



COMBATING TERRORISM CENTER AT WEST POINT

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FEATURE ARTICLE

## Two Houses Divided

Al-Qa`ida and the Islamic State after the demise of the caliphate

HASSAN HASSAN

A VIEW FROM THE CT FOXHOLE

## Michèle Coninx

EXECUTIVE DIRECTOR, U.N.  
COUNTER-TERRORISM COMMITTEE  
EXECUTIVE DIRECTORATE

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## FROM THE EDITOR

With the collapse of the Islamic State's territorial caliphate, there has been much uncertainty over how the global jihadi movement may evolve in the future. In our feature article, Hassan Hassan argues that rather than on the cusp of a period of mergers or takeovers, the global jihadi movement is, for the foreseeable future, likely to be led by two distinct and rival groups. According to Hassan, differences in doctrine and approach between the Islamic State and al-Qa`ida have hardened as a result of developments in Syria and neither group is on the brink of fracturing or accepting the legitimacy of the other.

Our interview is with Michèle Coninx, the Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED) at the United Nations. Among her office's main tasks are assessing the counterterrorism measures in the 193 U.N. member countries, analyzing CT trends, and rendering expertise where needed. She says, "now more than ever, local, national, and regional measures are essential but not sufficient. We need that extra layer, and that's exactly what the United Nations is offering."

Cole Bunzel examines an ideological rift that has emerged within the Islamic State on the question of *takfir* (excommunication), which has led to infighting and the arrests of 'scholars' within the group. He argues that with Abu Bakr al-Baghdadi finding it increasingly difficult to keep the dispute in check, the ideological integrity of the Islamic State is being undermined. Jami Forbes warns al-Qa`ida's North Africa- and West Africa-based affiliates are advancing on goals set out in an al-Qa`ida playbook discovered by journalists in 2013.

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*Cover: The ruins of Sinjar, Iraq, with an Islamic State flag sign on January 25, 2016.*  
(Alessandro Rota/Getty Images)

# Two Houses Divided: How Conflict in Syria Shaped the Future of Jihadism

By Hassan Hassan

**With the collapse of the Islamic State's territorial caliphate, the global jihadi movement is in a state of flux. But rather than being about to enter a period of mergers or takeovers, the global jihadi movement for the foreseeable future is likely to be led by two distinct and rival groups. While the relative fortunes of the Islamic State and al-Qa`ida have oscillated in recent years, developments in the jihadi environment in Syria have hardened longstanding differences between them in doctrine and approach. Neither group is on the brink of fracturing nor likely to accept the legitimacy of the other in the coming years. And this will sustain the divide.**

In recent years, the global jihadi movement has been in a state of flux. When the Islamic State declared a caliphate in 2014, took over large parts of Syria and Iraq, and thereby energized Islamist extremists worldwide, some predicted it would forever eclipse al-Qa`ida. But by provoking conflict with much of the rest of the world, the Islamic State rallied a powerful coalition against it. As a result, by mid-2016, the Islamic State's territorial decline had become vast and visible, and counterterrorism analysts began to wonder if al-Qa`ida could gain back its position as the standard bearer of the global jihadi movement. Prior to that, the military gains of the Islamic State and the caliphate that it had established had cast doubt over the viability of al-Qa`ida's more patient strategy.

In May 2016, Abu Muhammad al-Adnani, the Islamic State's then spokesman, conceded that his group could be expelled out of its major strongholds in Sirte, Raqqa, and Mosul,<sup>1</sup> while Ayman al-Zawahiri, al-Qa`ida's leader, mocked the deteriorating fortunes of the Islamic State.<sup>2</sup> The Islamic State's steady decline now seemed to hold the promise of vindicating al-Zawahiri's strategy and seemed it could lead to disillusioned fighters and other jihadis joining al-Qa`ida's ranks.

In this context, multiple theories emerged about the possible trajectories of the jihadi organizations in the coming years. These could be grouped into three potential scenarios. The first was that al-Qa`ida would boost its ranks with defeated Islamic State mem-

bers either by reclaiming the mantle of global jihad<sup>3</sup> or pushing its own ideology closer to that of the Islamic State.<sup>a</sup> The second was that the Islamic State would fracture into smaller groups. The third was a merger between the two rivals by settling differences amongst leaders and finding ideological and doctrinal common ground.<sup>4</sup>

By the fall of 2018, none of these scenarios—an al-Qa`ida takeover of the Islamic State, a fracturing of the Islamic State into smaller groups, or a merger between the global jihadi powerhouses—has materialized. Both groups continue to operate as rival and distinct entities and engage in a war of words. For example, in a speech released on September 11, 2018, al-Zawahiri railed against a “deviant” group containing “innovative extremists who declare takfir on us and deem our blood permissible, and against whom we may be forced to fight.”<sup>5</sup> Rather than ideological differences between the groups softening, the passage of time is hardening differences in approach and doctrine, creating the conditions for sustained competition and acrimony between the groups and a long-term schism between two different schools of jihad.

## The History of a Rivalry

The modern jihadi movement has, from its inception half a century ago, seen large divides between different groups and approaches. The bifurcation of global jihad into two streams has complex causes that stretch back decades. But, as it has been oft observed, some of the roots date back to differences in approach and doctrine apparent in Afghanistan before 9/11 between al-Qa`ida's senior leadership and the relatively more extreme Abu Musab al-Zarqawi, who maintained a significant degree of autonomy and would later lead al-Qa`ida in Iraq, the group that eventually turned into the Islamic State.<sup>b</sup> These differences became much more apparent during the Iraq insurgency. While professing loyalty, al-Zarqawi ignored the objections of al-Qa`ida top brass to pursue a campaign of sectarian bloodletting in Iraq. His successors, the leaders of the rebranded

a This could take various forms. As outlined later in this article, there is evidence some Islamic State fighters in Syria have gravitated toward Tanzim Hurras ad Din, a Syrian group with close organizational ties to al-Qa`ida but admiration for Islamic State founder Abu Musab al-Zarqawi. “Hikayat Idlib wal jihadiyeen fi souria (the story of Idlib and jihadis in Syria),” BBC Arabic, July 5, 2018. Some analysts argue that al-Qa`ida's potential future leader in waiting Hamza bin Ladin's embrace of more hardline rhetoric toward Shi`a in recent speeches have been a calculated ploy to win over disaffected Islamic State fighters. Ali Soufan, “Hamza bin Ladin: From Steadfast Son to Al-Qa`ida's Leader in Waiting,” *CTC Sentinel* 10:8 (2017).

b The Egyptian al-Qa`ida operative Saif al-`Adl recounted the uneasy path to cooperation between al-Zarqawi and al-Qa`ida's senior leadership in pre-9/11 Afghanistan, with the latter agreeing to assist al-Zarqawi establish a training camp without demanding al-Zarqawi swear allegiance to Usama bin Ladin. See Saif al-`Adl, “A Jihadist Biography of Abu Musab al-Zarqawi” (posted on jihadi web forums in 2009). For further discussion on the dynamics involved, see Brian Fishman, “Revising the History of al-Qa`ida's Original Meeting with Abu Musab al-Zarqawi,” *CTC Sentinel* 9:10 (2016).

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Islamic State of Iraq, maintained the group's affiliation with al-Qa`ida, but only paid lip service to notion of juniority to al-Qa`ida's high command.

