

**The Western Balkans:
Repatriated Foreign Terrorist Fighters,
Sentencing Trends, and Security Considerations**

Adrian Shtuni · September 2022

Program on Extremism

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This report is released as part of The Global-Local Jihadist Nexus project (*Nexus*). *Nexus* draws on a global network of subject matter experts and locally-based researchers to monitor Islamic State and al-Qaida affiliates across the Middle East, Africa, and Asia, as well as their support and enabling networks in the West. Our products analyze the interplay of several pairs of forces that have the potential to drive or constrain the global Islamic State and Al-Qaida nexus, including: global and local contexts, ideological and pragmatic drivers, individual and group appeals, leader-inspired and organizationally-enabled change, foreign influence versus local interest, and more.

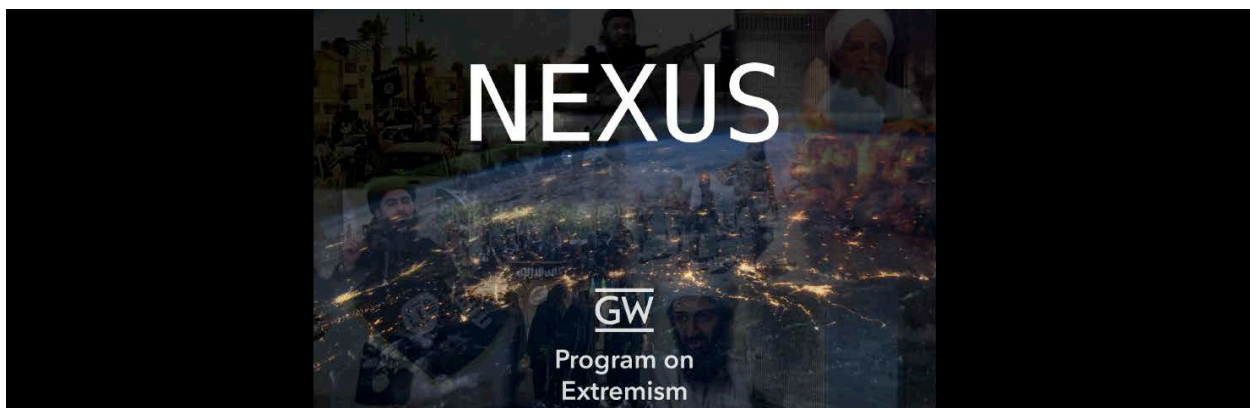


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Executive Summary

The Western Balkan states of Bosnia and Herzegovina, Kosovo, and North Macedonia are the only European countries to have voluntarily and publicly repatriated male Islamic State foreign terrorist fighters (FTFs) previously detained by Kurdish-led forces in Syria.¹ Their proactive repatriation approach deserves both praise and greater attention. Controlled removal of foreign nationals from overcrowded prisons reduces the risk of their contribution to a potential Islamic State reemergence in Syria and Iraq, and allows for a more effective management of security risks. It also provides a valuable opportunity to study the attitudes and behaviors of repatriated FTFs in order to tailor more effective policy responses to the dynamic needs and security risks associated with them.

This report provides an overview of controlled repatriation operations of male FTFs, legal responses, prosecution and sentencing trends in the Western Balkans. It also discusses advantages of repatriation, challenges for effective management within the correctional system, and considerations for more effective policy responses tailored to the dynamic needs and security risks associated with repatriated FTFs both within the correctional system and following their release from prison in the next few years. It finds:

- ❖ 31 repatriated male individuals (with one exception) have either been prosecuted and sentenced or are currently facing criminal proceedings and investigations on terrorism charges.
- ❖ Court documents in various cases confirm that in joining the Islamic State these FTFs acted with premeditation and as part of a group of likeminded individuals, or in coordination with jihadist networks operating between the Western Balkans and Syria, sometimes linked to elements of the Western Balkans diaspora in Europe.
- ❖ On average, repatriated Islamic State FTFs have received lengthier prison sentences relative to other jihadist terrorism convicts in their respective countries.
- ❖ The convictions handed down by the Bosnian and Kosovar criminal justice systems continue to border on the minimum prison term provided for in the Criminal Codes of their respective countries. They are also significantly lower than the average prison term in the European Union for similar offenses.

