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ABSTRACT
DOCTORAL THESIS
LAW FIELD

TOPIC: INVESTIGATION OF TERRORISM ACTS
COMMITTED BY FOREIGN FIGHTERS

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LIST OF ABBREVIATIONS USED IN THE DOCTORAL THESIS

API	Advance Passenger Information
ABC	Automated Border Control System
BMS	Biometric Matching System
CCJE	Consultative Council of European Judges
CCPB	Centrul de Cercetare și Prevenire a Bioterorismului / Bioterrorism Research and Prevention Centre
DIICOT	Directorate for Investigating Organized Crime and Terrorism
DHS	United States Department of Homeland Security
EASO	European Asylum Support Office
ECTC	European Counter Terrorism Centre
EUBAM	European Union Border Assistance Mission
EURODAC	It is the European Union database that stores fingerprints for the identification of asylum seekers (European Dactyloscopy)
EUROJUST	The European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
EES	Entry/Exit System
FBI	Federal Bureau of Investigation
FATF - GAFI	Financial Action Task Force
FRONTEX	European Border and Coast Guard Agency
IBIS	Integrated Ballistics Identification System
ICCT	International Centre for Combating Terrorism – the Hague
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
ISIS/ISIL/Daesh	Islamic State of Iraq and Syria
IT / ICT	Information Technology / Information and Communication Technology
ISCT	Institutul de Studii și Cercetări ale Terorismului / Institute of Studies and Research on Terrorism
MRTDs	Machine Readable Travel Documents
eMRTDs	electronic Machine Readable Travel Documents
ONG / NGO	Non-Governmental Organization
ONU / UN	United Nations Organization
OUG / GEO	Government Emergency Ordinance
PNR	Passenger Name Record
RTP	Registered Traveller Programme - programme for the registration of third-country nationals
SECI	Southeast European Cooperative Initiative
SELEC	Southeast European Law Enforcement Centre
SIS	Schengen Information System
SINV / NVIS	National Visa Information System

SIS II	The second generation Schengen Information System
SUA / USA	United States of America
SWOT	Strengths, Weaknesses, Opportunities, Threats
TGSN	The Global Strategy Network
TSG	The Soufan Group – non-profit organization
TSC	The Soufan Center – a forum for research, analysis and strategic dialogue with regard to human security and emerging threats
UE / EU	European Union
UNIP / NPIU	National Passenger Information Unit
UNODC	United Nations Office on Drugs and Crime
UNMIK	United Nations Mission in Kosovo
VIS	Visa Information System
WCO	World Customs Organization

INTRODUCTION TO SCIENTIFIC INVESTIGATION

At present, by trying to put in place and impose a new order generated by chaos, the phenomenon of terrorism as a whole, and especially the “foreign fighters” phenomenon, has profound implications for the political, social and cultural life of humankind. The conditions leading to this scourge have as a starting point and are generally enhanced by the realities of a precarious economy, a culture that is subjugated by religion, thus favouring certain individuals who impose themselves over others and become leaders through the use of force. Most of the time, democracy, which considers as paramount the right of peoples to self-government, has a harder time adapting to the context of regional characteristics that generate chaos, and until natural order is restored, by transgressing international legal rules, society will be under the influence of destabilizing factors that lead to disorder.

As of year 2015, after examining works that were the result of studies carried out and treaties in the field of terrorism prevention and combating, we noticed that the “foreign fighters” phenomenon was scarcely presented and explained in the specialty literature, and that in the analyses carried out by various institutions, or governmental or non-governmental organizations, we were not able to identify any scientifically-based quantification of the factors underlying the occurrence or of elements that can help identify early the onset of this phenomenon, which is particularly harmful to society.

Therefore, the reason behind our choosing this topic for the research carried out in the doctoral thesis is the need to establish criteria for counteracting the phenomenon of “foreign fighters”, for harmonizing and streamlining the methods of prevention used in combating the phenomenon of terrorism, in general, and the phenomenon of “foreign fighters”, in particular.

In analyzing the relations between the aggressive behaviour of “foreign fighters” and elements of the proselyte’s individual profile as generated by totalitarian religious or political systems, we have identified the following main hypotheses:

1. If the education received within the family and that provided by society focus solely on the indiscriminate acceptance of religious dogmas, does this result in emotional dysfunctions at cognitive level for those persons?

