



CATCH & RELEASE Jihadist Recidivism

By Jennifer L. Hesterman

Recent terrorist incidents have involved militants from Nigeria, Somalia, and Yemen, the latter becoming publicly prominent as another battle front for al-Qaeda in the Arabian Peninsula (AQAP). It is now acknowledged that Saeed al-Shehri, AQAP's deputy, was a detainee at Guantanamo Bay and a "graduate" of a rehabilitation program in Saudi Arabia.

Although al-Shehri was reportedly killed in a December airstrike in Yemen, he pushed the issue of jihadist recidivism to the forefront of public debate. A persistent and growing feeder of manpower to the fight, recidivism unfortunately provides a valuable resource to terrorist groups: experienced jihadists who have gained firsthand insight into counter terrorism practices.

Capturing a terrorist takes an enemy combatant off of the battlefield. Certainly, the possibility of a prisoner's release is not foremost in the minds of his or her captors or most of the personnel who subsequently handle that prisoner. Although the apprehension of a terror suspect is frontloaded with a preponderance of resources and effort, it is clear that activities during a prisoner's incarceration, interrogation, rehabilitation, and release are key to ensuring that he or she remains permanently out of the fight. Unfortunately, the reemergence of al-Shehri as an al-Qaeda leader has proven that dislodging the radical ideology of a jihadist is not an easy task.

JIHADIST DEFINED

According to intelligence analyst Dennis Pluchinsky, a global jihadist can be defined as a Muslim who (1) believes that Islam is under attack by the West with the objective of destroying Islam, (2) perceives that the United States is the primary enemy of Islam, (3) believes it is Islam's manifest destiny to the rule the world, and (4) believes that the only proper response to this threat to Islam and the Muslim Ummah (members of the Islamic community) is militant jihad.¹

Jihadists differ from terrorists who are not religiously motivated. The call to jihad (which means "struggle" in Arabic) is powerful and typically comes in response to a fatwa, or binding religious decree. In 1996 and 1998, al-Qaeda announced its war against the United States through Osama bin Laden's fatwas. Although bin Laden does not possess the traditional Islamic scholarly qualifications required to issue a fatwa of any kind, followers continue to heed his call. Jihad is not a call to take a life, but to sacrifice your own life. Islamic scholar and journalist M.J. Akbar provides some insight into jihad, describing it thus: "The Power of jihad pervades the mind and soul of Islam. The mind is where the current battle will be fought, and this is why it will be a long war."²

RECIDIVISM

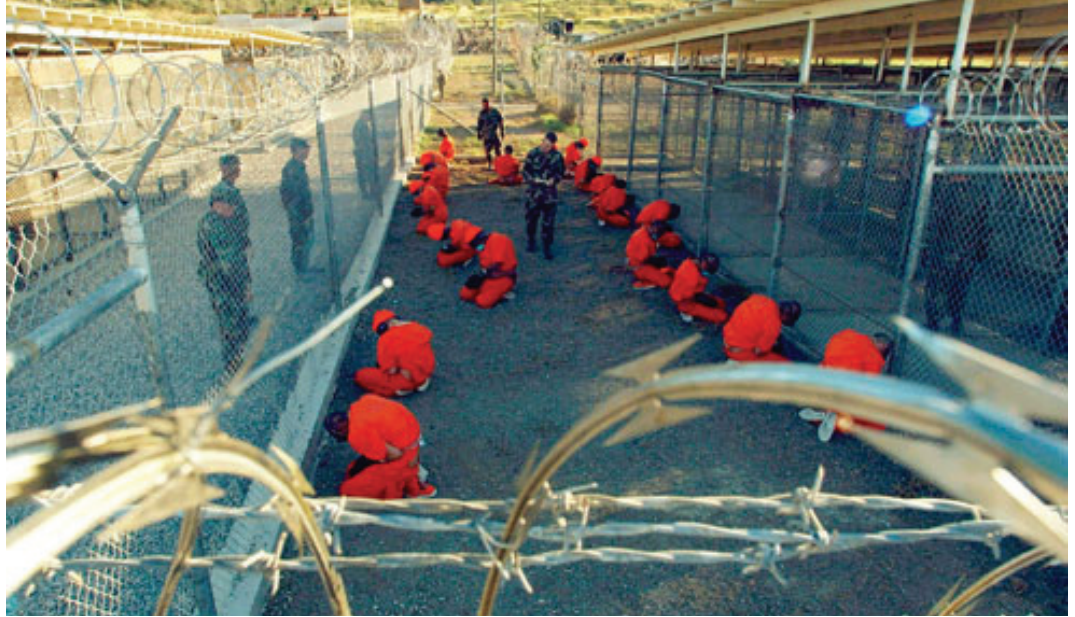
A recidivist is defined as one who, after release from custody for commission of a crime, is not rehabilitated.³ Although the term is now applied in the counter terror realm, recidivism is closely tracked in the U.S. prison system and the statistics are startling—according to the Department of Justice, of the 300,000 prisoners released in 15 states in 1994, two-thirds were rearrested within three years.⁴ This was a substantial increase from the previous decade, in spite of extensive education and job training efforts, and life skills and readjustment counseling provided to convicts during incarceration.

