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THE CURRENT POSITION OF THE FOREIGN TERRORIST FIGHTERS IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract: *Terrorism with religious ideological background today is a serious global threat. The modern infrastructure and the communications of movement allowed terrorist organizations to be able to attack everywhere in the world. The issue that is a point of interest of this paper is the current situation of returning the foreign terrorist fighters to their home country or third countries and the security consequences that may arise if they are not treated properly. For a more detailed perception of this problem through the case analysis – an operative police action related to the foreign terrorist fighters, the functional aspects of the criminal prosecution bodies of the Republic of North Macedonia will be better perceived and studied. Also, a special emphasis will be placed on the strategy for the fight against violent extremism and the financing of terrorist fighters.*

Keywords: *Foreign Terrorist Fighters; Terrorism; Radicalization; Violent Extremism*

INTRODUCTION

Along with the escalation of wars in the Near East, the emergence of foreign terrorist fighters became an important issue, which has led the countries around the world to face the problem when their citizens join these groups. The opposing of the emergence of 'the foreign terrorist fighters' and the violent extremism became a top priority of the international community which has contributed to changes and amendments to the existing legislation to initially resolve the issue with foreign fighters. The Resolutions 2170 (2014) and 2178 (2014) of the United Nations Security Council adopted according to Chapter VII from the UN Charter, concluded that the flow of foreign terrorist fighters was an "international threat to peace and security". As a result, the Resolutions oblige the countries to undertake wide measures to prevent and suppress this flow. Resolution 2396 of the UN Security Council (2017) calls for further actions in the areas of border security and the exchange of information, judicial measures, and co-operation, as well as strategies for prosecuting, rehabilitating, and reintegrating foreign terrorist fighters.

The extremist groups and their networks promote violent extremism by different methods. Their continuous existence relies on recruiting others for their cause. The violent extremist groups get new supporters and as a result of individual perception of injustice and need for a form of political activism. They join to meet their socio-cultural needs related to the identity issue. They are looking for an essence, which in a form of ideology is purposely produced by the extremist (terrorist) groups. Some individuals join for personal achievement and advancement, which leads to access to the organized criminal groups and improved incomes etc. (Talking Extremism 2012). The phenomenon of the foreign terrorist fighters is closely related to the increase in the execution of the acts by the terrorists operating alone or in small cells. They can be a significant threat when returning to their home countries, but also the threat comes from people who haven't provided resources for traveling and take part in the wars in the Near East or were prevented from traveling by the security services. The inability of travelling to Syria, Iraq, or other countries makes them frustrated and more vulnerable to attack in their home countries. The involvement of several foreign fighters in the terrorist attacks in Brussels, Paris, London, and Istanbul from 2015 to 2017 just confirmed the risk and the danger of the countries from these people.

LEGAL PROVISIONS RELATED TO FOREIGN TERRORIST FIGHTERS

In the Republic of North Macedonia, special attention is paid to terrorism and the fight against it. From 1996, under the Criminal Code, the criminal offense of terrorist endangerment of the constitutional order and security has been prescribed (Dimovski and Ilijevski 2011, 35). Furthermore, in 2004 another act was established - a terrorist

organization, and in 2008 two more acts - terrorism and financing of terrorism. Also, since 1996, the crime of 'international terrorism' has been established. Specific to these crimes is that in the previous period their content was directed to several changes stating their essence and prescribing stricter sanctions, and in 2009 they became subject to prolonged confiscation (Krstevska 2017, 254).

Because of the new forms of terrorist acts and the spreading of the phenomenon of radicalization and violent extremism in September 2014, the Macedonian Assembly adopted changes in the Criminal Code that sanction the recruitment, the training, the agitating, the logistics, the financing, and the participation of people in War conflicts outside the country and in foreign paramilitaries and terrorist organizations. The revised legislation introduced a new criminal act 'Participating in foreign military, police, paramilitary or parapolice formations' to prosecute the Macedonian citizens who have in different ways participated in the paramilitary terrorist organization in Iraq and Syria. According to the amendments of the Law, participation, recruitment, training, agitation, logistics, and financing are criminal offenses for which minimum sentences of four or five years in prison are provided. The minimal prison sentence of five years is provided for the direct participants in the war conflicts, their instructors, the financiers, and the logisticians. One year less is the minimum sentence for people who recruit or encourage or call for participation through tests, speeches, and promotion on social networks.

