly likely”.² Formulating and implementing effective measures to counter this threat is now a policy priority.

As British Prime Minister David Cameron made clear in his speech to the House of Commons on 1 September 2014, the situation in both Syria and Iraq is one which requires a range of responses, including political and diplomatic as well as military and security.³ While co-ordinated action abroad with a range of actors is necessary, the domestic threat to the UK requires both a robust use of current anti-terrorism measures and, in a number of specific circumstances, a limited and targeted expansion of particular powers. In addition, the policy focus needs to be both long- and short-term as well as balance high and low severity/impact measures against their political, legal and reputational ramifications.

1. British Foreign Fighters

The release of a propaganda video on 2 September 2014 showing the murder of American journalist Steven Sotloff by IS marks the second beheading video in as many weeks by the jihadist group.⁴ It follows that of the murder of American journalist James Foley in August 2014, apparently by the same man with a British accent.⁵ Amid the on-going conflict in Syria, therefore, the threat to the West and the UK in particular, from returning fighters has been significantly heightened by the increasingly Western focus of the pre-eminent terrorist group in the region.

1.1 Prior British Muslim Involvement in Jihadist Conflict

Previous terrorist behaviour in the UK shows that the threat from returning fighters and, more broadly, the ‘blowback’ from foreign jihadist conflicts should not be underestimated. For almost

¹ Formerly known as Islamic State of Iraq and the Levant (ISIL); Islamic State of Iraq and al-Sham (ISIS); the Islamic State of Iraq (ISI); the Mujahideen Shura Council (MSC); and, al-Qaeda in Iraq (AQI).

² ‘Threat level from international terrorism raised’, Prime Minister’s Press Statement, 29 August 2014, available at: www.gov.uk/government/speeches/threat-level-from-international-terrorism-raised-pm-press-conference.

³ Hansard, Prime Minister’s statement, EU Council, Security and Middle East, 1 September 2014, c24, available at: www.publications.parliament.uk/pa/cm201415/cmhansrd/chan29.pdf.

⁴ ‘Islamic State ‘kills US hostage’ Steven Sotloff’, *BBC News*, 2 September 2012, available at: www.bbc.co.uk/news/world-middle-east-290388362.

⁵ ‘Second English-speaking voice detected on Steven Sotloff murder video’, *The Telegraph*, 10 September 2014, available at: www.telegraph.co.uk/news/worldnews/middleeast/iraq/11086231/Second-English-speaking-voice-detected-on-Steven-Sotloff-murder-video.html.

three decades, small numbers of British Muslims have fought for Islamist terrorist groups abroad and/or travelled to foreign conflict zones and ungoverned spaces to receive training from terrorist groups, most notably al-Qaeda-affiliated training camps in Afghanistan and Pakistan. Upon their return, a small but significant number of these were involved in specific terrorist plots and attacks; while the radicalising impact of others has been widely evident across numerous terrorism offences in the UK to date.

During the 1990s, small numbers of British Muslims fought for jihadist causes in Chechnya, Bosnia, Kashmir and Afghanistan. Following the invasion of Afghanistan by the United States (US) in October 2001, the numbers increased, with extremists connected to the British-based proscribed terrorist group al-Muhajiroun claiming that there were 1,000 British Muslims fighting *jihad* in Afghanistan. After the 2003 invasion, Iraq became another destination for British *jihad*. In June 2005, senior British security sources stated that 70 British Muslims were fighting against coalition troops in Iraq,⁶ a figure that rose to between 120 and 150 a year later.⁷

Estimates for British Muslims in receipt of terrorist training abroad (both in conflict zones and elsewhere) are higher than those for those with foreign combat experience. Evidence presented to the Special Immigration Appeals Commission (SIAC) in 2002, for example, showed that, “upwards of a thousand individuals from the UK are estimated on the basis of intelligence to have attended training camps in Afghanistan in the last five years”.⁸ In November 2008, the Security Services revealed that over 4,000 British Muslims had attended terrorist training camps in Afghanistan and Pakistan.

Increased global terrorist activity also prompted a diversification of locations for terrorist training and combat experience. In September 2010, for example, the former head of MI5, Jonathan Evans, said that there were a “significant number” of UK citizens and residents training in al-Shabaab camps in Somalia, adding that, “it is only a matter of time before we see terrorism on our streets inspired by those who are today fighting alongside Al Shabaab”. Almost three years later, in May 2013, off-duty soldier Drummer Lee Rigby was murdered by two British converts to radical Islam, one of whom, Michael Adebolajo, had previously travelled to Kenya in 2010 in an unsuccessful attempt to join al-Shabaab.⁹

1.2 Foreign Fighters in Syria and Iraq

In the spring/summer of 2013, two years after the opposition took up arms against President Bashar al-Assad, the Syrian conflict became the best-attended by foreign fighters of any conflict in a Muslim-majority country,¹⁰ with the British authorities recognising that, “the overall number of foreign fighters travelling to Syria is greater than for all other arenas of jihad combined”.¹¹ Moreover, recent figures suggest that 12,000 foreign fighters have travelled to Syria since the

⁶ ‘70 British Muslims join Iraq fighters’, *The Times*, 26 June 2005, available at: www.timesonline.co.uk/tol/news/uk/article537577.ece.

⁷ ‘British brigade of Islamists join Al-Qaeda foreign legion’, *The Times*, 4 June 2006, available at: www.thesundaytimes.co.uk/sto/news/uk_news/article178499.ece.

⁸ *Judgments – A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent)*, House of Lords, 16 December 2004, available at: www.parliament.the-stationery-office.co.uk/pa/ld200405/ldjudgmt/jd041216/a&oth-2.htm.

⁹ ‘Woolwich murder suspect: Michael Adebolajo held in Kenya in 2010’, *BBC News*, 26 May 2014, available at: www.bbc.co.uk/news/uk-22673164.

¹⁰ Hegghammer, Dr. T., ‘Syria’s Foreign Fighters’, *Foreign Policy*, 9 December 2013, available at: mideastafrika.foreignpolicy.com/posts/2013/12/09/syrias_foreign_fighters.

¹¹ Letter from the Rt. Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman, 7 May 2013, in House of Lords European Union Select Committee Correspondence, 1 November 2012–8 May 2013, available at: www.parliament.uk/documents/lords-committees/eu-sub-com-c/cwm/CwMsubC01Nov2012-8May2013-.pdf, p. 28-29.

conflict began, more than the 10,000 total fighters estimated to have joined the Afghan *mujahideen* against the almost decade-long Soviet occupation.¹²

The influx of Western fighters is in part the result of the geographical proximity of Turkey to Syria and the porous nature of their shared border, which have made accessing the conflict zone from Europe easier than past jihadist fronts. The sectarian nature of the Syrian regime's oppression and the perceived success of IS in establishing a caliphate, or 'Islamic' state, make the conflict very attractive in terms of the jihadist narrative. In addition, foreign fighters are documenting their involvement in the conflict online, both in English-language and in real-time, to a Western audience.¹³ The ubiquity of social media means the global reach of such propaganda material is arguably unprecedented among jihadist conflicts.

As a result, by December 2013 it was estimated that as many as 2,000 Europeans had travelled to fight in Syria.¹⁴ Most recently, on 1 September 2014, Prime Minister David Cameron stated that, "[A]t least 500 people have travelled from Britain to fight in the region, in addition to 700 from France, 400 from Germany and hundreds more from countries including America, Canada, Austria, Denmark, Spain, Sweden, Belgium, the Netherlands and Australia".¹⁵

1.3 The Emergence of Islamic State

IS has a decade-long history of terrorist operations in Iraq.¹⁶ Over the last 18 months, the group has capitalised on the instability created by the conflict in Syria, establishing a territorial hold in the north of the country, before this year expanding into Iraq.

In the spring of 2013, violent Islamist groups were increasingly gaining ground in Syria to the detriment of the moderate opposition groups supported by the West.¹⁷ Of the major jihadist groups operating in Syria, IS emerged stronger and more internationally-oriented than its former ally-turned-rival, the al-Nusrah Front (ANF), the al-Qaeda affiliate comprised predominately of Syrian nationals, after a leadership dispute saw IS *emir* Abu Bakr al-Baghdadi reject the authority of al-Qaeda global *emir* Ayman al-Zawahiri.¹⁸

IS has since become both the pre-eminent jihadist group in the region and the single biggest terrorism threat to the West. Since its advance in June 2014, IS now controls significant territory and has acquired recruits, weapons and money to the extent that it has been compared to a terrorist army rather than a terrorist group.¹⁹ Most recently, the European Council concluded that

¹² 'Syria civil war: Hundreds of radicalised fighters are already back in the UK, warns former MI6 chief', *The Independent*, 22 June 2014, available at: www.independent.co.uk/news/uk/home-news/syria-civil-war-mi6-fears-the-jihadist-enemy-within-9554429.html.

¹³ Carter, J. A. *et al.*, 'Greenbirds: Measuring Importance and Influence in Syrian Foreign Fighter Networks', (2014), *International Centre for The Study of Radicalisation and Political Violence*, available at: icsr.info/wp-content/uploads/2014/04/ICSR-Report-Greenbirds-Measuring-Importance-and-Influence-in-Syrian-Foreign-Fighter-Networks.pdf.

¹⁴ 'Up to 11,000 foreign fighters in Syria; steep rise among Western Europeans', *International Centre for the Study of Radicalisation*, 17 December 2013, available at: icsr.info/2013/12/icsr-insight-11000-foreign-fighters-syria-steep-rise-among-western-europeans/.

¹⁵ Hansard, Prime Minister's statement, EU Council, Security and Middle East, 1 September 2014, c24.