2. If, in the community of origin of the “foreign fighters”, the main effect of the violation of legislation is the sanctioning of the guilty parties, will the members of that community abide by the law or will they adopt an attitude of defiance, considering the sanction as undeserved?

3. If we know the specific legislation in the matter of terrorism and the institutions having the power to document and investigate acts of terrorism, do we contribute in this way to creating a climate of safety among citizens?

4. If we know the behavioural profile of the “foreign fighter”, can we contribute to the prevention and combating of acts of terrorism?

Therefore, the main goal of the research is *to create a scientific foundation for the development of appropriate procedures that would form the basis for promoting best practices in terms of preventing, combating and investigating acts of terrorism in general and the phenomenon of “foreign fighters” in particular, in order to establish a climate of safety for humankind.*

The main goal will be supported by the following specific goals:

1. Identification and analysis of criminal offences that may be committed by “foreign fighters”, and highlighting them as part of terrorism-related offences;

2. Valorization of the results obtained represented by the temporal succession of acts of human creativity, as an intrinsic feature in the adoption of rules for the criminalization of acts of terrorism by using systems and databases intended for person identification;

3. Presentation of the indicator and of the component underlying the development of the risk analysis in the context of combating the identified vulnerabilities and risks for the improvement of integrated border management;

4. Presentation of the systems and databases used for person identification;

5. Proposition of indicators on which the prediction (anticipation) of the behavioural profile of “foreign fighters” and the identification of such persons could be based.

In view of achieving the goals set and of obtaining positive outcomes, we have used in our research certain methods by which the “foreign fighters” phenomenon was highlighted, in parallel with the elements and stages leading to the prevention and combating of the phenomenon, such as:

Discourse analysis, in which we took into account the fact that discourse is the leitmotif of the essential element of human interaction as an a priori form of gnoseology and we went on to carry out an *individual study* and a *case study*, as tools of the theoretical side, through which we sought to highlight the manner of thinking and possible behaviour of an individual. Also, through the *content analysis of the documents* and the *comparative* method, our aim was to emphasize the value of the documents as public policies. We also used the method of *observation* to highlight legal rules that may be enforced without causing intrusions in the field of fundamental human freedoms. The *logical* method and the *phenomenological* method were used to explain the complex associations that are formed between the factors making up the premises for the occurrence of the “foreign fighters” phenomenon, in view of building a matrix to be used for predicting the behaviour of the “foreign fighter”. Last, but not least, the *historical* method and the *statistical* method, as components of the empirical side of the research, reflecting human subjectivity in the analysis and processing of the data, but also components of the theoretical side through the use of statistical formulas and of science in general in the identification of a person by means of biometrics,

allowed me to analyze the conditions in which the phenomenon of terrorism occurs and the ways in which it can manifest itself in society.

The adoption of policies that meet the requirements in terms of terrorism prevention and combating, and the implementation of procedures arising from the best practices used for person identification will inherently lead to the desired climate of safety within the European area.

To achieve this goal, taking into account the way in which the complexity of the “foreign fighters” phenomenon might influence legislative changes in the field of criminal law and criminal procedural law, we focused on a constant evaluation of European regulations and the analysis of the resulting opportunities, by identifying issues of comparative law, in order to establish just relations between primary and secondary legislation.

We believe that the dissemination of the information included in this research contributes to a better understanding of the “foreign fighters” phenomenon.

CURRENT STAGE OF KNOWLEDGE

In order to show what the current stage of knowledge in this field is, we considered it necessary to begin by clarifying the meaning of the concepts of “foreign fighter” and “foreign terrorist fighter”, while also presenting the importance of paradigms in the process of understanding the phenomenon being examined. As a result, we emphasized the fact that the concepts of “foreign fighters” or “foreign terrorist fighters” are not new, and, in fact, they refer to persons who have their domicile in a country and travel to another country in order to take part in armed conflicts by enlisting in terrorist groups, their activity being considered one of the social blights of the 21st century.