From the variety of criminal acts of the Criminal Code of the Republic of North Macedonia is recognized the effort of the Macedonian criminal legalization to proceed and implement all international efforts to combat terrorism at the national and international level. From a normative point of view, the framework of the number and type of criminal offenses is solid, but that is not a guarantee that in the application of these provisions there are no dilemmas in terms of the application of substantive law.

RADICALIZATION

Radicalization is a dynamic process that is not a threat to society if it is not related to violence or other illegal acts. Radicalization can occur in many different circumstances in different ways and at different speeds. Every case of terrorist radicalization and recruitment for terrorism is a result of a unique intersection of the environment with the personal circumstances and the psychology of the people (Preventing Terrorism, OSCE 2014, 35). Radicalization is seen as a process when a person increasingly accepts the use of violence to achieve certain political, ideological, or religious goals. The process of radicalization that results in violent extremism is characterized by (Action plan 2014):

- Cognitive development towards a stable one-sided perception of the reality, where there is no space for alternative perspectives;

- Further development where the perception of the reality is experienced so acutely and seriously that violent action seems necessary and just.

Having in mind the basic characteristics of terrorist recruitment and acting with all their complexities, certain terrorist activities would be possible only if their internal organization has a built-in policy of radicalization of membership and recruits. It stems from the use of political and cultural violence where such a strategy can only be fulfilled by a radicalized 'fighter'. The modern analysis of terrorism pays great attention to the phenomenon of radicalization which is closely related to the recruitment process (Fatic 2014, 214).

With the advancement of technology or the development of internet communication and propaganda techniques, the possibility for faster and simpler contact of extremists with the targeted population has increased and facilitated. In the past two decades, the Internet became a necessary tool in the extremists' strategy. In this regard, it can be mentioned that radicalization and recruitment are done through social networks and other internet applications (Balkan Jihadists 2016, 28). Cases of self-radicalization through access and use of extremist internet channels are familiar as well as ones through the written literature.

The internet propaganda of the extremists is also present in the Republic of North Macedonia where the Islamic radicals use the Internet to publish religious content and contacts with like-minded people from the country and abroad (KCSS 2018, 35). The radicalization and the setting of direct contact with the notorious terrorist organization ISIS through propaganda sites and social channels on the internet are outside of mosques or improvised religious objects. With the help of technology those who radicalize don't have to be physically present in the Republic of North Macedonia. In North Macedonia, due to the inconsistent application of the legal norms and sanctioning of electronic media, internet radicalization finds a suitable ground and is a dangerous tool for radicalization and recruitment of future terrorists.

PROFILE OF A FOREIGN TERRORIST FIGHTER

The researches have shown that there is no single and unified profile of a foreign terrorist fighter or all the assumptions in the creation of a profile have proven wrong (Guidelines OSCE/ODIHR 2018, 14). Most of the studies on this topic analyze the motivation and the factors because of which the foreign fighters decide to go on the battlefields. Many foreign terrorist fighters suffer from antisocial psychological disorders manifested by low patience control, problems with stress and anger management, aggression, and violence in social relations. According to the Counterterrorism Strategy of the Republic of North Macedonia, the profiles built based on stereotypical assumptions based on religion, ethnicity, race, gender, socio-economic status, etc. are

not only discriminating but at the same time, they are inefficient, with a risk to encourage the spread of the violent extremism and terrorism. For these reasons, it is stated that the identification of terrorism with any nationality, religion, or ethnicity should be rejected. Even though there is no unique profile of a typical foreign terrorist fighter from the Western Balkans, the individuals who have left have general common characteristics like relations with the Diaspora in the EU (especially in Austria and Germany) and criminal past before their leaving. Other common characteristics of foreign terrorist fighters are the low educational level, unemployment, dysfunctional or broken families as well as mental problems. The Strategy emphasizes that the most probable rivers of the threat from the phenomenon of foreign terrorist fighters, or factors that influence and 'move forward' the terrorists are the economic; social and ideological factors (National Strategy 2018, 12-28).

