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What EU Member States can learn from Kosovo's experience in repatriating former foreign fighters and their families

The small Western Balkan nation of Kosovo repatriated 110 citizens, including men, women, and children, in April 2019, making it one of a very small number of countries that has actively repatriated citizens involved with the Islamic State. This policy brief examines Kosovo's response to the phenomenon of foreign fighters, how the return of foreign fighters and their families from Syria has been handled, and what has happened during the year since their return. The brief also includes what lessons can be learned by EU countries, including the Netherlands, in handling the complex issue of how to manage the return of foreign fighters and their families.

More than a year after the fall of the last pocket of territory held by the Islamic State (IS) as part of its self-claimed caliphate, most governments continue to grapple with questions over whether or not to repatriate their citizens from the foreign conflict zones in Syria and Iraq. During its short-lived reign from 2011-2019, IS managed to draw in more than [40,000 foreign fighters](#)—including men, women, and children—from over 110 countries, some [5,000 of which originated from Europe](#). It is currently estimated that there are around [800 foreign fighters](#) of European origin still being held in Syria by the Syrian Democratic Forces (SDF).

In April 2019, the UN published [guidelines](#) that made clear that states have the primary responsibility for their own nationals, but overwhelmingly, the European response has been to refuse to actively repatriate their citizens. Thorny questions over whether a state has the legal, political, or even moral

obligation to repatriate its citizens have been met with [strong opposition](#). The approaches of different European governments have varied depending on the state, with the [UK](#) and [Denmark](#) opting to strip citizenship from its nationals, [Belgium and France](#) taking back a small number of orphaned children, and the [Dutch Court of Appeal](#) ruling that the state was not legally required to assist in the repatriation of children, overturning the decision of a lower court (much to the relief of the government).

[US President Donald Trump](#) has continued to put pressure on EU states to repatriate their citizens, as has [Turkey](#), who started to act on their promise to send back IS members held in Turkey to their countries of origin, including Denmark and Germany, in late 2019. But neither this pressure nor the dismal conditions in refugee camps, including Syria's al-Hawl and al-Roj camps, where many of the Europeans with IS ties reside, has done much to persuade EU states to

change their position on returnees, despite numerous and credible reports warning of the [risks](#) of further radicalisation within these camps.

Amidst the fairly uniform response of European states in refusing to repatriate citizens suspected of involvement with IS, Kosovo stands apart as one of the few countries in the world who has been active in repatriating its nationals from Syria. In April 2019, the small Western Balkan country, facilitated by US assistance, took back a group of [110 citizens](#), which included four men, 32 women, and 74 children. An estimated [30 men and 49 women and 8 children](#) from Kosovo are believed to now remain in Syria. Of the 36 adults repatriated from Syria to Kosovo, all four men were detained upon arrival, pending prosecution; three have since been [convicted](#), receiving sentences ranging from six months to 5.5 years. Although not immediately detained, all [32 women were placed under investigation](#) upon their return. One woman received a [suspended sentence](#) in January 2020 after pleading guilty to joining a terrorist group. As of March 2020, another 15 of the women returnees had pled guilty to [“organising and participating in a terrorist group,”](#) with all receiving suspended sentences ranging from two to three years, including mandatory psychological treatment. What is perhaps most notable about the Kosovo experience, however, is that in combination with the focus on prosecution where warranted (and where sufficient evidence exists), actors across the government have emphasised the obligation to repatriate citizens, including the need for rehabilitation and focus on the eventual reintegration of the returnees back into society. This [proactive stance](#) stands in stark contrast with most of Europe in not only acknowledging the responsibility of the state vis-à-vis the return of those who were involved with IS, but also in seeking to ensure that they will not always pose a security risk, but have the opportunity to one day again be productive members of society.

Although Kosovo’s experience in dealing with returnees from the conflict in Syria cannot be considered extensive, it is significantly

more than most EU states. And even if it is too early to draw firm conclusions, a few important (early) lessons can be drawn from Kosovo regarding best practices and recommended practices in conducting the return of citizens in a productive manner that will both reflect their culpability and mitigate risks that they may pose to society.

Kosovo’s response to the foreign fighter challenge

An estimated [403 Kosovars](#) joined the conflict in Syria and Iraq, including 255 men, and the rest women and children. Almost half travelled before IS declared its caliphate in June 2014, with some of these early departees joining the various militia groups that sought to overthrow the Assad regime. A significant majority of these later joined IS. It is believed that those who travelled after June 2014 did so to [directly join IS](#). Around 76 children with at least one Kosovar parent were born in the foreign conflict zones. The flow of foreign fighters from Kosovo was quite high given the size of its overall population (around [1.8 million](#)), but relatively low as a percentage of its Muslim population. Although Kosovo is a secular state, it is estimated that around 95% of the population—a bit more than 1.7 million—is nominally Muslim, with a significant majority of those tending to either being moderate in their religious observance or altogether non-practising.

