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From 'foreign fighters' to 'foreign terrorist fighters': the evolution of terrorism

DEBORAH BASILEO

Abstract

Up to 30,000 foreign *terrorist* fighters are estimated to have joined the conflict in Syria under the ISIS flag. Although foreign fighters' phenomenon is not new, its unprecedented numbers and its rapid evolution caught the whole International Community unprepared. Worried by the sophisticated radicalisation process through the Internet and social media platforms, the lack of borders' control capacity, the evasive travel patterns, and fearing the so-called 'blowback effect', the UN Security Council provided the first targeted response to foreign fighters with the adoption of Resolution 2178(2014), definitely turning the concept of 'foreign fighters' in 'foreign *terrorist* fighters'. Totally overturning academics and scholars' definitions, the UN Security Council identified foreign fighters as individuals travelling for purpose of terrorism, and called for Member States to criminalize such conduct. This article will analyse the main factors which lead to the evolution of foreign fighters' concept, trying to figure out the consequences and the outcomes.

Abstract

Sono più di 30.000 i *foreign terrorist fighters* che si stima abbiano raggiunto le fila dell'ISIS (Islamic State of Iraq and Syria). Nonostante il fenomeno dei *foreign fighters* non sia nuovo, la sua inaspettata ampiezza e la sua repentina evoluzione, hanno colto impreparata l'intera comunità internazionale. L'aumento della radicalizzazione tramite internet e i social media, la carenza di un efficace controllo alle frontiere e il cosiddetto 'blowback effect' hanno portato il Consiglio di Sicurezza delle Nazioni Unite a rispondere in maniera mirata al fenomeno dei combattenti stranieri con la Risoluzione 2178(2014). Sovvertendo completamente la definizione data da studiosi ed esperti in materia di antiterrorismo, il Consiglio di Sicurezza ha identificato come *foreign fighters* qualunque individuo che esca dal territorio di residenza o domicilio con lo scopo di partecipare, pianificare, preparare un atto terroristico, ed ha invitato tutti gli Stati Membri a modificare il proprio ordinamento affinché tutti coloro che corrispondano a tal profilo vengano perseguiti adeguatamente. Questo articolo si pone come scopo principale l'analisi dei fattori che hanno portato il Consiglio di Sicurezza a considerare i *foreign fighters* come terroristi cercando di individuare possibili conseguenze e risultati.

Key Words

Foreign fighters, foreign terrorist fighters, ISIS, terrorism, UN Security Council, Resolution 2178(2014), combattenti stranieri, Consiglio di Sicurezza, terrorismo internazionale, Stato Islamico, Risoluzione 2178(2014), Comunità Internazionale.

1. Introduction

*«All the world's a stage,
And all the men and women
merely players»*

Let's start from Shakespeare quotation to imagine the world as a flat playground. Imagine it as an enormous chessboard in which everyone plays a role in the chess game.

In the period 2013-2016, ISIS has certainly played the role of the 'king' on the black side of the chessboard: it was considered the richest world terrorist organisation; it controlled territories along with the economy and the politics of the fragile area of Syraq; it gained the world media's attention for months; it perpetrated strategic terrorist attacks in core areas of Europe; and, above all, it persuaded thousand of people to join its cause, transforming them into pawn ready to fight and commit suicide for religious believes. These pawns are the so-called foreign *terrorist* fighters.

Many times, we heard about them on television, newspapers or internet news. But who exactly are they? Why have they become terrorists? In order to answer these questions, this article will at first analyse the concept of foreign fighters, their history, roots and motivations; then, it will set the difference between 'past' and 'modern' foreign fighters; it will distinguish freedom fighters from terrorists; it will analyse ISIS role in the evolution of foreign fighters' concept and it will finish framing foreign fighters in the bigger context of NIT – New Insurrectional terrorism.

2. Foreign fighters' definitions

The expression 'foreign fighters' first appeared in a headline published by The Times of London on March 21, 1988: «*Khost Outpost Falls to Mujahidin Led by Foreign Fighters*». It covered the story about the victory of the Afghan conflict by Afghan mujahidin, helped mostly by fighters coming from Saudi Arabia, Egypt and Pakistan, against pro-Soviet government forces

(Malet, 2010). Since its first appearance, subsequent mentions were found in global media reports through the 1990s and the 2000s until nowadays.

Although foreign fighters have recently acquired international importance, they are far from being a new phenomenon. We found foreign fighters' presence in many of the conflicts which characterised the XX century. In analysing their historical involvement, scholars' literature considered them as fighters who, motivated by religion, kinship, and/or ideology, leave their own State of residence to participate in hostilities occurred in a country different from their own.

Cerwyn Moore and Paul Tumelty in 2008 focused on jihadists in Chechnya defining them as

non-indigenous, non-territorialized combatants who, motivated by religion, kinship, and/or ideology rather than pecuniary reward, enter a conflict zone to participate in hostilities (Moore and Tumelty, 2008, pp. 412-413).

Kristin Bakke also focusing on Chechnya War referred to foreign fighters as transnational insurgents [...] who, for either ideational or material reasons, choose to fight in an intrastate conflict outside their own home country, siding with the challenger to the state. Transnational insurgents [...] exclude foreign legions and private security firms (Bakke, 2010).

David Malet, between 2008 and 2013, in a comparative study of transnational rebels' mobilisation in the Israeli War of Independence, the Soviet-Afghan War, the Spanish Civil War and the Texas Revolution defined them as «non-citizen of conflict states who join insurgencies during civil conflict» (Malet, 2013, p. 9). In his definition, the author expressly excludes terrorists, regular military forces, foreign legions, and private contractors operating abroad on behalf on a state (Malet, 2015).

Thomas Hegghammer built on Malet's definition, adding some characteristics and describing a foreign fighter as

an agent who (1) has joined, and operates within the confines of an insurgency, (2) lacks citizenship of the conflict state or kinship links to its warring factions, (3) lacks affiliation to an official military organisation and (4) is unpaid (Hegghammer, 2011, pp.57-58).

According to the author, the four different criterions need to exclude certain categories. Criterion (4) excludes foreign fighters from being mercenaries and the criterion (3) rules out soldiers. Criterion (2) excludes 'transnational insurgents', as defined by Salehyan (2009), because linked by ethnic or kinship ties which influence mobilisation considerably, and criterion (1) distinguishes international terrorists by foreign fighters (Salehyan, 2009).

A different definition was developed by the Academy of International Law and Human Rights that identified a foreign fighter as an

individual who leaves his or her country of origin or habitual residence to join a non-state armed group in an armed conflict abroad and who is primarily motivated by ideology, religion and/or kinship (Geneva Academy, 2014, p. 7).

This latter definition inspired the one provided by one of the first book that comprehensively addresses foreign fighters' phenomenon, *Foreign Fighters Under International Law and Beyond*. According to the authors, foreign fighters are

individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict (De Guttty et al., 2016, p. 2).

Those definitions refer to foreign fighters' mobilisation in conflicts precedent to the Syrian War. This latter definitively marked the difference with the past, introducing a new concept of 'foreign fighters': the so-called 'foreign terrorist fighters'.

This latter transition is clear whether we look at the adoption of the term foreign fighters by policymakers who described them, in press releases, as Al Qaeda's fighters or affiliated terrorist groups from outside of Afghanistan (Malet, 2015). The divergence has become even more marked with the adoption by the UN Security Council of Resolution 2178/2014, in which foreign (terrorist) fighters are defined as

individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training, including in connection with armed conflict (UN SC, Resolution 2178, p.2).