¹⁶ Simcox, R., 'Al-Qaeda's Global Footprint: An Assessment of al-Qaeda's Strength Today', (2011), *The Henry Jackson Society*, available at: <http://henryjacksonsociety.org/wp-content/uploads/2013/09/HJS-Qaidat-al-Jihad-Report.pdf>, pp. 17-20.

¹⁷ Letter from the Rt. Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman, 7 May 2013.

¹⁸ 'Iraqi al-Qaeda chief rejects Zawahiri orders', *al-Jazeera*, 15 June 2013, available at: www.aljazeera.com/news/middleeast/2013/06/2013615172217827810.html.

¹⁹ Simcox, R., 'ISIS' Western Ambitions', *Foreign Affairs*, 30 June 2014, available at: www.foreignaffairs.com/articles/141611/robin-simcox/isis-western-ambitions.

the group's "creation of an Islamic Caliphate in Iraq and Syria and the Islamist-extremist export of terrorism on which it is based, is a direct threat to every European country".²⁰

A sizable proportion of Western Muslims travelling to Syria, including those from the UK, have joined or will likely join IS. On a practical level, the group's relative size and hold over border territory mean it is often the most able to attract Western recruits travelling from Turkey.²¹ Additionally, while other brigades, both jihadist and nationalist, have traditionally been sceptical about Western recruits' fighting abilities,²² IS appears to have recognised both the shock and marketing value of foreign fighters, evidenced by the proliferation of English-language propaganda videos featuring English-speaking European jihadists, such as the recent videos appearing to show a man with a British accent beheading US journalists James Foley and Steven Sotloff.

1.4 The Increasing Threat from Returning Fighters

Since the conflict in Syria began, British Security Services and counter-terrorism personnel have recognised the potential threat to the UK, not only from returning foreign fighters but also from extremism-related activity at home. Over the course of this year, however, senior security and police figures have raised national awareness of the issue by speaking out more regularly about the conflict and the dangers posed to national security.

In February 2014, Britain's senior counter-terrorism official, Charles Farr, stated that Syria was:

[...] different from any other counter-terrorism challenge that [the UK] have faced since 9/11 – because of the number of terrorist groups now engaged in the fighting, their size and scale, the number of people from this country who are joining them, ease of travel, availability of weapons and the intensity of the conflict.²³

A month earlier, Richard Walton, then head of the Metropolitan Police's counter-terrorism unit, described an attack in the UK by a fighter returning from Syria as "almost inevitable".²⁴ In April 2014, Metropolitan Police Assistant Commissioner Cressida Dick stated she was "increasingly concerned about the numbers of young people who have or are intending to travel to Syria to join the conflict".²⁵ By the end of August 2014, the Joint Terrorism Analysis Centre had raised the threat level in the UK, from "substantial" to "severe", in response to the situation in general rather than any specific plot.²⁶

In addition to the increasing involvement of British jihadists in the conflict, IS has displayed a more determined Western focus in recent months, both in terms of recruitment and as a potential target for attack.²⁷ In a propaganda video released shortly after the fall of Mosul, for

²⁰ Hansard, Prime Minister's statement, EU Council, Security and Middle East, 1 September 2014, c24.

²¹ Interview with Specialist Interventionist currently working with returning fighters, 28 August 2014.

²² 'The Syrian rebel groups pulling in foreign fighters', *BBC News*, 24 December 2013, available at: www.bbc.co.uk/news/world-middle-east-25460397.

²³ 'Syria extremism is unlike any threat UK has seen since 9/11, security chief warns', *Evening Standard*, 25 February 2014, available at: www.standard.co.uk/news/uk/exclusive-syria-extremism-is-unlike-any-threat-uk-has-seen-since-911-security-chief-warns-9151894.html.

²⁴ 'Anti-terrorism chief warns of British girls inspired by Jihad', *Evening Standard*, 23 January 2014, available at: www.standard.co.uk/news/crime/exclusive-antiterrorism-chief-warns-of-british-girls-inspired-by-jihad-9080110.html.

²⁵ 'Syria crisis: UK police urge Muslim women to report relatives planning to join war', *The Independent*, 24 April 2014, available at: www.independent.co.uk/news/world/middle-east/syria-crisis-uk-police-urge-muslim-women-to-report-relatives-planning-to-join-war-9281100.html.

²⁶ 'Threat level from international terrorism raised', Prime Minister's Press Statement, 29 August 2014.

²⁷ 'The Bride of ISIS Revealed', *The Daily Beast*, 3 September 2014, available at: www.thedailybeast.com/articles/2014/09/03/the-bride-of-isis-revealed.html.

example, a British jihadist proclaimed that IS fighters “understand no borders” and will go “wherever our sheikh wants to send us”.²⁸

IS has previously targeted Europe. IS precursor groups have been connected to a series of attacks in Europe, including the June 2007 car bombing attack against targets in London and Glasgow, Scotland; and, Iraqi-born militant Taimour Abdulwahab al-Abdaly’s 2010 suicide attack in Stockholm, Sweden. In June 2013, members of IS were arrested in Iraq and accused of attempting to manufacture chemical weapons to smuggle into Canada, the US and Europe; while French citizen and returning foreign fighter Mehdi Nemmouche, who shot and killed three people at the Jewish Museum in Brussels May 2014, was in possession of weapons wrapped in an IS flag when arrested.²⁹

Of the 500 recruits who have travelled from the UK, approximately half are now thought to have returned. In the wake of Foley’s murder, for example, Metropolitan Police Commissioner Sir Bernard Hogan-Howe estimated that 250 fighters had returned to the UK, adding that “two-thirds to three-quarters of them come from the London area”.³⁰ In June of this year former head of counter-terrorism at MI6, Richard Barrett, expressed concern that the number of returnees could be as high as 300.³¹

The Metropolitan Police are cognisant of various manifestations of the threat from returning fighters, the most direct being foreign terrorist groups directing and inspiring plots from abroad or sending fighters back to the UK either in an operational capacity or motivated to self-start. Additional concerns include: individuals returning with military training; weapons smuggling; and, UK-based incitement to terrorism or violence from returning fighters. Outlining these concerns in June 2014, Metropolitan Police Assistant Commissioner Cressida Dick, stressed the galvanising role of social media and online propaganda materials in the radicalisation of British Muslims. She further acknowledged the difficulty in monitoring all returnees, stating that “as technology changes it is getting harder for us to access some of that data”.³²

The British Security Services also recognise that the “experience of fighting overseas with terrorist groups can also promote radicalisation”.³³ Precedent suggests that some returning fighters may also become involved with like-minded extremist groups and/or individuals as well as have a significant galvanising effect on radicalisation as a result of their perceived legitimacy gained through foreign combat experience. The radicalising reach of British veterans of the Afghan and Bosnian wars in the 1980s and 1990s is evident in subsequent terrorism cases. HJS analysis of British connections to al-Qaeda-inspired terrorism shows, for example, that prominent jihadist ideologue and convicted terrorist Abu Hamza al-Masri, played a role in the radicalisation of at least 35 men, some of whom were later involved in viable bomb plots in the UK, including the “fertiliser bomb”

²⁸ ‘Brit Jihadi Film Leaves Family “Heartbroken”’, *Sky News*, 21 June 2014, available at: news.sky.com/story/1286159/brit-jihadi-film-leaves-family-heartbroken.

²⁹ Simcox, R., ‘ISIS’ Western Ambitions’, *Foreign Affairs*, 30 June 2014.

³⁰ ‘Met chief Sir Bernard Hogan-Howe: London is home to hundreds of “militarised” jihadi fighters’, *Evening Standard*, 28 August 2014, available at: www.standard.co.uk/news/uk/met-chief-sir-bernard-hoganhowe-warns-of-londons-200-militarised-jihadi-fighters-9693477.html.

³¹ ‘Syria civil war: Hundreds of radicalised fighters are already back in the UK, warns former MI6 chief’, *The Independent*, 22 June 2014.

³² Metropolitan Police Assistant Commissioner Cressida Dick, interview with BBC Radio 4 The World This Weekend, 22 June 2014, audio available at: www.bbc.co.uk/programmes/p021f83q; see also: ‘UK Syria Fighters Pose Long-Term Threat-Met Officer’, *BBC News*, 22 June 2014, available at: www.bbc.co.uk/news/uk-27960816.

³³ MI5, International Terrorism official web page, available at: www.mi5.gov.uk/home/the-threats/terrorism/international-terrorism/international-terrorism-and-the-uk/foreign-fighters.html.

and “dirty bomb” plots, both disrupted in 2004; while others he sent to commit acts of terrorism abroad, in places as varied as the US, Yemen and Chechnya.³⁴ Additionally, Abu Hamza ran Finsbury Park mosque between 1997 and 2003, which, according to one former foreign fighter and congregant, sent up to 50 men to their deaths “in terror operations and insurgent attacks” abroad.³⁵

1.5 Prevalence of Foreign Training or Combat among UK Terrorism Offenders

The problem of returning fighters targeting the UK is not new. There is significant evidence of ‘blowback’ from those who previously travelled abroad either for combat experience or terrorist training. While there is no way to accurately predict the number of returning fighters who will directly threaten domestic security, various terrorism studies can give us an indication of the scale of the threat.

For example, Dr Thomas Hegghammer’s study of out-going foreign fighters from the West between 1990 and 2010, found that, on average, one in nine became involved in militancy at home upon return. Hegghammer believes that, in relation to the conflict in Syria, this is likely to be a maximum estimate and “the real ratio is probably lower”.³⁶ He adds, however, that “when the numbers are so large, even a small proportion will produce a large absolute number”.³⁷ Allowing for deaths in the battlefield, a conservative estimate based on Hegghammer’s study would suggest that approximately 40 returning fighters will seek to re-engage in terrorist activity.