Given that the definition provided by the UN Resolution¹, which uses the term “foreign terrorist fighters”, may be interpreted in a restrictive sense, to refer only to people travelling to Syria and Iraq, in our research and in the present thesis, we preferred using the term “foreign fighters”, emphasizing its wider meaning. In this sense, we must highlight the fact that in this study we are also making reference to other situations in which “foreign fighters” took part in armed conflicts in other parts of the world,² and the persons concerned are sometimes involved in illegal activities³ without travelling for the specific purpose of carrying out terrorist activities.

In fact, the term “foreign fighters” is increasingly used by institutions or organizations, by officials of the European Union and by many other specialists in their works or researches when referring to the phenomenon of terrorism.

While the methods used to reach the goals set made it possible to understand the concepts of criminal law and criminal procedural law by investigating social reality and by assessing the results obtained in the investigation of the “foreign fighters” phenomenon, the paradigms used form the basis for emphasizing the manner in which we approached the research activity carried out and pointed out the methods of preventing, combating and investigating the general and specific features of the “foreign fighters” phenomenon.

In view of presenting the players⁴ who are involved in the process of gathering knowledge about the investigated phenomenon, we dedicated part of this section to outlining the manner in which these players disseminate data and information concerning the “foreign fighters” phenomenon, such data and information contributing to an improved comprehension of the terrorist

¹ Resolution no. 2178 of 24 September 2014 (S/RES/2178-2014), adopted by the United Nations Security Council, p. 2; the text of the resolution was also published in the Official Journal no. 301 of 4 May 2015.

² E.g. the conflict in the former Yugoslavia, Afghanistan, etc.

³ Training, recruitment, guidance, financing, etc.

⁴ Institutions, international organizations, governmental organizations, other public or private entities

phenomenon and of the measures adopted by the authorities in order to combat terrorist activities.

The interferences occurring within society between the need to ensure national security and privacy protection might lead to situations where the obligation to respect human rights and the need to ensure national security⁵, without offering detailed information to the community in this regard, raise huge challenges for officials of international institutions and organizations, as well as for the national authorities of the countries concerned.

In the final part of the section, we emphasized a few issues that are still of interest to us, considering the specific nature of the “foreign fighters” phenomenon, and which should provide answers to at least the following questions:

- a) What should be the unanimously accepted definition of terrorism?
- b) Is the concept of terrorist state admissible?⁶ Personally, we will never find it admissible.
- c) Can any radical measures be implemented against “foreign fighters”, while also respecting human rights and freedoms?
- d) What is the proportion of person identification when using electronic systems as compared to the proportion of privacy intrusions due to the same identification systems?

⁵ See footnote no. 72 in the Thesis, p. 44.

⁶ The concept of terrorist state is not accepted within the European Union – The Guidelines for a Common Approach to the Fight against Terrorism (which are based on the Guidelines for a Common Approach to Suppress International Terrorism, issued in 1986 and revised), p. 2 - <http://www.onpcsb.ro/pdf/Ghidul%20privind%20abordarea%20comuna%20in%20lupta%20impotriva%20terorism.pdf> - website accessed on 16 November 2016.

SYNTHETIC PRESENTATION OF THE CHAPTERS OF THE DOCTORAL THESIS

In terms of structure, the thesis consists of 5 chapters, which are divided into 32 subchapters, 62 sections and 69 subsections.

CHAPTER 1 GENERAL ISSUES REGARDING THE PHENOMENON OF TERRORISM

Chapter 1, which comprises 10 subchapters⁷, 17 sections and 7 subsections, presents the characteristics of the terrorist phenomenon in general.

In the first subchapter, we highlighted some of the paradigms that govern the phenomenon of terrorism. Since we consider that there is a great difference between frustration, which is the harming of one's inner self, arising from the lack of understanding of everyday realities, as a reaction to the activity of society, being considered a degradation of morals, and crisis, which occurs against the background of the degradation of society as a whole,⁸ and alters the mental state of the person, we have analyzed the paradigm of crisis and the paradigm of frustration separately.

Thus, a crisis may be considered as a cause, while frustration is the effect of a crisis.