3. Why the transition to foreign terrorist fighters?

The transition from *fighters* to *terrorist fighters* is the consequence of many elements, that will be analysed hereby:

- the changed perception we have which reflects the different role foreign fighters assumed in the Syrian War with the advent of ISIS;
- the internationalisation and evolution of terrorism: NIT (New Insurrectional Terrorism);
- the blurred line between terrorist and freedom fighters;
- the birth, the growth and the strengthening of ISIS;
- the expressed will of foreign fighters in joining terrorist groups as ISIS;

- the blowback effect: foreign fighters who joined terrorist groups, radicalised, acquired knowledge on bombs and weapons’ use and on terrorist techniques, and then come back to perpetrate terrorist attacks in their country of origin.

3.1 Historical pathways

In order to better understand the above-mentioned changed perception, we should start by retracing foreign fighters’ involvement in two emblematic conflicts that registered the highest rate of long-distance foreign fighters’ mobilisation before the Syrian war: the 1930s Spanish Civil War and the Afghanistan War.

3.1.1 Back to The Spanish Civil War (1936-1939): history, roots and motivations

The Spanish Civil War is probably one of the best documented civil conflict that included a transnational participation of foreign fighters. As defined by Malet, the Spanish conflict represents «a non-ethnic intrastate war in which the foreign fighters were non-coethnic with the local Spanish insurgents» (Malet, 2013, p. 91).

In 1936 the *coup d'état* led by General Francisco Franco, supported by Spanish fascist military forces, gave the opportunity to demand loudly for a defensive mobilisation of broad international constituencies: on one side, Germany, Italy and Portugal openly helped the fascist Nationalist faction, although international non-intervention agreements; on the other side, the Spanish parliamentary coalition of republicans, communists and anarchists was assisted by the Soviet Union. But, since Stalin was reluctant to engage Soviet forces for an open support, the Comintern decided to start a propaganda campaign to recruit sympathisers as a counter-force (Malet, 2010).

The result was the growth of the International Brigades (IB), military units made up of volunteers coming from abroad to take part in the Spanish Civil War. It was headquartered in Paris where an underground railroad and false passports distribution centre was set up to make recruits cross the Pyrenees into Spain (Malet, 2010). According to Malet, between 30,000 and 60,000 combatants were part of the IB and joined the Spanish Civil War (Malet, 2015). This mobilisation was both regional and global: the largest contingent were French citizens who came directly across the border, followed by German and Italian volunteers aimed by a sentiment of anti-fascist unity (E.H. Carr, 1984); others came from different continents as Russia and United States. In the United States, for example, the American Communist Party saw its members double (from 41.000 to 82.000 members) between the be-

ginning of the Spanish war in 1936 and its end in 1938. Most Americans saw the Communist party as a way to defend from fascists' regimes and to protect social justice ideology (Malet, 2013). Indeed, many citizens of the United States who joined the Communist Party during the Spanish Civil War period had neither the desire to establish a Marxist state nor a solid knowledge of Marxist theory. They were only interested in the ideology of social justice for the poor and the minorities (Malet, 2010).

Len Norris, American veteran in the Spanish conflict admitted to being not a communist but an anti-fascist: «*I had become an anti-fascist. An anti-fascist meant being opposed to the regimes of Hitler and Mussolini*» (Gerassi, 1986).

The anti-fascist identity grew stronger, also and above all, in countries which experienced the fascist or Nazi regime. The Italian Carlo Rosselli, leader of the anti-fascist party Giustizia e Libertà, argued that the Spanish war was just one front in a global conflict against fascism. With the adoption of his slogan '*Today in Spain, tomorrow in Italy*' he tried to provoke a strong reaction in Italy against Mussolini's fascist regime.

In general, most transnational insurgents were volunteers between 21 and 27 years old. They were not interested in monetary rewards; they were not mercenaries. Instead, foreign fighters were led by ideological reasons, perceived as a moral duty. There was the idea of sacrifice for a cause, seen as their own. It was a shared response moved by political and social ideologies they were ready to die for.

3.1.2 Back to Afghanistan War (1979-1989): history, roots and motivations

After the Second World War, Afghan monarchy was shaken by the need of modernization. Both the United States and the Soviet Union competed to provide development projects throughout the 1950s, even though Kabul regime started to set closer ties with Moscow as a supposed better example of modernization (Malet, 2013). Mohammed Zahir Shad, the then-king of Afghanistan, sustained the modernizers and suppressed their fundamentalist opponents, before being overthrown by his brother-in-law Mohammed Daoud. He proclaimed himself president and continued efforts of modernization targeting for assassinations the leaders of Islamist groups who had developed their party to resist to 'Soviet-style collectivization'. Despite his repressive policy, the Islamist opposition raised until a coalition of Communist factions, supported by the army, overthrown Daoud on 27 April 1978 (Malet, 2013). A new government, led by the People's Democratic Party of Afghanistan (PDPA) and openly aligned with the Soviet Union, was established. But the new regime failed to consolidate its power and increased traditionalist re-

sentment. Fearing the collapse of the Afghanistan's communist government, in December 1979 the Soviet Union 40th army invaded the country, occupied the capital, killed the then-president Hafizullah Amin, and installed Babrak Karmal as head of state (Brown, 2008).

The invasion of a Muslim country by an atheist superpower was immediately perceived as a '*call for Jihad*' throughout the Muslim World (Brown, 2008). All Muslims share the responsibility for the defence of Muslim territories; it is not limited to the residents of the conflict zone. Two types of arguments support the call for a common action. On one side, the **sense of solidarity and unity** of the Muslim nation emphasised by the fact that victims are systematically referred to as 'our brothers or sisters' as there were blood relations among them. On the other side, the **Islamic Law** declaring fighting an individual religious duty (*fard ayn*) for all Muslims (Hegghammer, 2011).

This Pan-Islamic solidarity is as old as Islam, and since the XIX century, the notion of the *ummah*¹ has been used by political actors for different purposes. In this case, the main purpose was the defence of religion against Communism.

The Pan-Islamist identity movement emerged in moderate forms in the late 1960s in gathered religious institutions in the region of Hijaz in Saudi Arabia, with the purpose of encouraging cooperation between Muslims worldwide.

Originally, the Hijaz community constituted a marginalised elite, but, with the support of International Islamic Organisations, like the Muslim World League and the so-called Muslim Brotherhood International Organisation, it had the opportunity to transform into a social movement and to work internationally (Hegghammer, 2011).

Practically all the literature speaks about a generic 'Saudi support' for the Afghan Jihad that turned into pan-Islamic identity speeches emphasising the unity of the Muslim nation. Like many others pronounced by activists to increase Muslims' awareness of global affairs, these speeches were «alarmist, self-victimizing, conspiratorial, and xenophobic» (Hegghammer, 2011, p. 83). Here, an abstract from a speech by Muhammad Ali Harakan, the Muslim World League Secretary-General (April 1980):

Jihad is the key to Muslims' success and felicity, especially when their sacred shrines are under the Zionist occupation in Palestine, when millions of Mus-

¹In the Quran the term *ummah* means "community, nation, population". (See Quran V, 48). It is associated to the Islamic community. The term could also be interpreted as adjective with the meaning of "belonging to the *ummah* or community" or "belonging to the Arab *ummah*" or "belonging to the Arab nationality". For further details and information, see e.g. Nallino (1940) and also Bedendo.

lims are suffering suppression, oppression, injustices, torture and even facing death and extermination campaigns in Burma, Philippines, Patani, USSR, Cambodia, Vietnam, Cyprus, Afghanistan, etc. This responsibility becomes even more binding and pressing when we consider the malicious campaigns being waged against Islam and Muslims by Zionism, Communism, Free Masonry, Qadianism, Bahaiism and Christian Missionaries (Harakan, 1981, p. 281).

