

Returning American Travelers

Based on the original research presented in this study, 12 Americans who traveled to Syria and Iraq to join jihadist groups have since returned to the U.S.¹ This count may not include all cases, but if the actual numbers of returnees generally mirror this estimate, the U.S. has faced a much smaller inflow of returning travelers than other Western countries. In Europe, for example, it was estimated in October 2017 that around 1,200 of the 5,000 citizens of the European Union (EU) who left for Syria and Iraq have returned to their home countries.²

As IS faces territorial decline, the concern for Western law enforcement officials is twofold. First, travelers could return to their home countries and re-integrate into the domestic jihadist milieus that they left behind. They may also participate in attacks. What is less clear, however, is the precise numbers, roles, impacts, and overall threat of returning travelers. Different countries—with varying traveler contingents, unique domestic national security situations and perspectives, and diverging political climates regarding how the state should respond—face different threats from returnees.

Geographic, economic, and legal barriers, in addition to a substantially smaller traveler contingent, decrease the risk that an American traveler will return to the U.S. and conduct an attack. However, this assessment of 12 known cases of American returnees, situated in a broader review of 22 jihadist attacks in the U.S. since 2011, finds that:

- None of these 12 American travelers who returned to the U.S. from Syria and Iraq since 2011 successfully carried out a domestic attack. None of the 22 jihadist attacks in the U.S. since 2011 were carried out by returned travelers.³
- One individual—Abdirahman Sheik Mohamud—who returned to the U.S. from fighting in Syria and Iraq was directly instructed by his group's leadership to carry out an attack in the U.S. However, he was

apprehended in the early planning stages of the attack after re-entry.

- Overall, U.S. law enforcement and the U.S. criminal justice system have effectively monitored, detected, and where applicable, prosecuted returning travelers.
- The approach to returnees has mostly been ad hoc rather than strategically organized, and over-relies on criminal prosecution, convictions, and lengthy prison sentences. Due to the complexity of cases of returnees, these options may not always be available. Moving forward, alternative mechanisms for responding to the threat of returned jihadist travelers are necessary to supplant the existing criminal justice process.

Recruitment, Returnees, Reintegration: Challenges Facing the U.S. Regarding Jihadist Travelers

Returning Western travelers are regarded as threats to their countries of origin because of the risk that they may re-join and participate in jihadist networks at home. However, in the case of the U.S. and the broader Western context, the major questions for national security authorities are not only *if* returnees will participate in jihadist movements, but *how* they will do so.⁴

These concerns were validated by the November 2015 Paris attacks and 2016 Brussels bombings, orchestrated by IS-affiliated jihadists who returned from Syria to conduct their attacks. Studies of earlier mobilizations have found that experienced jihadists returning from abroad increase the lethality of domestic terrorist plots.⁵ However, these studies often assume the existence of large-scale domestic jihadist networks or organized militant Salafist groups in travelers' countries of origin, which returnees can become involved in upon re-entry. Thus, these findings may not equally apply to the U.S., which lacks these factors.⁶

Nevertheless, there are several mitigating factors to large-scale re-entry of jihadist operatives into their

countries of origin. Most will die on the battlefield—already, European and American intelligence officials have estimated that at least half of the traveler contingent in Syria and Iraq has been killed.⁷ From the remainder, a significant number will either be apprehended by competing factions on the battlefield, or arrested while trying to return home. Some will migrate onwards to the next major conflict.⁸

Despite these limiting factors, travelers can and will return home; many already have. Even in the early days of the conflict, between January 2012 and July 2014, 300-400 travelers reportedly returned to Europe from Syria and Iraq.⁹ A subsequent study in 2016 averaged statistics from EU member states and estimated that around 30% of the 4,300 travelers from these countries had returned.¹⁰ This is not to suggest, however, that all returnees pose immediate security threats or should be dealt with in the same manner. The critical issue remains which of these returnees intend to stay engaged with their jihadist organizations by recruiting, networking, and even planning attacks after their return, and which are going home after completely rejecting their former organizations.

