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Inspiration, Not Infiltration

Jihadist Conspirators in the United States

Brian Michael Jenkins

RAND Office of External Affairs

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Testimony presented before the House Oversight and Governmental Reform Committee and Governmental Reform, Subcommittee on National Security and Subcommittee on Health Care, Benefits, and Administrative Rules on December 10, 2015

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Brian Michael Jenkins¹
The RAND Corporation

***Inspiration, Not Infiltration:
Jihadist Conspirators in the United States²***

**Before the Committee on House Oversight and Governmental Reform
Subcommittee on National Security
Subcommittee on Health Care, Benefits, and Administrative Rules
House of Representatives**

December 10, 2015

Chairman Jordan, Chairman DeSantis, Ranking Member Lynch, Ranking Member Cartwright, and Members of the Subcommittees, thank you for inviting me to address the important issue of whether terrorists are able to exploit the Visa Waiver Program to enter the United States.

Even before last month's horrific attacks in Paris, concern about the growing number of Western recruits joining the Islamic State of Iraq and the Levant (ISIL) and other jihadist groups in Syria and Iraq and the exodus of refugees flooding Europe from the Middle East and North Africa have led the House and the Senate to hold urgent hearings focusing on whether terrorists could exploit the Visa Waiver Program or infiltrate the deluge of refugees to enter the United States.³

Today's testimony offers a different approach and will examine a broader topic: how terrorists may enter the United States. Al Qaeda and some of its affiliates, and now the so-called Islamic State and its adherents, seem determined to carry out terrorist attacks in the United States. To do so, they must remotely inspire individuals already here to take action on their behalf (the so-called

¹ The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research. This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors.

² This testimony is available for free download at <http://www.rand.org/pubs/testimonies/CT447.html>.

³ Brian Michael Jenkins, *Containing Middle East Terror: Measures to Reduce the Threat Posed by Foreign Fighters Returning from Syria and Iraq*, Testimony presented before the House Homeland Security Committee, Subcommittee on Border and Maritime Security, March 17, 2015; *The Continuing Lure of Violent Jihad*, Testimony presented before the House Homeland Security Committee, March 24, 2015; *There Will Be Battles in the Heart of Your Abode: The Threat Posed by Foreign Fighters Returning from Syria and Iraq*, Addendum to Testimony before the Senate Homeland Security and Governmental Affairs Committee on March 12, 2015, April 17, 2015; and *The Implications of the Paris Attack for American Strategy in Syria and Homeland Security*, Testimony presented before the Senate Homeland Security and Governmental Affairs Committee, November 19, 2015.

“self-radicalized” or homegrown terrorists), or they must try to get terrorist operatives into the country. Disrupting their planning must be an urgent priority with respect to both scenarios.⁴

That leads to the first question: How have those who have plotted terrorist attacks entered the United States in the past?

A review of how terrorists got here, which we will come to in a moment, can help guide where the United States needs to prioritize its efforts and resources.

Security has become an increasingly important aspect of screening immigrants and temporary visitors (including tourists) who come to the United States, and various security enhancements have reduced some of the obvious vulnerabilities. These measures also may have a deterrent effect, but as long as these terrorist organizations exist, the operative presumption must be that they will keep trying to carry out attacks here. How terrorists got here in the past shows us some important points, but may not be a reliable indicator of how terrorist organizations may attempt to bring violence here in the future.

That leads to the second question: How might terrorists in the future try to overcome the security measures in place to prevent their entry?

Addressing this question may help identify some remaining vulnerabilities.

A Long-Term Problem

Concern about how to keep terrorists out of the country is not a new problem for the United States, nor is it one that will go away any time soon. While current events at home and abroad understandably drive our concern, it is important to recall that the threat of foreign-inspired terrorism reaches back before 9/11 to the terrorist attacks and plots of the 1990s—and even as far back as the early 1970s—and that the threat is likely to continue years into the future. It is the nature of contemporary conflict.