This message belongs to a wider massive propaganda diffused in a range of magazines with global distribution as the Muslim World League Weekly *News of the Muslim World* and the monthly *Journal of the Muslim World League* (Hegghammer, 2011). Wounded Muslim women and children and any other close-up colour photographs were the principal motivator elements for the Jihad. On their side, governments tolerated Pan-Islamic propaganda because it defamed primarily non-Muslims powers, not Muslim governments. The result was a Muslim's increase of awareness and mobilisation towards conflict zones, and in particular towards Afghanistan.

Initially, the mobilisation purpose was not to fight, but to help and provide humanitarian aid to Afghans stroke by war. In the 1970s and 1980s a vast network of Islamic charities, most of which administrated by International Islamic Organisations that monitored the humanitarian situation in the Muslim world and promptly provided help to any area affected by a crisis, was deployed.

In this context, emerged Abdullah Azzam, a Palestinian preacher born in 1941 in West Bank Transjordan, who joined the Muslim Brotherhood in the mid-1950s.² As the Afghan conflict escalated, he took interest in the military dimension of the Afghan jihad, transforming the *humanitarian aid in military support*. In fact, he grew frustrated that by 1984 only 'ten or twenty men' had travelled from outside to fight (Malet, 2013). So, he called on his 'brothers' of the Muslim Brotherhood to send mujahidin, and he started a massive propaganda campaign to recruit foreign fighters.

After his arrival in Pakistan in 1981, Azzam produced recruitment literature from 1982 onward, gave talks about the Afghan conflict in the Arab world from 1983 onward, and founded in Peshawar in 1984 the Maktab al- Khadamat (also known as MAK or Service Bureau), an institution funded by Wahhabi Saudi donors and used as 'foreign fighter logistics office' (Hegghammer, 2011).

² For the Azzam's biography in English, see e.g. Calvert, 2007, pp. 83-102; Azzam, 1988; Malet, 2013 pp.164-165; Hegghammer, 2011, pp.85-88; Schnelle, 2012, pp. 625-629

Due to his links with the Hijaz Pan-Islamist community and his status of a religious scholar, Azzam became the founder of the so-called *Afghan Jihad* (Kepel and Milelli, 2010), and the main responsible for recruiting Western and non-Western foreign fighters. MAK leaders globally distributed its magazines, recorded Azzam's sermons, and travelled all around the world, including in several American cities, to spread Azzam word. In his book *The Lofty Mountain* (1988), the Palestinian preacher recalls the support for Afghan Jihad asked by his colleague Sheikh Tameen al-Adnani in American metropolises like San Francisco, Orlando and Tucson (Malet, 2013). The global extension of Azzam influence can also be measured looking at *Al Jihad* magazine, which was sold in 50 different countries, from Sweden to Hong Kong with a peak of 70000 copies per issue.

Azzam's influence and recruitments' efforts are clear in his books *Join the Caravan* (1987) and *The Defence of Muslim Territories: The First Individual Duty*. In the first one, Azzam describes Afghanistan as «one front in a larger war against Muslims» (Malet, 2013, p. 167), and gives sixteen reasons to fight for Jihad. Among them, fighting is conceived as the only way «in order that the Disbelievers do not dominate», «fulfilling the duty of Jihad, and responding to the call of the Lord» and «hoping for martyrdom» (Azzam, 1987, pp. 4-5). In the second one, Azzam focuses on the transnational nature of fighting for jihad arguing that it is an obligation for all Muslims and not only for the residents of attacked lands (Malet, 2013).

Driven by Azzam's propaganda, thousands of foreign fighters joined the Afghan conflict. It started with a group of 60 local mujahidin -including Osama bin Laden- known as 'Brigade of Strangers' in 1984, and it evolved in thousands of recruits coming from Middle East, Africa, North America and Southeast Asia.³

In sum, foreign fighters' phenomenon represents a branch of a new trend of the Pan-Islamist movement emerged in the 1970s and spread in the 1980s with Abdullah Azzam's propaganda in the Afghan conflict context. Initially, the Pan-Islamist movement was the result of the non-violent action of marginalised elites which supported the idea of inter-Muslim aid and cooperation. Then, the movement changed its face during the Afghanistan War in the

³ Despite the difficulty to gather evidence about the precise number of foreign fighters, some authors elaborated some data. Jason Burke estimated that up to 25000 foreign fighters took part in the Afghan conflict (Burke, 2007, p. 61). According to Thomas Hegghammer, these estimates are a higher than what actually was: in fact, he estimated between 5000 and 2000 fighters against the Soviet Union (Hegghammer, 2011). Instead, David Malet considered "Arab Afghans", a group with fighters coming from South Asia, Malaysia, Africa and some Westerners, and he estimated a total number of roughly 4000 combatants. (Malet, 2013, p.158)

1980s because of Azzam influence in recruiting and inciting to fight against the Soviet Union in the name of an inter-Muslim solidarity.

Gradually, with Al Qaeda's growth and ISI's birth, foreign fighters' mobilisation assumed a different role: there was the will not only to fight against a precise enemy invading Muslims' territories, but also to defeat the 'unbelievers', in particular, the United States and the Western world. After the death of Azzam, his pupil Osama Bin Laden passed on his ideology, globally communicating his will to fight against the unbelievers. To this purpose, in 1998, Al Qaeda, through its declaration of a 'World Islamic Front for Jihad against Jews and Crusaders', constituted an ideological and organisational framework for foreign fighters (UN doc. S/2015/358, p.6).

We assisted at a progressive evolution of the foreign fighters' phenomenon: from 'religious and idealist fighters' to 'extremist fighters'.

3.1.3 *Past foreign fighters and modern foreign terrorist fighters*

The historical framework is emblematic for the analysis of foreign fighters' phenomenon: on one hand, it marks the difference between foreign fighters with European origins (Western foreign fighters) and foreign fighters with Muslim origins (Muslim or non-Western foreign fighters); on the other hand, it highlights the transformation from *fighters* to *terrorists*.

Foreign fighters are no more perceived as transnational insurgents who join a conflict in another country to defend values or an ideology, but they appear as a new way in which terrorism occurs.

Before analysing the reasons of this transition, it can be resumed that past foreign fighters (i.e. foreign fighters involved in past conflicts):

- were not interested in material incentives: they were no mercenaries[†], or, in any case, monetary rewards were not a sufficient motivator to lead them to join someone else's conflict.

[†]Most authors rejected the idea that foreign fighters could simply be reduced to mercenaries. According to Hegghammer, foreign fighters are unpaid, a defining criterion which excludes foreign fighters from being mercenaries (Hegghammer, 2011, p.58). According to some other authors, they are not unpaid, but payments and benefits cannot be considered as sufficient motivators. (See e.g. Malet, 2015, p. 462; Coll, 2014, p.155).

This opinion is reflected in international law: according to Article 47 of the 1977 *Additional Protocol I* and Article 1 of the 1987 *UN Convention against the Recruitment, Use, Financing and Training of Mercenaries*, mercenaries are individuals who directly participate in hostilities without being nationals of a party involved in an International Armed Conflict (IAC), residents of the territory controlled by a party, or members of the armed forces of a party. They are «motivated to take part in the hostilities essentially by the desire for private gain», and thereby exclude individuals who are motivated primarily by ideology or religion (See Geneva Academy, 2014, p. 16).

- were moved by idealist, ethnic or religious non-material incentives: for instance, in the Spanish Civil war, which registered the highest rate of Western foreign fighters, the mobilisation was due to political and social reasons; while, in the Afghanistan War, which saw the widest participation of Muslim foreign fighters in XX century conflicts, the mobilisation was initially due to pan-islamic solidarity and identity, strongly influenced and based on the religious duty imposed by the Quran.

