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Introduction

In this paper, I aim to analyse the situation of fighters joining Kurdish anti-ISIS forces (hereby called foreign as they come from Europe) through their social media narrative. By following the social media presence and actions of three Europeans, I explore the current jurisprudence in connection with the Kurdish struggle. Proceeding from an analysis of the three possible cases stemming from real case studies, I carry out a theoretical exercise of possible prosecution outcomes if national authorities were to bring their "careers" to the attention of national courts. Since the outburst of the anti-ISIS conflict in the majority-Kurdish areas of Iraq and Syria in 2014, foreign pro-Kurdish fighters' self-representation on their personal social media

accounts has had an astonishing impact on the portrayal and perception of the conflict in Western countries. Therefore, the use of social media by the fighters proves to be a source of not only information, but also polarisation – and a primary source for future conflict studies. The use of technology has never been so pervasive as in our times; social media are therefore not only part of our daily lives, but actively contributing to our perception of the world – including conflicts located thousands of kilometres away.

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Research Gap

"Terrorism" has begun to be considered more and more as an international issue after the 9/11 attacks (Saul, 2015) - a wake-up call for many in the international community, bringing to the forefront of the discussion the question of a now-internationalised, trans-national terrorist threat. Yet, international terrorism is no novelty (Goldie, 1987; Krähenmann, 2015). There also happens to be another skewed perception concerning the terrorist threat post-2001: that it is inherently intertwined with Islamic extremism (Marone & Vidino, 2018; Scheinin, 2015). This is clearly reflected in the research carried out in the past 19 years, the majority of which has focused on Islamic extremist groups. Although this may be explained in more utilitarian terms - research is carried out in fields where funds are supplied, and the interest spike in Islamic extremist terrorism has channelled spending towards analyses on the topic this still does not exhaustively explain why certain acts are perceived as clearly criminal if carried out by Islamic extremists, and not if executed by people linked to different ideologies (Bech Gjørv et al., 2012; Marone & Vidino, 2018). The same notion appears in the context of foreign fighters (Bakker & Singleton, 2016): even though the research is muddled by the hard-to-discern circumstances in which the phenomenon develops, it is undeniable that in the past six years it has specifically focused, nearly exclusively, on foreigners especially from Western countries - joining ISIS in Iraq and Syria. Some studies (Higgins, 2004; Kraehenmann et al., 2014; Marone & Vidino, 2018; Zelin, 2013) have incidentally touched upon the foreign fighters that have joined Al-Nusra and other Islamic extremist groups in the area, but only a few mentioned the fact that there were foreign nationals joining the Kurdish resistance and even less has been written on the topic (Ahmad, 2014; Marone & Vidino, 2018; Tuck et al., 2016). Without the presumption of being able to compile an extensive or final research on the subject - which is extremely wide and should be the focus of in-depth studies by more experienced authors - I would like to anyway add this personal contribution to the question of foreign nationals joining the Kurdish forces fighting in Northern Syria and Iraq.

Contextual Background: the situation in Syria and Iraq – a brief outline

An attempt at explaining the full extent of the conflict(s) in Syria and Iraq would far exceed the objective of this paper, if only by length. The current situation in the area is rendered particularly complicated by the intertwining of a myriad of different factions at play, both local and international. Before the Syrian Civil War, the autonomous and oil-rich region of Iraqi Kurdistan (populated mostly by Kurds) was heading towards a referendum on the status of the city of Kirkuk (Frantzman, 2015; Romano, 2007) that, according to the post-US invasion Iraqi constitution, was supposed to be held no later than 31 December 2007. The population was composed of Kurds, as well as Turkmen, Yezidis and Christians - alongside other ethnic and/or religious minorities - and had suffered different Arabisation policies, most recently under Saddam Hussein's regime. In Syria, most Kurds lived in the Al-Hasakah governorate, in the north-eastern tip of the country, an oil-rich area which did not enjoy any special status based on its ethnic composition; in early 2011, protests against Bashar al-Assad's regime broke out as the Arab Spring revolutions surged. A rebellion ensued, and in 2012 the independence of Western Kurdistan was announced. Meanwhile, in the same areas, ISIS expanded its territorial influence - and in 2014, Abu Bakr al-Baghdadi proclaimed the Caliphate in Mosul's Al-Nuri mosque (Callimachi et al., 2018). For the next five years, NATO and Kurdish forces fought strenuously to regain control over the territory that ISIS had captured since the Arab Spring (Peçanha & Watkins, 2015) - with the last stronghold, the city of Baghouz in Syria, capitulating in March 2019 (Wu et al., 2019). Although this latest victory compelled US President Donald Trump to declare ISIS "defeated", the group still exists, with sleeper cells still being sought out in the area by forces of the International Coalition for Operation Inherent Resolve and its local allies (Lister, 2019). It is clear that the fight against ISIS has blurred the borders between northern Iraq and northern Syria, therefore dissolving those between the Kurdish groups' areas of involvement: these are the areas that have been most involved in the struggle against ISIS, with Mosul, Raqqa, Kirkuk, Afrin, Baghouz, and Sinjar becoming sadly symbolic.