Recidivism by convicted criminals clearly illustrates that arrest, confinement, and rehabilitation alone do not preclude further nefarious activities. The same is true for jihadists, for whom the stakes are much higher.



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*Guantanamo captives in January 2002. Source: Wikimedia Commons.
Photo by Petty Officer 1st class Shane T. McCoy, U.S. Navy*

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TERRORIST RECIDIVISM

Of the 750 detainees at the Guantanamo Bay detention center, more than 560 have been released and 198 remain.⁵ These 560 detainees have been transferred to 44 countries, including Ireland, Bermuda, and Palau. Of greatest interest are those transferred to Afghanistan (199), Saudi Arabia (120), Pakistan (63), and Yemen (21), hotbeds for radical recruitment and activity.

According to the Department of Defense (DOD), the terrorist recidivism rate in December 2008 was 11 percent. This figure rose in the DOD’s April 2009 report, when the rate was estimated at 14 percent. In January 2010, a DOD spokesperson reported that the current figure is closer to 20 percent. In other words, at least one in five prisoners released are returning to the fight.⁶ To quote Pentagon sources, the calculation of recidivism is an “inexact science.”⁷ One issue with early estimates was accurately defining what constituted a return to

the fight. Recognizing this syntactical issue, the April 2009 DOD statement defined a recidivist as follows: “Various former Guantanamo detainees [who] are known to have reengaged in terrorist activity associated with the al-Qaida network, and have been arrested for reengaging in terrorist activities including facilitating the travel of terrorists into war zones, providing funds to al-Qaida, and supporting and associating with known terrorists.”⁸

The calculation is further complicated by the fact that, in addition to confirmed recidivists (either corroborated or active), some individuals return to jihad without attracting any recognition. Critics question whether these individuals have really returned to the fight if they were never formally convicted in the first place. Regardless of the criticism, the bottom line is that potential rehabilitation sources are failing and terrorists are rejoining the fight and assuming leadership roles in al-Qaeda.



Yemen. ©istockphoto.com/BremecR

Notably, Yemen's program is now defunct and there is no curriculum or facility in place today to process returning Yemeni nationals from Guantanamo.

COUNTER-RADICALIZATION EFFORTS

Many countries have established jihadist rehabilitation and engagement programs, including Algeria, Egypt, Jordan, Singapore, Indonesia, and Malaysia. Notably, Yemen's program is now defunct and there is no curriculum or facility in place today to process returning Yemeni nationals from Guantanamo.⁹ This includes the six Yemeni detainees sent home days before the attempted Christmas Day bombing of an airliner by an individual trained by

al-Qaeda in that country.