The jihadi expansion in the region came in the wake of the popular uprisings of 2011, the killing of Usama bin Ladin, and the transition of al-Qa`ida into the leadership of al-Zawahiri. It also came at a time of strained relations between the Islamic State of Iraq and the top brass of al-Qa`ida. For years, the Islamic State of Iraq had taken a more extreme approach to jihad than al-Qa`ida, despite the latter group's strong privately communicated protestations.<sup>6</sup> The Iraqi affiliate's attacks on Shi`a civilians and mosques and other aspects of its approach caused al-Qa`ida 'Central' discomfort. But al-Qa`ida leaders could console themselves that the Iraqi branch continued to revolve in al-Qa`ida's orbit, communicate with its leaders, and refer to them as its emirs.<sup>7</sup> This made the new Islamic State in Iraq venture in Syria nominally an al-Qa`ida enterprise. Jihadis in Syria considered themselves part of al-Qa`ida "through the circle of the Islamic State of Iraq."<sup>8</sup>

In other words, despite tension with a more proactive branch in Iraq, al-Qa`ida's overall leadership of the global jihad was not publicly in question. Jihadis loyal to bin Ladin's legacy sought to organize across the region in the context of popular uprisings against dictatorships, under different monikers but all ultimately under the banner of al-Qa`ida. As peaceful protests turned into violent conflicts in the region, al-Qa`ida's presence increased to unprecedented levels, and the organization became larger and more widespread than at any time before, especially in restive countries like Libya, Yemen, and Syria.

During that time, al-Qa`ida had to compete primarily for influence with movements and ideas with which it shared little, rather than like-minded violent groups. Islamists like the Muslim Brotherhood sought to gain power through the ballot box, while jihadi militants like the Taliban and the Islamic State of Iraq revolved around the same orbit and did not attempt to outshine al-Qa`ida globally. To ride the popular wave, al-Qa`ida and local jihadis had a de facto division of labor, whereby al-Qa`ida provided an essential source of legitimacy, vision, and continuity, while local groups did the work on the ground to infiltrate and dominate. Seen through this prism, jihadis in Iraq initiated the establishment of a jihadi group in Syria that would later polarize the jihadi community worldwide like never before.

The proximate cause of the current schism within jihadism can be traced back to the summer of 2011 in Syria, when half a dozen members of the Islamic State of Iraq (a group then at least nominally part of the al-Qa`ida fold) were dispatched to the neighboring country to establish a jihadi franchise. As will be outlined below, in the years that followed, the group that was formed, Jabhat al-Nusra, would play a pivotal role in widening the wedge between al-Qa`ida and its Iraqi branch. And when its leadership eventually chose to follow the leadership of al-Zawahiri rather than Abu Bakr al-Baghdadi, the group would arguably become al-Qa`ida most successful branch.<sup>9</sup>

### *Al Qa`ida's Crown Jewel (2011-2012)*

Jabhat al-Nusra began from extremely humble circumstances. It was established by five to seven vanguard fighters who had traveled from Iraq four months after the first protests against the regime of Bashar al-Assad erupted.<sup>10</sup> According to its leader, Abu Muhammad al-Julani, the idea of a franchise in Syria was discussed within the

Islamic State of Iraq, and the decision to establish it was made by the Iraqi leadership, which allocated half of its resources to Jabhat al-Nusra.<sup>11</sup> Although the idea had been proposed and approved in Iraq several weeks earlier, the jihadis traveled to Syria in July 2011, the same month as a growing number of Syrian army defectors established a separate armed group they named the Free Syrian Army, which would become the nucleus of the armed rebellion against the regime with an initially stated aim of protecting peaceful protests from regime raids.<sup>6</sup>

Despite the organizational links, Jabhat al-Nusra maintained a jihadi character independent from both al-Qa`ida and the Islamic State of Iraq. It reported directly to the Islamic State of Iraq, rather than al-Qa`ida, but was heavily influenced by the ideas of the Syrian jihadi strategist Abu Musab al-Suri,<sup>12</sup> rather than by the aggressive tactics of its Iraqi patron. Jabhat al-Nusra later explained how it was able to chart a path of its own away from its Iraqi parent organization's tactics, despite the Islamic State of Iraq's notoriously rigid views toward other factions, especially those espousing nationalist ideals.<sup>13</sup>

When al-Julani proposed the idea of expanding into Syria to his superiors, he included in the proposal an explanation of why the group needed to operate differently. Firstly, the insurgency in Iraq was a response to a foreign invasion, while the Syrian rebellion was a popular "revolution." Secondly, Iraqi tribes were better socially organized and coherent than tribes in Syria. Thirdly, the Muslim Brotherhood had a weaker presence in Syria than in Iraq. Fourthly, Alawites were a small minority in Syria, unlike the Shi`a in Iraq. For these reasons, al-Julani proposed to have more autonomy in running the Syria branch. Echoing the teachings of Abu Musab al-Suri,<sup>14</sup> al-Julani summed up his approach: "It is necessary to benefit from the Iraq experience, and the mistakes that were made, and that we should continue from the 100 at which the jihad there reached, rather than start from the zero at which Sheikh Zarqawi started."<sup>15</sup>

During the early months of its existence, the group largely focused on underground tactics, attacking what its leader at the time described as the regime's three pillars—namely the security forces, the army, and government officials. The strategy enabled the group to strike throughout the country, creating the impression that it was larger than it actually was. The initial stage of its operation, according to its leader, involved small numbers to maximize mobility and minimize errors, and the group did not seek the recruitment of large numbers.<sup>16</sup>

As the situation in Syria morphed into a full-fledged insurgency in the early months of 2012, the group quickly turned into one of the most effective forces opposed to the regime. Its tactics enabled it to revive old jihadi cells and recruit new members. In the same year, the group took control of hydrocarbon and agricultural sectors

c According to an insider account, the idea of Jabhat al-Nusra was presented to the leadership of the Islamic State of Iraq shortly after the protests erupted in Syria. The idea was suggested by Abu Muhammad al-Julani, who sent it to al-Baghdadi for approval. Upon approval, five jihadis then traveled to Syria and began their operation from Damascus. A formal announcement of the group was made later in December. The details of the story were described by Jabhat al-Nusra's top legal official, Abdulrahim Atoun, known by his *nom de guerre* Abu Abdullah al-Sham, in a chapter of an unpublished book titled "In the Shade of the Tree of Jihad." The chapter circulated on social media in November 2016.



*Al-Qa`ida leader Ayman al-Zawahiri (left) and Islamic State leader Abu Bakr al-Baghdadi (right)*

in much of eastern Syria, and emerged as one of the most powerful and rich jihadi groups in the whole region—the crown jewel of the broader al-Qa`ida network.<sup>17</sup> Its rising military and financial fortunes started to worry its patrons in Iraq, who sensed that their Syrian franchise was going rogue.<sup>d</sup>

#### ***A Family Dispute Leads to Divorce (2012-2014)***

In 2012, Jabhat al-Nusra expanded, controlled territory along with other anti-government forces, and became a key force within the Syrian rebellion and a major destination for foreign fighters pouring into the country. Although there are few verifiable details about what caused a friction between it and the Islamic State of Iraq, much can be reconstructed from the claims and counter-claims made by the two groups, and from a close observation of the events as they unfolded at the time.

According to details published by Al-Naba, the Islamic State's weekly magazine, the dispute began after secret letters from opera-

tives<sup>e</sup> in Syria suggested Jabhat al-Nusra was drifting away from the Islamic State of Iraq and its ideology.<sup>18</sup> Those reports were initially dismissed by the Islamic State of Iraq leadership due to confidence in al-Julani and Abu Mariyyah al-Qahtani, an Iraqi who was then Jabhat al-Nusra's number two and its top mufti. The group in Iraq later dispatched al-Baghdadi's deputy, Abu Ali al-Anbari, to personally investigate the situation. According to Al-Naba, al-Anbari spent a month touring Jabhat al-Nusra's bases and meeting its members. According to the same account, he ultimately concluded that al-Julani was deviating from the group's ways, and sent al-Baghdadi an appraisal of al-Julani:

*"He is a cunning person; double-faced; adores himself; does not care about the religion of his soldiers; is willing to sacrifice their blood in order to make a name for himself in media; glows when he hears his name mentioned on satellite channels."<sup>f</sup>*

Al-Anbari's letter prompted al-Baghdadi to visit Syria in January 2013 to probe and salvage the situation.<sup>g</sup> Having recognized that the

<sup>d</sup> Both Jabhat al-Nusra and the Islamic State have competing narratives about the early tension between the two groups, but both agree that the source of tension was over the ideological direction of Jabhat al-Nusra and that the Iraqi patron began to insist on modifying tactics and relations with other Syrian groups. The Islamic State newsletter, Al-Naba, for example, claimed that Abu Bakr al-Baghdadi began to investigate whether the Syrian branch was misleading its Iraqi leadership in late 2012. See "The Worshipping Cleric and the Mujahid Preacher," Al-Naba, edition 43, August 16, 2016, p. 8. Jabhat al-Nusra, too, referenced the visits by Abu Ali al-Anbari and al-Baghdadi to Syria to ensure the group was still loyal to them. Both groups acknowledge that Jabhat al-Nusra's leaders renewed their oath of allegiance to al-Baghdadi in the spring of 2013 in an attempt to reassure their Iraqi leaders. See Abdulrahim Atoun, known by his *nom de guerre* Abu Abdullah al-Sham, in a chapter of an unpublished book titled "In the Shade of the Tree of Jihad."