In 1973, Khalid Duhham Al-Jawary, acting on behalf of the Palestinian terrorist group Black September, flew from Jordan via Canada to New York, where he rigged car bombs to explode at three Israeli targets in New York City. Ironically, Al-Jawary (a citizen of Iraq and Jordan) entered

⁴ I would like to thank Richard Daddario, David Lubarsky, and my RAND colleagues Laura Baldwin, Jayme Fuglesten, Andrew Liepman, and Henry Willis for their reviews and helpful comments, and Janet Deland and Valerie Nelson for their editorial assistance.

the United States claiming to be enrolled in training for a commercial pilot's license—the same purpose the 9/11 hijackers gave. Owing to faulty circuitry, the bombs he constructed, which could have caused massive damage, failed to detonate. Al-Jawary was able to escape the country and was not apprehended until 18 years later. He was sentenced to 30 years in prison, but was released in 2009 and deported.

In the 1993 World Trade Center bombing, homegrown terrorists were assisted by bomb-maker Ramzi Yousef, who entered the United States on an Iraqi passport, then claimed asylum. To help him construct the bomb, Yousef enlisted Abdul Rahman Yasin, a U.S.-born citizen whose family had moved back to Iraq when he was a young child. Yasin used his U.S. citizenship to obtain a passport and returned to the United States eight months before the bombing.

After the World Trade Center bombing, authorities interrupted a follow-on plot to blow up additional targets in New York. Most of the conspirators in what became known as the Landmark Plot were U.S. legal permanent residents as a result of marriages later suspected to have been fraudulent.

One of the two would-be suicide bombers targeting New York's subway system in 1997 entered the country on a transit visa, which he overstayed. The other had a long record of illegal entries from Canada, but when Canada refused to take him back, he was placed on parole awaiting a hearing.

In 1999, as part of the broader Millennium Plot to carry out simultaneous attacks in the Middle East and the United States, Ahmed Ressay planned to bomb Los Angeles International Airport. He entered the country on a fraudulently obtained Canadian passport, but was stopped and arrested by U.S. Border Patrol agents. The 9/11 hijackers all entered the country on tourist, student, or business visas.

Since 9/11, al Qaeda's jihadist ideology has inspired more than 50 terrorist plots in the United States, most of them interrupted by authorities. Al Qaeda also has made several attempts to bomb flights bound for the United States. Two of these involved foreign recruits (Richard Reid, the "shoe bomber," and Umar Abdulmutallab, the "underwear bomber") who were able to obtain visas and board U.S. aircraft in Europe.

In addition, two Iraqis who were implicated in attacks against U.S. forces in Iraq were mistakenly allowed to enter the United States. Once their connection to Iraqi extremists was uncovered, they

were investigated, arrested and convicted for continuing to support extremist groups in Iraq, although they had not been involved in any terrorist plotting in the United States.

Since 1990, the United States has had a total of 182 terrorists who, inspired by jihadist ideology, have attempted to carry out attacks in the United States or on U.S.-bound flights—137 involved in post-9/11 terrorist attacks or plots, the 19 9/11 hijackers (plus the 20th hijacker, Zacarias Moussaoui, who entered the country and took flying lessons but did not participate in the 9/11 attacks), and the 25 pre-9/11 conspirators from the 1990s.⁵ These numbers derive from ongoing analysis of publicly available records. They will be periodically augmented and corrected as additional information becomes available.

The good news is that 182 is a relatively low number of perpetrators (although with the disastrous outcome of 9/11), especially when spread over nearly 26 years. For the more than 14 years since 9/11, the total comes to 120, an average of about nine persons a year.

How Did They Get Here?

It is important to emphasize that the majority of terrorist conspirators discovered during the past 25 years were already here. They did not need to travel to the United States, they needed no documentation—they were Americans. In some respects, identifying terrorist operatives overseas and preventing them from coming here is the easy part. Identifying enemies among us is the big challenge.