When releasing detainees from the Guantanamo facility, the U.S. government has heavily relied on the "Saudi Program." This program was established after the 2003 bombings in Riyadh and is a "soft" counter terrorism program meant to combat violent extremism and mitigate the ideological and intellectual justifications of jihad. It is not about punishment; it is a benevolent, second chance program with a large social welfare component.

Although the exact numbers are questionable, the Saudis claim an

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overall 80–90 percent success rate for the program. They have processed approximately 3,000 individuals and 1,400 have reportedly renounced their former ways and been released. Of that group, there are 35 acknowledged recidivists. Another 1,000 remain in the program. The fact that these figures do not add up demonstrates the scarcity of credible information on the subject.

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been rearrested on charges of terrorism. In December, a wanted recidivist turned himself in to authorities and another was killed after crossing the Yemeni border with an explosive vest.¹⁰ Eleven more are on Saudi Arabia's most wanted list.¹¹

INSIDE THE SAUDI PROGRAM

Christopher Boucek is a Middle East specialist who has studied the Saudi approach since its inception. His 2000 paper, *Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare*, provides an inside look at this secretive program.

The Saudi Program relies on several primary tenets:

- Violent radical Islamic extremism cannot be defeated by traditional security means alone
- Violent ideology is based on corrupted and deviant interpretations of Islam

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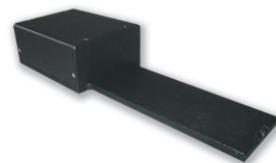


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• Obedience and loyalty to the state and its leadership are key

• Extremists lack the authority and understanding of religious doctrine

These principles are enforced through a program of co-optation and persuasion by a system called PRAC,¹² which consists of three interconnected phases:

• **Prevention:** This phase fosters cooperation between the state and the public, highlights the damage done by terrorism and extremism, and ends public support and tolerance for extremist beliefs. Hundreds of programs aimed at youth in and out of school, public information campaigns, and billboards decrying terrorism are utilized as part of this phase.

• **Rehabilitation:** The focal point of this phase is counseling by clerics and academics to reeducate and rehabilitate jihadists. It begins with the assumption that these individuals were misled by extremists who follow a corrupted form of Islam and misinterpret the Koran.

• **Post Release Care:** During this phase, residents live in a “halfway house” called The Care Rehabilitation Center. The Center has guards and fences, but the prisoners are not confined or restrained in any way. Most Guantanamo returnees enter the program at this point.

This phase focuses on reintegration into Saudi society; the Guantanamo returnees receive additional psychological counseling and participate in activities designed to help them adjust to freedom.

Once an individual has satisfactorily renounced his or her beliefs, job placement services are provided along with other benefits, including a government stipend, a car, and an apartment. This social support is intended to deter the rehabilitated terrorist from returning to his or her former lifestyle.

The Department of Homeland Security recently appointed a team of FBI officials and terrorism specialists to travel to the Center for a firsthand look. Although a formal report to the public was not released, one of the team members recently spoke to the press about his experience. Dr. John Horgan, director of the International Center for the Study of Terrorism at Pennsylvania State University stated, “...when I asked Saudi officers how they knew these people were safe to release, all they could say was they got a feeling”. He also opined that the prisoners are not being de-radicalized and their fundamental views have not changed. Another criticism was the lack of any reliable risk assessment to decide whether an individual should be allowed



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When every second counts!



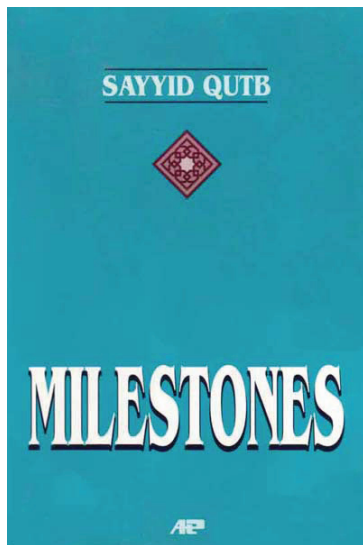
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Qutb's writings were the primary influence on Osama bin Laden and directly led to his radicalization.