¹ NOTE: This refers to male FTFs repatriated as of June 2022 as part of controlled transfer operations from Syria and excludes cases of other potential Islamic State militants deported to the Western Balkans from third countries. To note, one Moroccan-Italian citizen who resided in Germany before joining Islamic State in Syria was transferred to Italy in June 2019 in coordination with the U.S. authorities.

- ❖ Most repatriated FTFs are set to be released from prison between 2023 and 2025. The authorities would do well to reassess sentencing ranges and conditional release practices, boost prison-based disengagement and rehabilitation efforts, and implement additional risk assessment and management tools in preparation for their re-entry into society and before undertaking any future repatriation operations from Syria.

Controlled Repatriation Operations Involving Male FTFs

Between August 2018 and June 2022, the Western Balkan states of Albania, Bosnia and Herzegovina, Kosovo, and North Macedonia have publicly and voluntarily repatriated at least 217 Islamic State-affiliated individuals previously detained by Kurdish-led forces in Syria.² Of those repatriated, 132 were minors and 54 were women. Bosnia and Herzegovina, Kosovo, and North Macedonia have also repatriated a total of 31 Islamic State-affiliated male individuals. Albania has so far limited its repatriation operations to minors and women.

North Macedonia

As of June 2022, there have been at least 11 cases of reported Islamic State-affiliated adult male individuals repatriated to North Macedonia from Syria as part of two repatriation operations supported by the U.S. military. The first group of seven nationals previously detained by Kurdish-led forces was transferred on 7 August 2018. By carrying out this operation, North Macedonia became the first European country to publicly transfer Islamic State FTFs from Syria.³ The second transfer was carried out on 17 July 2021, and involved four Islamic State-affiliated men, five women, and 14 minors.⁴

Kosovo

As of June 2022, there have been at least 12 cases of reported Islamic State-affiliated adult male individuals repatriated to Kosovo as part of three transfer operations supported by the U.S. military. The first four were repatriated on 20 April 2019, together with 74 minors and 32 women in what has been the biggest reported repatriation operation of Islamic State-affiliated individuals from Syria to Europe to date.⁵ The second transfer operation was carried out on 17 July 2021, and involved six adult male nationals, one

² NOTE: Details of each repatriation operations are provided in the country sections below.

³ Ryan Browne, "US transferring some ISIS detainees from Syria to their home countries," *CNN*, (August 7, 2018). <https://www.cnn.com/2018/08/07/politics/us-isis-detainees-transfer/index.html>

⁴ Konstantin Testorides, "North Macedonia repatriates 4 IS fighters and their families," *Associated Press*, (July 18, 2021). <https://www.usnews.com/news/world/articles/2021-07-18/north-macedonia-repatriates-4-is-fighters-and-their-families>

⁵ "Kosovo Says 110, Including Four IS Fighters, Repatriated From Syria," *Radio Free Europe*, (April 20, 2019). <https://www.rferl.org/a/kosovo-relatives-is-fighters-return-from-syria/29892911.html>

woman, and four minors.⁶ The third transfer operation involving two adult male nationals was carried out on 28 May 2022.⁷ This third transfer was a joint effort with Albania, which repatriated four women and nine minors between the ages of six and sixteen as part of the same transfer operation.^{8 9}

Bosnia and Herzegovina

As of June 2022, there have been at least eight cases of reported Islamic State-affiliated adult male individuals repatriated to Bosnia and Herzegovina as part of two transfer operations. The first one was repatriated to Sarajevo on 20 April 2019 as part of the same U.S. military supported operation that resulted in the transfer of 110 Kosovo nationals to Pristina.¹⁰ The second transfer operation of seven adult male individuals, six women, and 12 minors of Bosnian nationality took place on 19 December 2019.¹¹

⁶ “The US helps with return of 11 from Syria, 4 of whom are children,” *KLAN Kosova*, (July 2021). <https://klankosova.tv/kthimi-i-11-qytetareve-nga-siria-u-be-me-ndihmen-e-shba-se-kater-prej-tyre-jane-femije1/>