In addressing the foreign fighter threat, Kosovo has opted for a combination of punitive and rehabilitation and reintegration measures. As a member of the [Global Coalition to Defeat Daesh](#),¹ Kosovo has significantly strengthened its legal framework and international cooperation on preventing and countering terrorism. In 2015, Kosovo became the [first country](#) in the Western Balkans to pass entirely new [legislation](#) to prohibit joining armed conflicts outside of state territory, which made joining foreign

1 Daesh being the Arabic-language acronym for the Islamic State.

conflicts punishable with up to 15 years in prison. Kosovo adopted the [Strategy on Prevention of Violent Extremism and Radicalisation Leading to Terrorism 2015-2020](#) and later the [National Strategy against Terrorism and Action Plan 2018 – 2023](#), which is in line with the EU counterterrorism strategy. Amongst the updates in the 2018-2023 plan include a greater focus on reintegration and rehabilitation programs addressing key elements from detention to counselling to rehabilitation.

The amended Kosovo [Criminal Code](#) (2019) covers [all aspects](#) of terrorism financing and contains new legal provisions related to identity fraud and travel for terrorist activities, making it easier for Kosovo to prosecute terrorists. In partnership with civil society organisations and in line with changes in the legal and strategic framework, there have also been increased public outreach efforts to [raise awareness](#) about the negative effects of violent extremism in the society. However, it is important to note that Kosovo is still not a member state of [Interpol](#), the international organization for police cooperation and crime control. Further, for the persecution of international criminal cases, [EULEX](#) continues to facilitate its contact which Europol. Thus, Kosovo's lack of membership in these international bodies hinders a more swift and effective international cooperation in the field of rule of law and security.

The process of repatriation of foreign fighters and their family members

In addition to these measures, anticipating the eventual return of citizens from the foreign conflict zones, as early as 2017 the Kosovo government began to put in place a plan to address the many challenges associated with repatriation. They established a Division for Prevention and Reintegration, functioning within the Ministry of Internal Affairs, along with a system to provide medical and psychiatric treatment, housing, education, and other social services with the aim of effectively reintegrating the returnees. Without the benefit of being able

to learn from others' examples, Kosovo managed to set up a coordinated response linking a number of governmental agencies along with actors, including the returnees' families—undoubtedly crucial for success in this highly family-oriented society.

Upon their return from the al-Hawl refugee camp in north-eastern Syria on a US military jet on 20 April 2019, the four confirmed (male) foreign fighters were immediately arrested, while the rest of the group was held in a detention centre in Vranidoll, 10 kilometres from the Kosovo capital, Prishtina. [In the first 72 hours](#) of their arrival, the returnees underwent medical check-ups, including a psychological assessment of their mental health, police verifications of their citizenship status, and other additional needs-assessment procedures. Most of the women and children displayed symptoms of [Post-Traumatic Stress Disorder](#) (PTSD), many were in need of medical care, including six injured children and several women with serious health issues.

Although the women returnees were not immediately interrogated upon their arrival, perhaps due to preconceived and likely misplaced beliefs about their culpability or involvement in the conflict, they have not escaped prosecution. All were initially put under investigation, with 10 being placed under [house arrest](#), waiting for their cases to proceed to court. [Around 20](#) of the women returnees have so far been indicted, 18 of them charged with “organising and participating in a terrorist group,” with the other two charged with “joining or participating in foreign military or police, external paramilitary or para-police formations, in group or individually, outside the territory of the Republic of Kosovo” – which translates into a sentence of [3 to 15 years](#). Sixteen of the indicted women have pled guilty to the charges.

It is worth highlighting, however, that all of the female returnees who have pled guilty to their charges thus far have only received suspended, rather than custodial, sentences. The Kosovo response to these women and, more broadly speaking, the understanding of the threat that women may pose is likely influenced by entrenched social biases

that underestimate the agency of women and overestimate their innate nonviolence. In some cases, women were pressured into joining their husbands, but this has not always been the case. Although Kosovo courts are now indicting a growing number of women, in addition to men, for offenses related to terrorism (between September 2019 and February 2020, [24 women and 11 men](#) were indicted on terrorism-related charges), their sentences remain more lenient than for their male counterparts. Although many of the [women returnees](#) maintain that they did not play an active role in the Caliphate, it is a grave miscalculation to underestimate the level of their respective culpability and the risk they may pose simply on the basis of their sex.