Of these 182 persons mentioned above, 101 were U.S. citizens (at least 57 of them were born in the United States, 38 were naturalized, and six were U.S. citizens for whom details were not available). An additional 28 were legal permanent residents. Given the time it takes to become a U.S. citizen or even acquire legal permanent resident status, this means that at least 129 (71 percent) of the 182 were homegrown terrorists—that is, they were probably radicalized while living here. This appears to be the prevailing pattern. Few of the terrorist plots in the United States have involved recent arrivals. Three of the 1993 World Trade Center bombers; both of the would-be subway bombers in 1997; Ahmed Ressam in 1999—the 9/11 hijackers, of course—and,

⁵ This is according to information that appeared in earlier RAND publications and was updated for this hearing. See Brian Michael Jenkins, *Stray Dogs and Virtual Armies: Radicalization and Recruitment to Jihadist Terrorism in the United States since 9/11*, Santa Monica, Calif.: RAND Corporation, OP-343-RC, 2011; and *When Jihadis Come Marching Home: The Terrorist Threat Posed by Westerners Returning from Syria and Iraq*, Santa Monica, Calif.: RAND Corporation, PE-130-1-RC, 2015. I am grateful to my RAND colleagues Andriy Bega and Anita Szafran for their assistance in assembling the information and constructing the new spreadsheets.

since 9/11, a couple of others, came to the United States with the express purpose of carrying out a terrorist attack. The rest are homegrown.

Three of the four conspirators named in the 2006 plot to blow up fuel pipelines at John F. Kennedy International Airport in New York were foreigners who were arrested abroad—they did not enter the United States and therefore we do not count them here. Of the 50 who entered the country (as opposed to those already here for a while), 32 had some type of temporary visa. (Twenty of these came on tourist visas, five on student visas, one on a business visa, one on a transit visa, the others on unidentified visitor's visas.) At least one-third of the visa holders overstayed their visas. The others came as refugees or asylum seekers, crossed the border illegally, or used other means of entry. Information was unavailable for two entrants.

Counting only the 134 persons involved in terrorist plots after 9/11 (and excluding the three foreigners who were arrested abroad), 96 of them (or 72 percent) were U.S. citizens; another 19 were legal permanent residents. In other words, this indicates that 115 (or 86 percent) were long-term residents of the United States. Only eight (6 percent) of these 134 were in the country on some type of temporary visa. (The remainder entered the United States by a variety of other means and information is lacking for one.)

Looking at the 25 pre-9/11 and the 20 9/11 conspirators—45 in all, 31 were in the country on temporary status—only 14 (31 percent) of the 45 were U.S. citizens or legal permanent residents. The greater percentage of long-term residents in the post-9/11 terrorist plots may reflect increased scrutiny of entry visas after 9/11.

Unlike Europe, the United States has yet to see returnees from the conflicts in Syria and Iraq involved in terrorist plotting in this country. This is a development to watch for.

Two of the 182 conspirators identified to date entered the country as refugees (plus the two Iraqi refugees who were arrested in Kentucky in 2011). Two more of the plotters were in the United States as asylum seekers. Another plotter was identified as an “immigrant” without further details. Three of the plotters had entered the country illegally by crossing the Mexican border.

Just three of the jihadist-inspired conspirators since 1990 entered the United States under the Visa Waiver Program. Ahmed Ajaj, a terrorist operative trained in explosives, flew into the United States in 1992 on the same flight as Ramzi Yousef. He attempted to enter the country on a Swedish passport bearing another name but altered with his photograph. The alteration was crudely done, and he was sent to secondary screening, where immigration officials found two

other passports in his luggage. Detained by authorities, he later pleaded guilty to using an altered passport and was sentenced to six months in jail, although he continued to keep in contact with Yousef while the latter built the bomb that would be used in the 1993 World Trade Center bombing. Ajaj was released just days after the 1993 bombing but was then rearrested and convicted of involvement in the plot. Meanwhile, Yousef, who claimed asylum upon his arrival, was released pending a court hearing.

Despite reportedly being on a French watch list for suspected involvement in terrorist activities, Zacaria Moussaoui, the 20th 9/11 hijacker, was granted a visa waiver as a French citizen and allowed to enter the United States.

As a British citizen, shoe-bomber Richard Reid also was granted a visa waiver and allowed to board an airplane headed to the United States in December 2001. Reid's passenger profile and behavior at the airport attracted the attention of airline security authorities, who prevented him from boarding the flight. Later questioned and cleared by French authorities, he boarded the same flight the following day.

All three cases involving the Visa Waiver Program could have had serious consequences. However, Ajaj was put in jail, Moussaoui was not able to participate in the 9/11 attack, and Richard Reid's explosive device malfunctioned. Intelligence cooperation has improved since 2001, while visa waiver requirements have increased.