Methodology

This contribution presents a summary of the findings stemming from an individual research project that has been continuously carried out since 2017. The author has monitored, copied, and catalogued the social media entries by three Europeans of Kurdish origin who travelled back to Kurdish areas of Syria and Iraq to fight alongside Kurdish forces to free the region from ISIS control. These individuals have been selected on the basis of multiple reliable sources pointing to the fact that both their identities and statements were truthful, including - but not limited to - personal ties with reliable sources of the author.1 Their multiple social media accounts on Instagram, Twitter, and Facebook (the latter now fallen into disuse) have been monitored from December 2017 onwards on a daily basis; in the first months of 2018, all entries preceding said date - up until early 2015 - were also catalogued. Since 2019, accounts from the fighters' friends, journalists who have come in contact with them, and military personnel gravitating around the three Europeans were monitored on a bi-weekly basis. Over three years, a database of more than 10,000 entries was built. All findings and conclusions here presented therefore stem from said data collection work. The results are hereby presented on an anonymised basis, using the input from this research as groundwork for all inferences.2

Possible prosecution outcomes

Understanding the position of foreign pro-Kurdish fighters in the conflict against ISIS is extremely difficult. First, it is important to underline that, although there are UNSC Resolutions condemning the "crime of terrorism" (UNSC, 2001a; UNSC, 2001b), an internationally agreed-upon definition of *terrorism* is yet to be found. Many scholars have tried to solve the problem by suggesting solutions and definitions – for the purpose of this paper, I will rely on Antonio Cassese's definition:

[...] broadly speaking, terrorism consists of (i) acts normally criminalized under any national penal system, or assistance in the commission of such acts whenever they are performed in time of peace; those acts must be (ii) intended to provoke a state of terror in the population or to coerce a state or an international organization to take some sort of action, and finally (iii) are politically or ideologically motivated, i.e. are not based on the pursuit of private ends. (Cassese 2006, p. 937)

At the same time, although the crime of terrorism does not exist *per se* in international law, crimes conducted by terrorist groups are prosecutable under international criminal law, international humanitarian law, and domestic law. There does not seem to be any reason to believe that terrorists could not be brought to justice under charges of already-existing crimes (e.g. civilian targeting).

Nevertheless, the problem of foreign fighters has risen to prominence under the umbrella of Islamic extremist terrorism. Therefore, in UNSC Resolution 2178 (2014), the reference is made to "foreign terrorist fighters", and the Security Council asks States to take action in order to criminalise activities which it considers to be terror-related, such as "providing or receiving terrorist training", "recruitment", "travel", and "preventing foreign terrorist fighters from crossing their borders" (*ibidem*). Still, with a non-existing definition of what *terrorism* actually is, States have been very free in applying this resolution in their domestic law – as commentators noted, this has also brought along excuses to trump human rights in certain cases (Cassese, 2006).

The situation of foreign Peshmerga fighters appears in all its complexity if the cases are analysed in depth. The theoretical exercise of evaluating their stance is a good starting point to underscore the difficulty of classifying the position of foreigners joining Kurdish forces in the current international law framework.

¹ The author can provide further information on the methodology used to select these individuals via email.

² The author can provide further information on data collection techniques, categorisation system, and the database itself via email.

In Option A, men born in Iraqi Kurdistan or Syrian Kurdistan, raised in the West, who willingly chose to return to their region of origin to join Kurdish forces in the fight against ISIS. In this case, having proven they were not mercenaries and had been in compliance with IHL norms, they would not be prosecutable under most Western domestic law. Moreover, fighting alongside local security forces on the basis of their Kurdish background would raise the question of whether they could actually be considered *foreign* fighters.

In Option B, keeping each premise as in Option A, if the men crossed the border from their region of origin (for the sake of the theoretical exercise, it will hereby further be assumed as Iraqi Kurdistan, but the statement holds even when the other way around is considered) into the other Kurdish area (Syrian Kurdistan), this would change their status: their ethnic background would be no safe escape for them now. The fact that they are of Kurdish descent will not play a significant role in their acquittal - on the contrary, the fact that they have fought for a free Kurdistan in Syria, whilst born in Iraq, makes them fully fledged foreign fighters. Although it could be argued that some Kurdish units in Northern Syria could actually be considered, under International Humanitarian Law (IHL), civilians taking up arms against a foreign invasion (art. 4, par. 6, III Geneva Convention, 1949), legally speaking these fighters' position shifts once they cross the border to that of a prosecutable foreign fighter.