<sup>e</sup> According to Jabhat al-Nusra's account, the report in question was a 25-page account sent by the future Islamic State spokesman Abu Muhammad al-Adnani, the Islamic State's infamous former spokesman, in January 2013, after al-Julani had allegedly dismissed him from his role as the group's emir in the northern region. See Abdulrahim Atoun, known by his *nom de guerre* Abu Abdullah al-Sham, in a chapter of an unpublished book titled "In the Shade of the Tree of Jihad."

<sup>f</sup> Similar statements about al-Julani would later be echoed by al-Qa`ida loyalists when dispute between his group and al-Qa`ida's central leadership erupted in 2016.

<sup>g</sup> Both groups have provided detail about an al-Baghdadi visit to probe the situation, but the exact date of travel was provided by Jabhat al-Nusra. Abdulrahim Atoun, known by his *nom de guerre* Abu Abdullah al-Sham, in a chapter of an unpublished book titled "In the Shade of the Tree of Jihad," pp. 183-194. One chapter of the book, detailing the dispute with the Islamic State, circulated on social media. A copy of the book has been obtained by the author.

group in Syria was slipping away, al-Baghdadi along with his loyalists started to contact commanders and members individually to lay the ground for a unilateral declaration of a merger. By the time al-Baghdadi announced a merger (which was in effect a takeover) creating the Islamic State in Iraq and Syria in April 2013, many of Jabhat al-Nusra's key commanders and members, especially among foreign fighters, had pledged loyalty to him.<sup>19</sup>

The remaining elements of Jabhat al-Nusra not subsumed into al-Baghdadi's organization pledged allegiance instead to al-Zawahiri, citing his credentials as the emir of what had been the two al-Qa`ida branches in Iraq and Syria. For Jabhat al-Nusra, the reaffirmation of allegiance to al-Zawahiri was a way to safeguard its jihadi legitimacy and avoid further disintegration and defection, despite earlier attempts to conceal the links with al-Qa`ida Central in order to ensconce itself into the anti-government rebellion. In his interview with Al Jazeera Arabic later that year, al-Julani explained that one reason why his group had not announced its links to al-Qa`ida before was because of negative popular perceptions of al-Qa`ida.<sup>20</sup> The idea, he said, was for his group to present its struggle and accomplishments to ordinary people before revealing the links, to avoid prejudices. In the same interview, al-Julani otherwise described the dispute with the Islamic State of Iraq and Syria as part of "a difference among members of the same family."

This episode is important, as al-Julani's group would, in 2016, cite similar reasons related to the local reality in Syria in distancing itself from al-Qa`ida Central. Back in 2013, Jabhat al-Nusra rejected al-Baghdadi's takeover attempt on practical grounds, since it believed it would undermine its operation in Syria and turn the rebels, their supporters, and their backers against it. Even though public association with al-Qa`ida was not an ideal scenario, it was then preferred over association with the Islamic State of Iraq, since the latter wanted to bring Jabhat al-Nusra and its day-to-day operation fully under its command and order it to pursue the aggressive tactics for which it was known.

The dispute deepened the friction between al-Qa`ida and its Iraqi offshoot. Al-Zawahiri tried to resolve the conflict between al-Julani and al-Baghdadi, but his instruction for the situation to return as it was before April 2013 was snubbed by al-Baghdadi. Tension escalated over time as each insisted on his own strategy to run matters in Syria.

Hostility between the two was exacerbated by the broadening rebel infighting that dominated the Syrian rebellion throughout 2013 and the early months of 2014. Al-Zawahiri and the Syrian branch preferred to work closely with like-minded groups in Syria. In a recording released years later, al-Zawahiri revealed that he had instructed Jabhat al-Nusra to unite with other Syrian jihadis operating under the Islamic Front, a coalition of jihadi and Islamist forces established in the fall of 2013.<sup>21</sup> Although Jabhat al-Nusra did not merge with the Islamic Front, the two organizations worked closely until the latter fractured several months later. By contrast, the newly formed Islamic State of Iraq and Syria waged a drawn-out war against the rebels and the Islamic State in Iraq and Syria.

Attempts to restrain the Islamic State in Iraq and Syria failed. As the rebels fought the regime on the frontlines, the group focused on establishing checkpoints, enforcing sharia, and began campaigns to expel Sunni rebels fighting Assad from areas they had previously taken from the regime, such as Raqqa, Deir ez-Zor, Aleppo, and Hasaka. Its tactics alienated the rebels and their supporters inside and outside Syria. It was during this period that derogatory labels

against al-Baghdadi's organization first appeared, including *Daesh* (an Arabic acronym meant pejoratively because it signifies harshness) and *Khawarij* (after an extremist group that emerged during Islam's early days, described and condemned extensively in Islamic texts). Those terms reflected widespread concern in the Arab and Muslim world over the Islamic State in Iraq and Syria's aggressive tactics against the rebels. In February 2014, al-Qa`ida had enough. In a statement, its General Command disavowed al-Baghdadi's group and severed any ties between the two groups.<sup>22</sup>

#### *The Islamic State Ascendant (2014)*

Wide condemnation did not stop al-Baghdadi, and his group went on to control large swathes in Syria and Iraq, contributing to the disintegration of several powerful anti-government forces in Syria. In June 2014, the group declared the establishment of a caliphate after it took the city of Mosul.

The stunning military gains made by what was now called the Islamic State pushed al-Qa`ida loyalists in Syria into further disarray. The surging fortunes of al-Baghdadi's group had come as a surprise to many. When al-Zawahiri had disavowed the Islamic State in February 2014, the Islamic State in Iraq and Syria group was embattled across Syria. It had been expelled from all of Deir ez-Zor by Jabhat al-Nusra and its allies, except for a small town between Deir ez-Zor and the Iraqi border. Similarly, al-Baghdadi's group had been expelled from all areas in Idlib and most of Aleppo. And in May 2014, rebel groups had launched an offensive to oust the Islamic State in Iraq and Syria from its last fortress in Raqqa. Yet, in June 2014, al-Baghdadi's group reversed most of its losses and went on the offensive in eastern and northern Syria, as well as in Iraq.

In the months that followed, the situation continued to worsen for al-Qa`ida. The Islamic State continued to expand its territory, and by the fall of 2014, the U.S.-led coalition's strikes against it provided the organization with a jihadi cause that the Syrian conflict had initially failed to provide, since the group had tended to fight against Sunni rebels more than it did against the regime.<sup>23</sup> With its military gains and proclaimed caliphate, the Islamic State started to morph into a competitor to al-Qa`ida for the leadership of global jihad, eventually directing, coordinating, and inspiring a series of terrorist attacks in Europe and other parts of the world. The transformation entrenched preexisting and long-running differences in tactics and vision between the two groups. These differences were not new; they merely came to the fore and were inflamed and aggravated by these developments.