It is fundamental to keep in mind past foreign fighters’ motivations in order to understand why ‘modern’ foreign fighters were attracted by ISIS and involved in the Syrian conflict.

Before discovering if modern foreign fighters (i.e. those who joined the Syrian conflict under the flag of ISIS) have the same motivation factors, it is worth pointing out that research on foreign fighters’ motivation remains limited due to the scarcity of reliable data and the difficulty to collect evidence. Besides, in order to analyse ‘modern’ foreign fighters’ phenomenon more swiftly, it is proposed here to distinguish them into ‘categories’. The main distinction is between Western (i.e. coming from Western countries and in particular from Western Europe) and non-Western (i.e. Arab origin) foreign fighters. This first ‘classification’ is due to the fact that the Syrian conflict attracted foreign fighters coming from more than 100 countries. In fact, at the beginning of 2016, the UN Security Council estimated that around 30,000 foreign *terrorist* fighters, coming from over 100 Member States, were actively engaged in the activities of Al-Qaeda, ISIL and associated groups (UN doc. S/2016/92, 2016). While most of them (approximately 70%) came from traditional states of origin such as Libya and Saudi Arabia (Geneva Academy, 2014), more than 5000 are Western-Europeans. The average age seems to be 25, 26 years old, although many teenagers (15-18 years old) result to be attracted by ISIS. Furthermore, more than 10 percent of foreign fighters flew to Syria are young women (Barrett, 2014).

Among Western foreign fighters, many had neither connection to Syria nor strong ethnic ties. In fact, most have grown in Europe and were second-generation immigrants, others converted to Islam or self-radicalised in the West (Reed et al., 2016). A subcategory of Western foreign fighters should hence be detected: converts and second-generation immigrants.

Each category of foreign fighters presents slightly different **motivation factors**. While non-Western foreign fighters are motivated by the same mentioned religious reasons, Western foreign fighters seem to be moved by different factors.

First of all: empathy.

Some foreign fighters decided to leave their home country because of the empathy for what is perceived to be taking place in Syria and the wish to ‘do something’ to stop it. In conflicts throughout history each side attempted to picture the other as barbarous, violent and bloodthirsty. The media and internet boosted propaganda campaigns, making it easier to influence and manipulate people’s perception. This is the case of foreign fighters many of whom travelled abroad for the empathy felt for the Muslims victims of violence and the complicity of the Western Powers in perpetuating the conflicts. The mother of an ISIS deceased fighter declared that her son left for providing humanitarian aid and finding his ‘identity’:

«His initial intentions were to help women and children and to do something productive with his life, and he specifically told me those exact words. He said ‘women and children are being tortured, and murdered, and raped, nobody is doing anything about it and I’m finally doing something productive with my life’. He truly believed that even killing others was justified in order to save all these women and children who were victims and who couldn’t stand up from themselves» (Frenett and Silverman, 2016, p.67).

Secondly, adherence to an ideology.

Foreign fighters travel abroad and join ISIS for adherence to an ideology. Among them, there are: the ‘true believers’, i.e. those who are totally committed to the ideology of the group without having experienced the conflict itself, then those who consider ideology as a supporting factor, and finally those who approach an ideology through their experience of the conflict. This latter case was the case of the first wave of foreign fighters who travelled to Syria to overthrow Assad and who ended up inside terrorist groups as ISIS. Through the diffusion of the foreign fighters’ phenomenon on the web and the media, and through the strategically built web propaganda of ISIS, young men and women radicalised on Internet, projecting to travel abroad with an already well defined ideology (Frenett and Silverman, 2016).

Finally, search of adventure.

The great majority of Western foreign fighters appears to have joined the conflict moved by a search of adventure, «a greater sense of purpose and meaning in their lives» (Barrett, 2014, p. 18). They are young men and women who are seeking to define themselves, looking for an identity. According to French authorities many French volunteers were disaffected, aimless, lacking an ideology or an identity (Barrett, 2014). The lack of self- identification and life’s meaning are sentiments which came across all the interviews to returning foreign fighters or foreign fighters’ familiars. The mother of a Canadian

ISIS fighter affirmed that her son on his 17th birthday said he had «thrown his life away doing nothing. It was important for him to be somebody special and do something that had meaning» (Frenett and Silverman, 2016, p. 72). The wish to assume a fresh identity playing the role of 'alienated and frustrated teens' is a common feature of Western foreign fighters travelling towards ISIS-held territories, but it is not the only one. The search for identity and life's meaning combined with the adherence to an ideology or the empathy for the dramatic situation in Syria or both, lead unsuspecting young men and women to leave their country, take up arms and join the conflict or, worst, pledge allegiance to ISIS (Frenett and Silverman, 2016).

Thus, a partially-new profile of foreign fighter takes shape: young men and women, mostly students, without previous experience on battlefield or strong ethnic/ kinship ties to Syria or Iraq, driven by **boredom, disaffection and alienation** that made them look for adventure and a greater purpose in their lives (UN doc. S/2015/358, 2015), rather than by extremist ideology and religion.

This profile characterises especially Western foreign fighters, rather than non-Western ones. In fact, most of **non-Western** foreign fighters are much more influenced by the religious factor and by an **extremist ideology** which recalls the one spread by Azzam at the time of the Afghanistan War. Their priority is the perceived individual responsibility to protect fellow members of the *ummah* (the global muslim community) from persecution. It demonstrates that they are moved mainly by the adherence to an ideology and empathy, rather than disaffection and search for identity and meaning. This latter characterises especially Western foreign fighters.

Among Western foreign fighters there are converts and second-generation immigrants. The first ones do not have any kinship or ethnic relation with the Syrian people, and find their motivation for engaging in the conflict in the discover of Islam. This is the case, for example, of the Italian foreign fighter Giuliano Delnevo, died in Aleppo in 2013. He was born in 1989 in Genoa to a Catholic middle-class family. He was a quite introverted person and experienced socialisation and academic difficulties in his teenage years. His closest friends was Naim, a Moroccan classmate. Once turned 18, Delnevo and his friend spent some months in Ancona, in central Italy, where Delnevo met a group of fellow workers, probably from Bangladesh, members of Tablighi Jamaat, the Islamic missionary movement established in India in the 1920s. In 2008, Delnevo converted to Islam and changed his name in Ibrahim (Vidino, 2014; Delnevo, 2015). Since then, he devoted most of his time to Islam. In 2012, he began looking for connections that would allow

him to join a field of jihad abroad. He shaved his long beard and started wearing Western clothes again. Then, on 27 November 2012, he reached Syria, travelling through Turkey by plane. After a few weeks, he called his father, telling him he had travelled to Syria and joined a group of foreign fighters led by Chechen militants. He seemed enthusiastic about his experience and optimistic about the final outcome of the conflict against the Assad regime. He died few months later in Aleppo on 12 June 2013 (Marone, 2016). Like Giuliano, many other foreign fighters were unsuspecting boys and girl from families stranger to Muslim religion, who converted to Islam and radicalised especially on Internet. They step from a ‘cognitive’ radicalisation, based on the acquisition of radical attitudes, values and beliefs, to a ‘behavioural’ form, associated with actual participation in a range of radical activities, including illegal and clandestine ones, which can culminate in violent extremism and terrorism (Marone, 2016; Neumann, 2013).

By contrast, Western foreign fighters **sons and daughters of second-generation immigrants** radicalise mainly because they feel alienated in their ‘new’ homeland. This is often the consequence of the **lack of acculturation and integration** which drives them to ‘reconnect’ with Islam. These feelings of loneliness, isolation and alienation are encouraged by ISIS in its propaganda in order to attract ‘rebel boys and girls’ and separate them from the ‘West’. So, it is worth noting that behind the radicalisation and motivation of these Western foreign fighters there is a great deal of discomfort, exploited by extremist groups.