The main reasons for the departure of the people are the economic reasons, i.e. these families have had very modest financial incomes or have received social help, another reason is the low educational level, and an interesting point is that a motive for their indoctrination can be some tragic events in their personal life, personal crisis, etc. In the part of the factors (the pull factors) that pull them are empathy and the feeling of belonging to a certain group, i.e. they show solidarity with the people who are there and what is happening to them. It can be concluded that the foreign terrorist fighters, i.e. many of them, knowingly left the battlefields in Syria and Iraq, i.e. that solidarity is one of the main reasons why they left (NEXUS 2020, 8).

If the basic features and characteristics of the convicts for participation in foreign army, police, and paramilitary or parapolice formations in the Republic of North Macedonia are analyzed, it can be concluded the diversity of their profiles (Analytica 2018, 25). The fact that among the convicts there is a journalist, a doctor, a civil servant, a jeweler, a taxi driver, etc. some of them are young and some of them are older, it is wrong to make stereotypes about a certain category of people.

FINANCING FOREIGN TERRORIST FIGHTERS

An important stage in the planning and realization of the terrorist activities is the providing of financial resources for implementation and dissemination of their ideology, as well as for the maintenance of the terrorist organizations themselves. They strive to achieve maximum results through minimal spending of their resources.

How terrorist organizations provide finances is dynamic and can change fast. At the moment it is assumed that the finances given to the foreign fighters for joining the terrorist organizations are insignificant, but they are still an important source of financing. The terrorist organizations are financing the trip, the daily living expenses, the training, and the equipment of the foreign terrorist fighters (Barrett 2017, 45).

Some of the foreign fighters raise money to travel to their mother country; others are helped by funds and donations from the Diaspora. Those who cover their costs for joining a terrorist organization by themselves get a refund at their final destination.

Due to the actuality of the problem and the development of the phenomena of foreign terrorist fighters the countries are forced to consider the existing mechanisms for prevention of the financing of terrorism, as well as to introduce new specially designed mechanisms that will hinder and disrupt the financial support of the foreign fighters. The analysis of the bank accounts, the debts, and then transfers to foreign terrorist fighters is of great importance (RAN Manual 2017, 28).

Some of the countries in the world in addition to criminalizing the financing of terrorism also introduce in their legislation the financing for the travel of foreign terrorist fighters for terrorism and the receipt of terrorist training. In that direction, the rapid exchange of information between the countries and the use of the membership in the Egmont Group, the Interpol relations, the memoranda of cooperation, and the bilateral exchange of information are immeasurable.

The Republic of North Macedonia in 2019 adopted the necessary bylaws of the Law on Restrictive Measures, including the Rulebook on the form and the content of records for implemented financial measures, including financial measures against terrorism and proliferation, Decision on establishing a coordinating body to monitor the implementation of the restrictive measures and the Rulebook on the form, content, and manner of keeping the list of certain persons to whom financial measures against terrorism and spreading (dissemination) of weapons for mass destruction and their financing have been introduced (FIU 2018). To effectively implement the National Strategy for Combating Terrorism as well as the National Strategy for Combating Money Laundering and Financing of Terrorism, the Financial Intelligence Unit in cooperation with the National Coordinator for Prevention of Violent Extremism and Counter-Terrorism has prepared a handbook on the non-profit sector exposure of the terrorist financing. In 2019, the Financial Intelligence Unit received notifications of six suspicious transactions for financing terrorism and submitted them to the competent institutions for further processing (Country Reports on Terrorism 2019, 93).

STRATEGY FOR PREVENTING VIOLENT EXTREMISM

To better respond to the complexity of the fight against terrorism and extremism, the Macedonian authorities in 2017 established a National Committee for preventing violent extremism and fight against terrorism. This concept opens a new chapter in the fight against terrorism and violent extremism in the Republic of North Macedonia where the emphasis is placed on the need for greater coordination and involvement of all institutions in the system. This body has a goal to increase the efficiency and the coordination of the institutions and their activities in direction of more successful and

more efficient dealing and prevention from violent extremism and terrorism. As a result of this collaboration is planned better monitoring and evaluation of the activities envisaged in the National Action Plan in the area of prevention and dealing with violent extremism in the Republic of North Macedonia.