The greatest questions that deepened the rift between the organizations centered on matters concerning legitimacy and authority. The decreasing deference shown to al-Qa`ida's top command by its nominally junior affiliate in the previous decade had eventually led to a rupture. But now the newly declared caliphate represented an existential threat to al-Qa`ida. If Abu Bakr al-Baghdadi were to become widely accepted within the global jihadi movement as a legitimate caliph, then all authority would be seen to rest with him. In theory, this would in turn require all other jihadi groups to dissolve and swear their allegiance to him.

As al-Zawahiri would later put it, "for whose benefit is al-Baghdadi demanding—and he claims to be a Caliph—the cancellation of the emirates and the great mujahid groups? ... We do not acknowledge this Caliphate and we do not see it as a Caliphate on the prophetic method, instead it is an emirate of taking over without consultation."<sup>24</sup>

In a series of messages, senior al-Qa`ida figures argued that al-Baghdadi had failed to obtain the consensus necessary to declare a caliphate or to create a territorial entity large enough for him to credibly be anointed the defender of Muslims. “The dispute caused by [al-Baghdadi] is a double crime,” al-Zawahiri stated, “because he caused fragmentation with an innovated caliphate, without Shura [consultation] or empowerment on the ground.”<sup>25</sup>

Al-Baghdadi’s self-anointment as Caliph had another important consequence. It meant his fighters saw him as the absolute authority on how jihad should be prosecuted. Given his group’s track record of sectarian bloodletting and his own penchant for sadism, this set the stage for—and from the Islamic State’s point of view, legitimized—the extreme brutality perpetrated by the Islamic State that followed, creating greater divergence with a relatively more restrained al-Qa`ida.

As symptomatic of long-running differences, the divergence is now arguably permanent, contrary to the tendency to view it as one that began with the announcement of the caliphate and could thus be overcome after its demise. The Islamic State developed into a transnational organization that established affiliates in the form of wilayat throughout the region. Its rise for a period of time eclipsed al-Qa`ida and threatened to unseat it, especially because some of the affiliates that joined the caliphate had previously been part of al-Qa`ida’s orbit.<sup>26</sup> Al-Qa`ida’s leadership was now contested by a visibly more successful organization that dared to establish a physical caliphate, one that al-Qa`ida and other Islamists and jihadis had long theorized about.

### *Changing Fortunes (2015-2018)*

Despite the rise of the Islamic State, al-Qa`ida largely doubled down on its approach even as it attempted to contain further losses to its rival. Shortly after the Islamic State’s announcing of the caliphate, Jabhat al-Nusra seemed anxious about the Islamic State’s military momentum. In audio remarks leaked in July 2014, al-Julani unveiled a plan to form an emirate in northern Syria consisting of four branches, with a “mobile army,” to implement sharia in different parts of Syria.<sup>27</sup> This move was a departure from Jabhat al-Nusra’s strategy of not imposing its ideology. In retrospect, the leak was possibly designed as a trial balloon to gauge interest in the idea within and outside of the organization, and the plan never materialized. In the leaked audio, al-Julani emphasized affinity with the Taliban leader Mullah Omar, al-Qa`ida, and acclaimed jihadi ideologues such as Abu Mohammed al-Maqdisi and Abu Qatada al-Filistini, who rejected the Islamic State’s caliphate declaration as counterproductive to jihad.

In the early months of 2015, the situation began to improve for al-Qa`ida and its allies, after a string of military gains expelled the Syrian regime from large parts of northwestern Syria.<sup>28</sup> The rebels, led by Jabhat al-Nusra and its close jihadi ally Ahrar al-Sham, reached the heartlands of the Alawite regime in western Syria,<sup>29</sup> while the Islamic State faced setbacks in places like Kobane in northeastern Syria.<sup>30</sup>

Al-Qa`ida in Syria began to look successful from the perspective of jihadis. And by the following year, it was clear its position relative to the Islamic State was also improving. This was increasingly apparent in the spring of 2016, when the Islamic State’s ability to hold ground had visibly weakened. The turn of fortunes was reflected in an optimistic tone by al-Zawahiri in May 2016,<sup>31</sup> in which he sounded assured of his decision to reject “the caliphate of Ibrahim

al-Badri,” a mocking reference to al-Baghdadi’s real name without the jihadi honorifics.<sup>h</sup>

During the course of 2016, the momentum shifted back to al-Qa`ida. Its rival was widely accused of bringing nothing but destruction to Sunni towns and cities in Iraq and Syria, while al-Qa`ida’s cautious strategy caused it to become a force leading coalitions across Syria. There were even whispers of preparations by al-Qa`ida’s loyalists to rebuild networks in areas previously held by the Islamic State.<sup>32</sup> Al-Qa`ida was poised to gain from its wayward offshoot’s decline, naturally leading many to wonder whether al-Qa`ida was now the more dangerous group.<sup>33</sup>

However, al-Qa`ida’s good fortunes did not last for long. By the end of 2016, the Assad regime had recaptured Aleppo despite a series of attempts by al-Julani’s group and its allies to prevent its fall, and internal disputes had seeped into al-Qa`ida’s circles in the country. The recapture of Aleppo would prove to be the beginning of a long list of steady gains by the Assad regime, and a steady decline of the rebels and Jabhat al-Nusra, who became crammed into Idlib province and adjacent areas.

As al-Qa`ida and the Islamic State weakened, both exhibited signs of internal tribulations. In July 2016, Jabhat al-Nusra changed its name to Jabhat Fateh al-Sham, an effort to merge with rebel groups and put distance between itself and al-Qa`ida. The nature of the rebranding is still a matter of debate among analysts tracking the group in Syria, but the consensus of the various parties directly involved can be summed up as follows: the group had agreed with al-Qa`ida’s representatives inside Syria to announce the severance of links to an external entity while maintaining a secret oath of allegiance to al-Zawahiri, akin to al-Qa`ida in Iraq’s move in 2006 to dissolve itself and form the Mujahideen Shura Council. But the ruse later faced an unexpected setback when al-Zawahiri learned about it, rejected it, and demanded its reversal.<sup>34</sup>

By early 2017, circumstances in Syria, primarily Turkey’s military intervention in the north and the shrinking territory held by the rebels, increased pressure for Jabhat al-Nusra to appear independent from al-Qa`ida. This led Jabhat al-Nusra to reach out to powerbrokers in Turkey and other regional countries to build ties with them and reassure them of its future plans.<sup>i</sup> In other words, the decision by Jabhat al-Nusra’s leadership to reject al-Zawahiri’s demands to reverse the rebranding and announce public links to his group was most likely informed by the same existential logic that led the group to reject al-Baghdadi’s merger/takeover in 2013. Arguably, if it had not been for the demands initiated by al-Zawahiri, relations between the two would unlikely have suffered.

The internal disputes led to a realignment within al-Qa`ida’s or-

h Al-Zawahiri had previously refrained from outright ridicule even while he disavowed the group. In September 2015, he had advised jihadis in the region against attacking each other in public and even suggested he would fight alongside the Islamic State against the U.S.-backed coalition if he were in Iraq and Syria. He concluded: “We once conquered the world with our media. Today, their media has divided us.” Tim Lister, “Al Qaeda leader to ISIS: You’re wrong, but we can work together,” CNN, September 15, 2015.

i Jabhat al-Nusra only specifically named Turkey as one of the countries the group reached out to. “Tahrir al-sham tarud ala al-dhawahiri wa tufajjir mufaja’at” (Tahrir al-Sham responds to al-Zawahiri and announces surprises,” Arabi21, December 01, 2017. The details of the group’s outreach to Turkey and other countries were relayed by its top religious authority, Abdulrahim Atoun, in a post, circulated on Justpast.it in September 2017, titled “mutual imprecation is not the cure for moral deprivation.”

bit in Syria. After Jabhat al-Nusra's rebranding, a group of defectors began to form a separate jihadi group with loyalty to al-Zawahiri. Such a plan gained momentum after al-Zawahiri, in a November 2017 statement,<sup>35</sup> accused Jabhat al-Nusra of betraying its oath of allegiance, insisted that the oath still applied, and the group would thus have to obey his demands of reversal of the rebranding.<sup>36</sup> In February 2018, a number of defectors formed a new group called Tanzim Hurras ad-Din (the Guardians of Religion Organization). The group's leadership consists in large part of Jordanian jihadis with old close ties to the founder of the Islamic State, Abu Musab al-Zarqawi, and known to take inspiration from Jordanian jihadi ideologues al-Maqqdisi and Abu Qatada.<sup>37</sup>

This means that rather than being understood as a product of a standoff between al-Qa`ida loyalists and deserters, Tanzim Hurras ad-Din<sup>j</sup> should be seen as an entity formed and dominated by a clique of Jordanian jihadis, who long had their differences with al-Julani even before the idea of a rebranding emerged.