In this context, it should also be opened a parenthesis concerning **women joining ISIS**. The so-called Islamic State asserts that ‘*jihad is a religious obligation of every Muslim*’ (Van Leuzen et al., 2016). This vision, spread by Azzam and then Bin Laden, is also confirmed by many Islamic jurists who agree that «*jihad could become a personal obligation (fard al-ayn) in the event of a sudden attack*», where even women and children are expected to participate (Van Leuzen et al., 2016, p. 102).

On their side, many women seem to be attracted by ‘**warriors badboys**’⁵, and they seek to join ISIS (or ISIL)-held territories in order to build families and expand the (supposed) proclaimed Caliphate. Other women likely join ISIS hoping for a better life, one in which they are revered as mothers and wives; a life in which they may escape from the discrimination, the alienation and the abuse they may experience in their homelands (Van Leuzen et al., 2016).

⁵This expression has been used by a former jihadist talking about the reasons why young women join ISIS. (See <https://www.youtube.com/watch?v=2D9iEroUTmQ>)

Finally, still other women may be motivated by **violence, intolerance** and the will to fight in front line in order to ‘destroy the unbelievers’. This is the case, for example, of Maria Giulia Sergio, an Italian girl grown up at Inzago, near Milan, from a Catholic family. She converted to Islam, she adopted the niqab (the veil that covers the entire face with only a slit for the eyes), subscribing also a petition in its favour, and progressively radicalised on Internet. In September 2014, she reached Syria travelling through Turkey, and joined ISIS where she received military training to fight ‘the unbelievers’ in front line. In her eyes, Sergio fulfilled the duty of the ‘journey’ (Hijra) to the newly proclaimed ‘caliphate’, responding to Abu Bakr al-Baghdadi’s call. In Internet and SMS communications with her family, intercepted by the Italian authorities, Sergio declared to have endorsed the duty to ‘destroy the unbelievers’ and expressed a strong desire to ‘die as a martyr’. Apparently, she is still there fighting under ISIS flag (Marone, 2016). According to her sister, who was sentenced to four years of prison, Maria Giulia Sergio is ill and presumably dead. In the meanwhile, in Italy she has been convicted by final judgement of the Assize court of Milan to nine years of imprisonment.⁶

In sum, the illustrated motivation factors seem to mark a change with ‘past’ foreign fighters, in particular with **Western foreign fighters** who were mainly driven by political and social ideologies. Instead, some recurring elements can be found in non-**Western foreign fighters**: both ‘past’ and ‘modern’ foreign fighters seem to be motivated by an inter-Muslims solidarity, the will to fight the Jihad and die as martyrs. In particular, Western foreign fighters, encouraged and manipulated by web terror propaganda, express their will to ‘destroy the unbelievers’ in the name of Jihad and die as martyrs, while non-Western foreign fighters feel also the responsibility to fight for the *ummah*.

However, it is worth pointing out that the precise mix of factors is specific to the individual. The motivation factors, and the related differences between the proposed categories of foreign fighters are aimed at clarifying the reasons why young men and women travelled towards the Syrian conflict zone and took up arms under the ISIS flag.

⁶ See e.g. <http://www.today.it/cronaca/morta-maria-giulia-sergio-terrorista.html> (retrieved on 1 March 2017)

3.2 From 'freedom fighters' to terrorists

The 'association' of foreign fighters with terrorism has been rejected by scholars also because terrorism is a confused concept: there is no an universally agreed definition and it is uncertain the line between terrorist acts and the right of self-determination.

What has limited the possibility to adopt a universally accepted definition of terrorism derives from the intrinsic political nature of terrorism: a broad and expansive definition avoids to omit any possible interpretation of the phenomenon, but it tends to consider legitimate some acts that are not commonly accepted. Instead, a restricted and narrow definition allows to focus eventually on particular terrorist acts and to exclude wide-ranging, but it tends to let unpunished some conducts that could be pursued as terrorist.

In particular, for someone the leading principle is the State's protection, security and defence; for others, prevails the concern about the unjustified repressions towards the so-called 'freedom combatants'.

Thus, the same act may be considered terrorist or not in accordance with the political aims pursued by States or the political positions of who judges (Symeonidou-Kastanidou, 2004). It means that what constitutes a terrorist act for one country's legal system, could be qualified as a revolutionary act by another country. Hence, the famous phrase '*one man's terrorist is another man's freedom fighter*' (UN Report on Terrorism and Human Rights, 2001; Di Stasio, 2010).

The international community discussed about this political (and cultural) divergence and it divided in two 'fronts': the Western States and the Arab States. More precisely, these latter have always affirmed that all the conducts carried out by the population that fight for its own freedom and independence, pursuing the right of self-determination (i.e. against colonial or occupying powers o discriminatory regimes), cannot be included among terrorist acts. So, these conducts are excluded by the conventions on terrorism.

The position of the Arab States has always conditioned the UN works and obtained also some results. The most significant is the 1972 Resolution 3034/XXVII that assured the legitimacy of the national freedom movements and condemned the acts of State terrorism committed by colonial or racial regimes or occupying powers. Because of this divergence, the General Assembly established the first sectoral conventions, in which there was a clause providing the non-action liability of the conducts pursued by who fight for his independence.⁷

⁷ See e.g. art 12 of the 1979 International Convention against the Taking of Hostages

However, with internationalisation of terrorism, the right of self-determination became only the excuse behind which terrorists protected themselves. As consequence, the distinction between terrorism and right of self-determination faded out. In its declaration adopted on 9 December 1994 the General Assembly affirmed «*the unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States*» (UN, General Assembly, doc. A/RES/49/60, 1994, art. 1). It emphasised also that «*criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them*» (UN, General Assembly, doc. A/RES/49/60, 1994, art. 3).

On these basis, the UN Security Council stated the mandatory principle of non-justification of all terrorist acts. Hence, the ‘front of Arab countries’ reduced progressively, but it continues to obstruct the adoption of a globally accepted definition of terrorism.

3.3 ISIS role in the evolution of foreign fighters in foreign terrorist fighters

ISIS was another main reason for the transition of foreign fighters to foreign *terrorist* fighters. Through its highly-strategic propaganda action, he persuaded thousands of young boys and girls to leave their homelands and join the conflict, picturing the Islamic State as a perfect state in which every Muslim could serve his/her faith.

Although at present ISIS is finally almost destroyed, it helped the international community to adopt effective legal instruments; implement operational measures; enhance cooperation; prevent radicalisation and violent extremism; strengthen borders’ control and security; and encourage Member States to foster a culture of inclusion, dialogue and trust that would reduce the risks of alienation and disaffection, which lead hundreds of boys and girls to leave their countries in search for an identity.

ISIS success has unfortunately characterised the three-years period 2014-2016; in order not to repeat the same mistakes, we will analyse its history and development and the reasons which lead it to success.

3.3.1 History and development

Also known as ISIS (Islamic State in Iraq and Syria) and Da'esh, the ISIL (Islamic State in Iraq and the Levant) is nothing more than the evolution of the *Tanzim Qa'idat al-Jihad fi Bilad al- Rafidayn* (Al Qaeda in the Land of Two Rivers), but commonly known as AQI (Al Qaeda in Iraq), the organisation founded in October 2004 by Abu Mus'ab al-Zarqawi and Osama Bin Laden (Felter and Fishman, 2007).