The strategies are focused on the measures for combating violent extremism and terrorism from an aspect of prevention, defense, protection of citizens and property, criminal prosecution, remediation of the consequences of a terrorist attack, coordination, and national and international cooperation. The commitment of the Republic of North Macedonia is reflected in the monitoring of the plans, concepts, and policies of the EU and NATO, as well as compliance with the resolutions and framework conventions on terrorism, the Council of Europe, as well as regional initiatives.

The National Committee for Prevention of the Violent Extremism and the Fight against Terrorism, in co-operation with the OSCE, has recently organized a series of roundtables across the country to raise awareness of national counter-terrorism strategies and counter-violence extremism and affirmation of action plans. Also, in cooperation with international donors, the National Committee for the Prevention of Violent Extremism and the Fight against Terrorism has supported several projects aimed at recognizing the 'early signs of radicalization and building community resistance to terrorist ideas' through training and engaging young people, parents, educators, and law enforcement officers.

CASE ANALYSIS: ANTI-TERRORIST OPERATIVE ACTION 'CELL'

The operation 'Cell'¹ is the first realized criminal-operational action of the Macedonian security organs for the crime of participation in a foreign army, police, paramilitary, and parapolice formations provided and punishable under Article 322-a of the Criminal Code of the Republic of North Macedonia. The action involved several dozen people, some of whom were found in the country, some were inaccessible to law enforcement agencies, and some, according to the information, were still active fighters in Syria and Iraq. Following the searches and the arrests, trials were conducted in which 25 people were convicted.

The first action 'Cell' started on 06.08.2015 when after receiving orders from a judge in a preliminary procedure, a total of 28 searches were conducted, of which 21 searches of homes and other premises in Skopje, 4 in Gostivar, and one each in Tetovo, Kumanovo, and Struga, with a total of 24 individuals and 4 facilities.

¹ Macedonian media that were reporting on the case and were accessed for data and information taking: www.mrt.com.mk, www.telma.com.mk, www.24.mk, www.tv21.tv, www.alsat-m.tv, www.a1on.mk, www.kanal5.com.mk, www.sitel.com.mk, www.alfa.mk, www.vecер.mk, www.denesen.mk, www.novamakedonija.com.mk, www.slobodnaevropa.mk, www.dw.com, www.mk.voanews.com, www.makfax.com.mk, www.plusinfo.mk, www.vesti.mk.

The four facilities included an internet cafe in Skopje, the ancillary facilities of the Tutunsuz Mosque, as well as the premises of two non-governmental organizations. During the operation, 9 people were secured, and another 27 who were covered by the investigation continued to be looked for. During the undertaken measures and activities about the conducted searches, with confirmation for confiscated items, were confiscated: 38 desktops, 18 laptops, 18 tablets, 119 mobile phones, 77 SIM cards, 65 SIM card holders, 6 hard drives, 45 USB sticks, 35 memory cards, one pistol, tactical vest with waist and holster, cash (2,870 euros and 900 dollars), 3 travel documents, 114 CDs, Western Union Certificates, 2 boxers, 3 cameras, 3 cameras, MP3 player and two voice recorders. The confiscated items were handed over to the Department of Forensic Technical Investigations and Expertise for their further processing and expertise to find additional evidence related to the crime.

The second police action 'Cell 2' was conducted on 09.07.2016 as a continuation of the first action in which searches were conducted at 7 locations in Skopje and Tetovo and 5 desktops, 2 laptops, 19 mobile phones, 9 SIM cards were found. , SIM card holder, 9 USB sticks, 50 CDs, memory cards, a protective mask, 3 travel documents, a T-shirt with the inscription in Arabic 'Islamic State is eternal'. Four people from Tetovo were caught. Three suspects were not available at that time, for two persons from Skopje and Kumanovo there was operational information that they were in Syria at that time, and the third person from the village of Arachinovo according to the operational information was in Skopje.