⁷ “Two Kosovars repatriated from Syria,” *KLAN Kosova*, (April 28, 2022). <https://klankosova.tv/riatdhesohen-dy-kosovare-nga-siria-28-05-2022-klan-kosova/>

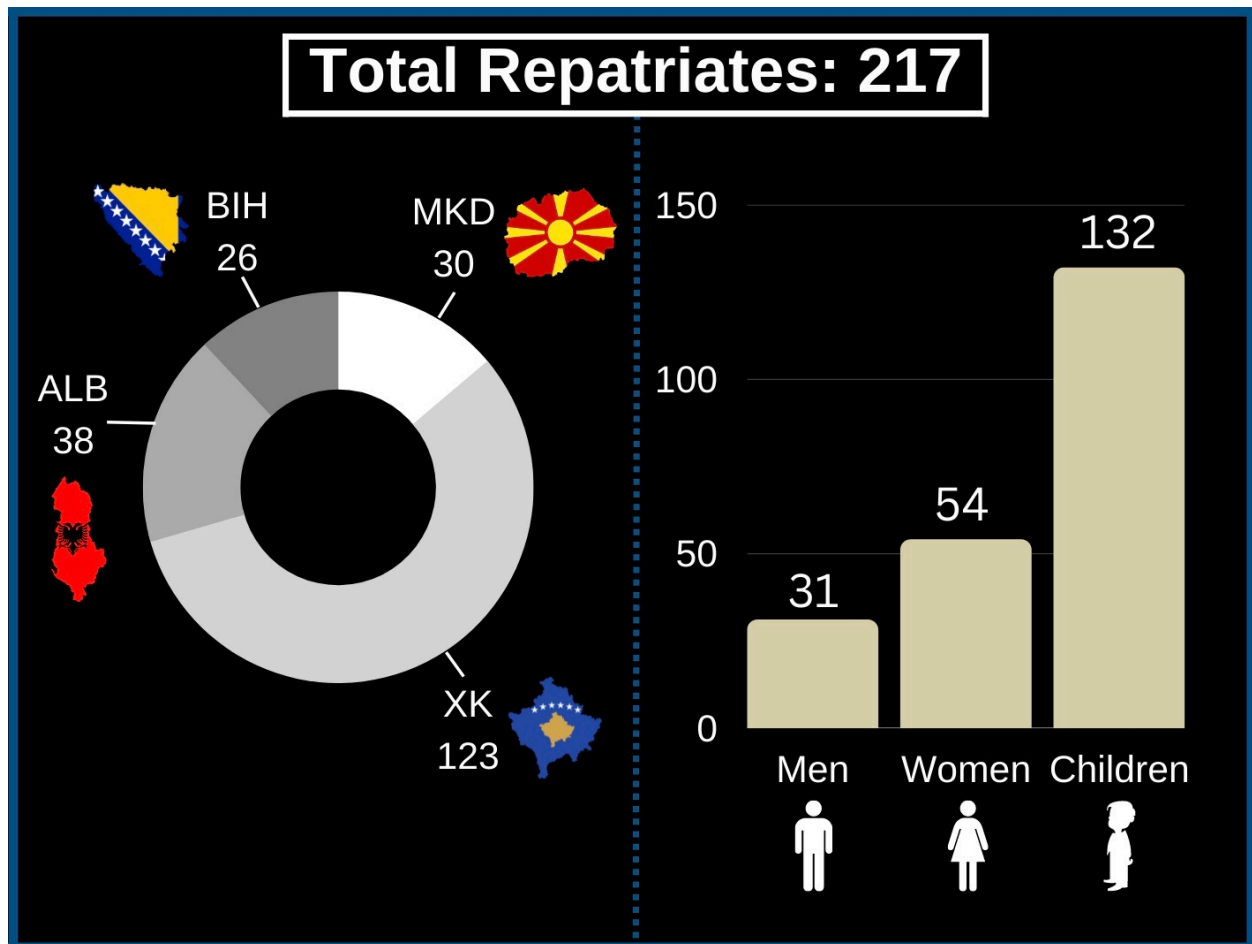
⁸ Ilirian Agolli, “Four women and 9 Albanian children repatriated from conflict zones in Syria and Iraq.” *Voice of America*, (May 28, 2022). <https://www.zeriamerikes.com/a/6593317.html>