Although the two were the antithesis one of the other (Bin Laden son of a construction magnate with ties with the Saudi royal family, who attended elite schools and university, while Al Zarqawi born and grown up in one of the poorest quarters of Zarqa, in Jordan, and was heavily involved in crimes, alcohols and drugs), Al Zarqawi and Bin Laden shared the same extremist ideology of waging violent jihad aspiring to create an ideal Islamist State. However, though they agreed that the ultimate aim should be the complete deliverance of Muslims, their strategies were different. While Bin Laden had a global and expansionist vision in mind that led him to focus on *global jihad* and on enemies as the United States, Al Zarqawi was more focused on *local jihad*. Moreover, while Bin Laden believed the 'unbelievers' to be non-Muslims (and in particular Western powers), Al Zarqawi interpreted the term 'unbelievers' referring to all those who did not share his Salafi ideology (which led later to attack Iraqi Shiite shrines).

Despite the differences, in December 2004 they reached an agreement with Al Zarqawi pledging allegiance to Al Qaeda and Bin Laden naming him the emir (commander or leader) of an Al Qaeda branch in Iraq, AQI (Charles River Editors, 2014).

However, Al Zarqawi leadership did not last. After his coordinated deadly attack against three hotels in Amman, Jordan, he was killed in a US air-strike on 7th June 2006. He was promptly replaced by Abu Ayyub al-Masri, an Egyptian explosive expert and master bomb maker. Few months later, on 15th October 2006, ISI (Islamic State of Iraq) was created, with Al Masri as war minister and Abu Omar al-Baghdadi as leader.

Despite the controversy concerning Omar al-Baghdadi's identity⁸ and the

⁸ According to US sources deriving from the interrogation of Khalid Abdul Fatah Da'ud Mahmud al-Mashadani, a senior ISI leader and close associate of Al Masri captured in July 2007 by US Coalition forces, ISI was a merely front organization governed by a fictional figure-head (Omar al-Baghdadi) controlled by Al Qaeda leaders. Apparently, at the beginning he was just a fictitious character created by Al Masri. Despite this remains a theory due to the lack of concrete evidence, the fictitious identity of Abu Omar al-Baghdadi would explain why in the first videos he had his face covered and why there had been so many false reports and rumours about his capture and death. The situation grew more complex when the first photographs of al-Baghdadi were diffused and when he was publicly identified as Hamed Dawood al-Zawy,

low numbers indicating the real ISI's strength and presence in Iraq⁹, ISI grew stronger due to the audio messages and the web propaganda launched by the group, until the 18th April 2010 when with killing of Abu Ayyub al-Masri and Abu Omar al-Baghdadi in a joint US and Iraqi raid near Tikrit, the organisation faced a setback.

Nonetheless, with the US forces' withdrawal from Iraq in December 2011, ISI began to regain strength again. Taking advantage by the political instability left by the US withdrawal, the radicalisation followed to the Arab Spring and the start of the Syrian civil war, ISI rose again. Omar al-Baghdadi was succeeded by Abu Bakr al-Baghdadi (whose real name is Ibrahim Awwad Ibrahim Ali al-Badri) who is actually the leader of ISIS. Probably, he is the most influential figure of ISIS because he has been described by the TIME Magazine as 'the world's most dangerous man' (Kearney, 2014), and he has a \$25 million bounty on his head. In April 2013, al-Badri released an audio statement announcing the birth of ISIL.

Since its birth, the newly-created organization demonstrated its intentions of expansion in 'the Levant', especially Syria.

In January 2014, ISIL claimed the full control of Fallujah, and throughout the 2014 it gained control of several key cities in Iraq like Ar-Raqqa, Samara, Tikrit and Mosul.

The Caliphate was proclaimed by ISIS on 29th June 2014 with an audio recording posted on Jihadi websites. The spokesman Abu Muhammad al-Adnani, announced the establishment of an Islamic Caliphate and the changing name of ISIS in IS (Islamic State). He also announced the group leader, Abu Bakr al-Baghdadi, who is referred as to 'the Caliph' and the 'leader for Muslims everywhere'.¹⁰

In addition to the mere propaganda's action of ISIS, the establishment of an Islamic Caliphate is rich with religious, cultural and historic significance. Generations of Sunni radicals have dreamt of a moment when, in the words

former officer of the Iraqi Army. According to the US military, it was at a later stage that Al Qaeda filled the position of al-Baghdadi with a real person. For further details, see Charles River Editors, 2014.

⁹According to a July 2007 National Estimate and a Defence Intelligence Agency (DIA) report, AQI/ISI accounted for 15% of the total attack in Iraq. This estimate notably decreased with the September report of the Congressional Research Service according to which less than 2% of the total number of violent incidents in Iraq were caused by ISI. (See Charles River Editors, 2014). It is hence clear that ISI's strength in Iraq was exaggerated, and has not been provided detailed elements on ISI's real impact in Iraq.

¹⁰See *Sunni rebels declare new 'Islamic caliphate'*, Aljazeera, 30 June 2014, <http://www.aljazeera.com/news/middleeast/2014/06/isil-declares-new-islamic-caliphate-201462917326669749.html> ; BCC, *Isis rebels declare 'Islamic state' in Iraq and Syria*, 30 June 2014, <http://www.bbc.com/news/world-middle-east-28082962>

of ISIS spokesman Mr. al-Adnani, Muslims rose by ‘the dust of humiliation and disgrace’. This whirlwind jihad attracted most of foreign fighters flown to Syria.

From the announcement of the Caliphate, ISIS saw a progressive expansion. It managed to control the northern part of Syria, in the zone between Aleppo- Ayn al-Arab and Ar-Raqqa City, and the central part riddled with gas fields. ISIS militants found also support in the area dangerously close to Damascus, and were able to launch attacks in Lebanon and on the Jordanian border.

Moreover, ISIL’s expansion is demonstrated by its worrisome regional campaign and linked-activity in Southern Asia. The campaign has been resumed by the ISW in four **ISIS areas of influence**: the **core terrain** in Syria and Iraq, Jordan, Lebanon, Palestine, Israel, and the Sinai Peninsula; **regional power centres**, including Saudi Arabia, Iran, Turkey, and Egypt; the **remainder of the Muslim world**; and the **non-Muslim world**.

The campaign perpetrated throughout the 2015 and 2016 saw a dramatic increment with the Ramadan period, started on 6 June and ended on 5 July 2016. ISIS used the Muslims holy period of Ramadan as a justification for its attacks and as an occasion to reorient its strategy (McFate et al., 2016). ISIS launched several attacks within and along the periphery of the Muslim world to foster regional disorder and push the boundaries of the proclaimed caliphate. The group is also trying to expand to the edges of non-Muslim lands, as shown by arrests in Ingushetia, Russia and escalating attacks in majority-Muslim areas in Bangladesh, the Philippines and in Pakistan. Besides, in order to weaken regional power centres ISIS attacked the Egyptian capital and Mecca, in Saudi Arabia. It also continued the operation ‘The Invasion of Abu Ali an-Anbari’, declared on 30 April 2016, by claiming attacks in Iraq, Libya, Yemen, and Egypt. ISIS’s campaign demonstrates resiliency it has in its core terrain. In fact, despite the anti-ISIS offensives through continued attacks around Baghdad, ISIS affirmed the establishment of a new wilayat, Sahel, in Syria, on 23 May 2016 (Forrest, 2016).

It was only in the second half of 2016 that the Global Anti-ISIS Coalition obtained the first results in pushing back ISIS: on 26 June 2016, Iraqi Security Forces (ISF) sustained by the global coalition forces cleared the city of Fallujah and Syrian Democratic Forces (SDF) reestablished the control on the route from Ar-Raqqa City to the Syrian-Turkish border.