Across the ocean, the U.S. government has repeatedly expressed concerns about the risk of American returnees attempting to conduct attacks on U.S. soil. In 2014, then-FBI director James Comey testified that:

“With these concerns in mind it is important to point out that the story of IS mobilization in America is characterized by a desire among adherents to join the group overseas, rather than conduct terrorist attacks on its behalf at home.”

Foreign fighters ... gain battlefield experience and increased exposure to violent extremist elements that may lead to further radicalization to violence; they may use these skills and exposure to radical ideology to return to their countries of origin, including the U.S., to conduct attacks on the homeland.¹¹

The ongoing demise of IS in Syria and Iraq was predicted to result in an exodus of former travelers, including some Americans. However, recent assessments from

U.S. intelligence officials demonstrate that the perceptions of the threat from returnees have been updated to account for changing realities. Former National Counterterrorism Center Director Nicholas Rasmussen claimed in May 2017 that while counterterrorism authorities in the U.S. were “worried about being overwhelmed by this reverse foreign fighter flow ... we have come to realize it is quality that matters, as much or more than quantity, when it comes to foreign fighters returning home.”¹²

With these concerns in mind it is important to point out that the story of IS mobilization in America is characterized by a desire among adherents to join the group overseas, rather than conduct terrorist attacks on its behalf at home. As of January 1, 2017, 42% of IS-related legal cases included an attempted traveler, whereas only

32% involved individuals who were plotting domestic attacks. A simple cost-benefit analysis for IS supporters would seem to point towards a higher number of domestic attacks. In the age of lone-actor terrorism, it is arguably more straightforward for an American IS sympathizer to plan and conduct a low-level terror attack than it is for them to successfully travel to IS territory. The risk they run of being killed or apprehended on the battlefield is at least as high as it is while planning or conducting an attack at home. Yet, a greater number of American IS supporters attempted to travel to Syria and Iraq rather than

plotting domestic attacks, even as the military fortune of the organization declined.

Nevertheless, as travel becomes an even more difficult prospect, there may be an increase in attack plots among those who would have initially preferred to travel. One relevant example is the case of Emanuel Lutchman, a 26-year-old resident of Rochester, New York, who intended to travel to Syria to join IS in 2015. When Lutchman reached out via social media to Abu Isa al-Amriki, an IS member and attack planner in Syria, he was told to

forego travel and conduct an attack in the U.S. instead.¹³ Lutchman planned a stabbing rampage in Rochester scheduled for New Year's Eve 2015.¹⁴ Law enforcement apprehended Lutchman the day before the attack; he was sentenced to 20 years in prison in early 2017.¹⁵

If American supporters of jihadist groups do shift towards primarily plotting domestic attacks in the coming years, how would a potential influx of returning travelers to the U.S. effect these dynamics? Contrary to initial concerns, the emerging consensus in the academic literature is that Western returnees are less involved in domestic terrorism than is often assumed. According to Petter Nesser et al., 45% of IS-linked plots in Europe between 2014–2016 “involved one or more cell members with foreign fighter experience.”¹⁶ While this figure appears high, they also note it represents a drastic reduction from previous mobilizations. Similar longitudinal studies in the U.S. find even fewer cases of returnees involved in jihadist plots.¹⁷

Related research by Thomas Hegghammer and Nesser also demonstrates that returnee involvement in domestic terrorism is rare, especially compared to the overall numbers of Western travelers. Their 2015 study, which examined 69 jihadist terrorist plots in the West (Europe, North America, and Australia) between January 2011 and June 2015, found a meager “blowback rate” of travelers involved in terrorist plots and attacks in their countries of origin.¹⁸ More specifically, they found that nine separate plots involved 11 individuals who had been to Syria, eight of whom received training from IS, and the remainder from JN or other jihadist groups.¹⁹ At the time of their research, the estimate was that there were approximately 4,000 travelers from the countries examined in the study. Thus, only one out of every 360 travelers returned to their home countries to plot attacks.²⁰ Hegghammer and Nesser also note that IS sympathizers in the West who have not traveled to Syria or Iraq “outnumber returning foreign fighters as plot instigators.”²¹

Despite this, in the rare instances where returnees have conducted attacks in Europe during the past five years, these attacks have been among the most lethal.²² From the Paris and Brussels attacks in 2015 and 2016

respectively, to the Manchester arena bombing in 2017, many of the attacks with the highest casualty numbers and levels of sophistication have involved people who traveled to jihadist-held territory.