Jihadist Conspirators in the United States since 9/11

U.S. citizens	96
Legal permanent residents	19
Temporary visas	8
Visa Waiver Program	1
Illegal crossing of border	3
Other (asylum, refugee, etc.)	7
TOTAL	134

What conclusions can we draw from this historical record?

The total number involved in jihadist terrorist plots in the United States is relatively low. Al Qaeda's long campaign to inspire Americans to carry out attacks in the United States has produced meager results. Few Americans have responded, and most of their attacks have been amateurish; although some of their attacks were still lethal, they lack expertise. ISIL's effective use of social media has lured a greater number of followers to come to the Islamic State in the Middle East but has not produced a wave of terrorism here. Intelligence efforts abroad and in the United States have disrupted most of the terrorist plots.

Most of the conspirators have been U.S. citizens or legal permanent residents radicalized in the United States. Since 9/11, the principal problem has been homegrown terrorism, not terrorists entering the country from abroad, although again underscoring the point above that jihadist propaganda has produced a low yield of terrorist attacks in the United States.

The failure to persuade Americans to carry out attacks may increase pressure on jihadist groups to infiltrate terrorist operatives to carry out attacks, recruit local confederates, and provide technical assistance. However, recruiting locals likely would expose the jihadists to discovery here, especially if they attempt to involve a larger number of attackers—such as the eight people directly involved in the recent Paris attacks. All it takes is one wrong choice, one person to betray the operation.

Theoretically, terrorist infiltrators have a number of options. They can try to enter the United States as refugees or request asylum upon arrival. They can apply for various entry visas, or if they are from one of 38 countries currently in the Visa Waiver Program, they can go through the procedures for a visa waiver. They can try to enter by posing as someone else, using counterfeit or altered travel documents. Or they can attempt to sneak across one of the land borders. None of these possible entry routes offer terrorists easy access.

Terrorists who tried to get in used many of the potential paths—visas of various types, asylum requests, fake marriages, and so on. The entries are distributed fairly evenly across the many approaches. This likely represents the variety in the opportunities available to the small number of individuals who attempted entry. That is, each approach offered different advantages and disadvantages, and each followed the path that was the best one for them at the time. The resulting pattern is more a function of individual circumstances rather than a reflection of underlying vulnerabilities.

In the past 25 years, only two refugees have been convicted of involvement in terrorist plots. This does not count the two Iraqis, who should not have been allowed in the country but who were not plotting terrorist attacks here. Moreover, refugees wanting to come to the United States often have to wait months, even years, before gaining approval. It is a slow route and one of the most scrutinized, which may explain why terrorists have not used it.

Only three would-be terrorists entered the country under the Visa Waiver Program, and none in the 14 years since Richard Reid's attempt to sabotage a U.S.-bound airliner.

However, the potential return from Syria of thousands of fighters with European passports will require increased vigilance. The new visa waiver application will ask specifically about travel to Syria, Iraq, or other conflict zones. The applicant may lie about it, putting the burden on intelligence collection to have accurate, up-to-date information about foreign fighters. Better information sharing, both within Europe and between Europe and the United States, is essential to ensuring that individuals known by one country to be affiliated with terrorism are known to all. Information within the European community must flow as easily as travelers can.

Few would-be terrorists run the border. One would-be bomber tried to enter the United States with a legitimate, although fraudulently obtained, Canadian passport, but he was stopped at the border for other reasons. Three persons illegally crossed the border from Mexico and, years later, became involved in a terrorist plot. In 2011, a radical Muslim cleric reportedly paid traffickers in Mexico to smuggle him into the United States but was arrested by Border Patrol officials. U.S. land borders are porous. Citizens from Mexico and Central America comprise the bulk of the immigrants illegally crossing the border, but immigrants from Middle Eastern countries and other non-European nations also have used this route for many years.

The most common way foreign participants in terrorist conspiracies have entered the United States has been through obtaining ordinary visas for tourism, business, or student purposes. Those who managed to enter successfully navigated the application and interview process. Since only eight such entries have occurred since 9/11, it is difficult to draw conclusions, except that it is not certain that procedures governing visa approval for non-visa-waiver citizens are necessarily better than those in place for granting visa waivers.