Individuals with foreign training or combat experience have been prevalent among terrorism offences and attacks in the UK. A 2011 HJS study of all Islamism-inspired terrorism offences between 1999 and 2010 in the UK found that almost one in every five individuals either convicted or killed (19%) had attended foreign terrorist training camps and/or obtained combat experience abroad, largely in Pakistan and Afghanistan. Among the offences and attacks were eight major terrorism bomb plots,³⁸ all of which involved at least one cell member who had obtained combat experience and/or received terrorist training abroad prior to their arrest or attack. Four in ten (41%) of the 37 individuals directly involved had received foreign training or combat experience. As such, individuals involved in the major bomb plots were much more likely to have engaged in militancy abroad than those who were involved in all Islamism-inspired terrorism offences overall (41% and 19% respectively).

Analysis of subsequent terrorism-related convictions in the UK also shows that individuals who have either trained or fought abroad are disproportionately involved in some of the most serious offences. The most notable example of this is the large 2011 Birmingham-based terrorism cell which the Crown Prosecution Service (CPS) stated was “plan[ning] to commit an act or acts of

³⁴ Simcox, R. *et al.*, ‘Islamist Terrorism: The British Connections’ (2011), *The Henry Jackson Society*, pp. 46-48, 513.

³⁵ O’Neill, S., and McGrory, D., *Suicide Factory: Abu Hamza and the Finsbury Park Mosque*, (Harper Collins, 2006), p. 93.

³⁶ Hegghammer, Dr. T., ‘Foreign Fighters in Syria: A Danger to the West?’ Event Transcript, *The Henry Jackson Society*, 26 November 2013, available at: henryjacksonsociety.org/2013/11/26/foreign-fighters-in-syria-a-danger-to-the-west/.

³⁷ Hegghammer, Dr. T., ‘Foreign Fighters in Syria: A Danger to the West?’ Event Transcript. *The Henry Jackson Society*, 26 November 2013.

³⁸ The eight major bomb plots which resulted in either convictions or successful attacks were: the 2001 ‘shoe bomb’ plot, for which Sajjid Badat was the only cell member convicted in the UK; the 2003 ‘ricin bomb’ plot for which Kamel Bourgass was the only cell member convicted in the UK; the 2004 ‘fertiliser bomb’ plot headed by Omar Khyam; the 2004 ‘dirty bomb’ plot headed by Dhiren Barot; the 7/7 London bombings in 2005; the 2005 21/7 plot headed by Muktar Said Ibrahim; the 2006 transatlantic ‘liquid bomb’ plot headed by Abdulla Ahmed Ali; and, the Glasgow airport and London Haymarket attacks in 2007 carried out by Bilal Abdulla’s cell.

terrorism on a scale potentially greater than the London bombings in July 2005”.³⁹ Six of the eleven men involved had previously travelled to Pakistan for terrorist training, which included bomb-making, weapons training and poison-making.⁴⁰ Other recent cases involving individuals with foreign combat or training experience include four men who “used their Manchester market stall as a front to lure young men [...] with the ultimate aim of recruiting them to attend terrorist training camps and fight overseas”;⁴¹ and, a Luton-based cell which plotted to detonate explosives inside a Territorial Army base.⁴²

1.6 British Capacity to Respond to Returning Fighters

Security sources allege that the relevant British authorities do not currently have the capacity to respond to the threat. The former head of counter-terrorism at MI6, for example, said in June 2014 that it was “out of the question” to be able to monitor all those who have returned from fighting in Syria.⁴³ In 2007, MI5 acknowledged that they were tracking 2,000 terror suspects in the UK.⁴⁴ While not all potential returning fighters will survive to re-enter the UK and of those that do, not all will require surveillance, the current estimate for foreign fighters from the UK represents a quarter of MI5’s total surveillance capacity.

Furthermore, during the Intelligence & Security Committee’s inquiry into the 7 July 2005 London bombings, MI5 was forced to admit that it can only “hit the crocodiles nearest the boat” and has to “prioritise ruthlessly”.⁴⁵ As a result, mistakes, particularly in the potential risk attributed to an individual (which determines the level of monitoring required, if at all) can and have been made. For example, before Mohammed Siddique Khan went on to mastermind the 7/7 bombings, he had been recorded in conversation with another known extremist and was not considered a priority.

2. Policy Responses

British measures to tackle the problem of foreign fighters in Syria (and latterly Iraq) have become more robust over the previous 12–18 months. This has largely been in response to the heightened domestic threat from growing terrorist activity in the region and the increasing numbers of returning fighters. The murder of James Foley and the Joint Terrorism Analysis Centre (JTAC)’s decision to raise the terrorism alert level in late-August 2014, however, has highlighted the need for a more effective domestic counter-terrorism policy to meet the government’s two foremost operational priorities: preventing foreign travel for terrorist purposes; and mitigating the risk of attack from those who return.

³⁹ ‘R v Irfan Naseer and others - cases concluded in 2013’, Crown Prosecution Service Counter-Terrorism Division, undated, available at: www.cps.gov.uk/publications/prosecution/ctd_2013.html.

⁴⁰ *ibid.*

⁴¹ ‘CPS statement on R V Farooqi ad others’, Crown Prosecution Service, 9 September 2011, available at: www.cps.gov.uk/news/latest_news/cps_statement_on_r_v_farooqi_and_others/index.html.

⁴² ‘Four Luton men jailed for preparation of terrorist acts’, Crown Prosecution Service, 18 April 2013, available at: www.cps.gov.uk/news/latest_news/four_luton_men_jailed_for_preparation_of_terrorist_acts/index.html.

⁴³ “Not possible” to monitor all UK Syria fighters’, *BBC News*, 23 June 2014, available at: www.bbc.co.uk/news/uk-27968963.

⁴⁴ “Thousands” pose UK terror threat’, *BBC News*, 5 November 2007, available at: www.news.bbc.co.uk/1/hi/uk/7078712.stm.

⁴⁵ ‘Could 7/7 Have Been Prevented? Review of the Intelligence on the London Terrorist Attacks on 7 July 2005’, Intelligence & Security Committee, HM Government, May 2009, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/224542/7-7_attacks_intelligence.pdf.

Operational counter-measures and legislative changes to date have focused predominantly on disrupting and deterring travel, while counter-radicalisation work, undertaken primarily by the Office for Security and Counter-Terrorism (OSCT) at the Home Office and police forces, has encouraged de-radicalisation and prevention.

2.1 Criminal Measures: Prosecuting Foreign Travel for Terrorist Purposes and Widening Extra-Territorial Jurisdiction

Over the last 18 months, the police and CPS have taken an increasingly tough stance on Syria-related offences, in order to both disrupt and deter foreign travel for terrorist purposes. In the first seven months of 2014 there were 69 Syria-related arrests in the UK,⁴⁶ a five-fold increase on previous years.⁴⁷ While HJS research on Islamism-inspired terrorism cases in the UK showed that the average timeframe from arrest to conviction was 20 months,⁴⁸ arrests are beginning to produce convictions. The first successful prosecution of a British citizen for Syria-related terrorism offences occurred in May 2014 and three others have already followed this year.⁴⁹ More cases – such as the prosecution of former Guantanamo Bay detainee Moazzam Begg for providing terrorist training in Syria and raising funds to aid terrorist causes there⁵⁰ – are scheduled for later this year.

Travelling to Syria, however, is not a crime per se in the UK, which may explain why there were relatively few arrests towards the beginning of the conflict despite the presence of British fighters. Increasingly this year, however, those intending to travel have been repeatedly warned that: “[the police] will do everything we can to stop you from travelling”.⁵¹ Individuals who commit crimes in relation to their aspiration to go abroad to fight and/or train can be prosecuted for a variety of offences under anti-terrorism legislation. Among these are: conspiracy to attend at a place used for terrorist training, contrary to section 8 of the Terrorism Act 2006;⁵² and, terrorist financing offences contained in sections 15-18 of the Terrorism Act 2000, including raising, holding and using funds for terrorism purposes.⁵³ In addition, the act of “planning to travel to Syria [...] in order to engage in acts of terrorism” has been used as evidence of engaging in conduct in preparation of terrorist acts, an offence contrary to section 5 of the Terrorism Act 2006.⁵⁴

In January 2014, the Head of the Association of Chief Police Officers’ Prevent strategy, Peter Fahy, asserted that anyone travelling from the UK to Syria faces arrest on their return. If there is reasonable suspicion that the individual fought alongside a terrorist group, such as Islamic State

⁴⁶ May, T., ‘We must give ourselves all the legal powers we need to prevail’, *The Telegraph*, 22 August 2014, available at: www.telegraph.co.uk/news/11052510/We-must-give-ourselves-all-the-legal-powers-we-need-to-prevail.html; see also: ‘UK will feel fallout of war in Syria “for years to come”, warns top Met officer’, *The Guardian*, 22 June 2014, available at: www.theguardian.com/world/2014/jun/22/uk-syria-islamic-extremism-isis-muthana-cressida-dick.

⁴⁷ ‘Threat level from international terrorism raised’, Prime Minister’s Press Statement, 29 August 2014.

⁴⁸ Simcox, R. *et al.*, ‘Islamist Terrorism’, p. 282.

⁴⁹ ‘Syria conflict: First Briton convicted of terrorist offences’, *BBC News*, 20 May 2014, available at: www.bbc.co.uk/news/uk-27488006; see also: ‘Two British men admit to linking up with extremist group in Syria’, *The Guardian*, 8 July 2014, available at: www.theguardian.com/world/2014/jul/08/two-british-men-admit-linking-extremist-group-syria; see also: ‘Threat level from international terrorism raised’, Prime Minister’s Press Statement, 29 August 2014.

⁵⁰ ‘Ex-Guantanamo Bay detainee Moazzam Begg charged with terror offences’, *The Telegraph*, 1 March 2014, available at: www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10669848/Ex-Guantanamo-Bay-detainee-Moazzam-Begg-charged-with-terror-offences.html.