To date, the U.S. has not only experienced fewer attacks conducted by returning travelers than in Europe, but some studies find that the few attacks since 2001 involving returnees are in fact less lethal than the U.S. attacks perpetrated by “homegrown” jihadists.²³ This latter category includes attackers who, while inspired by jihadist ideology, had not traveled to join or train with a jihadist military organization overseas. None of the three most lethal jihadist attacks in the U.S. since the start of the Syrian conflict in 2011—the Orlando nightclub shooting in June 2016, the shootings in San Bernardino, California, in December 2015, and the October 2017 truck ramming attack in New York City—involved an individual that traveled and returned from jihadist-held territory.

To date, none of the 12 known returned American travelers from the Syrian and Iraqi conflict has successfully committed an attack in the U.S. following their re-entry. Since the start of the Syrian conflict in 2011 until the end of 2017, only one is known to have plotted an attack following their return, acting on the specific orders from their jihadist organization in Syria. The following section examines this story and its potential lessons for American policymakers and law enforcement seeking to address the threat of returnees.

Abdirahman Sheik Mohamud

In June 2014, 23-year-old Ohio resident and naturalized U.S. citizen Abdirahman Sheik Mohamud returned to the U.S. from Syria, where he had been a member of JN.²⁴ He was not immediately arrested upon his return, and pressed forward with the plans to conduct an attack given to him during his time in Syria.

Mohamud was following in the footsteps of his older brother, Abdifatah Aden, who left Ohio to join JN in August 2013 and died in battle approximately ten months later.²⁵ During Aden's time in Syria, he kept in regular contact with Mohamud via private online messages. In their conversations, Mohamud repeatedly expressed a

desire to join his brother “as a *Mujahid*,” and coordinated the funding and logistics to facilitate Mohamud’s travel.²⁶ The final step involved Mohamud applying for a U.S. passport so that he could begin his journey to Syria.²⁷ Mohamud also told another individual that he intended to travel to Syria to fight, and expressed his desire to kill the soldiers of U.S. allies on the battlefield.²⁸

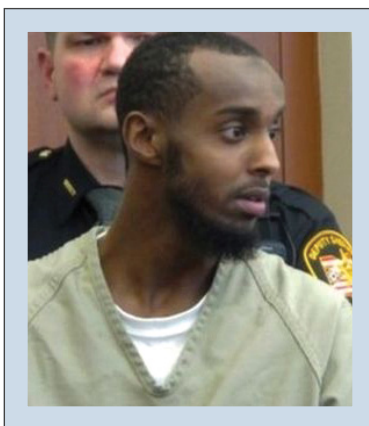
In April 2014, Mohamud booked a plane ticket from Columbus to Athens, Greece, using Istanbul as a stop-over. He never boarded his connecting flight to Athens, and from the Istanbul airport traveled to the Turkish-Syrian border town of Reyhanlı, following his brother’s instructions.²⁹ Using a network of JN facilitators whom his brother connected him with, Mohamud was smuggled into Syria in late April 2014.³⁰ While in the country, he was trained in building explosives, using firearms, and hand-to-hand combat, before being specially selected by a JN cleric to return home and conduct an attack in the U.S.³¹

Before he returned home, Mohamud appears to have already begun his attack planning, visiting the website for the Federal Bureau of Prisons and searching for details on the location of Aafia Siddiqui.³² Siddiqui was a former Boston resident and al-Qaeda operative who was sentenced to 86 years in prison in 2010 for the attempted murder of a U.S. military officer in Ghazni, Afghanistan.³³ Freeing Siddiqui from prison is a *cause célèbre* for Western jihadists. While it is unclear what Mohamud’s intentions were in searching for Siddiqui’s location, it is likely that he was researching the possibility of planning an attack on the prison facility in Texas where she is being held.