Indeed, rather than being deserters, Hayat Tahrir al-Sham (HTS), as Jabhat al-Nusra is now known, still has foreign jihadi veterans<sup>k</sup> and communicates with al-Qa`ida's top leadership.<sup>l</sup> Hostilities between HTS and the Jordanian jihadis in Tanzim Hurras ad-Din did not amount to much beyond a war of words and a brief arrest of Hurras ad-Din's leaders.<sup>38</sup> Reports to the country arguably inflate the degree of acrimony.<sup>39</sup>

Despite their differences, both HTS and Hurras ad-Din could still be considered as part of al-Qa`ida's school or orbit. The verbal escalation in the fall of 2017 came to an abrupt end in early 2018, with conversations the author undertook with jihadi or opposition sources inside Syria suggesting the groups have agreed to coexist. Although the alleged deal between Hurras ad-Din and al-Qa`ida representatives on the one side and HTS on the other remains unclear, it is safe to assume that they serve different functions that

equally serve al-Qa`ida's established objectives: one appeals to hardened jihadis with an uncompromising doctrine focused on jihad beyond Syria and one appeals to those focused on the Syrian war. In other words, whatever differences exist between HTS and other groups, they are about how to manage the conflict in Syria, and should be seen as al-Julani once described his group's dispute with the Islamic State, as "a dispute among family members." The two groups could mend fences, depending on how the situation unravels in the last rebel stronghold in northwestern Syria, where Jabhat al-Nusra now holds sway, and where al-Qa`ida and Hurras ad-Din continue to operate freely in Nusra-dominated areas.

The Islamic State has also faced internal friction. Internal ideological differences within the group existed since the start of its operations in Syria in 2013-2014, which came to a head in the wake of the group's territorial losses. A more extreme current within the Islamic State, known as the Hazimis,<sup>40</sup> named after a Saudi cleric,<sup>41</sup> often clashed with the group's ideologues and leaders<sup>42</sup> over questions related to takfir, or the practice of labeling a Muslim an apostate.<sup>43</sup> Although Hazimis constituted a small minority within the Islamic State and their ideas never became dominant, they briefly took over the group's highest body, under al-Baghdadi, known as the Delegated Committee, until al-Baghdadi in 2017 reversed their control of that body. Since then, the Islamic State has made clear its rejection of the Hazimis' ultra hardline interpretation of takfir, dampening the possibility the entire Islamic State group will fragment.

Even as its fortunes have plummeted, the Islamic State has been able to contain internal friction, ensuring no dire fractures thus far. Deeper cracks emerged within the al-Qa`ida movement because of the tension between al-Zawahiri and al-Julani, but there has been a reduction in tension in recent months and al-Qa`ida's onetime affiliate still revolves around al-Qa`ida Central's orbit. In short, neither group is on the brink of fracturing.

## The Outlook after the Caliphate

There is little reason to believe that the Islamic State will gravitate toward al-Qa`ida after the demise of its caliphate. Instead, having laid claim to being the only legitimate standard bearer of global jihad, it will likely strive to continue to hold onto that mantle. Competitiveness, rather than collaboration or convergence, will probably define the organization's strategy for the coming years. Similarly, al-Qa`ida is unlikely to gravitate toward a group that it disavowed when it was on the rise now that it has, to some degree, been defeated and discredited.

Another reason the Islamic State and al-Qa`ida will likely remain distinct rival power centers is that these organizations, or their affiliates, previously stuck fast to their ideologies and strategies even during some of their most challenging times. The Islamic State, for example, continued to insist on fighting other jihadis and Islamists even though the militants were being pushed back from most of Syria in the early months of 2014. If it compromised and agreed to share influence in rebel-held areas, the group would have avoided the pushback from various militant factions, but instead insisted on its rigid ideology and aggressive tactics. Similarly, on the al-Qa`ida side of the ledger in 2013, Jabhat al-Nusra confronted its former leaders in Iraq because it believed publicly subordinating itself to Islamic State leaders in Iraq who originally set up their Syria venture would constitute operational suicide, and refused to compromise even while many of its fighters joined the al-Baghdadi faction.

j A Syrian opposition leader based inside Syria estimates that the group Tanzim Hurras ad-Din has around 2,700 members. Author interview, Syrian opposition leader, July 2018.

k The differences between Jabhat al-Nusra and al-Qa`ida are arguably over the practical and strategic direction needed for jihadis' survival in Syria. The relations between the two, if not currently friendly, have not broken down into outright acrimony and have not reached the point of no return. Similar dynamics exist in other insurgent groups, such as the Turkish PKK, whose fighters on the ground often differ with, and even disobey instructions by, its jailed leader Abdullah Ocalan. The rebranding was done according to al-Qa`ida's own protocols, until al-Zawahiri reemerged after an extended period of silence and countermanded his deputies' green light to Jabhat al-Nusra to drop al-Qa`ida's name.

l Despite media reports of a disengagement from al-Qa`ida in July 2016, jihadis within Jabhat al-Nusra told the author that al-Qa`ida 'Central' maintained communication with the Syrian group, reports that were later vindicated by released letters by representatives of the different sides of the dispute. The letters confirmed the two groups maintained communication after Jabhat al-Nusra retained a secret bay`a to al-Zawahiri. After relations deteriorated following al-Zawahiri's speech in November 2017, the same jihadi sources reported continued communication between the groups. This was not surprising given the fact that al-Qa`ida loyalists and Hurras ad-Din operate in close proximity inside Syria. According to Hassan Abu Haniyeh, a prominent Jordanian expert, differences over rebranding did not amount to a "rupture" between al-Julani's group and al-Qa`ida, but the divergence later deepened over al-Julani's group's relationship with Turkey. See Hassan Abu Haniyeh, "Hurras ad-din wa takayyufat al-Qa`ida fi souria," (Hurras ad-Din and al-Qa`ida's Adaptations in Syria), Arabi21, March 11, 2018. The result, according to Haniyeh, was the creation of another faction, Hurras ad-Din, to represent "global jihad" in Syria.

Such decisions during periods of extreme hardships highlight the profound convictions each of these groups has about its approach. This is unlikely to change in the coming years. Apart from rivalry and infighting, each of these groups also views its rival's approach as flawed, ineffective, or limiting. Al-Qa`ida and its allies (including al-Julani's group in Syria) believes the Islamic State's aggressive methods alienate communities. The Islamic State considers al-Qa`ida and al-Julani's approach of winning hearts dilutes the purity of the jihadi cause and failed each time it was tried, whether in Iraq when it was applied in the early years of the anti-U.S. insurgency before fellow insurgents turned against it, or in Syria when al-Qa`ida failed to dominate the anti-government rebellion, except in the northwest. Divergence over issues such as sectarian violence is another impediment for any rapprochement. The Islamic State views Shi'a as heretical and has openly declared war on them in places like Afghanistan, Yemen, Iraq, and Syria.