⁵¹ ‘Extremism warning on Syria fall-out’, *Press Association*, 23 June 2014, available at: news.uk.msn.com/extremism-warning-on-syria-fall-out.

⁵² The Terrorism Act 2006, HM Government, available at: www.gov.uk/government/publications/the-terrorism-act-2006.

⁵³ The Terrorism Act 2000, HM Government, available at: www.legislation.gov.uk/ukpga/2000/11/section/15.

⁵⁴ ‘Birmingham terrorists: Two British men who spent eight months fighting in Syria admit terror offences on UK return’, *The Independent*, 8 July 2014, available at: www.independent.co.uk/news/uk/crime/birmingham-terrorists-two-british-men-who-spent-eight-months-fighting-in-syria-admit-terror-offences-on-uk-return-9592189.html.

(IS) or the al-Nusrah Front (ANF), they can be charged with membership of a proscribed organisation,⁵⁵ contrary to section 11 of the Terrorism Act 2000.

One limitation to prosecutorial capacity, however, recognised by the government is that, due to the limits of British jurisdiction, preparation of terrorist acts and training for terrorism, offences contrary to sections 5 and 6 of the Terrorism Act 2006 respectively, can be difficult to apply to returning fighters. In one recent case, for example, two returning fighters who had spent eight months in Syria were convicted of preparing for acts of terrorism solely on the basis of plans made prior to their departure rather than any activity undertaken abroad.⁵⁶

The government's Serious Crime Bill, which was brought before Parliament in June 2014, closes this legislative gap by extending extra-territorial jurisdiction to these two offences. Specifically, clause 65 amends section 17 of the Terrorism Act 2006 thereby conferring extra-territorial jurisdiction on the UK courts for preparation of terrorist acts (section 5) and extending the limited extra-territorial jurisdiction that currently applies to training for terrorism (section 6).⁵⁷

Recent action by the police and CPS stands in contrast to previous jihadist conflicts for which there has not been a single prosecution in a British court. As well as disrupting potential foreign travel for terrorist purposes, high-profile prosecutions and the threat of legal action act as a useful deterrent.

2.2 Non-Criminal Measures: Passport Confiscation for all Passport Holders and Deprivation of Citizenship for Dual Nationals and Naturalised British Citizens

The British authorities have additionally resorted to non-criminal measures through utilising and expanding powers held by the Home Secretary, both to confiscate passports from aspiring foreign fighters to prevent travel and to exclude returning fighters from the UK where possible.

Under Royal Prerogative, the Home Secretary can issue, revoke and refuse passports if it is in the public interest to do so. In a written ministerial statement laid in the House of Commons on 25 April 2013, the current Home Secretary Theresa May clarified that, “[the] need to disrupt people who travel for these purposes has become increasingly apparent with developments in various parts of the world” and that “passport facilities may be refused to or withdrawn from British nationals who may seek to harm the UK or its allies by travelling on a British passport to, for example, engage in terrorism-related activity or other serious or organised criminal activity”.⁵⁸ By August of this year, May had used this discretionary power to prevent 23 people who were

⁵⁵ IS became a proscribed organisation on 20 June 2014; ANF was officially recognised as an alternative name for al-Qaeda on 19 July 2013. See: Prevention and Suppression of Terrorism, 2014, No. 1624, The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2014, available at: www.legislation.gov.uk/uksi/2014/1624/pdfs/uksi_20141624_en.pdf; The Proscribed Organisations (Name Changes) Order 2013, No. 1795, HM Government (2013), available at: www.legislation.gov.uk/uksi/2013/1795/article/2/made.

⁵⁶ See, for example, the convictions of Yusuf Sawar and Mohammed Ahmed in July 2014. ‘Two Birmingham men in court on Syria terrorism charges’, *The Guardian*, 18 January 2014, available at: www.theguardian.com/uk-news/2014/jan/18/two-birmingham-men-court-syria-terrorism-charges; see also: ‘Birmingham terrorists: Two British men who spent eight months fighting in Syria admit terror offences on UK return’, *The Independent*, 8 July 2014.

⁵⁷ Serious Crime Bill, Fact sheet: Overview of the Bill, Home Office, June 2014, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/317912/Fact_sheet_-_Serious_Crime_Bill_overview.pdf.

⁵⁸ ‘The issuing, withdrawal or refusal of passports, written ministerial statement’, written statement to Parliament by Theresa May, 25 April 2013, available at: www.gov.uk/government/speeches/the-issuing-withdrawal-or-refusal-of-passports

planning to travel to Syria from leaving the country.⁵⁹ This measure applies to all passport holders and applicants, regardless of citizenship status.

In addition, under section 40 of the British Nationality Act 1981, the Home Secretary has the legal right to deprive someone of their citizenship if their presence in the UK is “not conducive to the public good” or if they have obtained it through fraudulent means, as long as deprivation does not leave them stateless.⁶⁰ While legal recourse to exclude returning foreign fighters with dual nationality has existed since the conflict in Syria began, it has not been widely publicised by the government. May used this power 20 times last year, representing an almost 200% increase on her previous years in office, and a four-fold increase on the previous Labour government (1997-2010).⁶¹ Confirmed cases indicate that these powers have been used on individuals considered to be a national security threat after travelling to both Somalia and Syria for terrorist training and/or combat experience.⁶²

The Home Secretary’s powers were recently amended so that, as she wrote in *The Telegraph*, “in certain circumstances I can remove citizenship from naturalised Britons who are fighting overseas and exclude them [from the UK]”.⁶³ After losing a long-running court case in October 2013 against Iraqi-born terrorism suspect Hilal al Jemma who had acquired British – and subsequently lost Iraqi – citizenship, May sought extra powers to revoke naturalised citizenship in circumstances where an individual’s activities, particularly those related to terrorism, were considered seriously prejudicial to the state.⁶⁴

The resultant provision, contained in section 66 of Immigration Act 2014, permits the Home Secretary to revoke citizenship if three criteria are met, namely that:

(a) the citizenship status results from the person’s naturalisation; (b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory, and; (c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.⁶⁵

The expansion of the Home Secretary’s power was significant and not without controversy. While, in March 2014, the Parliamentary Joint Committee on Human Rights concluded that the then bill “[did] not in strict legal terms involve any breach by the UK of its obligations under the UN Conventions on Statelessness”, it did, however, express concern that it would de facto “lead to an increase in statelessness” and therefore “represent a significant change of position in the

⁵⁹ May, T., ‘We must give ourselves all the legal powers we need to prevail’, *The Telegraph*, 22 August 2014.

⁶⁰ Sec. 40 Deprivation of citizenship, British Nationality Act 1981, available at: www.legislation.gov.uk/ukpga/1981/61/section/40.

⁶¹ ‘Exclusive: No way back for Britons who join the Syrian fight, says Theresa May’, *The Independent*, 13 December 2013, available at: www.independent.co.uk/news/uk/politics/exclusive-no-way-back-for-britons-who-join-the-syrian-fight-says-theresa-may-9021190.html.

⁶² *ibid.*

⁶³ May, T., ‘We must give ourselves all the legal powers we need to prevail’, *The Telegraph*, 22 August 2014.

⁶⁴ HC Deb, 30 January 2014, c1025, available at: www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140130/debtext/140130-0001.htm#140130-0001.htm_spm120.

⁶⁵ Sec. 66 Deprivation if conduct seriously prejudicial to vital interests of the UK, Immigration Act 2014, available at: www.legislation.gov.uk/ukpga/2014/22/section/66.

human rights policy of the UK”, which normally abides by both the spirit and letter of international law.⁶⁶

Given both her comparatively widespread use of citizenship deprivation orders against dual nationals and the Prime Minister’s endorsement of her enhanced powers during his speech in Parliament on 1 September 2014, the Home Secretary is likely to start enacting this provision against any returning naturalised Britons. The tangible impact of this measure may be limited, however, by the number of returning fighters that meet the criteria.⁶⁷ HJS research on previous Islamism-inspired terrorism cases in the UK, for example, showed that 69% of offences and attacks were perpetrated by British citizens, the majority of whom were British-born.

In addition, the burden is on the Home Secretary not only to retrospectively prove that prejudicial activities were undertaken in a war-zone, but also to demonstrate a reasonable belief that the individual has recourse to alternative citizenship. By contrast, however, long-running attempts to deport Jordanian al-Qaeda cleric Abu Qatada by successive Home Secretaries demonstrates the reputational damage governments can incur from perceived inertia against one high-profile individual.

2.3 Preventative Measures: Intervention and Community Outreach

The UK’s approach is not only based on tough measures against those who aspire to, or have already, travelled to Syria for terrorist purposes. Many of the programmes and structures within the government’s long-running counter-radicalisation ‘Prevent’ strategy have been re-oriented towards the Syrian conflict, primarily through de-radicalisation efforts with aspiring or returned fighters and counter-messaging to discourage foreign travel for terrorist purposes.

An important component of Prevent – and a viable alternative to prosecution in cases assessed to be low priority – is Channel, a de-radicalisation referral programme which provides multi-agency support to “people at risk of being drawn towards support for or involvement in all forms of terrorism”.⁶⁸ Syria-related referrals requiring specialist intervention will typically involve one-to-one sessions with a specialist interventionist practitioner, who engages the individual on a number of levels and assesses them against multiple risk factors.⁶⁹ Where relevant, practitioners will identify services more appropriate to the individual’s needs.⁷⁰

Since its pilot introduction in 2006/2007, the programme has received almost 4,000 referrals of which just under 800 (20%) were assessed as “vulnerable to being attracted towards terrorism”.⁷¹ Referrals had increased annually, commensurate arguably with greater awareness of and regional coverage by the programme, before spiking this year, with a 58% increase in referrals primarily due to engagement with foreign fighters.⁷² In 2013, the Prime Minister’s Task Force on Tackling

⁶⁶ ‘Committee concerned by new power to make British citizens stateless’, Joint Committee on Human Rights, 3 March 2014, available at: www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/report-on-immigration-bill/.