Mohamud re-entered the U.S. on June 8, 2014.³⁴ After leaving Syria, he maintained contact with JN facilitators who smuggled him into the U.S. using an unnamed private messaging system, although the nature of these conversations remains unknown.³⁵ Upon his return to the U.S., he expressed his desire to target either police

or members of the armed forces to witnesses whom he had tried to recruit.³⁶ He had also identified a military base in Texas where he hoped to be able to capture and execute American soldiers.³⁷ In November 2014, he even booked a flight from his home in Ohio to Dallas/Fort Worth airport in Texas, but does not appear to have made the journey.³⁸

At some point after returning to the U.S., Mohamud attracted the attention of the FBI. It is not clear how soon after his return from Syria that law enforcement made contact or started an investigation. According to court documents, agents first interviewed Mohamud about his travel overseas in February 2015.³⁹ During this interview, Mohamud denied that he had any ties to jihadist groups in Syria, and told federal agents that he had never left Istanbul during his 2014 trip.⁴⁰



Abdirahman Sheik Mohamud

Mohamud was eventually arrested on February 21, 2015, on a rarely used Ohio state terrorism offense. He was pulled over by a police officer in Columbus for a routine traffic violation on the night of his arrest, and when asked to produce identification, he gave the officer his brother’s driver’s license.⁴¹ At that time, Abdifatah Aden was already on a terrorist watch list, and when the officer double-checked the driver’s license, they arrested Mohamud on the spot.⁴²

Eventually, a federal jury indicted Mohamud on two counts of providing material support to terrorists and one count of making false statements to the FBI in April 2015.⁴³ In August 2015, Mohamud pleaded guilty to all charges. Mohamud was sentenced to 22 years in prison on January 22, 2018.⁴⁴ Mohamud’s case is the only currently known example of an American who, since the start of the Syrian conflict, returned home after receiving express instructions and training to carry out an attack from a jihadist group based in the region.

At present, the returnee threat to the U.S. is therefore negligible compared to that faced by most other Western

nations. Unlike their European counterparts, which in some cases have been able to take advantage of open borders in the EU and exploit refugee flows into the continent to move more freely, American travelers have so far found it more difficult to return home undetected. There is currently no publicly available evidence to suggest that American travelers have slipped into the country without the knowledge of authorities. Any who attempt to do so also face among the most daunting obstacles of any contingent of Western travelers wishing to return home.

The current returnee threat picture in the U.S. may change, however, especially given the likely increase in American travelers who will be fleeing Syria and Iraq as IS and other jihadist groups lose territory. Now, more than any other time since the start of the Syrian civil war, is when authorities will need to be most vigilant in their tracking and pursuit of America's returning travelers.

With this in mind, it is important to note that attack-planning is not the only role that returning, experienced jihadists can serve in domestic terrorist networks in the U.S. As previously highlighted, certain travelers (for example, Christopher Paul, Jason Pippin, and Ahmad Abousamra) who returned to the U.S. from jihadist campaigns in the 1990s and 2000s became crucially important in assisting small-scale networks of jihadists in the U.S. In some cases, they acted as jihadists-*cum*-consultants, providing others who were looking to travel overseas or conduct attacks at home with information, connections, and technical expertise.

There are several cases where returned travelers served as trans-generational links between jihadist mobilizations. Eventually, they may travel or assist others in traveling to another battlefield, or in some cases, lend their expertise to individuals looking to commit attacks in the U.S. If not addressed appropriately, returnees could facilitate a future generation of American travelers.