⁹ NOTE: Albania in cooperation with Italian authorities had previously repatriated one minor on 8 November 2019. Other four minors and one woman were officially repatriated to Albania on 27 October 2020, followed by a larger group of 14 minors and five women that were repatriated on 1 August 2021. For more see: Anna Matranga, “Boy taken by mom to join ISIS in Syria has emotional reunion with dad and sisters.” *CBS News*, (November 8, 2019). <https://www.cbsnews.com/news/albanian-boy-taken-by-mom-join-isis-syria-reunited-father-family-italy-today-2019-11-08/>; Fadi Tawil and Llazar Semini, “Albania says repatriation of 5 from Syria a ‘great step’.” *AP*, (October 27, 2020). <https://apnews.com/article/albania-lebanon-edi-rama-syria-beirut-46ea1e12c1e47d102de0711c41ee9125>; Llazar Semini, “5 women, 14 children repatriated from Syria back to Albania.” *AP*, (August 1, 2021) <https://apnews.com/article/europe-middle-east-syria-albania-5eabeab0033d8f8ef1972e1d3c27b92d>

¹⁰ “Bosnia brings back, detains Islamic fighter from Syria,” *Reuters*, (April 20, 2019). <https://www.reuters.com/article/us-bosnia-syria/bosnia-brings-back-detains-islamic-fighter-from-syria-idUSKCN1RW0AP>

¹¹ “Authorities say 25 Bosnians sent home from camps in Syria,” *Associated Press*, (December 19, 2019). <https://apnews.com/article/850b5ffbb045c65f1dfbbce52c9ff182>

Figure 1: Western Balkans Repatriation Operations



Overview of Existing Legislation, Prosecution and Sentencing Trends

In line with United Nations Resolution 2178 on FTFs,¹² the Western Balkans states of Bosnia and Herzegovina, Kosovo, and North Macedonia amended national legislation to criminalize travelling or attempting to travel abroad for terrorism purposes, as well as recruiting and/or providing or collecting funds to finance the travel of FTFs, and organizing or facilitating such travel.

In April 2014, the Parliament of Bosnia and Herzegovina adopted amendments to Article 162b of the country's Criminal Code on "Unlawful Establishing and Joining Foreign Paramilitary or Parapolice Formations." The amended article stipulates that "whoever joins in any way a foreign military, foreign paramilitary or foreign parapolice formation, trained, equipped or mobilized as provided by paragraph (1) shall be punished by imprisonment for a term not less than three years."¹³ The highest sentence of up to ten years imprisonment provided for in paragraph (3) of this article is foreseen for recruiters and facilitators of this criminal offense.¹⁴

In March 2015, the Kosovo Assembly adopted the "Law on the Prohibition of Joining Foreign Conflicts." Article 3, paragraph 3 of said law stipulates that "whoever participates in a foreign army or police, in foreign paramilitary or parapolice formations, in organized groups or individually, in any form of armed conflicts outside the territory of the Republic of Kosovo, shall be sentenced with imprisonment from three (3) to fifteen (15) years."¹⁵ The law provides a sentence of between five to 15 years in prison for whoever organizes, recruits, leads or trains persons in the commission of this criminal offense.¹⁶ Despite the new law, so far all repatriated FTFs have been charged with offenses under Article 143 paragraph 2 of the Criminal code of the Republic of Kosovo stating that "whoever participates in the activities of a terrorist group shall be punished by imprisonment of five (5) to ten (10) years." A higher sentence of between 10 and 20 years in prison is foreseen for those who organize or direct a terrorist group.