Al-Qa`ida's focus is most likely to be limited to recruiting disillusioned Islamic State members, rather than trying to reach a rapprochement with the Islamic State. This approach has been evident since al-Zawahiri's statements in 2016, as the Islamic State began to weaken. An al-Qa`ida affiliate like Hurras ad-Din in Syria might be better positioned than others to attract Islamic State fighters, due to its affinity to the original founder of the Islamic State (al-Zarqawi) and his onetime mentor, al-Maqdisi. And the Islamic State seems to be concerned about this. Curiously, in a lead article in one of Al-Naba's issues, the Islamic State labeled Hurras ad-Din as the "guardians of polytheism" and warned their own followers from "aligning with them in any form, until they repent from their apostasy."<sup>44</sup> The warning reflects a fear that such jihadis could attract members who might be operating in northwestern Syria, where Hurras ad-Din is based.<sup>m</sup> However, even if defections happen, they will likely be negligible in number<sup>n</sup> and limited to members outside the group's

core, for two reasons. First, Hurras ad-Din's reach is geographically limited to northwestern Syria. Second, judging from many years of disputes and conflicts, in Iraq and elsewhere, the defection of hardened Islamic State members to other groups is extremely rare. Simply put, sizable defections from the Islamic State to al-Qa`ida similar to the reverse ones that took place in 2014 are very unlikely.

Finally, any ideological friction within the Islamic State is unlikely to lead to a notable fracture within the organization, although it is possible that an offshoot comprised of small numbers of Islamic State hardliners could emerge in the coming years, under two scenarios. The first scenario is if members contesting al-Baghdadi's leadership take control of one of the group's remote franchises. Such a scenario is less likely in Syria and Iraq, where the group has a tight control of the organization, often by longstanding loyalists. The second scenario is if al-Baghdadi dies. His death would open the possibility of small-scale fractures, which the group has so far prevented despite the military upheavals it has faced in recent years.

Even so, "hardliners" within the Islamic State will unlikely manage to form a meaningful separate entity. The group has quickly moved to purify its ranks from such hardliners and has so far successfully done so. The crackdown, the limited numbers of such individuals, and the experience the Islamic State's senior leaders have in weeding out such internal trouble makers over the years leaves little reason to believe that hardliners like the Hazimis could cause the group to fracture.

For the foreseeable future, no convergence between al-Qa`ida and the Islamic State will likely take place, and no large-scale defections from one group to the other should be expected. The Islamic State has so far not projected any sense of defeatism that may force it to revise the overall strategy for which it came to be known since it rebranded as the Islamic State of Iraq in 2006. Nor will it in the foreseeable future likely abandon its aggressive tactics and hyper-sectarianism. In the years during and since the Iraqi insurgency, these became cemented into the approach and ideology of the group.

Since its declaration of a caliphate in 2014, the Islamic State has sought to dominate international jihad, unlike when it had acted under, and sought legitimacy from, al-Qa`ida in the years before that. This will no doubt continue. Aside from the fighting that has taken place between the two, each group continues to believe that its strategy is more effective, and each seeks to dominate the other to establish itself as the leader of global jihad. **CTC**

m Reports from inside Syria suggest that Hurras ad-Din has already been successful in recruiting some former Islamic State fighters, which could explain the warning in Al-Naba. See, for example, Murad Batal Shishani, "The story of Idlib and jihadis in Syria," BBC Arabic, July 5, 2018.

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# A View From the CT Foxhole: Michèle Coninsx, Executive Director of the U.N. Counter-Terrorism Committee Executive Directorate (CTED)

By Paul Cruickshank

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*Michèle Coninsx was appointed Assistant Secretary-General and Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED) by United Nations Secretary-General António Guterres on August 11, 2017. Ms. Coninsx took up her functions on November 2, 2017. Prior to her position at the United Nations, Ms. Coninsx was President of Eurojust—the European Union agency tasked with dealing with judicial cooperation in criminal matters—2012-2017, after having served as its vice president for five years. In addition, Ms. Coninsx was National Member for Belgium at Eurojust and Chair of Eurojust's Counter-Terrorism Team. Before joining Eurojust, Ms. Coninsx was a Federal Prosecutor (Magistrat Fédéral) in Belgium dealing with terrorism and organized crime. She served for nine years as an expert in aviation security for the International Civil Aviation Organization (ICAO).*

## **CTC: What role does the United Nations' Counter-Terrorism Committee Executive Directorate (CTED) play in counterterrorism efforts?**

**Coninsx:** CTED carries out the policy decisions of the Counter Terrorism Committee (CTC), which comprises all 15 members of the United Nations Security Council. CTED's main tasks are to assess the counterterrorism measures in the 193 U.N. member countries; to analyze the CT trends, developments, and gaps in these countries; and where needed, render expertise to the member states.

We do it through visits to countries. We have carried out 140 visits in 100 countries in the past few years, with 26 visits planned this year. The number of counterterrorism measures agreed [to] by the international community—[for] which we are mandated to provide expertise—has expanded significantly. As we know, over the last four years, there was an avalanche of Security Council resolutions because the nature of the terrorist threat was evolving very quickly.

To mention some of them: 2354, counter-narratives; 2309, aviation security; 2341, on protection of critical infrastructure. The main resolutions for us are 2395—our Bible for the future—and 2396 on relocating and returning foreign terrorist fighters.

When we go on a comprehensive country visit, we go there with a team of experts, which covers all of these issues, from legal aspects, counterterrorism strategies, the border security aspect, to civil society engagement. Everything's covered, including cross-cutting issues such as empowerment of women and human rights-related issues. Although we go there with our own experts, part of the exercise is to get other players involved from the U.N. family. One example is the U.N. Office of Counter-Terrorism (OCT), which is responsible for capacity-building and technical assistance. Since taking over as executive director and as mandated by Resolution 2395, we've deepened the cooperation between CTED and OCT. We work more and more, hand in hand. The two leaders meet every week. Other examples are the International Civil Aviation Organi-

zation (ICAO) for their expertise in aviation security; Interpol for their law enforcement and border control expertise; U.N. Women; the Department of Peacekeeping Operations (DPKO).

That means that we have very targeted questions and use the same methodology for every single visit, so that we ensure total objectivity and a really good diagnosis of the CT gaps. In the next step, we come up with recommendations and then submit them to the Security Council, and on the basis of that report—once it is accepted by the visited country and the Security Council—work can start on addressing the gaps and delivering the right targeted approach. The actual implementation is not conducted by ourselves but by other entities, coordinated by OCT.

We are the barometer. We make recommendations, but other U.N. entities take over and deliver technical assistance and capacity building. It's a new approach, which ensures follow-up and allows us to see how we're having impact. Assessment, assessment, assessment really is our core business and, coupled to that also, analysis of trends and provision of expertise.

We have a team dedicated to verifying the latest trends, developments, and biggest concerns. And this analysis is based not only [on] our assessments, but also our liaison with outside experts, including those who are part of our Global Research Network.

It's all about impact, and really making a difference as clearly set out in resolution 2395—identifying the lessons learned in one country and what we see as a best practice, which has already been implemented in one country. We then try to verify whether it's really something that could be applied in other countries, and then spread the good practices and lessons learned. This is an integral part of our set of tasks.

## **CTC: How does the Global Research Network operate?**

**Coninsx:** The Global Research Network (GRN) is probably best described as a living, virtual network of academic institutions and researchers.<sup>1</sup> Terrorism and counterterrorism responses are increasingly affecting such a wide range of countries. Although the GRN comes together physically in meetings and briefings and workshops, the idea is that we can proactively reach out to trusted researchers around the world who are producing evidence-based research. Our growing Rolodex allows us to be aware of the research being done and who we need to engage with, and that allows us to connect research work with policymakers here at the United Nations.<sup>a</sup>

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a Editor's note: To achieve this, CTED produces regular Research Digests and Trends Reports. For example, see <https://us2.campaign-archive.com/?u=8343c3b932a7be398ceb413c9&id=0eae35cfd7>



ASG Michèle Coninsx briefs the U.N. Security Council on August 7, 2018, on the Secretary-General's Seventh report on the threat posed by the Islamic State to international peace and security. (U.N. Photo/Loey Felipe)

**CTC: You have spoken about the work your directorate does. Looking at the big picture, how important have U.N. efforts been as a whole in confronting terrorism and protecting against this threat in the years since 9/11?**

**Coninsx:** It's been clear for many years that the transnational character of terrorism requires a transnational response. Significant progress has been made in this regard. On the 13th of June 2001, I convened the first meeting of Pro-Eurojust (provisional Eurojust) with seven European Union member states involved in investigations into an al-Qa`ida network. It was at that moment quite difficult to have this coordination set up because no one wanted to share anything with anybody. What we didn't know at that moment is that we were really hammering on an existing network, which was connected to the 9/11 attacks.