⁶⁷ ‘Threat level from international terrorism raised’, Prime Minister’s Press Statement, 29 August 2014.

⁶⁸ ‘National Channel Referral Figures’, Association of Chief Police Officers, undated, available at: www.acpo.police.uk/ACPOBusinessAreas/PREVENT/NationalChannelReferralFigures.aspx.

⁶⁹ Interview with anonymous interventions practitioner, 28 August 2014.

⁷⁰ ‘National Channel Referral Figures’, Association of Chief Police Officers, undated.

⁷¹ ‘National Channel Referral Figures’, Association of Chief Police Officers, undated.

⁷² ‘Threat level from international terrorism raised’, Prime Minister’s Press Statement, 29 August 2014.

Radicalisation and Extremism, set up following the murder of Drummer Lee Rigby, promised to “make delivery of the ‘Channel’ programme a legal requirement in England and Wales”.⁷³

Prevent officials have also been engaging in community outreach alongside the police, with the primary aim being to dissuade individuals from travelling to Syria. Since the conflict began, counter-terrorism messaging has focused, for example, on the risks to personal safety incurred when travelling to Syria and the increased pressure the presence of foreign fighters puts on humanitarian efforts in the country. Outreach materials, such as non-branded police pamphlets offering advice regarding travel to Syria and government factsheets, have also outlined the high levels of humanitarian support, including food, medical care and relief items, provided to the Syrian people by the British government.⁷⁴ In addition, young people who wish to ‘do something’ have been encouraged give to registered charities as well as warned that non-declared aid envoys exceeding £10,000 can be seized by the Border Agency.⁷⁵ Alongside discouraging people from travelling to Syria, the police also launched a national campaign in April 2014 aimed at supporting families – with a focus on women – who are concerned about their relatives travelling abroad and encouraging them to seek help from authorities.⁷⁶

Policy Options

In a speech to Parliament on 1 September 2014 Prime Minister David Cameron outlined counter-terrorism measures to respond to the domestic threat from extremism and terrorist activity in Syria and Iraq.⁷⁷ Many of the measures, however, are not new. Cameron spoke of “legislating so that we can prosecute people for all terrorist activity, even where that activity takes place overseas”⁷⁸ – a reference to the Serious Crime Bill and current efforts to extend extra-territorial jurisdiction. He also talked of “a new approach to tackling radicalisation, focusing on all types of extremism, not just violent extremism”⁷⁹ – in reference to Coalition changes to the Prevent strategy following a 2011 policy review. The Prime Minister’s announcement that the de-radicalisation programme, Channel, would be put “on a statutory footing” reiterated the commitment his Task Force on Tackling Radicalisation and Extremism made in December 2013.⁸⁰

Four new measures were proposed, however, in order to target specific operational and legislative gaps in the government’s existing capacity to both counter foreign travel for terrorist purposes and mitigate the risk from returning fighters. Least controversially, airlines will now have a statutory requirement to issue the government with “information on passenger lists and comply with [...]

⁷³ ‘Tackling extremism in the UK: Report from the Prime Minister’s Task Force on Tackling Radicalisation and Extremism’, HM Government (2013), available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf, p. 4.

⁷⁴ See for example the Department for International Development’s regularly updated factsheet on the issue: ‘The UK’s humanitarian aid response to the Syria crisis’, HM Government, last updated 10 September 2014, available at: www.gov.uk/government/statistics/factsheet-the-uks-humanitarian-aid-response-to-the-syria-crisis.

⁷⁵ See, for example: ‘Information and Advice About Travelling to Syria: Travel Warning’, Northumbria Police, available at: www.northumbria.police.uk/Images/Non-branded_Syria%20booklet_04.04.14_tcm4-94808.pdf.

⁷⁶ ‘Police make Syria plea to UK Muslim women’, *BBC News*, 24 April 2014, available at: www.bbc.co.uk/news/uk-27131707.

⁷⁷ Statement on European Council and tackling extremism, Prime Minister’s Statement in the House of Commons, 1 September 2014, available at: www.gov.uk/government/speeches/pm-statement-on-european-council-and-tackling-extremism.

⁷⁸ Statement on European Council and tackling extremism, Prime Minister’s Statement in the House of Commons, 1 September 2014.

⁷⁹ *ibid.*

⁸⁰ ‘Tackling extremism in the UK’, (2013), HM Government, p. 4.

security screening requirements”.⁸¹ In his annual report in 2014, the independent reviewer on terrorism legislation, David Anderson Q.C., noted that improved controls at ports were needed. He cited port officers reporting that they needed better advance information on passenger manifests which, at the time, could be released with as little as 30 minutes’ notice.⁸² This measure will, therefore, likely improve police, immigration and customs officers’ abilities to identify and question suspicious travellers at ports and airports.

The remaining three proposals, however, are more controversial as they involve an expansion of government powers, specifically relating to passport confiscation, citizenship deprivation and restrictions on terrorism suspects. On passport confiscation, Cameron pledged to “introduce specific and targeted legislation providing the police with a temporary power to seize a passport at the border” because, he stated, the police are currently unable to apply for the Royal Prerogative when they suspect a traveller at the border.⁸³ Regarding citizenship deprivation, he pledged to draw up proposals “on a cross-party basis” to “exclude British nationals from the UK” in order to “keep out foreign fighters who would pose a threat to the UK”.⁸⁴ Finally, he also pledged to introduce “stronger locational constraints” on suspects under existing terrorism prevention and investigation measures (TPIMs).

During his speech Cameron emphasised the careful balancing of security and liberty inherent in counter-terrorism policies and promised to avoid a “knee-jerk reaction”. All three proposals which seek to expand government powers, however, will engender varying political, legal and reputational challenges. In fact, many politicians, lawyers, civil liberties activists and commentators have already spoken out against the measures.⁸⁵ The following policy options, however, ranging from high- to low-severity/impact, offer alternatives or modifications designed to: further prevent foreign travel; protect against attacks from returnees and sympathisers; reintegrate returning fighters; and, strengthen counter-radicalisation efforts more broadly.

Selective use of the treason law and the suspension of benefits, for example, could provide alternative mechanisms for punishing and deterring foreign fighters. Modifications to the Prime Minister’s current proposals, such as legislating to allow passport confiscation without Royal Prerogative and a more widespread use of TPIMs, could serve to enhance their effectiveness. In addition, a management plan for all returning fighters with a range of measures commensurate to the threat posed would ensure a minimum standard of contact for all; and, a focus on prosecuting the promotion of IS (and other relevant proscribed terrorist organisation) materials would serve to disrupt extremists’ propaganda efforts in the UK. Finally, utilising Channel in targeted counter-radicalisation settings, such as schools and universities, would help challenge Syria-related extremism in the UK more generally; and, the introduction of a national counselling service would help support the families of returning or aspiring foreign fighters.

1. Consider Treason Laws as a Symbolic Alternative to Citizenship Deprivation

⁸¹ Statement on European Council and tackling extremism, Prime Minister’s Statement in the House of Commons, 1 September 2014.

⁸² ‘David Cameron gives spy agencies power to vet airline flight lists’, *The Guardian*, 1 September 2014, available at: www.theguardian.com/politics/2014/aug/31/david-cameron-nick-clegg-spy-agencies-terrorism-powers.

⁸³ Statement on European Council and tackling extremism, Prime Minister’s Statement in the House of Commons, 1 September 2014.

⁸⁴ *ibid.*

⁸⁵ See, for example, ‘Anti-terror plans: “Difficulties” with Cameron’s plans’, *BBC News*, 2 September 2014, available at: www.bbc.co.uk/news/uk-29024903; ‘Prime Minister’s anti-terror plan under attack: It’s a ploy to distract from Ukip, say Labour’, *Daily Mail*, 3 September 2014, available at: www.dailymail.co.uk/news/article-2741463/Prime-Minister-s-anti-terror-plan-attack-It-s-ploy-distract-Ukip-say-Labour.html#ixzz3CepzIVz

- **Policy option:** Consider the targeted use of the treason laws against individuals identified as returning to the UK after fighting and/or training with proscribed terrorist organisations abroad
- **Objective:** Disrupt the activities of high-risk and/or high-profile returning fighters; provide a deterrent for individuals who aspire to travel abroad for terrorist purposes; public awareness raising

The most publicly trailed of the Prime Minister's current proposals in the days leading up to his statement was the prospect of expanding counter-terrorism powers to permit the deprivation of citizenship from non-naturalised British citizens without dual-nationality. In his speech, however, Cameron proposed cross-party talks on drawing up "discretionary and targeted" powers to prevent suspected British terrorists from returning to the UK. He later stated that the measure could be designed to prevent the re-entry of suspected terrorists into the UK on a temporary basis.⁸⁶

The reduction in scope suggests that legislating to exclude non-naturalised (i.e. British-born) British citizens is the least likely of Cameron's proposals to proceed. The measure would be open to significant legal challenges on the grounds that depriving an individual of British citizenship when such a measure would render them stateless breaches domestic and international law, specifically section 40 of the British Nationality Act 1981 and Article 8 of the 1961 UN Convention on the Reduction of Statelessness.