Criminal Justice Approaches to Returning Travelers

The U.S. responses to returning travelers from Syria and Iraq have largely been determined on a case-by-case

basis. U.S. national security decision-makers must decide whether American jihadist travelers who are attempting to return home should be arrested and prosecuted. This decision is based on two factors: clear evidence of a crime and the traveler's risk to national security.

At the time of their return to the U.S., all 12 known returnees had some touchpoint with federal law enforcement. At the minimum, their activities in Syria and Iraq and attempted return were closely monitored or investigated. Some were arrested upon return to the U.S., and others were detained overseas and returned to the U.S. in custody. In total, nine out of the 12 (75%) known American returnees have been prosecuted in U.S. criminal courts following their re-entry to the U.S. Despite some debate about the use of military tribunals to prosecute returning travelers as "enemy combatants," the Article III criminal court system has so far been an effective forum for prosecuting returning travelers from Syria and Iraq.

Five returnees were arrested after returning to the U.S.; four more were arrested in a foreign country and returned to the U.S. in custody. As it stands today, the U.S. and its law enforcement agencies have been successful at identifying travelers, detecting if and when they return to the U.S., and prosecuting them where applicable. Overall, a compelling argument can be made that the U.S. process, which focuses primarily on criminal justice proceedings against returning jihadist travelers, has effectively responded to the threat. This can mainly be attributed to the extensive and flexible legal framework, including the material support statute and other terrorist travel laws, that were in place well before the outbreak of the Syrian and Iraqi mobilizations.

In the three remaining cases, the FBI monitored or investigated a returning traveler, but eventually declined to press charges. Decisions to forego prosecution of a returnee are complex and opaque, but in these cases, certain individual factors seem to have influenced the decision strongly. Tania Georgelas left Syria with her children after leaving her husband in 2013.⁴⁵ Haris Harcevic traveled with Abdullah Ramo Pazara to Syria, leaving the country two weeks after he arrived. In both

cases, law enforcement ultimately did not arrest or charge these individuals with any crime.⁴⁶

In one case, however, a Florida resident evaded prosecution after returning to the U.S. from Syria, and later traveled back to Syria and conducted a suicide bombing. Moner Abu Salha, a 22-year-old from Fort Pierce, Florida, briefly participated in a militant training camp in 2012 before returning home and staying in Florida for several months.⁴⁷ According to U.S. counterterrorism officials, at the time of his return to the U.S., law enforcement agencies had some knowledge of his first visit to Syria, but had insufficient evidence to prove that he fought for a designated foreign terrorist organization.⁴⁸ As a result, Abu Salha slipped through the cracks and returned to Syria. Upon his return to Syria, he fought for JN, conducting a suicide attack on a restaurant in Northern Syria in May 2014.⁴⁹

However, in another, similar case, the FBI interdicted a former combatant in Syria who was attempting to travel back to jihadist-controlled territory after his return to the U.S. Sinh Vinh Ngo Nguyen, a California resident, traveled to Syria in December 2012 and fought for jihadist groups, returning to the U.S. in the spring of 2013.⁵⁰ Shortly after his return, an undercover federal agent posing as an al-Qaeda recruiter reached out to Nguyen, and offered to help him return to jihad by traveling to Pakistan.⁵¹ Nguyen was arrested in October 2013 and later sentenced to 13 years in federal prison for making false statements to the FBI and material support for terrorism.⁵²

The effectiveness of these laws and strategies becomes exceptionally apparent when the situation in the U.S. is compared to the responses of other Western countries to returnees. One notable case is in the United Kingdom; the Home Office estimated in 2016 that over 400 of the country's 800 travelers had returned, of which only 54 (13.5% of returnees) faced criminal

charges.⁵³ Intelligence sharing, updated criminal procedures, and policies for responding to returnees have all improved drastically in European countries since the outset of the Syrian and Iraqi conflicts.⁵⁴ However, many of these policies were adopted too late to respond to the peak of the wave in foreign fighter travel, and have mixed records in successfully responding to returning foreign fighters. Even when criminal cases can be brought against returning travelers in Europe, conviction records are lower.⁵⁵

However, the current U.S. strategy to address the threat of jihadist returnees is not failsafe. The *de facto* U.S. response has been to push returnees through the criminal justice system, charge them with violations of the material support statute, and sentence them accordingly. However, charges and sentences given to U.S. returnees have ranged drastically. In reality, lengthy prison sentences have been the exception, not the norm.