The total number of Kosovo returnees through formal and informal channels is believed to be [242](#), of which 124 are men, 38 women, and 80 children. The overwhelming majority of the male returnees have been persecuted, and those who were convicted received on [average 3.5 years in prison](#). It should be noted that sentences have been higher (up to 10 years) for recruiters or those who plotted terrorist attacks, some of whom never travelled to foreign conflict zones.

The children who have returned are broadly viewed and categorised as victims. The majority are under the age of six, which in itself presents [challenges](#) but also greater chances of successful reintegration. They are now back in normal schools, but the long-term outcome of their reintegration will largely depend on how the process will be further managed and sustained. It will require customized efforts to address trauma, compensate for lack of formal education, navigate complex family arrangements, determine nationality and custody, and address potential stigma and social alienation.

In Kosovo's case, for children, as well as men and women (whether immediately upon their return or after their release from prison), support from family members is proving critical in facilitating reintegration. Overwhelmingly, the families welcomed their return and have continued to play a

vital role. As a small, close-knit society, the government has been able to successfully utilise family structures to aid in the return and reintegration of citizens. More broadly, there has been far less pushback from citizens at the idea of facilitating returns. This may at least be partly due to the fact that in other European states, many of the citizens who left to fight in Syria and Iraq have immigrant roots—often with dual citizenship of the EU state and another country—and are thus seen not as “true” citizens worthy of repatriation and reintegration. In the case of Kosovo, they are seen as [simply Kosovars](#).

Reintegration prospects vary among the returnees depending on the nature of involvement in the conflict. A dearth of evidence or a more complete understanding regarding the specific roles and experiences of these citizens within the foreign conflict zones continues to challenge the institutional response. However, among the available options currently being utilised in Kosovo include special education classes for women and children returnees, along with food and clothing vouchers, and ongoing counselling. Within the prison system, for both men and women, there are rehabilitation programmes. Currently, these draw upon a general rehabilitation programme for all inmates (not specifically targeted at those who have been convicted for terrorism-related offenses), and are limited to aspects including academic or vocational training, and cognitive skills training, with relatively limited focus on ideological deradicalisation. Additionally, for former terrorism-related convicts and especially men, there is a lack of structured post-release programs to support and facilitate their reintegration into society.

Although the process of repatriation in Kosovo has a number of [shortcomings](#)—including the need for improved ongoing inter-institutional coordination, a greater involvement of civil society, an improved rehabilitation strategy, and the need to better fund the reintegration division—it has thus far been largely effective. There is a continued need to monitor returnees to ensure that they do not pose an ongoing security threat and that they are able to successfully reintegrate

into their communities, as well as a need to address the factors that drove them and others to be radicalised in the first place. But whilst continued efforts must be made to ensure positive outcomes in Kosovo, key lessons can be learned from its pioneering experience in repatriation.

What can EU countries learn from Kosovo's experience

Despite contextual differences, in returning foreign fighters, Kosovo faces similar challenges and dilemmas as EU countries. Among EU member states, the prevailing attitude is not to repatriate foreign fighters for a [number of reasons](#) including security concerns, doubts about countries' abilities to prosecute them and the likelihood of relatively short sentences, and other political repercussions. Many decry repatriating foreign fighters as a non-viable policy because they simply do not want to deal with returnees or [prefer to outsource this 'job'](#) to other foreign governments.

Although the number of returnees who have been formally repatriated back to the EU is unknown, the number is most likely far less than Kosovo alone repatriated in April 2019, accounting for a small fraction of the 800 individuals of EU origin estimated to currently be in Syria. For a number of key reasons, the failure to repatriate citizens seems to be a mistake that will have far-reaching consequences.

The question of whether or not countries have an obligation to repatriate their nationals remains unsettled, although the decision to leave them given the situation in detention camps in Syria seems to [likely violate rights](#) enshrined in the European Convention on Human Rights and the International Covenant for Civil and Political Rights, including the right to life and the right to be free from torture and inhuman treatment. Decisions to not repatriate become even more objectionable in regards to children, both those taken by their parents to Syria and Iraq and those born there, who are at particular risk of being stateless. Further issues arise when one considers

that prosecution under local judicial process is likely to result in death, such as in the case of four [French nationals in Iraq](#).