Furthermore, the government's independent reviewer of terrorism legislation has also acknowledged that not only is the idea constrained by legal difficulties, but also by practical problems, including where the suspects would reside during their period of exclusion and how such precedent could result in a "game of pass the parcel", with the UK being unable to deport foreign terrorist subjects if other countries were to adopt similar measures.⁸⁷ In addition, radicalisation specialists and Muslim community representatives have suggested that such a move would likely fuel extremism and radicalisation in the UK.⁸⁸

It is still possible, however, for Parliament to legislate for an expansion of citizenship deprivation powers, knowing that any legal challenge would likely be lengthy compared to the short-term aim of disrupting and preventing attacks from returning fighters. For example, powers to indefinitely detain foreign terrorism suspects under the Anti-Terrorism, Crime and Security Act 2001 were utilised for over three years by the previous administration against extremist Jordanian cleric Abu Qatada, until the House of Lords ruled in December 2004 that indefinite detention of suspected foreign terrorists was incompatible with the European Convention on Human Rights (articles 5, on the right to liberty, and 14, on freedom from discrimination). Pursuing this option, however, would likely engender legitimate reputational damage and public grievance.

⁸⁶ 'Anti-terror plans: "Difficulties" with Cameron's plans', *BBC News*, 2 September 2014.

⁸⁷ *ibid.*

⁸⁸ See, for example, "Taking passports would only raise the jihadist threat", *Evening Standard*, 2 September 2014, available at: www.standard.co.uk/comment/ed-husain-taking-passports-would-raise-the-jihadist-threat-9706097.html; 'Crackdown on British jihadis "will push youth further towards extremism"', *The Guardian* 1 September 2014, available at: www.theguardian.com/uk-news/2014/sep/01/crackdown-british-jihadis-push-muslim-youth-towards-extremism.

It may be possible, however, to use the treason laws as an alternative route to achieving some of the objectives of citizenship deprivation. The Treason Act 1351 states that an individual or a group may not kill, conspire against or declare war against the monarch, his/her family members as well as several specific governmental offices, offences which carry a maximum life sentence. With the most recent conviction for treason dating to the Cold War, the applicability of the UK's treason laws to today's Islamism-inspired terrorism cases has been raised on a number of occasions since the 9/11 attacks.

In response to public anger at the activities of the extremist group al-Muhajiroun in August 2005, for example, the then independent reviewer of terrorism legislation, Lord Carlile Q.C., stated that treason charges were not appropriate against such extremists because treason is usually applied to wars between states and existing legislation covers much of the group's behaviour through, for example, public order offences such as soliciting to murder.⁸⁹ In 2008, after British citizens were suspected of fighting for the Taliban in Afghanistan, the Ministry of Justice confirmed that treason can be committed by, "someone owing allegiance to the Crown [and] foreign nationals abroad who have British passports" and, most relevant to the current situation, that British citizens can commit treason while abroad.⁹⁰

In relation to Syria, the government would need to consider whether the monarch represents the state and *vice versa* and, if so, whether the IS *de facto* declaration of war on the UK constitutes viable grounds for prosecuting high-risk or high-profile returning fighters under the Treason Act. While prosecution for treason would not exclude high-risk returning fighters from the UK, it would result in their immediate detention and therefore disrupt any terrorist- or extremist-related activity.

Among the objections to the use of the treason laws is the argument that existing legislation provides recourse to prosecute terrorism-related activities. With regards to Syria-related terrorism offences, a number of options are already available to the police and CPS. Most notable of these is the preparation of terrorist acts under the Terrorism Act 2006, which also carries a maximum life sentence and upon which the government is currently legislating to confer extra-territorial jurisdiction. Given, therefore, that the treason laws are not required to prosecute returning fighters, the added operational impact of this option is limited.

The treason laws, however, are among the UK's oldest and most symbolic legislation; and given that, historically, prosecution for treason was the most powerful action the British authorities could take,⁹¹ prosecutions would send a strong message about the government's stance towards IS and other terrorist organisations. Similarly, treason, like citizenship deprivation, is a high-impact and high-profile issue, which could provide a deterrent for individuals who aspire to travel abroad for terrorist purposes. The highly controversial nature, however, of treason charges should be acknowledged; and the political benefit of such a measure should be carefully weighed against the potential to further alienate Muslim communities and provoke wider reputational damage.

2. Suspend Benefits for Foreign Fighters

⁸⁹ 'Terror treason charge considered', *BBC News*, 8 August 2005, available at: http://news.bbc.co.uk/1/hi/uk_politics/4130454.stm.

⁹⁰ 'Terror treason charge considered', *BBC News*, 8 August 2005.

⁹¹ 'Are laws against treason still relevant or useful?', *BBC News*, 15 February 2010, available at: http://news.bbc.co.uk/1/hi/uk_politics/8511120.stm.

- **Policy option:** Suspend benefits for individuals identified as fighting and/or training with proscribed terrorist organisations abroad
- **Objective:** Punish individuals currently fighting and/or training; provide a deterrent for individuals who aspire to travel abroad for terrorist purposes

One approach to deterring foreign travel for terrorist purposes would be to suspend benefits for all individuals identified as fighting and/or training with proscribed terrorist organisations. Recourse to benefits is not an automatic right: certain benefits, known as “sanctionable benefits”,⁹² can be suspended, reduced or stopped in a variety of circumstances. These include: when an individual is suspected and/or convicted of benefit fraud;⁹³ when an individual is detained while either on remand or while serving a prison sentence;⁹⁴ and, in some circumstances, when an individual moves abroad.⁹⁵

In addition to implementation by the Department for Work and Pensions and local authorities, this measure would require identification of foreign fighters and reasonable belief that they are fighting and/or training with a proscribed organisation. This would be best co-ordinated by the Home Office and the Security Services. In relation to Syria, six organisations are currently relevant: the al-Nusrah Front (ANF), officially recognised as an alternative name for al-Qaeda in July 2013;⁹⁶ and Islamic State (IS); Turkiye Halk Kurtulus Partisi-Cephesi (THKP-C); Kateeba al-Kawthar (KaK); Abdallah Azzam Brigades, including the Ziyad al-Jarrah Battalions (AAB/ZJB); and, Popular Front for the Liberation of Palestine – General Command (PFLP-GC), all proscribed in June 2014.⁹⁷

An alternative route would be for local authorities to suspend benefits on the basis that the individual no longer resides in that authority. This approach was recently launched in Belgium, with the Flemish cities of Antwerp and Vilvoorde stopping social benefits for 29 individuals suspected to be fighting in Syria on the basis that they no longer lived at their registered address.⁹⁸ In the UK, failure to report a relevant change in personal circumstances is grounds for a benefit fraud investigation. As such, recipients currently residing in Syria who have not informed their local authority could have their benefits suspended pending an investigation.

The immediate impact of this measure is limited by the numbers of individuals who: a) are in receipt of benefits; and, b) consider their removal a significant loss. It could, however, act as an effective deterrent to foreign travel, especially to individuals with dependents; and, like implementing the treason laws, would send a strong message about the type of behaviour the British state will tolerate from its citizens. From a reputational perspective, this measure would likely be divisive. Linking its applicability, however, to proscribed organisations would provide inherent oversight, by preventing the measure being taken against an individual who travels to a conflict zone for non-terrorism-related reasons. In addition, the measure is highly flexible given

⁹² Benefit Fraud, Department for Work and Pensions webpage, available at: www.gov.uk/benefit-fraud.

⁹³ *ibid.*

⁹⁴ Benefits and Prison, Department for Work and Pensions webpage, available at: www.gov.uk/benefits-and-prison/benefits-that-stop-or-are-suspended.

⁹⁵ Claiming Benefits If You Live, Move Or Travel Abroad, Department for Work and Pensions webpage, available at: www.gov.uk/claim-benefits-abroad.

⁹⁶ ‘The Proscribed Organisations (Name Changes) Order 2013, No. 1795’, HM Government (2013), available at: www.legislation.gov.uk/uksi/2013/1795/article/2/made.

⁹⁷ ‘MPs ban five Syria-linked jihadist groups in UK’, *BBC News*, 19 June 2014, available at: www.bbc.co.uk/news/uk-27925875.

⁹⁸ ‘Belgian jihadists in Syria stripped of welfare benefits’, *France 24*, 19 August 2013, available at www.france24.com/en/20130819-belgian-jihadists-syria-stripped-welfare-payments-assad-antwerp/.

that benefits suspension would be applicable to all proscribed organisations abroad, including, for example, al-Qaeda affiliates in Somalia and Yemen, al-Shabaab and al-Qaeda in the Arabian Peninsula, both of which continue to represent a significant threat to British domestic security.

3. Legislate for Passport Confiscation

- **Policy option:** Introduce primary legislation giving the Home Secretary the right to issue, revoke and refuse passports
- **Objective:** Protect current powers; provide appropriate oversight

In his speech to Parliament on 1 September 2014, the Prime Minister announced that the Home Secretary's discretion to revoke passports under Royal Prerogative is currently facing legal challenge and that, should any judgement threaten her powers, the government would "introduce primary legislation immediately so that Parliament, not the courts, can determine whether it is right that we have this power".

To protect its current powers and defend the integrity of passport confiscation, therefore, the government should introduce primary legislation giving the Home Secretary the right to issue, revoke and refuse passports, regardless of the outcome of the current legal challenge. In a written ministerial statement laid in the House of Commons on 25 April 2013, the current Home Secretary Theresa May acknowledged that passport confiscation powers should be used "sparingly".⁹⁹ This is because they are available to her under Royal Prerogative, formal powers of the Crown enacted at the discretion of government, and do not require parliamentary approval. Despite this, May has confiscated 23 passports since the conflict in Syria began; and, because powers under Royal Prerogative are not subject to Parliamentary oversight, they can be credibly criticised for lacking due process.