At present, the many of the conflict areas controlled by ISIS were set back to the real ‘owners’: the Syrian Republic and the Republic of Iraq. ISIS definitively re-dimensioned, passing from proto-state to terrorist organisation.

3.3.2 Reasons for ISIS’s success

Considered the rapid evolution of ISIS, it should be clear that it was more than a terrorist organisation. It was more likely a ‘state-like entity’, based on a well-organised hierachic system and strict and extremist Sharia rules, which was able to set a political control on occupied territories. There are at least three factors which contributed to ISIS expansion and development.

First of all, ISIS’s ideology.

The ideology of ISIS is the direct descendant of the Islamic fundamentalism which assumed political relevance in the 1970s and 1980s because of the contribution of three mainly events: the 1973 oil boom and the rise of Saudi Arabia, the 1979 Iranian Revolution and the Afghanistan War (1979-1989) against the Soviet Union. It derives from Azzam ideology, based on the idea that «*Islam is the comprehensive and exclusive solution for all political, economic, and social problems of the world*» (Charles River Editors, 2014). The radical belief stressed in ISIS propaganda is the commitment for the liberation of Muslims across the World, with the Caliphate identified as the *safe home* that protect them. Through this message, ISIS attired young men and women from all countries who were ready for the ‘heroic fight’ to protect the *ummah* from the ‘near enemy’ (apostate regimes) and the ‘far enemy’ (the West) (Atwan, 2015).

Secondly, the Web propaganda.

The global diffusion of social media and the Internet allowed ISIS to spread its ideology everywhere in the world, recruiting boys and girls, and calling for Muslims’ support. The potential of the growing technological sophistication had been already discovered by Al Qaeda which used the Internet for building a global movement. In a letter from 2002 to Taliban leader Mullah Muhammad Omar, Osama bin Laden wrote:

«It is obvious that the media war in this century is one of the strongest methods; in fact, its ratio may reach 90 percent of the total preparation for the battles» (CTC, 2002).

Like Al Qaeda, ISIS exploited the potential of the information and communications technologies (ICT) and, in particular, social media tools, to disseminate its messages to potential recruits. ISIL has been able to establish a low-cost and powerful system to spread its ideology, identify potential recruits, find supporters and allocate human resources to persuade targeted individuals to join its ranks (UN doc. S/2016/92, 2016).

In particular, this has fuelled the growth in the number of foreign *terrorist* fighters who posted their ‘adventures’ among ISIS ranks on Facebook, Twit-

ter and Instagram. In April 2014, for example, Abu Daighum al-Britani, a British fighter with ISIL, used Twitter to circulate a screenshot made using Instagram of himself holding a severed head. By August, Twitter had served up hundreds of videos of ongoing beheadings, rows of crucified men hung on crosses, and even a picture of a seven-year-old Australian boy holding a severed head offered to him by his father. But there are not only horrific posts: tweets of cats and real-life moments, like the one which shows a French foreign fighter proudly showing he found a jar of Nutella in a Syrian store, were continuously posted on Twitter and other social media platforms for propaganda purposes (Klausen, 2015).

Thirdly, the **illicit fundraising and the economic development.**

ISIS appeared to be the world's richest terrorist organisation never existed. In Syria and Iraq, ISIS gained control of gas and oil fields that in 2014 produce them around one million dollars per day (Bronstein and Griffin, 2014). In 2016, ISIS claimed its profits have doubled with two million dollars per day deriving from the oil production (Dozier, 2016). The UN Security Council Monitoring team provided also some estimates based on discussions with Member States, energy experts and open source material. According to its data, the Monitoring Team estimated that ISIS oil's production amount to 47,000 barrels per day, with a range of \$18 to \$35 per barrel. In accordance with this data ISIL's estimated potential revenue from crude oil ranged from \$846,000 to \$1,645,000 per day (UN doc. S/2014/815, 2014) in 2014. These numbers further increased in 2015 (CAT, 2015), for then reducing in 2016 when, thanks to air strikes, oil production has fallen by between 30 and 50 per cent (UN doc. S/2016/501). The United Nations Assistance Mission for Iraq (UNAMI) estimated that, in 2016, ISIL earned approximately \$260 million from illicit oil sales, compared with as much as \$500 million in 2015 (UN doc. S/2017/97).

As a result of the decreased income derived from oil trafficking, ISIL has intensified its efforts at illicit activities (like bank robbery, extortion, donations from foreign *terrorist* fighters, the looting of antiquities) and, in particular, taxing and confiscation (UN doc. S/2016/92, 2016). According to UN estimates, ISIL has been earning as much as \$30 million per month from this revenue source, which includes forced 'zakat', business 'taxes', fees for electricity and water, 'rent' for seized real estate, and customs duties and passage fees (UN doc. S/2016/830).

In addition to the above-mentioned revenue sources, ISIL has continued to benefit from external donations and ransom payments by families of hostages, particularly from the Yazidi community. UNAMI estimated that these payments amounted to between \$35 million to \$45 million in 2014 (UN

doc. S/2016/92, 2016). Although it is difficult to understand the total income generated by ISIS since the proclamation of the Caliphate, it is clear that it amounted to further billions.

This is particularly worrying whether we consider that, with these numbers, *returning foreign terrorist* fighters could easily be able to generate sufficient funding for recruitment and the planning of terrorist attacks around the world.

3.3.3 ISIS: a structured hierarchical governmental organisation

The success of ISIS raised serious questions concerning its qualification. It was undoubtedly more than a terrorist group as shown by its organised structure which was not limited to an internal hierarchical administrative and decision-making apparatus, but it extended to a territorial system organised in central administration and *wilayats* (provinces).

The (self-claimed) ‘Islamic State’ (IS) organizational system sees the ‘Caliph’, self-proclaimed representative of the Prophet, as the ultimate authority. Currently, this role is played by Abu Bakr al-Baghdadi, who is flanked by two deputies: Abu Muslim al-Turkmani and Abu Ali al-Anbari. Both were former members of the Iraqi Ba’ath party, and were fellow prisoners in the US prison Camp Bucca. Under Baghdadi and its deputies, there were advisory councils and several departments, run by committees, and which oversee different aspects of the self-proclaimed Islamic State. The leader of each department formed the ‘Baghdadi’s cabinet’.

The most powerful council is the *Shura Council* which oversees the IS affairs and communicate the decisions to the lower rungs of the hierarchy, assuring that the decisions are correctly implemented.

Then, there is the *Sharia Council* which deals with all religious and juridical affairs. It selects the Caliph, maintains the discipline within the politic body and ensures that the whole State’s administration complies with the Sharia Law, and supervises the Sharia Police and the Sharia court system, which deal with all the religious and civil complaints, brought by the police or by individual citizens.

Next to these major councils, ISIS was able to set: the Security and Intelligence Council, the Military Council, the Economic Council, the Education Council, the Islamic Services Council, the IS Institution for Public Information and the Provincial Council (Atwan, 2015).

To this structure, that is further more complex than a hierarchical system leading a group or an organisation, the self-identified IS had its own army and sophisticated weapons, its own coin currency¹¹ and its own bank in Mosul.¹²

Because of the abovementioned reasons, ISIS had gained the media world's attention for the three-years period 2014-2016 and persuaded thousand of young students to join its ranks, transforming them into terrorists or potential terrorists.

3.4 The evolution of terrorism: nit

The transformation from foreign fighters to foreign *terrorist* fighters absorbed them in the context of terrorism.

In the last fifty years, terrorism undoubtedly saw an evolution. In our contemporary society, the phenomenon we face is completely different from terrorism of the 1970s/1980s. According to some scholars (Quadarella, 2006; Di Stasio, 2010), next to the 'classical' international terrorism, which developed in the 1990s and targeted one or more States, and the internal terrorism, can be identified a 'new' international terrorism.