The police operation 'Cell 3' was conducted on 12.08.2016 in cooperation with the security services of the Republic of Turkey, where five Macedonian citizens were detained in the Turkish settlement of Aksaray on suspicion of being members of the Islamic State, i.e. they intended to join them. Namely, according to the information, the persons were previously radicalized, encouraged, and organized by Macedonian citizens-jihadists who stayed in Syria for a long time. The suspects left the Republic of North Macedonia and went to Turkey with the sole ultimate goal of joining the paramilitary mujahedeen units in Syria. Shortly afterward, they were extradited to our country, and criminal charges were filed against them.

In August 2018, seven more Macedonian citizens were arrested, for whom an international arrest warrant has already been issued for participation in foreign armies, but also after previously filed criminal charges within the police actions 'Cell 1' and 'Cell 2' from 2016.

The 'Cell' operation is another indicator that the institutions of the Republic of North Macedonia have the capacity and the credibility to deal with the current security challenges and are a serious partner in the Global Coalition to Combat Terrorism. The result of these police actions was obvious in the direction of a drastic decrease in the number of Macedonian citizens who joined ISIS or other formations in Syria and Iraq.

However, this does not mean that extremist ideas, the process of radicalization, and the threat of committing terrorist acts have disappeared from the Republic of North Macedonia. This is confirmed by the two police actions in 2020 in which a terrorist group in the Republic of North Macedonia composed of foreign fighters was suppressed.

The first action was realized on 01.09.2020 when the Sector for Fight against Terrorism, Violent Extremism, and Radicalism at the Ministry of Interior filed criminal charges against 3 people from Kumanovo. Searches were conducted at four locations in Skopje and Kumanovo and there were found 5 automatic rifles, a machine gun, 18 frames for an automatic rifle with 30 bullets, a frame with 15 bullets, 3 wooden butts, a wooden butt with a firing mechanism, 3 grenade launchers were found. RD 40mm, 5 grenade launchers for hand grenade launcher with fuses, 2 camouflage caps, 2 black and gray undercoats, 2 pairs of camouflage gloves, 2 tactical vests, 4 tactical vests in camouflage color, flag with written Arabic letters (ISIS), scarf with written Arabic letters.

The second action was carried out on 27.12.2020 in which 8 people from Skopje and Kumanovo were detained. 8 locations were searched where military equipment and weapons were found. The terrorists communicated with each other on the Internet application 'Watts Up' where they have agreed on how to transport the weapons and also agreed on how to make suicide belts. The Ministry of Interior informed that the terrorist cell planned a series of attacks on public buildings, liquidations, but also suicide attacks to cause as much panic and fear among the citizens as possible.


CONCLUSION

Violent extremism and terrorism as a global phenomenon still is a big threat to society, and the process of radicalization in different social settings is a reality that will continue to be a factor for new terrorist attacks.

Even though, all countries have adopted and are conducting the measures for punishing the foreign fighters they are still aware that the repression and the punishment are not always equated with awareness and repentance. Such measures may have an opposite effect and do further radicalization and realization of the terrorists' goals. The repressive approach ignores the issue of reintegration of the person into society. Closing or monitoring the movement of the foreign terrorist fighters is not enough to address the roots of this problem and therefore such measures may yield short-term results. For a long time, the countries of Europe should focus on accelerated development to create effective strategies to reduce the number of recruits - jihadists and in general the ideas of violent extremism and terrorism. By fundamentally understanding the motive for joining terrorist organizations and radicalization in general as a process, and most importantly the circumstances and conditions that enable it, countermeasures against violent extremist ideology are more likely to be used.

According to the National Strategies for Prevention of Violent Extremism and Counter-Terrorism, the Republic of North Macedonia implements programs for de-radicalization of the foreign terrorist fighters in prisons, undertakes activities to increase the awareness of the risk and threats of terrorism, and strengthens the mechanisms for prevention of radicalization at the local level. To this end, the whole society must be involved in increasing the awareness of radicalization in the community and in building internal capacities to oppose it.

Here are some recommendations:

- developing a specific policy for foreign terrorist fighters in the overall framework for the fight against terrorism;
- designing an instrument for assessing the risk of repatriated foreign terrorist fighters and supporting research in this area;
- providing appropriate medical assistance to the traumatized returnee foreign terrorist fighters;
- increased attention to returnee children from conflict regions; and
- development of mechanisms and activities in the field of social reintegration. 

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