Moreover, **any reduction in entries through the Visa Waiver Program would increase the workload for processing visas, including interviews, which could degrade their quality.** Even spending a few minutes with each additional applicant would require significant reinforcements to the consular corps. (Nearly ten million nonimmigrant visas are were issued in 2014.)

Overstaying visas occurs in many of the cases. This is a problem that Congress has addressed several times. Tracking visitors' exits and visa overstays continues to be a major problem.

Americans Who Went Abroad to Join Jihadist Fronts

The data above include only individuals who have been involved in terrorist plots in the United States (or on U.S.-bound flights). Another 140 U.S. residents are known to have left home to join or try to join jihadist fronts abroad, or to seek instruction and gain experience that could then be used to plan attacks at home. Those who returned to participate in terrorist plots in the United States already have been counted in the above analysis. Others, frightened or disillusioned by what they saw, came home to lie low. However, in recent years, a growing number have left the United States seemingly for good to live or die in the ranks of ISIL or other foreign jihadist organizations in Syria and Iraq.

We have information on 134 of the 140. Of these, 115 (86 percent of the 140) were U.S. citizens, 18 were legal permanent residents, and one was a Canadian citizen. Foreigners residing in the United States on temporary visas do not show up in this group.

ISIL propaganda has been more successful than al Qaeda in attracting Americans to join its ranks abroad and also has been a point of inspiration for a number of recent terrorist plots in the United States. Thus far, no American returnees from Syria and Iraq have been involved in known terrorist plots in the United States.

Americans returning from Syria and Iraq, along with foreign fighters going back to visa waiver countries, as well as others, will pose a continuing terrorist threat, although it is important to point out that this group is among the most closely scrutinized. For reasons discussed below, this is, however, a long-term problem.

Assessing the Current Situation in Syria and Iraq

Before looking at the terrorist threat ahead, it is necessary to understand the dynamics of the conflicts in Syria and Iraq, which will continue to fuel that threat. Let me offer a brief assessment of the current situation.⁶

⁶ This summary is drawn from a more recent report: Brian Michael Jenkins, *How the Current Conflicts Are Shaping the Future of Syria and Iraq*, Santa Monica, Calif.: RAND Corporation, PE-163-RC, 2015.

The fighting in Syria and Iraq will continue

Right now the situation is at a military stalemate. By stalemate, I mean that the insurgents arrayed against the Syrian government and ISIL forces in Iraq cannot overthrow governments in Damascus or Baghdad, but for the foreseeable future, neither government will be able to restore its authority throughout national territory.

Sectarian and ethnic divisions now drive the conflicts, which have become an existential contest for all of the local parties—it is a fight to the death or, at least, exhaustion.

Syria and Iraq are now effectively partitioned—Iraq into relatively homogenous Shia, Sunni, and Kurdish zones, and Syria into a messier mosaic. This partition is likely to persist.

Foreign powers have significant stakes in the conflicts, but they have competing interests. Absent major military investments, outsiders cannot guarantee the victory of local allies.

The world will be dealing with the fallout of this conflict for years to come

The fallout includes a continuing terrorist threat, returning foreign fighters, and a deluge of refugees.

ISIL's ideology continues to exert a powerful pull. The U.S.-led coalition bombing campaign in Syria and Iraq, along with ground offensives by Iraqi government forces and Kurdish fighters, has recaptured some territory from ISIL, but the number of individuals joining or planning to join ISIL has not diminished. ISIL is calling on more to come.

ISIL portrays its struggle in apocalyptic terms as the final showdown between believers and infidels. This encourages extreme action and individual sacrifice. I suspect that as ISIL is put under increasing military pressure, we will see more references to the end of times, more calls to its supporters to carry out attacks lest they be left behind and miss their shot at paradise.

The volume of recruits, potential recruits, and returning fighters appears to be overwhelming authorities in Europe. While the number of Americans wanting to go to Syria has increased, it remains a fraction of the number of Europeans who are joining ISIL's cause.