In addition, if, as the Prime Minister proposed, passport confiscation powers are extended to the police at ports and borders, they should be subject to the following criteria: a requirement for a high-level of intelligence-led suspicion; an independent oversight mechanism; a rapid review process; and, an appropriate scheme to compensate those whose travel plans are unreasonably disrupted.¹⁰⁰ The government's independent reviewer of terrorism, David Anderson Q.C., recently asserted the need for safeguards were passport confiscation powers extended to the police.¹⁰¹ Such criteria would both limit the scope for abuse and protect the reputation of government powers uniquely suited to preventing foreign travel for terrorist purposes.

4. Strengthen TPIMs

- **Policy option:** Place individuals identified as planning to fight and/or train with proscribed terrorist organisations under a TPIM; remove time restrictions on TPIMs
- **Objective:** Prevent aspiring fighters from travelling for terrorist purposes; reduce the risk of terrorism-related activity from returning fighters

⁹⁹ 'The issuing, withdrawal or refusal of passports, written ministerial statement', written statement to Parliament by Theresa May, 25 April 2013.

¹⁰⁰ Grieve, D., 'Terrorism won't be beaten by removing people's passports', *The Guardian*, 3 September 2014, available at: www.theguardian.com/commentisfree/2014/sep/03/terrorism-passports-rule-of-law.

¹⁰¹ 'Anti-terror plans: 'Difficulties' with Cameron's plans', *BBC News*, 2 September 2014.

TPIMs are restrictions that the Home Secretary can place on any individual who can neither be prosecuted nor deported, but whom MI5 “reasonably believe” is involved in terrorist-related activities. As well as proposing “stronger locational constraints” in his statement to Parliament on 1 September 2014, Cameron assigned the use of TPIMs to “suspected extremists who are already in the United Kingdom” in relation to returning fighters.¹⁰²

In addition to this, the government should consider placing under a TPIM those who: a) are identified as planning to travel to Syria to fight and/or train with a proscribed terrorist organisation; b) cannot be prosecuted or whose prosecution is unsuccessful, and, c) constitute a terrorist threat to the UK. This option, which does not appear to have been used,¹⁰³ is an effective way of using existing legislation and police structures to prevent foreign travel for terrorist purposes and restrict extremist-related activity in the UK. Increased use of TPIMs would not necessarily lead to greater operational costs, as TPIMs have reportedly released resources in order for the Security Services to focus on other targets.

TPIMs were introduced by the coalition as a successor to control orders in January 2012 following civil liberties objections to the latter from the Liberal Democrats. TPIMs include: electronic tagging; overnight residence requirements (at home or an approved location); regular reporting to the police; limited internet restrictions and non-association requirements with named individuals; and, compliance with a “tightly defined exclusion from particular places and the prevention of travel overseas”. Measures previously available to the government under control orders include: relocation; 16-plus hour curfews; as well as greater restrictions on personal association and the use of mobile phones and the internet.¹⁰⁴

Re-introducing locational constraints would allow the government to more effectively restrict the physical movements of terrorism suspects. In almost half (44%) of the control order cases between 2005 and 2011, relocation was used to disrupt extremist activity.¹⁰⁵ Following the high-profile absconding of TPIMs subject, Ibrahim Magag, on 26 December 2012, Lord Reid of Cardowan described the power to relocate as the “biggest weapon” for preventing attacks contained within control orders.¹⁰⁶ The government’s independent reviewer of terrorism legislation acknowledged in 2013 that the removal of relocation powers “might have made absconding easier”,¹⁰⁷ and, in 2014, called for the restoration of “locational constraints”.¹⁰⁸

The ability to relocate would also protect certain areas of the country, such as Cardiff and Portsmouth, which are likely to see large numbers of returning fighters due to the high numbers of young men reported to have left these areas to travel to Syria and Iraq for terrorist purposes. It would also protect London, which, according to HJS research on Islamism-inspired terrorism

¹⁰² ‘Q&A: TPims explained’, *BBC News*, 4 November 2013, available at: www.bbc.co.uk/news/uk-24803069.

¹⁰³ Currently there are no terrorism suspects under TPIMs. See ‘David Cameron gives spy agencies power to vet airline flight lists’, *The Guardian*, 1 September 2014, available at: www.theguardian.com/politics/2014/aug/31/david-cameron-nick-clegg-spy-agencies-terrorism-powers.

¹⁰⁴ David Anderson Q.C., ‘Terrorism Prevention and Investigation Measures in 2012: First Report of the Independent Reviewer on the Operation of the Terrorism Prevention and Investigation Measures Act 2011’, HM Government (2013), available at: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2013/04/first-report-tpims.pdf>, p. 4.

¹⁰⁵ David Anderson Q.C., ‘Report on the Operation in 2011 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006’, HM Government (2012), available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228684/9780108512285.pdf.

¹⁰⁶ ‘Ibrahim Magag: Disappearance – Statement’, House of Lords, Hansard, 8 January 2013, available at: www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130108-0001.htm.

¹⁰⁷ David Anderson Q.C., ‘Terrorism Prevention and Investigation Measures in 2012’, p. 6.

¹⁰⁸ ‘David Cameron gives spy agencies power to vet airline flight lists’, *The Guardian*, 1 September 2014, available at: www.theguardian.com/politics/2014/aug/31/david-cameron-nick-clegg-spy-agencies-terrorism-powers.

offences, was the place of residence for just under half (46%) terrorism offenders in the UK;¹⁰⁹ and, according to the Metropolitan Police Commissioner, is currently home to between 165 and 190 returning fighters.¹¹⁰

While Cameron's proposal for locational constraints faces political objections from the Liberal Democrats,¹¹¹ who led the campaign to abolish control orders, it is supported in principle by the opposition due to its resemblance to measures available under control orders.¹¹² Increased use of TPIMs, however, would engender a wider debate on civil liberties issues; and new locational constraints would be limited by a 2010 Supreme Court ruling which found that the combination of a location order and a 16-hour curfew placed on one suspect, known as 'AP', had breached his human rights.¹¹³

In addition, the government should consider removing the two-year time-limit placed on TPIMs and instead, as with control orders, allow for indefinite extensions if the suspect is assessed to remain a national security threat. This modification would reduce the risk of long-term terrorism-related activity from UK-based extremists, given that two years is an arbitrary period of time and one that allows those subjected to TPIMs to wait out the restrictions placed on them. In order to safeguard civil liberties, however, the government should have to present evidence to a judge every six months (as opposed to the one-year period currently required before a TPIM is extended) in those cases where an indefinite TPIM and/or relocation is justified.

Finally, Cameron's announcement that all suspects under TPIMs will be "required to engage with the Prevent programme" addresses a weakness identified by the independent reviewer of terrorism legislation that the current TPIM system allows "dangerous terrorists to be closely controlled for a period of up to two years but takes no advantage of the opportunities thus provided for dialogue".¹¹⁴ Compulsory engagement with Channel is suggested, accompanied by a gradual lessening of restrictions commensurate with the individual's progress, designed to encourage re-integration.

5. Introduce a Standardised Protocol for all Returning Fighters

- **Policy option:** Assess all identified returning fighters against standardised risk factors and respond accordingly with a) prosecution, b) TPIM or c) Channel referral
- **Objective:** Ensure standardised state responses proportionate to the threat

There are examples of serious terrorism offenders in the UK who had been in the British intelligence agencies' systems prior to their attacks, but who were subsequently able to operate

¹⁰⁹ Simcox, R., *et al.*, 'Islamist Terrorism', p. 265.

¹¹⁰ 'Met chief Sir Bernard Hogan-Howe: London is home to hundreds of "militarised" jihadi fighters', *Evening Standard*, 28 August 2014, available at: www.standard.co.uk/news/uk/met-chief-sir-bernard-hoganhowe-warns-of-londons-200-militarised-jihadi-fighters-9693477.html.

¹¹¹ 'David Cameron gives spy agencies power to vet airline flight lists', *The Guardian*, 1 September 2014, available at: www.theguardian.com/politics/2014/aug/31/david-cameron-nick-clegg-spy-agencies-terrorism-powers.

¹¹² Senior Labour politicians, including the Leader of the Opposition Ed Miliband and Shadow Home Secretary Yvette Cooper have called for the restoration of control orders in part due to the effectiveness of relocation powers. See, for example, 'Ed Miliband: PM "wrong to abolish control orders"', *BBC News*, 1 September 2014, available at: www.bbc.co.uk/news/uk-politics-29021414; 'Theresa May: New laws to tackle British jihadists', *The Telegraph*, 22 August 2014, available at: www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11052486/Theresa-May-New-laws-to-tackle-British-jihadists.html.

¹¹³ Secretary of State for the Home Department (Respondent) v AP (Appellant), 16 June 2010, available at: www.supremecourt.uk/decided-cases/docs/UKSC_2009_0225_Judgment.pdf; see also Terror suspect wins control order appeal, *BBC News*, 16 June 2010, available at: www.bbc.co.uk/news/10327696.

¹¹⁴ David Anderson Q.C., 'Terrorism Prevention and Investigation Measures in 2012', p. 95.

without detection. There were opportunities for the state to intervene, for example, against one of Drummer Lee Rigby attackers, Michael Adebolajo, as early as 2006 after he assaulted a police officer during an al-Muhajiroun solidarity rally for a convicted terrorist;¹¹⁵ or following his arrest in Kenya in 2010 for attempting to connect with al-Shabaab, the now proscribed Somali terrorist group that had by then professed admiration for, and connections to, al-Qaeda.

Given the large volume of returning fighters and the Security Services' acknowledgment that they have to "prioritise ruthlessly",¹¹⁶ the authorities need to be able to identify priority and non-priority cases and act accordingly. The government should introduce a protocol for all identified returning fighters which standardises both the process of risk assessment and the resultant responses. In order to develop this, the government should consult with bodies and/or programmes that already implement similar risk assessments such as: in a community setting, the Channel programme; and, in a custodial setting, the National Offender Management System.