back into society. "Sex offenders have to meet all sorts of criteria before they are released," Mr. Horgan said. "Why shouldn't it be the same for terrorists?"¹³

It is important to note that when the first Saudi nationals were repatriated from Guantanamo back to Saudi Arabia in May 2003 they went through a different process than those who returned later. Early returnees were brought before a Saudi court, charged, convicted, and served up to two years in prison before entering the Saudi Counseling Program.¹⁴ However, individuals who were repatriated in November 2007—including Saeed al-Shehri and Mohammed al-Awfi—did not go before a court. They were not charged with any crimes, they entered rehabilitation directly for a truncated period of a few months, and then they were released.

From a global perspective, it is important to remember that jihadists are imprisoned worldwide—not just at the U.S. Guantanamo facility. Mr. Pluchinsky estimates there are 5,000 global jihadists imprisoned worldwide, and only 15 percent of captured jihadists are given life sentences or executed.¹⁵ The country of imprisonment dictates the rules of engagement; sentence reductions may be given for good behavior, prisoners may be released for religious holidays, and prisoner exchanges may take place. Keeping track of these self-proclaimed jihadists is a daunting task, to say the least.

BACK IN THE FIGHT

The NEFA foundation's 2009 report entitled *The Eleven: Saudi Guantanamo Veterans Returning to the Fight* highlights the dangerous recidivists who remain on the top of Saudi Arabia's most wanted list.¹⁶ As previously mentioned, Saeed al-Shehri and Mohammed al-Awfi, "graduates" of the Saudi Program, are now leaders of al-Qaeda in the Arabian

Peninsula. Both have been extensively targeted by Yemeni forces and may be deceased. Mohammed al-Harbi is also believed to be in Yemen and was last seen in a January 2009 video threatening the United States and its allies. The other eight men are missing and, based on their documented terrorist activity and radical statements, appear to pose a significant threat.

Saudi Arabia is not the only country in which recidivism occurs. A Kuwaiti national sent home from the Guantanamo facility in 2005, Abdullah Salih al-Ajmi, resurfaced in April 2008 in Iraq. He joined forces with al-Qaeda in Iraq, led by Abu Musab al-Zarqawi, and carried out a deadly suicide truck bombing that targeted Iraqi security forces in the city of Mosul. Thirteen Iraqis were killed and 42 were injured.

Other notable recidivists were responsible for the formation of al-Qaeda. Sayyid Qutb lived and studied in the U.S. in the 1950s and grew to hate Western culture. Upon his return to Egypt, he joined the Muslim Brotherhood and was imprisoned for his radical preachings. While in prison he wrote some of his most influential works, including the book *Milestones*. The Egyptians believed he was no longer a threat and released him from prison, but rearrested him a year later for attempting to overthrow the government and executed him by hanging in 1966. Qutb's writings were the primary influence on Osama bin Laden and directly led to his radicalization.

Ayman al-Zawahiri was imprisoned in a roundup of radicals following the assassination of Egyptian president Anwar Sadat. Al-Zawahiri was reportedly tortured in prison. He started reading Qutb's work, became a follower, and upon release from prison joined the Egyptian Islamic Jihad. Al-Zawahiri personally mentored bin Laden and

they co-authored the 1998 fatwa that continues to serve as a call to arms for jihadists. Al-Zawahiri is currently at the top of the U.S. most wanted list, and his possible capture was the subject of last December's deadly meeting between CIA officers and a Jordanian double agent and suicide bomber in Afghanistan.

BARRIERS TO SUCCESS

Jihadism and recidivism are complex and multifaceted issues. The call to jihad is global, and radical ideology is not confined to a single nation-state; therefore, diplomatic and economic engagement is spread thinly and is largely ineffective. Similarly, there is no specific terrorist organization to target; recidivists belong to many branches of al-Qaeda. At least nine designated foreign terrorist organizations espouse radical Islamic ideologies and could play host to recidivists.