As a consequence of the destructive style of fighting in the current conflicts, especially in Syria, 12 million refugees have been internally displaced or have fled the country. Another 4 million have fled or have been internally displaced in Iraq.

Hundreds of thousands of these refugees have headed to Europe, raising fears that terrorists can hide among the refugee masses to gain entrance into a country. Thus far, we have seen little evidence of this, although one or two of the terrorists in the Paris attack may have arrived in Europe disguised as a refugee. This is still being investigated.

The purpose of this sober assessment is to underscore that our exertions on behalf of security cannot be anaerobic. While providing for the common defense, the United States must preserve its open society and the ability of its citizens to travel abroad to visit, study, and conduct commerce (which means that others must be able to come here). Risk cannot be reduced to zero.

Looking Ahead

Disengagement from the conflicts raging across Africa, the Middle East, and South Asia is tempting but dangerous. Both al Qaeda and ISIL continue to exhort their affiliate groups and individual followers abroad to carry out terrorist attacks on their behalf. Leaving them alone will not change their behavior. Jihadist ideology is inherently aggressive. Perpetual war is fundamental to the jihadist belief system—without continued armed struggle, there is no al Qaeda, no ISIL.

Military progress against ISIL paradoxically could make things worse in the short run. As pressure increases, ISIL may become more determined to carry out major terrorist attacks in the territories of its tormentors in order to erode their support for the continuing anti-ISIL campaign, demonstrate its continuing strength, and maintain morale among disheartened followers.

After the Russians intervened in the conflict and started bombing extremist targets in Syria, pro-ISIL terrorists sabotaged a Russian airliner. Losses on the ground in Iraq to Kurdish and other Iraqi forces preceded the attacks in Paris. Without asserting that these terrorist attacks were centrally directed, they do suggest a correlation between battlefield setbacks and retaliation via terrorist attacks. U.S. bombing of ISIL is cited as a major motive by terrorist conspirators in the United States. We can probably expect more terrorism as the campaign against ISIL progresses.

If ISIL is crushed, its local supporters will go underground, as they did before in Iraq, to continue the fight—but its foreign fighters cannot easily survive a clandestine struggle. They will go on to other fronts or return home. It is likely that some will be bent upon revenge.

In response to continuing terrorist threats, the United States has erected 21st-century walls: increased scrutiny of travelers, more fields to be filled out in entry applications, bigger intelligence databases, longer watch lists, identity checks requiring biometric confirmation. These have made us safer, but they must remain filters, not barriers to travel and commerce.

Back to our question at the outset: How might those determined to carry out attacks in the United States attempt to overcome these defenses?

Hoping that U.S. or European intelligence efforts will not identify everything, would-be attackers may still try to attempt to enter the country by obtaining visas or visa waivers. “New persons,” supported by fabricated documents, may be created electronically. Terrorist plotters may also seek to recruit “clean skins”—those not likely to be on any watch lists—for training abroad. To further reduce the likelihood of raising suspicion, terrorist groups could try to train recruits in countries other than Syria or obvious conflict zones.

The 1993 World Trade Center bombing and the recent terrorist campaign in France involved combinations of remote direction, locally recruited participants, and external technical assistance. The recent attacks in France have involved foreign inspiration and assistance, returning foreign fighters, and local confederates. We must be constantly aware of new organizational configurations created by terrorists to increase their ability to carry out attacks on U.S. soil.

Intelligence Is Key

Past successes (as well as failures) show that much depends on intelligence efforts. The immediate post-9/11 environment saw unprecedented cooperation among intelligence services and law enforcement organizations worldwide, which made the terrorists’ operating environment a lot more hostile. And if some terrorists slip through these defenses, prevention will depend on domestic intelligence efforts to uncover recruiting and preparations.

Recent attacks suggest shortcomings in European coordination, which is critical to both European and U.S. efforts to monitor terrorist movements and thwart tomorrow’s terrorist attacks. The security enhancements added to the visa waiver application and screening of other visa applicants from other countries depend on having the information necessary to audit what applicants claim.

We now have systems in place that allow all visa applications to be compared with the entirety of U.S. terrorism-related intelligence holdings, including what foreign intelligence services provide.

What the United States needs is full access to European passenger information and more data on European foreign fighters.