Beyond questions of legality, there are heavy political and moral questions weighing on the governments of EU, which would benefit from reflecting on the Kosovo example. Kosovo did not experience such high levels of resistance by the public to the idea of returnees as many other countries, but even there, the decision to repatriate the 110 was done without public knowledge and news of their arrival was only reported after they had touched down in Prishtina. There are also tensions between deprived communities who would benefit greatly from increased financial, educational, or social support who are not receiving this assistance, versus those who have either been radicalised or are viewed as vulnerable to radicalisation, who are the targets of assistance by not just the Kosovo government, but also other domestic and international actors. Balancing the need to provide opportunities and resources for all citizens, while at the same time recognising the specific threat of radicalisation and violent extremism is a challenging undertaking that requires constant attention and adjustment, but thus far it seems to be under control. Overall, the Kosovo example demonstrates that despite the myriad challenges, overcoming the lack of public support for a political decision to bring back citizens is possible if certain aspects of repatriation are adequately addressed.

Kosovo, a country of 1.8 million repatriated 110 returnees at once (.006% of the population, or less than 1 in every 16,000 people); if the EU were to repatriate the 800 estimated to remain in Syria at once, it would constitute only .00015% of the population, or less than 1 in every 640,000 people. In other words, the proportional size of the returnees is far less in the EU than it was in Kosovo. In addition to the smaller proportional size of the returnee group, EU countries also have far greater institutional capacities to address their medical, educational, and social support needs than Kosovo, which further reinforces the likely feasibility of repatriation for EU countries.

Having declared independence only in 2008, and still lacking full recognition from the international community, Kosovo's institutions are young and unconsolidated. Yet, through coordinated efforts involving the Ministry of Interior, Ministry of Justice, the intelligence services, the Kosovo Correctional Service, the police, and other stakeholders including international organisations, the US, and EU Member States, they have been able to coordinate a comprehensive response that considers the security risks, as well as the educational, health, psychological, and other needs of returnees. EU states, with far more developed institutions and more extensive financial resources, could replicate this thorough approach.

The security threat posed by returnees is undoubtedly a primary consideration in the decision of EU countries to not repatriate their nationals. Kosovo has estimated that five returnees (all of which returned prior to the coordinated repatriation effort in April 2019) have subsequently been involved in planning [domestic attack](#). However, the intelligence services have been able to thwart all of these and other plans in Kosovo thus far. It is foreseeable that a small number of returnees to Europe would continue to be radicalised and may even become involved with planning domestic attacks; however, given that these individuals will be known to government security agencies, it may be easier to disrupt any plots they are involved with than other homegrown plots.

Moreover, the more significant [security threat](#) is likely to come from those who remain in Syria. As already seen in the al-Hawl camp, further radicalisation of individuals is taking place. The threat is real that these individuals will pose real security threats in the future not just in the Middle East, but also to Europe and the rest of the world. In particular, the huge number of [children](#) who were either brought to or were born in Syria and Iraq are a vulnerable group who are likely to be subject to indoctrination that has been widely used by not only the IS, but also by other terrorist groups. Given that a sense of marginalisation and grievances against state actors are already known drivers of radicalisation, it is highly likely that European countries' decision to leave their

citizens in Syria and Iraq will be used to [fuel a radicalised narrative](#) and be used to justify further violence against the West. Without being able to keep a close eye on these individuals, EU states may be caught off guard by how the threat evolves in the future.






Undoubtedly, the risk posed by repatriation will never be zero. But as seen in the case of not only Kosovo, but other states such as Kazakhstan, Uzbekistan, Russia, and a few others, in the long run, repatriation remains a more suitable approach for addressing the foreign fighter threat, upholding human rights, and preventing the issue from resurging down the line or morphing into a different, but equally menacing, threat.

Ultimately, as the Kosovo case illustrates, there is potential to manage repatriation through adopting a more long-term strategic approach that includes engaging with family members, communities, and having multi-agency coordination. As Kosovo is starting to do, female returnees need to be investigated and prosecuted for their involvement with IS in addition to the male returnees; their sentences should reflect their culpability and they should not be underestimated as potential sources of risk or continued radicalisation. But these women, men, and children should all be evaluated and engaged in rehabilitation programmes based on best practices in the field. At the same time, governments need to manage the underlying tensions that may emerge between the returnees, as a result of the assistance and support provided to them, and broader society – especially segments that are already underserved and in need. In order to adopt a more effective approach, governments should share data and best practices, as they learn more about what works and what does not in terms of repatriation, rehabilitation, and reintegration. It is imperative that they continue to address structural drivers of violent extremism, to stem the flow of radicalisation in the first place – a significant component of this is to not create the perception that there are different classes of citizens, some who deserve the assistance and efforts of the state, and others who deserve to be left out in the cold, unable to return home to face the consequences of their actions.

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