The other paradigms analyzed, which also govern the phenomenon of terrorism, are as follows: the *paradigm of the lone wolf or the instrumental paradigm*, in the context of which we are highlighting the illogical aspect of the character of a person struggling with the paradox of understanding the realities of the contemporary world; the *cultural paradigm*, in an attempt to explain the

⁷ The conclusions of the chapters are considered to be subchapters.

⁸ The crisis can be a social, economic, political one, etc.

emergence of terrorism against the background of the degradation of the concept of culture in the case of sudden transition from a political form of organization to another; the *ideological paradigm*, which is based on the charisma of the leader and the individualization, by that leader, in particular of moral rules that are closely related to religious rules; the *social paradigm*, in which chaos is generated by the downfall of democracy following social changes; and the *geopolitical paradigm*, which shows the dependence of the internal factors of a society that accepts the authority of the terrorist organization, on the regional and global geopolitical elements through which the education of the population is influenced.

In subchapter 2, particular emphasis is placed on the “foreign fighters” paradigm, highlighting, in the context of the fluctuating mental attitudes of the “foreign fighter”, the relationship between the objective and subjective factors which influences the basic impulse and underlies the retrogressive actions, aimed at propagating chaos in society.

In the following subchapters, sections and subsections, the fundamental concepts, definitions and motivations leading to the perpetration of acts of terrorism, as well as the classification of the organization of terrorist structures, are presented.

In the section and subsections dedicated to the analysis of motivations behind terrorism, we have presented in detail three of the motives which are, in our opinion, essential to understanding the phenomenon of terrorism, namely:

1. The political motivation, where the main purpose is to achieve political emancipation;

2. The religious motivation, which is perhaps the most complex and difficult to explain, and whose aim is to unite the community through the indiscriminate acceptance of the religious dogmas preached by a religious leader who has a special persuasive power;

3. The anarchistic motivation, whose main characteristic is that it opposes any political power, whether democratically established or not, the main goal being the undermining of state power.

Next, we went on to present, by resorting to statistics, the phenomenological origin and diachrony, the geopolitical, social framework and the causes for the emergence of the phenomenon of “foreign fighters” in Syria and Iraq, but also the geographical areas of origin of the “foreign fighters”, with a special emphasis on certain regions in Northern Africa, the Middle East and Europe, showing the behavioural characteristics and the causes favouring the “foreign fighters” phenomenon.

Subchapter 9 is dedicated to aspects concerning the rehabilitation and reintegration into society of “foreign fighters”, processes which are highly complex and hard to put into practice, because of the reluctance towards the measures imposed by the authorities, which is manifested both by the community into which the former terrorists are to be integrated, and by the “foreign fighters” themselves.

The conclusion summarizes the need to accept the ideological change of “foreign fighters”, which must not be just influenced by and left prone to the ephemeral decision-making of religious leaders, but must be seen as an a priori condition and tolerated as alterity of conscience.

CHAPTER 2

LEGISLATIVE PROVISIONS REGARDING THE INCRIMINATION OF TERRORIST ACTS

Chapter 2 consists of 5 subchapters, 8 sections and 32 subsections, in which comparative aspects of the criminal and criminal procedure legislative rules of some of the Member States of the European Union and a few third countries, relating to the phenomenon of terrorism in general and the phenomenon of “foreign fighters” in particular, are presented.

The body of works used in order to highlight, by comparison, the legal and judicial methods and rules used in the criminal law and criminal procedural law of the Member States of the European Union, and of third countries, is supplemented by the use of logical empiricism.

By analyzing the legal foundations used in criminal law and criminal procedural law in various countries, one notes the compatibilities and jurisprudential symmetries of various legal systems that are being used at the level of states and institutions making up the European Union, to promote those criminal rules which eliminate the differences in understanding and enforcement of the concept of guilt (basic intent) of the “foreign fighters”.

This chapter presents concisely situations with reference to aspects of international and European comparative law by which acts of terrorism are criminalized, and it includes a brief comparative analysis of the incrimination of acts of terrorism at European level.