Three post-assessment measures are recommended. Prosecution in a British court is always the ideal scenario and should be sought as a first response for priority cases where the foremost aim is to detect and disrupt terrorist-related activity. Detention while the suspect is on remand would severely limit an individual's immediate operational capacity. In addition, prosecutions are preferable from a civil liberties perspective. However, if prosecution is not possible or is abandoned by the CPS, the individual should be placed under a TPIM if there is reasonable belief that they: a) fought and/or trained with a proscribed terrorist organisation; and, b) constitute a terrorist threat to the UK.

Given that, statistically, the majority of returning fighters are unlikely to engage in terrorism-related activity upon return, for these non-priority cases the foremost aims are: rehabilitation; re-integration into British society; and, the discouragement of further involvement in extremist-related activity. As a third option, all returning fighters who warrant neither prosecution nor TPIMs should therefore be referred to the government's de-radicalisation programme, Channel.

According to the programme's statistics, approximately one in five of those referred to date has been assessed as "vulnerable to being attracted towards terrorism".¹¹⁷ For Syria returnees, however, the figure may be higher. In addition, the risk assessment process should be designed to determine if the individual has or is likely to develop mental health problems, such as Post-Traumatic Stress Disorder, as a result of their experiences. Appropriate alternative services should be offered to such individuals as needed; and, this provision could be co-ordinated by Channel.

As a result of such a standardised protocol, all identified returning fighters would be assessed on a comparative basis by the state. Responses would then be both standardised and proportionate to the threat, with the statutory minimum intervention being a referral to the Channel programme.

6. Prosecute Dissemination of IS Propaganda

¹¹⁵ 'Woolwich: How did Michael Adebolajo become a killer?', *BBC News*, 19 December 2013.

¹¹⁶ 'Could 7/7 Have Been Prevented? Review of the Intelligence on the London Terrorist Attacks on 7 July 2005', Intelligence & Security Committee, HM Government, May 2009.

¹¹⁷ 'National Channel Referral Figures', Association of Chief Police Officers.

- **Policy option:** Prosecute the owners and/or administrators of online platforms promoting material that supports and/or promotes a proscribed organisation.
- **Objective:** Disrupt extremist-related activity in the UK; reduce volume of online extremist material

The influx of Western fighters to Syria has been, in part, explained by the ubiquity of social media and sophisticated online messaging by jihadist groups like IS and their extremist supporters.¹¹⁸ Last year the Prime Minister's Task Force on Tackling Radicalisation and Extremism also prioritised "disrupting extremists", stating that it is:

[...] often too easy for extremist preachers and groups to spread extremist views which can lead people into terrorism, while at the same time being careful not to contravene existing laws on incitement to violence or glorifying terrorism.¹¹⁹

Following the proscription of IS in June 2014, however, resultant criminal offences are applicable to UK-based extremists promoting the group's propaganda. Specifically, the police should investigate and the CPS should bring charges, where applicable, of unlawfully inviting support for a proscribed organisation, contrary to section 12 of the Terrorism Act 2000, an offence that carries a maximum sentence of ten years, or six months on summary conviction or a fine.

It is in the public interest that the unlawful online promotion of IS and other proscribed terrorist organisations by UK-based supporters are seen to be challenged. Where it can be proven that such promotion is intended to encourage other individuals to travel to Syria, prosecution would additionally meet one public interest factor as laid down by the Code for Crown Prosecutors, namely that the offence was committed in order to facilitate more serious offending.¹²⁰

7. Support Family-led Intervention

- **Policy option:** Introduce a voluntary counselling scheme for families of individuals at risk of travelling to Syria and/or returning fighters
- **Objective:** Prevent aspiring fighters from travelling for terrorist purposes; reduce the risk of returning fighters engaging in extremism; reintegration of returning fighters

The police-led national awareness-raising campaign launched in April of this year was a clear effort to empower communities and families – with a particular focus on women – to deter their relatives from travelling to Syria, as well as to build communities' resilience to extremism more broadly. High-profile police involvement, however, prompted criticism of the scheme for criminalising British Muslims.¹²¹ An alternative approach, however, would be to introduce a voluntary counselling and support scheme for the families of aspiring and returning fighters funded by, but operationally independent of, the state.

¹¹⁸ Carter, J. A. *et al.*, 'Greenbirds'.

¹¹⁹ 'Tackling extremism in the UK', p. 5.

¹²⁰ 'Code for Crown Prosecutors', Director of Public Prosecutions (2010), available at: www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf, pp. 7-10.

¹²¹ 'Syria crisis: stop your sons joining war, urges Met police', *The Guardian*, 24 April 2014, available at: www.theguardian.com/uk-news/2014/apr/23/sons-war-syria-metropolitan-police.

One option, currently under discussion, is to model the scheme on an existing successful scheme in Germany, known as Hayat, or ‘life’ in Arabic and Turkish, which provides counselling and an anonymous helpline for families worried that their children are becoming involved in radical Islam.¹²² The scheme, modelled on a programme for people attempting to disengage from the neo-Nazi scene, proposes that that family is a significant social community for those most at risk, as extremists will usually seek to disengage recruits from their family structure.¹²³ As such, Hayat counsellors help individuals to strengthen family ties and repair breakdowns in communication. Daniel Köhler, one of Hayat’s family counsellors and spokespeople, argues that this builds “positive motivation” rather than confrontation and, even in cases where the individual does manage to travel abroad, it provides greater opportunity for a quick return and rehabilitation: “Once they get homesick, we know we can bring them back”, he claims.¹²⁴

Hayat has a demonstrable record of success: of the 100 cases of radicalisation it has dealt with since it began, in 12 cases the individual was successfully discouraged from becoming involved or participating any further in the Syrian conflict; and, “significant progress” was made in 30-to-40 instances.¹²⁵ This soft power family-centric approach to de-radicalisation could be extended to the families of returning fighters as well, which would support the reintegration of returning fighters assessed to be low-priority and reduce the risk of returning fighters engaging in terrorist- or extremist-related activity in the UK.

8. More Effective Use of the Channel Programme

- **Policy option:** Implement a targeted educational scheme using Channel programme graduates on a voluntary basis
- **Objective:** Improve counter-radicalisation efforts in priority sectors; focus on community outreach

In his speech to the House of Commons on 1 September 2014, the Prime Minister reiterated the government’s commitment to combating extremism “in all its forms”. In a reference to coalition’s review of the counter-radicalisation strategy Prevent in 2011, he also highlighted the “stopping the funding of organisations that promote extremism, banning hate preachers and ensuring that every part of government, from schools and universities to prisons, is focused on beating the scourge of extremism” as priorities.¹²⁶

While progress has been made in these areas since the review, the Prime Minister’s Task Force on Tackling Radicalisation and Extremism acknowledged in 2013 that some local authorities have not fully supported those working to tackle radicalisation and extremism and committed the government to doing “more to address extremism in locations where it can exert control”, including schools, universities and prisons.¹²⁷

¹²² Koehler, D., ‘Family Counselling as Prevention and Intervention Tool Against ‘Foreign Fighters’, The German ‘Hayat’ Program (2013), available at: journals.sfu.ca/jed/index.php/jex/article/view/49.

¹²³ ‘Crackdown on British jihadis to include “deradicalising” scheme from Germany’, *The Observer*, 27 August 2014, available at: www.theguardian.com/uk-news/2014/aug/27/crackdown-british-jihadis-youths-german-hayat-home-office; see also: ‘Syria: Can UK learn from deradicalisation scheme?’, *BBC News*, 9 August 2014, available at: www.bbc.co.uk/news/uk-28686930.

¹²⁴ ‘Crackdown on British jihadis to include “deradicalising” scheme from Germany’, *The Observer*, 27 August 2014.

¹²⁵ ‘Syria: Can UK learn from deradicalisation scheme?’, *BBC News*, 9 August 2014.

¹²⁶ Statement on European Council and tackling extremism, Prime Minister’s Statement in the House of Commons, 1 September 2014.

¹²⁷ ‘Tackling extremism in the UK’, p. 9.

Similarly, as the conflict in Syria persisted, opposition MPs with extensive experience of the Prevent strategy voiced their concerns that Prevent needs to engage more in community outreach. Khalid Mahmood MP, for example, believes more needs to be done to engage with “hard to reach people”;¹²⁸ while Hazel Blears MP advocates “more support for Muslim communities themselves to be able to challenge [extremist ideology] so the next generation of young people does not end up in the hands of the extremists”.¹²⁹

The government should consider targeted and specific avenues for engagement with communities in schools, universities and prisons, while remaining mindful of the need to avoid previous mistakes, such as a lack of measurable deliverables or choosing inappropriate community partners.¹³⁰ One approach would be to pilot a voluntary educational scheme which enabled Channel programme graduates, specifically those with experiences of foreign travel to jihadist conflict zones such as Syria or Somalia, to engage with young people, relay their experiences and talk about why they are no longer convinced by the jihadist worldview in a non-threatening environment.

Such a scheme would be modelled, in part, on gang-intervention projects which utilise former gang members. Co-ordinated by the Home Office, it could be undertaken in schools, universities, community centres, youth clubs and mosques. While appropriate oversight would be required to ensure the suitability of both the Channel graduates and partner organisations, the graduates’ experiences and relative proximity in age to the audience would provide both legitimacy and immediacy to their narrative.

¹²⁸ ‘How do authorities prevent radicalism & extremism?’, *ITV News*, 26 April 2013, available at: www.itv.com/news/central/2013-02-21/how-do-authorities-prevent-radicalism-extremism/.

¹²⁹ Hansard, Prime Minister’s statement, EU Council, Security and Middle East, 1 September 2014, c32.

¹³⁰ ‘Prevent Strategy’, HM Government (2011), available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf, p. 1.

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