The 'new' international terrorism aims at the whole International Community with large scale attacks, and planned and coordinate acts, operated in the framework of the common political purpose of destruction of the democratic western system and values. The date that can fix the birth of this new kind of terrorism is the 9/11 attack at the Twin Towers in New York, which deeply affected the International Community.

According to the same authors (Quadarella, 2006), the new international terrorism can be classified as international individual offence because it encompasses the three indicators required for a crime to be considered an international individual offence: (i) the prosecution as customary law,¹³ (ii) the

¹¹ ISIS revived the gold dinars of the First Caliphate, the one of Abu Bakr, who succeeded after the death in 632 AD to the Prophet Muhammed. On 30 August 2015, ISIS released a one-hour long video affirming that it had struck its own coinage. The coin would be a 21-carat gold, would weigh 4.25 grams, and it would be an equivalent to 139 dollars due to its weight in gold. The militant group also claimed that the currency will never lose value in comparison to paper money. (Wyke, 2015)

¹² In January 2015, ISIS opened its own bank in Mosul, which was destroyed with other buildings one year later in a US airstrike on 14 February 2016. However, ISIS militants claimed that "the banks were totally empty of any cash and we still do not understand why the coalition still insists to target empty banks". (Moore, 2016; Atwan, 2015)

¹³ This *first element* is supported by the IHL which enshrines the imperative prohibition to commit any terrorist act, and by the customary law formed after the 9/11 attack as a result of the common behaviour of States and international organisations which condemned terrorism

prejudice of fundamental interests for the International Community,¹⁴ and, in general, for the whole humanity, (iii) the possibility to qualify terrorists as individuals-entities of a State or an international criminal organisation.¹⁵

The existence of a new kind of terrorism in contemporary society has been underlined and amplified in the context of the '5+5 Defence Initiative 2015' a cooperation forum aiming to strengthen security in the western Mediterranean area. The project, coordinated by the Euro-Maghreb Center for Strategic Researches and Studies (CEMRES) for the Defence Departments of the '5+5' Area¹⁶, seeks to promote trust and collaboration among the 10 countries in order to face the global threat posed by terrorism. To this purpose, it was adopted of a new concept of international terrorism: The *New Insurrectional Terrorism* (NIT). This notion, elaborated by Claudio Bertolotti, the only Italian researcher for the '5+5 Defence Initiative', and adopted in the '5+5 Defence Initiative' research project *Securing the Borders of the 5+5 Space: Cooperation and implications*, describes terrorism as the intentional use or threat of use of violence; an auto-justified violence moved by political, religious and ideological purposes.

It is composed of nine different elements: (i) the use or threat of use of violence as nature of the terrorist activity; (ii) the political purpose; (iii) the revolutionary/subversive purpose of destroying International Community's values; (iv) it is based on political, socioeconomic and religious multitude; (v) its unpredictability; (vi) the 'strategic' nature based on tactical action which are not necessarily interconnected; (vii) its transnational, borderless nature which makes it extremely 'flexible' and capable of adapting in different political situations, (viii) the battlefield is real (conventional and asymmetric) as well as virtual (i.e. based on information operations and web propaganda)

in all forms and means. In this context, an important role was assumed by the UN General Assembly and the UN Security Council which adopted important resolutions on the suppression, the fight, and the prevention of terrorism. It should be noticed indeed that majority of the scholars recognises the validity of the UN documents as *opinio juris* and its important role in the formation of customary rules in international criminal law.

¹⁴ This *second element* concerns the prejudice of international interests and values of the International Community *in toto*, i.e. peace, international security and the respect of the fundamental rights (See e.g. ICC Statute, Preamble; UN Resolution 1368/2001 and 1373/2001)

¹⁵ This *third element* is the identification of terrorists as individuals-bodies which do not act alone, but in a broader framework based on a political common plan. It is confirmed by the majority of scholars, and finds support in the international criminal tribunals' Statutes and in their jurisprudence. It is demonstrated by the fact that many judgements recognise the individual criminal responsibility of the authors for 'crime of terror', and the Statutes charge for war crimes or crimes against humanity not only governmental entities, but also non-state actors.

¹⁶ The 5+5 Area gives its name to the 10 countries which form it: Italy, France, Algeria, Libya, Malta, Portugal, Spain, Mauritania, Morocco and Tunisia.

and cybernetic (i.e. informatics attacks); and (ix) any kind of targets: civilian, military, political, religious or even symbolic combatants and noncombatants (Bertolotti, 2015a,b,c).

The innovative concept of *New Insurrectional Terrorism* (NIT) combined with the juridical recognition of the existence of a new international terrorism classified as international individual offence, respond to the necessity to have a flexible legal framework, based on interstate cooperation and intelligence services collaboration, that can adapt to this new form of terrorism and respond to new phenomenon, like the foreign fighters' one.

4. Conclusions

In the context of NIT, emerged the figure of 'foreign terrorist fighter'; a figure which has been playing the role of pawn of ISIS on the chessboard and which differs from history, roots and motivations from past foreign fighters. It includes young men and women, mostly students, without previous experience on battlefield or strong ethnic/ kinship ties to Syria or Iraq, driven by boredom, disaffection and alienation that made them look for adventure and a greater purpose in their lives (UN doc. S/2015/358, 2015), rather than by extremist ideology and religion.

This new profile of 'modern' foreign fighter, involved in the Syrian conflict under ISIL flag, made the UN Security Council react blurring the concept of 'foreign fighters' with the new one of 'foreign *terrorist* fighters'. It implies that foreign fighters are considered terrorist even if they do not physically perpetrate terrorist offences. It is sufficient the *intention* of perpetrating (i.e. financing, planning or preparing) terrorist acts. It should hence be noted that is punishable not only any individual who commit or intend to commit a terrorist act, but also anyone who support terrorist activities and groups, by financing them or supplying/selling them arms and other materiel or support them including through information and communications technologies, such as the internet and the social media.¹⁷

So, it is worth stressing that foreign *terrorist* fighters are not punished for joining terrorist organisation, but for the fact itself of travelling or attempting

¹⁷ It is stated in UN Resolution 2178 (2014) that foreign *terrorist* fighters and those who finance or facilitate their travel and subsequent activities may be included on the Al-Qaida Sanctions List pursuant to resolutions 1267 (1999) and 1989 (2011) whether "they participate in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, Al-Qaida, supplying, selling or transferring arms and related materiel to, or recruiting for, or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate."

to travel in order to commit or have the intention to commit terrorist acts. It means that foreign fighters are criminalised regardless of their association to terrorist groups, and in case they join a terrorist group, they are also punished for terrorism's association as 'aggravating factor'.

However, it should be said that most of foreign fighters leave their country for joining terrorist groups, and currently ISIS. Many of them are so motivated by violence purposes to make them 'dream' to die as suicide bombers or as fighters, some others are likely less conscious of the risks they face with. That is why, some of them are come back disillusioned by the 'ISIS experience'. In both cases, they know exactly that ISIS is a terrorist organization, and that joining it constitutes a criminal offence, punished more or less severely pursuant to the different domestic legislations.

In sum, playing on the white side of the chessboard, the UN Member States managed to counter-attack ISIS's foreign *terrorist* fighters. However, although we are some moves away from checkmate, we should be able to address returning foreign fighters and the potential blowback effect. It means that each response at national, European or international level shall mirror the gravity and the seriousness posed by the terrorist threat, but shall also ensure the respect of human rights and fundamental freedoms. Between 'public security interest' and 'respect of human rights' countries shall tip the balance in favour of measures that do not jeopardise the democratic values and fundamental freedoms which constitute the basis of Western society.

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