We note that, in relation to the former European rules incriminating terrorism, the (EU) Directive of 2017⁹ adds the new elements in terms of terrorist offences¹⁰, while also introducing concepts related to the liability of legal persons (entities),¹¹ jurisdiction in criminal matters and criminal prosecution,¹², as well as certain concepts regarding the rights of persons who are victims of acts of terrorism, which are closely dependent on respect for fundamental human freedoms.¹³

As a result of the analysis of legislative provisions regarding the incrimination of acts of terrorism in the Member States of the European Union, as well as in third countries, it can be concluded that both the legal system based on

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, published in the Official Journal no. 88, 31.03.2017.

¹⁰ Art. 3 to Art. 14, EU Directive no. 541 of 2017.

¹¹ Art. 17 and Art. 18, EU Directive no. 541 of 2017.

¹² Art. 19 and Art. 20, EU Directive no. 541 of 2017.

¹³ Art. 23, EU Directive no. 541 of 2017.

Roman law, in which the doctrine plays an important role, and the Anglo-Saxon legal type of system, which is based on the legal rule derived from the judicial precedent, have common provisions regarding the fulfillment of certain requirements¹⁴ for the classification of the illegal activities as acts of terrorism, the authority conducting the criminal investigation, the jurisdiction of courts, the gradual enforcement of imprisonment penalties, depending on the degree of involvement of the persons concerned in terrorist activities, etc.

However, we cannot overlook a major difference which is apparent, in the case of the regulatory act that incriminate terrorism. Thus, in certain countries, terrorism and, implicitly, the activity carried out by “foreign fighters”, are provided for and sanctioned by special laws, whereas in other countries, this illegal activity is incriminated by certain provisions of the Criminal Code.

Accordingly, in all the legal systems that we have examined, an activity that we consider as a significant added value within the research performed in order to determine the behavioural profile of “foreign fighters”, we have come upon principles such as *Nulla poena sine lege scripta*, *Nulla poena sine lege certa* and *Nulla poena sine lege stricta*, whereby criminal rules are applied in a similar manner.

Nevertheless, in order for the legal system, which aims to prevent, combat and incriminate acts committed by the “foreign fighters”, to be enforced by the judiciary (the judicial system), and for the latter to be able to operate without reservations and ambiguities, the principle *Abusus non tollit usum* must also be applied.

By using inductively a posteriori arguments, the confrontation at the level of society between the need to ensure national security and the obligation to guarantee the protection of the individual’s privacy is exposed, taking as a priority

¹⁴ Intimidation of the population, coercion of a national or international public institution or organization to do, not to do or to refrain from fulfilling certain obligations, etc.

point of reference the Community acquis (body of laws) adopted at European Union level.

Subchapter 3 highlights the general characteristics on the fulfillment of which depends the acceptance, in our country, as terrorist offences of certain acts committed, but there are also general references regarding the content of the crimes which emerge as acts of terrorism, and extrinsic factors.

The conclusion of this chapter may be succinctly stated as a challenge for decision-makers in the forums of the European legislative institutions on their way to improving the legislation for the prevention, combating and criminalization of acts of terrorism.

CHAPTER 3

LEGISLATIVE PROVISIONS REGARDING THE INVESTIGATION OF THE ILLEGAL ACTIVITY CARRIED OUT BY “FOREIGN FIGHTERS”

Chapter 3 comprises 7 subchapters, 16 sections and 8 subsections, and it presents aspects relating to the methods of notification of the national authorities, the jurisdiction of judicial bodies and of the structures specialized in the investigation of terrorist activities committed by “foreign fighters”.

The beginning of the chapter focuses on the presentation of the powers that the judicial bodies have in investigating terrorist acts, with an emphasis on the concise presentation of the criminal legislation regulating the matters referred to, a comparison being made between the legislation of Romania and those of France and Hungary.

We have described the jurisdictional powers of structures specialized in investigating terrorist acts, such powers being based on fundamental rules whose violation implicitly leads to the nullity of the procedural acts drawn up during the criminal investigation. The importance of respect for the fundamental rules related to personal privacy is highlighted once more.

The main body of subchapters 3 and 4 is dedicated to analyzing the constitutive content of certain terrorist crimes that are likely to be committed by “foreign fighters”, and focuses on explaining the legal and material object of the criminal offence, the active subject and the passive subject, the detailing of the immediate consequence, with an emphasis on the fact that, most of the time, the occurrence of a dangerous situation is sufficient for a formal offence to exist.