¹² "Fact Sheet: UN Security Council Resolution 2178 on Foreign Terrorist Fighters," *The United States Department of Justice*, (September 24, 2014). <https://www.justice.gov/file/344501/download>

¹³ "Official Gazette of Bosnia and Herzegovina, 47/14," (June 6, 2014)

https://www.tuzilastvobih.gov.ba/files/docs/Krivicni_zakon_izmjene_47_14_-_eng.pdf

¹⁴ *Ibid.*

¹⁵ "Law No. 05L-002 On Prohibition of Joining the Armed Conflicts Outside State Territory," Republic of Kosovo – Assembly," <https://wb-iisg.com/wp-content/uploads/2021/01/Law-on-Prohibition-of-Joining-the-armed-conflicts-outside-state-territory.pdf>

¹⁶ *Ibid.*

In September 2014 the Parliament of the Republic of Macedonia¹⁷ adopted amendments to Article 322 of the country's Criminal Code on "Service in an enemy army." The newly introduced Article 322-a, paragraph 3 stipulates that "A citizen of the Republic of Macedonia who, contrary to the law, participates in or is trained by a foreign army, police, paramilitary or parapolice formations, organized groups or individually, outside the territory of the Republic of Macedonia, shall be sentenced to imprisonment of at least four years."¹⁸ Paragraph 1 of the same Article introduces harsher sentences of at least five years for those who create, organize, recruit, transport, equip, or train a person or a group in the commission of this criminal offense.¹⁹

As of June 2022, at least 24 of the 31 Islamic State-affiliated adult male individuals repatriated to the Western Balkans have been successfully prosecuted in accordance with the new, amended, or preexisting national legislations criminalizing traveling abroad for terrorism purposes.²⁰ Courts in Bosnia and Herzegovina, Kosovo, and North Macedonia have issued guilty verdicts against 24 FTFs on terrorism charges related to joining the Islamic State.²¹ Indictments have been issued against four others and investigations are ongoing in two cases. Charges were dropped against one repatriated adult male individual who left Kosovo as a minor with his family.

Courts in Bosnia and Herzegovina have issued guilty verdicts to all eight repatriated male FTFs, four of whom negotiated plea agreements with the prosecution. The other four who appealed the verdict of the first-instance court judge were later convicted by the Appellate Chamber of the State Court. All four verdicts were upheld and sentences confirmed except for one case in which the sentence was increased by one year.²² The average prison sentence handed down by Bosnian courts has been 3.4 years, ranging from a minimum of one year to a maximum of six years. Two convicted FTFs have been released and another will be released by the end of 2022. Another four are set to be released by mid-to-end 2023 and one in 2025.

¹⁷ NOTE: The country changed its name to Republic of North Macedonia in February 2019.

¹⁸ "Official Gazette of the Republic of Macedonia, Criminal Code."

https://vlada.mk/sites/default/files/dokumenti/zakoni/criminal_code.pdf

¹⁹ *Ibid.*

²⁰ NOTE: In some cases, court authorities may delay the release of verdicts, while in cases involving juvenile offenders, they may choose to withhold information on the outcome of the process.

²¹ NOTE: According to information received by judicial authorities in the respective countries.

