

In-land terrorism in France: is repatriation a viable solution?

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Terrorism is one of the most prominent threats to national security in the 21st century. Infamously, France experiences the most terrorist attacks in the European Union (Pugliese, 2020). The most common group who commit acts of terror in France are Jihadi Muslims - a religious, extremist group whose ideology involves extensive use of violence in order to fulfill the religious duty of spreading Islam (Bindner, 2018). There are other terrorist groups with different ideologies; however, for the purpose of this paper, I will only focus on Jihadist terrorism as it relates more closely to the notion of repatriation. It is important to note that terrorists have a tendency to attack people rather than buildings or infrastructure, and aim to maximize casualties, which makes them an extreme threat to the safety and welfare of the public (European Parliament, 2018). Jihadi terrorism also includes the phenomenon of foreign terrorist fighters (FTFs) - people who travel to and from areas of conflict, such as Syria and Iraq, and commit acts of terror under the Jihadi ideology.

This paper posits that France must change its approach towards bringing justice to people who commit acts of terror and introduce a framework of repatriation, under which foreign terrorist fighters (and their families) would be brought home and tried under the French judicial system. Repatriation includes “holding individuals accountable for violations of national and international law for serious and systematic crimes committed in Syria and Iraq as appropriate and commensurate with the available evidence” (OHCHR, 2022). Currently, France’s policy regarding foreign fighters is to let them be tried in the countries they travel to, with the possibility of revoking their French nationality (Bąkowski & Puccio, 2016). There are numerous arguments why the status quo is ineffective and even counterproductive.

Firstly, leaving the trial and prosecution of foreign fighters up to the discretion of local authorities in conflict areas like Syria or Iraq poses a threat to human rights. It is almost impossible to ensure fair and sufficient trials in these countries, as the use of the death penalty, a lack of transparency and access to defense counsel indicates that fair trial, or a trial at all, is not ensured for fighters and their families. Moreover, particularly in Syria, torture is commonly used as a sanctioning measure (Mehra & Paulussen, 2019). Therefore, prosecuting foreign terrorist travelers in the countries of conflict is an ineffective method of countering terrorism. This can be

seen in the case of a French Jihadist Adrien Guihal. He led the group of people associated with Islamic State (IS) and was in charge of the terrorist attack in Nice in 2016, which resulted in 86 casualties. After the attack, A. Guihal traveled to Syria along with other French Jihadists to be later captured by Kurdish forces. Reportedly, around 300 Jihadists from this group were killed in Syria and Iraq (France24, 2018). Therefore, it is evident that not repatriating foreign terrorist fighters results in unfair treatment, torture, and execution in countries of conflict.

To counter this proposition, it can be argued that bringing people associated with terrorism back to their country poses a threat of their misconduct (Mehra et. al, 2022). However, such a threat would occur only in case of a failure of the French judicial system. In other words, it would occur only if the repatriated individual manages to avoid trial and prosecution, or is found not guilty. Finally, this threat is not based on factual evidence and is more likely a biased conjecture.

It is also important to note that FTFs usually have families, who are not included in the prosecution process. In most cases, family members would travel together with the fighters in and out of Syria or Iraq, and be placed in the middle of the process of prosecution of the fighter. This leads to children being detained in camps and held in inhumane conditions, as a result of one of their parents being associated with terrorism and not being permitted to re-enter the country of their origin. Repatriating the fighter together with their family would ensure that the family members who are not under blame receive fair treatment and are not left in a 'legal limbo' (Mehra & Paulussen, 2019). It would not be appropriate to repatriate children without their parents, therefore entire families should be repatriated.

Overall, countries in the EU have room for improvement in their counter-terrorism approaches. The overarching goal is to protect human rights for all, even if they commit a terrorist attack. Having an impartial stance and leaving the FTFs to be prosecuted in Syria or Iraq results in unfair treatment, torture, the death penalty, and insubstantial trial. Oftentimes it also leaves the children and families of the plaintiffs in a legal limbo where they are not able to return to their home country safely and, therefore, end up in detention camps. On these grounds, France should consider implementing a policy of repatriation of Foreign Terrorist Fighters.

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