In all cases, the cause-effect correlation, for the offences presented, results from the act itself (*ex re*), because the acts we have analyzed are crimes of danger and it is not necessary to provide the conditional argumentation of the cause-effect correlation as material proof of the act committed.

The form of guilt provided for and sanctioned by the criminal legal rule may be committed only with direct intent.

It is also noted that crimes related to the movement, recruitment, participation in training or training or preparation of a person in view of committing terrorist acts, are in continuous form, their exhaustion occurs immediately after the perpetration of the act for the last time, and for all six offences analyzed, the time of their consummation is the moment when the immediate consequence occurs, as component of the objective side.

In subchapter 5, we present the manner in which the competent bodies are notified in cases where acts of terrorism are committed, the common measures which are ordered in view of conducting the investigation at the crime scene, some of the special methods of investigation (surveillance, interception of communications and messages of any kind, operations using undercover agents, verification of bank operations and accounts), as well as searches, seizures of documents and/or objects, or expertise in the case of terrorist acts committed by “foreign fighters”.

In this subchapter, special attention is given to the criminal procedural regulation of the hearing of persons, with the identification of similarities between the criminal law of Romania and that of other countries, which are Member States

of the European union or third countries. Thus, in the case of the hearing of a witness or of the aggrieved person, the protection of the aggrieved person is ensured, as well as the suspect's or the defendant's right to defence, as appropriate, all of these measures leading to a fair criminal trial.

In subchapter 6, we offer a brief analysis of procedural regulations, in terms of the jurisdiction of law courts, in the case of terrorist offences committed by “foreign fighters” from the Republic of Moldova and the United Kingdom¹⁵.

The conclusions show that the investigation conducted in the case of terrorist crimes committed by “foreign fighters” leads to the strengthening of cooperation in terms of protection of national security by eliminating the discrepancies between legal rules in the field of criminal law and criminal proceedings which underly the prevention, combating and investigation of the “foreign fighters” phenomenon.

CHAPTER 4.

PREVENTION AND COMBATING OF TERRORIST ACTS COMMITTED BY “FOREIGN FIGHTERS”

The content elements of Chapter 4, which consists of 6 subchapters, 15 sections and 19 subsections, focus on the presentation of certain tools and database systems, as well as of the institutions that make use of such tools and databases, which contribute to the prevention, combating and investigation of terrorist crimes committed by “foreign fighters”.

Risk analysis is described, in the first subchapter, as an essential connection, being the link between two key components, namely, migration and operational information. As a tool, risk analysis may be used to detect vulnerabilities that are exploited by “foreign fighters”.

¹⁵ The analysis is broken down to refer separately to England, Scotland, Northern Ireland and Wales.

Phrases such as *terrorist risk*, *risk analysis*, *operational information*, *legal migration* and *illegal migration* are described and interpreted, as well as some activities related to the risk management process, all of which are supported by the presentation of statistical data or the pointing out of *goals/targets*¹⁶ pursued by terrorist groups which are achieved, in the end, by committing terrorist attacks.

Subchapter 2 presents the institutions with duties in the field of prevention, combating and investigation of terrorist acts committed by foreign fighters, with an emphasis on the following:

1. The European Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice (EU-LISA) which manages three major IT systems:

1.1 Database of Border Alerts - Schengen Information System (SIS);

1.2 Visa Information System Database (VIS);

1.3 European Asylum Dactyloscopy Database (EURODAC).

by means of which data and information concerning persons who cross the outer border of the European Union are processed and archived, as appropriate.

2. The Southeast European Law Enforcement Centre (SELEC Convention).

3. Specific structures for cooperation between police authorities (Points, Offices and Contact Centres), a concept which has emerged by application of the provisions of the Schengen acquis in the national legislation.

Subchapter 3 is dedicated to the presentation of systems related to border alerts – SIS, information regarding visas – VIS, the SMART BORDERS Package (Entry/Exit System – EES, Automated Border Control System –ABC System), Brain Fingerprinting and databases (EURODAC and PNR - Passenger Name

¹⁶ Political Goals, Ecological Goals, Economic Goals, Educational and Sports Training Goals, Tourist, Commercial or Recreational Goals

Record) that are used for the identification and hearing of persons suspected of committing terrorist crimes.