At the time, Eurojust<sup>b</sup> didn't yet exist, and Europol<sup>c</sup> was not working at the same pace as it's working [at] right now. There was no regional coordination mechanism at the E.U. level. That was the first hint that having good local and national measures was not good enough. We needed regional structures in order to tackle terrorist activity.

Now more than ever, local, national, and regional measures are essential but not sufficient. We need that extra layer, and that's exactly what the United Nations is offering: uniting the efforts, uniting the nations, uniting the countries, exchanging information, exchanging data, exchanging also the good practices but also ensuring that if the capacity, if the equipment, if the legislation, if

b Editor's note: Eurojust is an E.U. agency responsible for judicial cooperation. It was set up in 2002 in The Hague.

c Editor's note: Europol is an E.U. agency responsible for law enforcement cooperation. It is based in The Hague.

the instruments are not good enough, to help improve them when needed. And that's in essence what the United Nations is doing. So, I'm a strong believer because I have worked at all the other three levels—local, national, and regional—and know how important joined-up international efforts are.

**CTC: Before taking on your U.N. role, you worked as a counterterrorism prosecutor in Belgium. How much progress has there been in creating capability at the national level to prosecute terrorist groups?**

**Coninsx:** There has been a great deal of progress. Let me provide you with an example to illustrate how far we have come. After bombings by the GIA terrorist group in France, which saw the group targeting the Paris metro system, I prosecuted a support cell active in Belgium involving 13 suspects brought to trial in 1995.<sup>2</sup> It was the first ever trial of Islamist terrorists in Belgium, and we were faced with very significant challenges because we didn't have CT legislation nor any formal cooperation structure with the intelligence and security service [Surete de L'etat]. The prosecution file was based on information from the intelligence and security service.

It was a real ordeal because we had no legislation, so it was very difficult to prove the link between that support and activity in the RER<sup>d</sup> [Paris metro system] attacks. We had no legal provisions allowing us to prosecute terrorism specifically as a crime nor could we charge people with membership of terrorist organizations. We had to depend on *association de malfaiteurs* [criminal conspiracy charges], which didn't cover the extent, the gravity of that case. We had very good lawyers who were defending their defendants. So it

d Editor's note: The RER—the Paris regional train network—is a commuter service integrated into the Paris metro system.

was a very shocking first encounter with the reality of a counterterrorism trial, where you didn't have the legal ammunition nor anything which could prove very easily what you could feel with your guts. Evidence is crucial. What I also learned is the importance of the press—how isolated you are when you're overwhelmed by press articles but you can't respond because you have to be very secretive because of security issues.

My work as a prosecutor in Belgium also made me aware of how important coordination mechanisms are between domestic agencies and their counterparts in other countries. I saw this myself when I was involved in the coordination between Belgian authorities and their French counterparts in the lead up to the Euro 2000 football championship, which was co-hosted by Belgium and the Netherlands. There was concern the GSPC<sup>e</sup> terrorist group might plot an attack against the teams taking part, but this was avoided.

**CTC: Foreign fighters traveled from many parts of the world to join the Islamic State and other jihadi groups in Syria and Iraq. How important has that made international cooperation to identify them and circulate information on them?**

**Coninsx:** It's vital. More than 100 countries have provided us with information on foreign terrorist fighters, which is over half our membership. Every single country is responsible for the collection of data on the foreign terrorist fighters leaving to the conflict zones and returning. The relocation and return of foreign terrorist fighters is now the greater of the problems we are dealing with, and since Security Council resolution 2396 was adopted, that's been our focus. No one has precise figures on how many people left for the conflict zones or how many were killed, have relocated or returned, or remain in the conflict zones. Addressing the potential threat posed by the relocating and returning foreign terrorist fighters starts with identifying them. It also means member states need to secure their land, air, and sea borders. As articulated in Security Council resolution 2396, tools here include Advance Passenger Information (API), Passenger Name Records (PNR), and biometrics. All this requires very serious work, from a technical, legal, institutional, and organizational point of view in investing in these instruments.

In each and every single visit to member states, we ask about their threat assessment, how they perceive the foreign terrorist fighters and the extent of their relocating and returning foreign terrorist fighters problem. Very often, we see that there are no precise figures, if we're honest. Better data is what we should strive for. We don't have disaggregated data on gender and age. This will be important to create tailored approaches with regards to prosecutions or rehabilitation and reintegration especially when we talk about children.

**CTC: There are at least hundreds and perhaps thousands of suspected foreign terrorist fighters who are in custody in Syria and**

**a far greater number in Iraq.<sup>f</sup> How much information is coming into the U.N. on who these people are?**

**Coninsx:** We have spent significant time in Iraq to meet with authorities there. Most recently, we visited Iraq in March 2018 where we met with decision makers, with U.N. country teams, and with the mayor of Fallujah to see what is going on. Iraq is facing a range of significant challenges, including the need for reconstruction and building a safe society.

In May 2018, we sent a scoping mission to do follow-up on this. We heard that females have been taken into pre-trial detention, that children have been separated from their mothers in shelters. When it comes to member states repatriating children, we learned there are problems in relation to recording the nationality, the country of origin of those children.

To give you a sense of the sort of issues we need to think through, a prosecutor from a European country told me they had returning children from three different fathers from three different countries. There are so many questions we face. What can be done to take care of the children of foreign terrorist fighters in the conflict zones? How do we address the human rights issues?

Our approach is going to have to involve the management of risk. No one can foresee who is going to come back with terrorist intentions versus those who come back heavily traumatized and frustrated.

When it comes to prosecutions, we have identified the challenge of getting admissible evidence from the battle zone in Syria and Iraq as a key problem. It's the military of member states who are on the spot and have the capability. It's important to ensure that the collection, preservation, and sharing of evidence is done in accordance with all the conditions needed in front of court and for prosecutors and judges. We are currently working together with the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Counter-Terrorism in The Hague (ICCT) to gather expertise on this.

**CTC: In a recent report, you highlighted the potential threat posed by foreign terrorist fighters being released from prisons in the years ahead,<sup>3</sup> noting that a number of FTFs have been given relatively short sentences, and therefore, there has been "limited opportunity to engage them in rehabilitation and reintegration programs prior to their release," meaning there could be significant concern about the threat they could pose when they leave prison. How are you addressing this?**

**Coninsx:** It's going to be a problem, and that's why we sent out an alert on it this summer.<sup>4</sup> We've seen very short sentences being handed out in the European Union in particular, sometimes because of lack of evidence or because of the membership activity in a terrorist group is sentenced at a maximum of five years, which

<sup>e</sup> Editor's note: The GSPC, the Salafist Group for Preaching and Combat, was a spin-off group of the GIA. In 2007, it was rebranded al-Qa'ida in the Islamic Maghreb (AQIM).

<sup>f</sup> Editor's note: According to the United Nations, "there are assessed to be between several hundred and 2,000 foreign terrorist fighters held in detention in northern Syrian Arab Republic and a far greater number in detention in Iraq, where Member State estimates range between 9,000 and 20,000 depending upon whether family members are included." "Letter transmitting the Twenty-Second Report of the Analytical Support and Sanctions Monitoring Team concerning ISIL, Al-Qaida and associated individuals and entities," United Nations, June 27, 2018, p. 20.

means those who started sentences in around 2013 are now being released. In prisons, there is a problem of capacity, knowledge, and experience when it comes to dealing with potential radicalization processes. And given the short length of sentences, time is often too short to figure out whether individuals continue to be radicalized or are becoming more radicalized and what's the next step in the rehabilitation/reintegration process. It's a new phenomenon which we don't yet have much experience with. To address this, we've been speaking to relevant authorities in various countries to research the issue, and we hope eventually to be able identify and disseminate best practices.