In Option C, another subtype of foreigners joining Kurdish forces can be examined: veterans of the wars in Afghanistan and Iraq, whose years of service were spent in an attempt to bring democracy to the area, chose to return to the region to fight against ISIS alongside Kurdish forces. The fact that most Kurdish militias have been allied with Western countries participating in the Global Coalition to Defeat Daesh, as well as Operation Inherent Resolve, has actually allowed the first returnees with this background to be acquitted of terror charges (Abbit, 2020).

The online narrative

Incidentally, Option C introduces us to the public perception of the conflict. Firstly, public opinion in Europe and North America has viewed "the Middle East" as a cluster of countries at war. in which Western countries would intervene in an effort to bring democracy and eradicate terrorism. The invasion of Afghanistan in 2001 followed the 9/11 attacks; the US invaded Iraq in 2003 on the same - albeit contested - grounds, and toppled Saddam Hussein's regime on this basis. American opinion was especially fed the narrative that the US were bringing a democratic regime to the country an achievement still far from being reached to date. American and European veterans from the wars of the 2000s and 2010s declared similar reasons for joining Kurdish forces to fight ISIS.

Similarly, Kurdish fighters framed their fight online within an anti-ISIS, pro-Kurdish independence, and pro-democracy narrative. Calls were made to destroy ISIS's territorial capacity, to retake Mosul (the city where the Caliphate had established its slave market), and to protect the local minorities (first and foremost, the Yezidis, whose men were slaughtered, and whose women were sold into sexual slavery). Their online presence brought them popularity and support from public opinion in the West, with fighters being featured in documentaries and magazines to recount their experience.

In 2018 and 2019, while Coalition forces grew closer to take away all territorial control from ISIS, Kurdish fighters saw their calls legitimised and expected them to be recognised. Once Baghouz fell, though, US President Donald Trump declared ISIS defeated and began the withdrawal of US troops from the area. Clashes therefore began with Turkish forces near the border, as well as Russian troops - but still, Kurdish forces maintain their positive associations in the eyes of Western public opinion. Grassroots conflict journalism sides with their cause, and their increased following gathered on social media platforms is a testament to their "relatability". Kurdish fighters are young men who engage with their followers, post pictures and videos of fights and downtimes in the war zone, remember their fallen comrades, repost memes, and publish stories in which they listen to the latest music releases. They are the embodiment of moral fighters, choosing to take arms against bigger and better-equipped forces for their ideals.

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Conclusion

Kurdish fighters have now been portraying their battles, first against ISIS and now against Turkey, for at least the past six years. Their social media accounts, as well as the constellation of satellite accounts run by sympathisers, friends, former colleagues, journalists, etc. have more followers and provide more content than all official social media accounts (e.g. Operation Inherent Resolve's official Twitter account, established in 2014, has roughly the same amount of followers as grassroots conflict journalism platform Popular Front, which was established in 2018, and has significantly less engagement – around a tenth of the latter). This has caught the attention of Western youth throughout the whole political

spectrum, who side with the Kurdish cause regardless of their political ideas – to the extent that oftentimes quarrels break out in the comment section over diametrically opposed political stances.

Indeed, their use of social media in the past six years has allowed them to build a solid base of supporters, irrespective of most political stances, ethnic or religious backgrounds, who are willing to financially help them – this was seen especially between 2017 and 2019, when fighters would make appeals online for supplies they lacked on the field, and their followers would respond by sending them money and/or equipment. There appears to be at least a couple of cases of fighters returning home, not being prosecuted, and establishing entrepreneurial careers post-war on the basis of their already well-established social media following.

In future conflicts, it is more and more probable that other groups will take a page out of the Kurdish fighters' book, so as to sway the international public opinion in their favour. Similarities have indeed appeared with the clashes in Hong Kong in 2019 – unfortunately, the success of the attempt died down, as the world's attention turned to the coronavirus pandemic in early 2020. Once the dust settles, it will be interesting to see if the Kurdish fighters, the Hong Kong protesters, or other politically-charged groups will be able to (re)utilise this blueprint to gather international recognition and support.



About the author:

Ginevra Fontana holds a BA in International Studies (University of Trento) and a MSc in International Security Studies (Sant'Anna School of Advanced Studies & University of Trento). In 2018, she won the first edition of the European Cybersecurity Forum's "Young Cybersecurity Leader" Award. Ginevra currently works as a project assistant at the Italian Military Centre for Strategic Studies. She is a permanent member of the standing group at #ReaCT – Osservatorio sul Radicalismo e il Contrasto al Terrorismo (National Observatory on Radicalisation and Counter-Terrorism). Thus far, her research has mainly focused on the intersection between terrorism, new technologies, and military practices.

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