On the basis of algorithms used in linear distribution, a forecast function of statistics, by processing the data recorded in the EURODAC system, we have obtained the relative estimate of the value of the asylum seeker indicator for years 2020 and 2021, which may be used in the management of the risk generated by migration. In this sense, by year 2021, depending on the criteria for the relaxation or intensification of migration, the percentage of persons who will request some kind of international protection will be 12% to 13% per year.

Subchapter 4 presents some of the forensic systems and related databases that are used in Romania for person identification.¹⁷

The conclusion is, without a doubt, that the tools and databases for person identification have been implemented and are being used in a mature and democratic way, under the patronage of the EU–LISA institution, and they are of great help to the authorities in the prevention, combating and investigation of acts included in the “foreign fighters” phenomenon.

CHAPTER 5

APPLIED STUDIES IN THE CASE OF TERRORIST ACTS COMMITTED BY “FOREIGN FIGHTERS”

The last chapter comprises 4 subchapters, 7 sections and 3 subsections.

Subchapter 1 begins with a presentation of the similarities and differences between the “lone wolf” terrorist and the “foreign fighter” terrorist, with an emphasis on the tactical, logistic and financial features available to the “foreign fighter” terrorist, who can take action like a true “lone wolf”, but with outcomes

¹⁷ IMAGETRACK System – facial recognition system, AFIS 2000 system, identification system for persons with unknown identity - CDN application, and genetic analysis and identification system - DNA system.

that are much more devastating in terms of material damages and of human casualties.

Next, 15 terrorist attacks are presented, which were committed in the period May 2014 to March 2018, and which will make up, from the standpoint of the empirical side of the research, the foundation for extracting the indicators on the basis of which the behavioural profile of the “foreign fighter” will be generated, and by figuring out the theoretical methods to be applied, based on the elements enshrined in criminal law and criminal procedural law, we have managed, in the current context, to identify the main elements of the behavioural profile of the “foreign fighter”, which are as follows: young man aged between 18 and 30 years, citizen of a European country, but with origins in the Muslim-populated countries of Africa, the East or areas of Europe or the former Soviet Union, with secondary or higher education, having military knowledge, known with a minor criminal record, without being in the attention of the authorities for acts of terrorism, involved in drug trafficking or drug user and who, due to personal grievances, was radicalized and recruited as a “foreign fighter, thus becoming a member of terrorist organizations or groups.

Subchapter 2 focuses on describing the convergence between the “foreign fighters” phenomenon and cyberterrorism, a field which, with the developments of IT applications and of the Internet, has quickly developed in the last decades, becoming increasingly important in terms of the methods by which national authorities intervene to ensure the quality of security indicators.

Subchapter 3 is dedicated to a brief SWOT analysis which identifies the risks generated by the “foreign fighters” phenomenon at domestic and international level in fields such as legislation, infrastructure/logistics/IT, financial and political/managerial, as appropriate; if no interventions are made to minimize them, these risks can seriously affect decision-making and structures at the highest managerial level.

The conclusions stated in this chapter around the concept of terrorism clearly show the complex nature of the “foreign fighter”, who does not differentiate between persons representing the state authority or civilians, while also highlighting the need to develop IT programs to combat the phenomenon of terrorism, as a whole.

SCIENTIFIC CONTRIBUTIONS AND INNOVATIVE ELEMENTS OF THE THESIS

The theoretical side of the scientific study carried out was aimed at indicating the components of the main goal (objective), at explaining and developing fundamental concepts related to the “foreign fighters” phenomenon, at least in fields such as the history of terrorism, the emergence, manifestation and development of paradigms pertaining to the phenomenon of terrorism, forms and manifestations of the “foreign fighter” phenomenon versus concepts, for the prevention, combating and investigation of acts circumscribing the phenomenon.

The empirical side, which complements the theoretical side (dominated, as expected, by references to specialty works), emphasizes the results obtained by specialists, whether professors, scholars or experts, which were disseminated in various occasions, interpreted according to personal perception in the context of the collection and processing of data and information as part of the research conducted. In this respect, the subjectivity of the selection of data and information being processed cannot be denied.