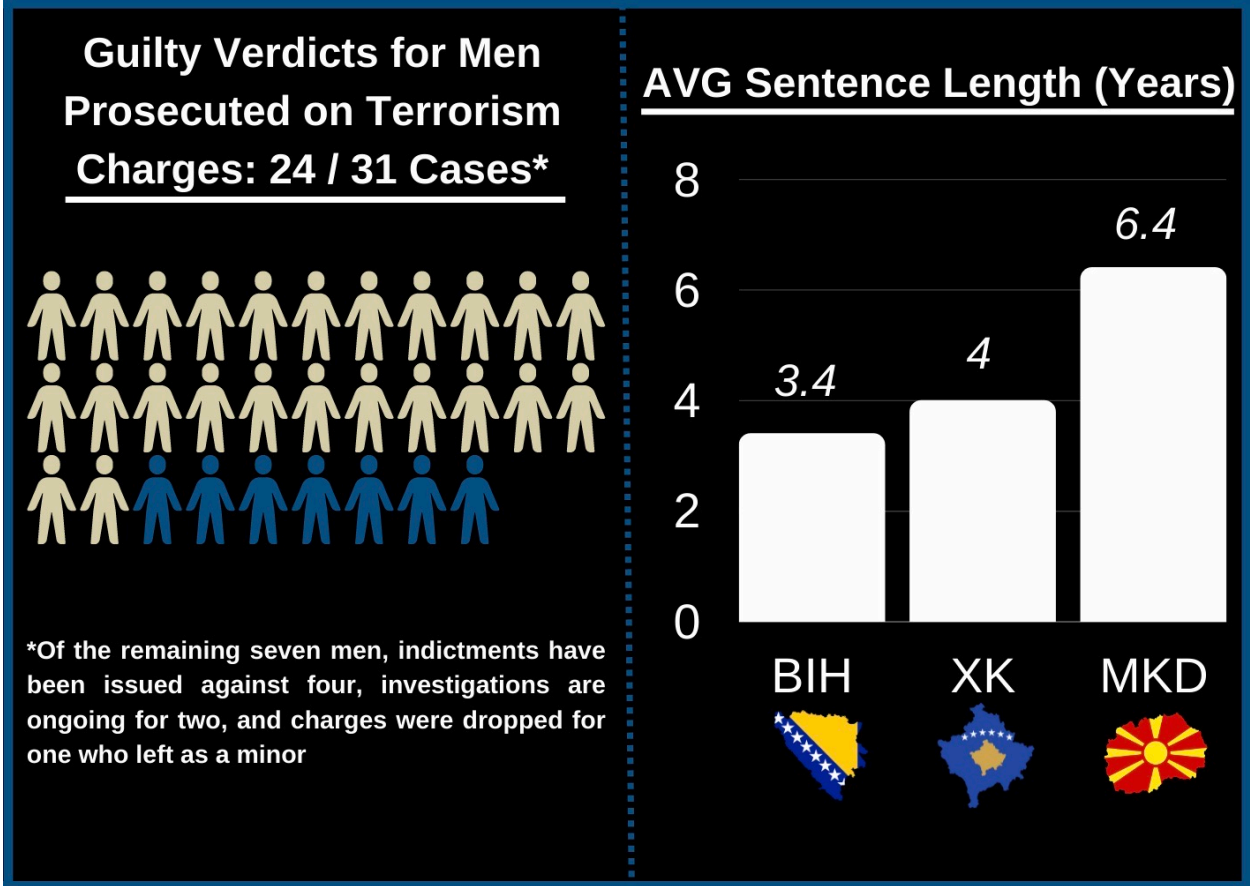
²² Nermina Kuloglija, "Senad Kasupović was sentenced to four years in prison for the war in Syria," *Detektor*, (July 8, 2021). <https://detektor.ba/2021/07/08/senad-kasupovic-pravosnazno-osudjen-na-cetiri-godine-zatvora-za-ratovanje-u-siriji/>

Courts in Kosovo have issued guilty verdicts to at least 10 repatriated adult male FTFs. At least seven of them entered guilty pleas in exchange for leniency. In at least three instances, the appellate court verdict increased the length of the prison sentence but ruled in favor of deducting the time spent in Kurdish custody from the sentence. The average prison sentence handed down by Kosovar courts has been four years ranging from a minimum of three years to a maximum of six years. Three convicted FTFs have been released and another one is set to be released early next year. One of them was released in 2021 after spending only 18 months of a four-year prison sentence. The other six are set to be released between 2024 and 2025. Two Islamic State-affiliated adult male individuals repatriated in May 2022 are currently being investigated. Kosovo is the only country in the region to have prosecuted repatriated women so far. Of the 32 women repatriated from Syria, 29 pleaded guilty to joining the Islamic State. Unlike the male FTFs who were charged with offenses under the same Article of the Criminal Code, these women almost exclusively received two-year suspended sentences.

Courts in North Macedonia have issued guilty verdicts to seven repatriated adult male FTFs who entered guilty pleas in exchange for leniency. Like Bosnia and Herzegovina Courts, Macedonian Courts have allowed for the time spent in custody from the date of their repatriation from Syria to be deducted from the sentence. The average prison sentence handed down by Macedonian courts has been 6.4 years, ranging from a minimum of six years to a maximum of nine years.²³ Five of the repatriated FTF convicts are set to be released by mid-2024. Four Islamic State-affiliated adult male individuals repatriated on 17 July 2021 have been indicted.