There is no universal system, program, or central location for processing and rehabilitating detainees. This "county option" means a lack of control and oversight.

There have been multiple failed prosecution attempts and prisoner releases, and the behavior of these candidates for recidivism must be investigated.

POSSIBLE SOLUTIONS

Once the problem of jihadist recidivism is more deeply understood and

empirical data indicates which approaches may work, proactive corrective action can be taken with the remaining prisoners at the Guantanamo facility.

For instance, the government announced intentions to acquire the Thomson Correctional Center, a largely vacant state prison in northwestern Illinois, to house detainees transferred from the Guantanamo facility. This presents an opportunity to institute a new program aimed specifically at recidivism prevention. A potential model for this program comes from the U.S. military, which may have successfully delved into the rehabilitation realm in Iraq through the recently decommissioned Task Force 134 and its "House of Wisdom" program in which vetted Iraqi clerics encouraged debate with detainees for the purpose of refuting and mitigating extremist arguments.¹⁷

For the remaining Guantanamo detainees, a deliberate plan is necessary if they are going to be released. Scientific study shows that disengagement of radical ideology is best done through support of an individual's social network¹⁸, and the destination country for released detainees is critical. This raises questions about whether Chinese Uyghurs sent to Bermuda from the Guantanamo facility are receiving any beneficial treatment.

Finally, there must be comprehensive research conducted and published on this issue. When contacted for comment, Mr. Pluchinsky offered his

current view of the situation:

*Global jihadist recidivism remains a problem that has not been properly mapped. We have no idea how many released global jihadists turned into recidivists. We still do not know the level and scope of the problem. Most of the evidence, including my 2008 article on the issue in *Studies in Conflict and Terrorism* is anecdotal. For that matter, terrorist recidivism in general has not been properly and adequately researched.*

Counter terrorism and homeland security experts are perhaps not the best researchers for this complex issue. The answer may instead lie in the "soft" sciences—psychology, sociology, organizational theory, and theology—that provide a multifaceted understanding and approach to the problem. Professionals in these fields could best answer the following questions:

- Do religious terrorists have a higher recidivism rate than terrorists without the radical religious ideology? If so, why?
- Can any parallels be drawn between terrorist rehabilitation and cult deprogramming or the successful neo-Nazi and leftist guerilla rehabilitation programs?
- How can we better use Psy Ops and the Internet to introduce a deliberate theological counter-ideology to jihad and prevent re-radicalization?
- Are there any aspects of the Saudi Program that can be applied to would-be domestic terrorists in the U.S. if they eventually return from detention to our communities?

Recidivism is just one source of manpower for al-Qaeda and other radical Islamic groups that seek to harm the United States and its allies. However, it is clear that prisons are a key front on the battlefield and that capturing a terrorist is just the beginning. •

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Ms. Hesterman is a retired U.S. Air Force colonel. She is currently a senior Analyst for the MASY Group, as well as a professor of counter terrorism studies at American Military University. Her book "Transnational Crime and the Criminal-Terrorist Nexus" was published in 2005. She authors the blog: www.counterterrorforum.com

ENDNOTES

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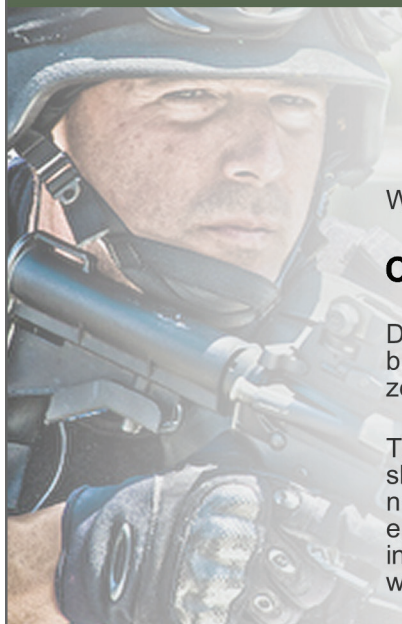
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