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To date, eight returned travelers have been convicted or pleaded guilty to criminal charges, of which seven have received a prison sentence. Data are likely to shift as more cases are tried, but currently, the average prison sentence given to returnees is approximately ten years in prison. If cases where authorities declined to bring charges (thus, resulting in a returnee spending zero years in prison) are added, the average

prison sentence for returnees in the U.S. is just under eight years. In comparison, individuals that attempted to travel to Syria and Iraq, but were apprehended during travel, received an average prison sentence of 14 years in prison.⁵⁶

When sentences given to returnees are dissected on a case-by-case basis, the discrepancies are even more explicit. Only three of these cases (Mohamud, Khweis, and Nguyen) involved a material support charge; they are also the cases in which sentences are the longest (22, 20, and 13 years in prison, respectively). However,

the most common charge leveled against American returnees is not material support (under 18 U.S.C. §2339A); instead, it is making false statements (under 18 U.S.C. §1001). If convicted, false statement charges carry a maximum sentence of five years in prison; if the enhancement for making a false statement in a terrorism case is pursued, the maximum penalty is eight years.⁵⁷ In contrast, the maximum sentence for material support is 20 years.⁵⁸

Thus, based on this limited sample, building material support cases against returning travelers does not appear to be as effective or straightforward as initially anticipated. The conviction rate may be higher in the U.S. than in Europe, but many of the cases in the U.S. involved lesser charges with smaller sentences. This solution guarantees that returning travelers will be convicted, but contrary to popular belief, prosecutors in the U.S. cannot always rely on returnees receiving decades-long prison sentences. Inconsistencies in charging and sentencing reveal two critical flaws with the way that the U.S. has addressed returning travelers thus far.

First, several convicted jihadist travelers to Syria and Iraq will be released from prison in the coming years. No deradicalization or disengagement programs currently exist in U.S. prisons. Therefore, it is worth considering whether jihadist prisoners will reject their ways or continue to participate in jihadist groups following their release.⁵⁹ Given the potential role for returnees to form nodes in networks of supporters, even with convicted returnees who will spend the next few decades in prison, it is also important to determine if they are attempting to network-build while incarcerated.⁶⁰ As similar experiences in Europe prove,

convicted jihadists using the prison and parole systems as a method of finding like-minded individuals, as well as radicalizing others, can be critical in forming future terrorist networks.⁶¹

Moreover, several of these cases show that in some instances, building a material support case against returned travelers is not possible. One substantial roadblock is gathering evidence about a traveler's activities in Syria or Iraq. Sometimes, actionable intelligence cannot translate into admissible evidence in a court of law. In the proverbial "fog of war" and the constellation of sub-state military actors in Syria and Iraq, it is often especially difficult to determine precisely which organization a traveler was allied with during their time in Syria and Iraq.⁶² In order to conclusively prove any material support charge, or the terrorism enhancement to false statements charges, prosecutors must provide substantial evidence that the traveler in question had connections to a designated foreign terrorist organization. The built-in defense for travelers is that although they may have provided support to a militant organization in Syria or Iraq, they did not support a designated organization.

If a returning traveler is not deemed to be high-risk, or material support charges are not available, it may be worth weighing the costs and benefits of non-prosecutorial options in addition to whichever lesser criminal charges can be applied. To provide a wide array of effective options, the U.S. must invest more political and financial resources into alternative and preventative counter-terrorism programs. This may not only decrease the recidivism risk from returned jihadist travelers, but also provide insights and potential solutions to countering the homegrown jihadist threat more broadly.