²³ “45 years in prison time for Macedonian jihadists that pleaded guilty,” 24, (March 21, 2019). <https://www.24.mk/details/45-godini-vkupna-zatvorska-kazna-za-makedonskite-dzikhadisti-koi-priznaa-vina-1>

Figure 2: Sentencing Trends



Observations and Conclusions

The fact that three small Western Balkan countries with modestly-resourced criminal justice systems have taken the lead in Europe in repatriating their Islamic State-affiliated nationals from Syria is a significant development, one with long-term social and national security implications that stretch far beyond the region. As such, the proactive approach adopted by Bosnia and Herzegovina, Kosovo, and North Macedonia deserves both praise and greater attention. It also provides a valuable opportunity to study the attitudes and behaviors of repatriated FTFs and their family members in order to tailor more effective policy responses to the dynamic needs and security risks associated with them going forward.

Firstly, by deciding to proactively repatriate their nationals detained by Kurdish-led forces in Syria, these countries have acknowledged their domestic and international obligations and have taken concrete steps to meet them despite political resistance, objective difficulties, and security concerns. One of the main benefits of repatriating and therefore removing nationals from overcrowded prisons and makeshift IDP camps is that it reduces the risk of their contribution to a potential Islamic State reemergence in Syria and Iraq in the future. Secondly, a controlled repatriation allows for a more effective management of security risks and administration of justice without delay. Thirdly, it opens a tangible rehabilitation and reintegration path to returning FTFs into mainstream society after serving their criminal sanctions.

On average, repatriated Islamic State FTFs have received lengthier prison sentences compared to other jihadist terrorism convicts in their respective Western Balkan countries. In Bosnia and Herzegovina, the average sentence of 3.4 years handed down to repatriated male FTFs is almost twice as high as the average sentence of one year and 11 months received in previous cases of individuals prosecuted and sentenced for Islamic State terrorism-related activities, including fighting in Syria.²⁴ In North Macedonia, the average sentence of 6.4 years handed down to repatriated FTFs is two years higher than the average sentence of 4.4 years handed down in previous jihadist terrorism-cases.²⁵ In Kosovo, repatriated male FTFs have received higher prison sentences by six months on average compared to the 3.5 year average sentence handed down in previous terrorism-

²⁴ Albina Sorguc, "Bosnian court jails Syrian fighter for three years," *Balkan Insight*, (April 17, 2019). <https://balkaninsight.com/2019/04/17/bosnia-court-jails-syria-fighter-for-three-years/>

²⁵ "Regional Terrorism and Foreign Fighters Database," *Balkan Investigative Reporting Network*, <https://terorizam.detektor.ba/>

related cases.²⁶ However, the decision in some cases of Kosovar Courts to credit the time spent in Kurdish custody toward the imposed prison sentence significantly reduces the incarceration time, allowing convicted Kosovar FTFs to exit the prison system much sooner. This unusual practice sets a precedent that may allow FTFs repatriated to Kosovo in the future to serve even shorter sentences or potentially avoid serving any time in the Kosovar prison system.

Moreover, despite the relative increase in length, convictions handed down to repatriated FTFs by the Bosnian and Kosovar criminal justice systems continue to border on the minimum prison term provided for in the Criminal Codes of their respective countries. It is not readily apparent what mitigating circumstances may have informed such court decision other than the guilty pleas entered by most defendants. These sentences appear unusually lenient considering that recently repatriated FTFs previously detained by Kurdish-led forces in Syria—unlike other jihadists who returned voluntarily in earlier years—fought with the Islamic State for a much longer time, which is arguably indicative of a more robust commitment to the organization’s cause, although these dynamics must be evaluated on a case-by-case basis. In addition, court documents in various cases confirm that whether these FTFs travelled with other jihadist militants and/or family members, or were assisted by transnational mobilization and facilitation cells, they did not act on impulse or in isolation. Rather, FTFs acted with premeditation and as part of a group of likeminded individuals, or in coordination with jihadist networks operating between the Western Balkans and Syria, sometimes linked to elements of the Western Balkans diaspora in Europe.