Thus, we have established the basic conditions for the identification and prediction of the *behaviour* of the “foreign fighter”, which will form the future premises for the development of appropriate policies in the field of the prevention, combating and investigation of the behaviour of individuals who are likely to become radicalized and to commit terrorist acts.

Also, personal contribution manifested itself in the research performed through the pragmatism shown in identifying issues that might occur in terms of

management of the activities in crisis situations caused by the “foreign fighters” phenomenon, as well as through the SWOT analysis carried out, whose result reflects the manifestations of rejection of culture, education, of the manner in which activities are carried out in a human society, in general, by radicalized persons who have the potential to commit antisocial deeds.

As regards the practical activity in which I was involved and which has a direct impact on the research conducted underlying this doctoral (PhD) thesis, it is also made evident by the following:

1. Participation and completion, in May 2016, in my capacity as coordinator, on behalf of the General Inspectorate of the Border Police, of the project financed by European funds, establishing the National Passenger Information Unit (NPIU), a project by which we implemented the European provisions for the collection, storage, processing and transmission of data referring to airline company passengers, to the authorities with duties in the field of prevention, detection, investigation and criminal prosecution of terrorist offences and of threats to national security.

2. Participation, during the period May to September 2016, in my capacity as coordinator, on behalf of the Romanian Border Police institution, in another project financed by European funds, aimed at developing the NPIU interconnection, project in which Hungary was the beneficiary, Europol was an associated partner, and Romania, together with other Member States of the European Union (Bulgaria, Lithuania, Portugal and Spain), was a co-beneficiary.

3. Activities of representation of Romania or of the Romanian Border Police institution, upon participating in seminars and working groups located in Spain (Barajas Airport in Madrid), Portugal (Portela Airport in Lisbon), Belgium (Zaventem Airport in Brussels), Netherlands (Schipol Airport in Amsterdam), Bulgaria (Letishte Airport in Sofia), where the ABC system was tested and operates, or at FRONTEX Agency.

We cannot conclude without emphasizing that this study is a personal contribution which is added to other researches carried out in order to highlight criminal law and criminal procedure law regulations in the field of national security, regulations which could lead, in light of the dynamics of the “foreign fighters” phenomenon, to legislative changes.

FINAL CONCLUSIONS

The final part of the doctoral thesis is reserved, as one might expect, to the conclusions and results pursued and obtained during the conduct of the research of the “foreign fighters” phenomenon.

One element of the unstable and deviant behaviour noted in the case of “foreign fighters”, which we must pay attention to, is the obsessive clamour by which these people attempt to express, in the first phase, their inner self as shaped by religious dogmas, which they consider to lie at the core of the universe.

Accordingly, we note that the aggressiveness of acts committed by “foreign fighters” is generated by a total absence of logical integration in accepting cultures, customs or religious dogmas that are not in agreement with their own exegesis of verses from the Quran.

Although the thesis, through the study of terrorist behaviour and by dealing in particular with the prevention and combating of terrorist acts committed by “foreign fighters”, mainly belongs to the field of criminology, we believe that, by highlighting specific activities related to the conduct of searches, of technical scientific findings, the hearing of persons, etc., or the manner in which some institutions in the European Union and in Romania use systems and databases for person identification, including by means of the SWOT analysis, we have also touched upon elements specific to the field of forensic science.

Taking into account the fundamental human rights and freedoms, but without, however, accepting impunity, it is incumbent upon national authorities in the legislative field to order, by enforcing the provisions of European and

international rules, measures for the prevention, combating and investigation of acts committed by “foreign fighters”.

The proposal to supplement the relevant law in the matter is beneficial for the clarification of the concept of “foreign fighter”, but also as regards the imprisonment penalty for persons who fall into that category.

Also, we express our conviction that the laws to be adopted in the future will not contain any legal digression in relation to the acts that are circumscribed to the “foreign fighters” phenomenon, even in cases of related actions.

Therefore, the study carried out, through the predictions made and our own perspective on the emergence and developments of the “foreign fighters” phenomenon, is a starting point in the approach to and combating of the actions of “foreign fighters”, and creates the foundation for the immanent materialization of human morality and ideas, so as to provide the necessary management for the development of human society.

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