These prison sentences are also significantly lower than the average prison term in the European Union for similar offenses.²⁷ According to the EUROPOL 2021 TE-SAT report, in 2020 the average prison sentence for jihadist terrorism-related offenses in the EU was nine years, a marked increase from the average prison sentence of five years the previous year.²⁸ By comparison, the average sentence for criminal offenses related to the Islamic

²⁶ Adrian Shtuni, “Western Balkans Foreign Fighters and Homegrown Jihadis: Trends and Implications,” *CTC Sentinel Vol. 12, Issue 7*, (August 2019). <https://ctc.westpoint.edu/western-balkans-foreign-fighters-homegrown-jihadis-trends-implications/>

²⁷ NOTE: A direct comparison of sentences handed down to repatriated FTFs in the Western Balkans to those in EU countries is not possible at this stage since other European countries outside of the Balkans are not actively repatriating male FTFs. One exception to note is the case of a Moroccan-Italian FTF sentenced to four years in prison in June 2021 by an Assize Court. See more on this case here: <https://www.europeandemocracy.eu/efd-project/the-case-of-samir-bougana/>

²⁸ “European Union Terrorism Situation and Trend Report 2021”, *Europol*, (Updated December 7, 2021), <https://www.europol.europa.eu/publications-events/main-reports/european-union-terrorism-situation-and-trend-report-2021-tesat>

State in the United States in March 2022 stood at 13.1 years in prison.²⁹ While court proceedings for most male FTFs repatriated to the United States are still ongoing, in October 2017 an American male FTF repatriated from Syria received a sentence of 20 years in prison for providing material support to the Islamic State. He had spent two and a half months with the organization in Syria.³⁰

Another implication of the repatriation of FTFs has been the increase of the population of terrorism convicts in the Western Balkans' modestly-resourced prison systems. While the number of those repatriated is relatively small, by virtue of their length of affiliation with the Islamic State, battlefield experience, and ties with terrorist networks, these inmates present a higher security risk and would arguably be more influential and effective in radicalizing and recruiting other inmates. More resources should be invested in designing and implementing effective and evidence-based systems of risk assessment to handle these inmates. The outcome of such assessments should in turn inform the risk management strategy to be adopted in prison facilities where repatriated FTFs are housed.³¹

The issue of potential inmate radicalization is compounded by the uneven progress made toward implementing meaningful disengagement assistance programs in the correctional system.³² When lenient sentences for terrorism offenders are further reduced by early and conditional releases in the absence of adequately staffed, trained, and funded probation services, the security risk—including risk of recidivism—is likely to increase.³³ This risk could be gradually mitigated by significantly boosting resources, staffing, and capacity-building support for prison-based disengagement programs and post-incarceration monitoring, rehabilitation, and reintegration services across the region.

In conclusion, based on the sentences handed down so far—pending any potential additional sentences handed down in prison or early conditional releases—most

²⁹ "GW Extremism Tracker: the Islamic State in America," The Program on Extremism at George Washington University, (as of April 1, 2022).

<https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/March%202022%20Update.pdf>

³⁰ "American sentenced to 20 years for joining ISIS," *The United States Department of Justice, Office of Public Affairs*, (October 27, 2017). <https://www.justice.gov/opa/pr/american-sentenced-20-years-joining-isis#:~:text=Mohamad%20Jamal%20Khwei>

³¹ "Handbook on the Management of Violent Extremist Prisoners," *UNODC*, (2016)

³² "Commission Staff Working Document - Bosnia and Herzegovina 2021 Report," *European Commission*, (October 19, 2021). <https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/Bosnia%20and%20Herzegovina%202021%20report.PDF>

³³ "Commission Staff Working Document – Kosovo* 2021 Report," *European Commission*, (October 19, 2021) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0292&from=DE>

repatriated Islamic State FTFs are set to be released between 2023 and 2025. In preparation for their re-entry into society and in anticipation of additional potential repatriation operations from Syria in the future, the authorities would do well to reassess and adjust sentencing ranges and conditional release practices and consider implementing additional prison-based and post-incarceration risk assessment and management tools.

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