**CTC: You spent a lot of time working on aviation security. Where is vigilance needed in the years ahead?**

**Coninsx:** Terrorists continue to try to get IEDs onto planes, as was allegedly seen with the plot against aviation thwarted in Australia in the summer of 2017.<sup>5</sup> And their inventiveness and creativity is potentially unlimited. One particular concern when thinking about airport security is the weaponization of drones. Then there is continued concern about potential insider threats at airports. Airports are big communities, looking like cities. Another area of concern is the dependence of the aviation sector on IT, and therefore, we need safeguards against IT-based attacks. And then there is the threat against airport terminals as we saw in the 2016 Brussels and Istanbul airport attacks.

**CTC: In the context of the continued threat from jihadi terrorism, how can the international community empower communities around the world to confront the message of extremists?**

**Coninsx:** I think that we should empower the whole community, the whole of civil society. Religious leaders are important. At the same level, families, mothers, schools, sports clubs are also important. It's important not to focus too much on one group, but on the whole of society. Different municipalities in Belgium had similar communities and challenges, but only one city had nearly no problem with foreign terrorist fighters, and that was Mechelen, whose mayor had recently been named the best mayor in the world.<sup>6</sup> When I talked with him, he said over the last 30 years, he included everybody in his community and gave them the same opportunity for jobs in the police service, in schools, and in sports clubs, and I think that was key.

Exclusion drives radicalization, and inclusion protects against it. I was recently in Nigeria, Niger, and Burkina Faso where a huge majority of the population are youngsters between 15 and 30 years old. It was eye opening to me how exclusion in developing countries from education, jobs, and economic opportunities can create openings for terrorist recruiters.

**CTC: The recent U.N. Secretary-General report<sup>7</sup> noted that 66 states have introduced measures requiring airlines to provide advance passenger information, but few member states have the resources or capacity to effectively implement such systems. There seems to be a very uneven approach to some of these systems and technologies, including advance passenger information and biometrics. How are you working to address that?**

**Coninsx:** It's a key priority for us. A critical dimension of counter-

terrorism is for governments is to know who is in transit, who is entering a country. Hence, since 2014, the importance of advance passenger information (API), biometrics, passenger name records (PNR), and watch-lists.

When it comes to biometrics, you're talking about DNA, facial recognition, eye recognition, and fingerprints. These are very technical issues, so that means that countries need equipment, capacity, know-how, and appropriate legal frameworks because there are, of course, privacy issues and human rights issues. There is a need for training. This is especially the case for developing countries because there's a big difference between their capabilities and those of developed countries. Some countries don't yet have birth registrations, so when you talk to them about PNR and API, you're asking them too much.

The international community has an obligation to help them because we cannot have a chain made up of very strong elements but then also weak elements. The United Nations has to identify where there are gaps, and work together with ICAO on circulating recommended practices. You have to map the different situations of different countries. And that is exactly what we are doing in all of our country visits.

This past June, we published a compendium of recommended practices for member states on the use and sharing of biometrics in counterterrorism.<sup>8</sup> It was a collaborative effort with the Biometrics Institute,<sup>8</sup> and it was done with a lot of respect for human rights, for the technical aspect, for the respectful use of biometrics, not trying to go, "This is the obligation, and now it's your turn."

**CTC: Where is the world going to be in 20 years with the roll out of biometrics and other state-of-the-art border security technologies and systems?**

**Coninsx:** The objective is to have everybody at the same level and to have one chain, one strong chain—193 countries having the same possibilities, the same opportunities. That is the objective. And I think that we will get there by having this collaborative, multi-layer, multi-sectorial approach. I am a strong believer in it because I can see the steps that have been taken in the last 10 months, and progress in countries [that] were absolutely not at the right level. There is a lot of eagerness to be onboard.

We're striving to have interoperability, to have good checks with the national and the regional databases. We're not there yet. Hence, the importance of collaborating with ICAO, for instance, which has its own expertise in the field with recommended practices, as well as law enforcement and border control experts. It's also the reason why we work together with Interpol with their stolen and lost passport database. It's a collaborative effort. Everybody has a piece of expertise, and my aim is to bridge these different areas of expertise.

It's all about collaborative efforts. We concluded an agreement with Interpol in July 2017.<sup>9</sup> We concluded an agreement on cooperation with ICAO in May this year.<sup>10</sup> We signed the global compact with OCT.<sup>11</sup> We worked on the compendium together with OCT. Our approach is to first identify, on the basis of our assessments, which countries are in the biggest need first of all. Then to conduct our own 'deep-dive' missions, assessing the different levels of exper-

<sup>g</sup> Editor's note: The Biometrics Institute is a not-for-profit organization that promotes the responsible and ethical use of biometrics.

tise involved, how we can fill the gaps, and how we can offer them targeted, focused support. On top of this, we are also conducting awareness-raising activities with respect to the compendium, explaining what the compendium is about. Things have gone very fast because of the drive of the experts here at CTED, but there is still a long way to go.

**CTC: The collection and use of biometric data could raise questions regarding human rights and particularly the right to privacy. This suggests there's going to be a significant debate in the future about their broader use in counterterrorism.**

**Coninsx:** I think that we need those open and frank debates to find the right balance. When it comes to security at member states' national borders, we need to be sure that if you cross the border with a criminal or terrorist intention that you're caught in time to safeguard another right which is, I think, the highest right is the right to live. And that's exactly what we have to do: to make sure that the one who is passing with bad intentions, with terrorist intention doesn't pass.

**CTC: The U.N. Secretary-General recently stressed the importance of prosecuting cases of sexual violence carried out by terrorists, noting that up until at least the end of 2017, not a single member of the Islamic State or Boko Haram had yet been prosecuted for such crimes.<sup>12</sup> What more can be done?**

**Coninsx:** It is certainly a significant concern. The key is collecting evidence. How do you ensure statements are made, how do you get the testimony of witnesses? Women may find it difficult to make statements because they are frightened and don't want to talk about it. As a former prosecutor, I can tell you it's not an easy offense to prove in a national context. It's all the more difficult to prove in a zone of conflict and areas occupied by terrorist groups. I've met with women in Kenya and Nigeria in recent months and learned about the sexual abuse that was inflicted on them, especially against younger girls, and the post-traumatic stress and the stigmatization they are suffering [from]. We need to do everything we can to help the victims and bring those within terrorist groups who committed sexual crimes to justice. There must be no impunity for these crimes. **CTC**

## Citations

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- 4 This is available on the CTED's website at [https://www.un.org/sc/ctc/wp-content/uploads/2018/07/Trends\\_Alert\\_July\\_2018.pdf](https://www.un.org/sc/ctc/wp-content/uploads/2018/07/Trends_Alert_July_2018.pdf).
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- 10 See "ICAO and UN CTED to strengthen cooperation on border control, aviation security, and counter-terrorism issues," ICAO, May 17, 2018.
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# The Islamic State's Mufti on Trial: The Saga of the "Silsila 'Ilmiyya"

By Cole Bunzel

The past year has seen the periodic arrest by the Islamic State of a number of its scholarly figures, including Abu Ya'qub al-Maqdisi, a man described by some as the group's "mufti." The crackdown on these scholars has to do with an ideological rift in the Islamic State over the doctrine of *takfir*. Last year, an audio series called the "Silsila 'ilmiyya" was released with the aim of putting this dispute to rest, but the infighting has persisted and, in fact, escalated, undermining the ideological integrity of a group that claims to speak with one voice.

Just over a year ago, in mid-September 2017, the Islamic State issued a statement retracting its highly controversial memo on the issue of *takfir* (excommunication) and announcing its "return to the truth." The seven-page memo, from May 2017, had been the subject of numerous refutations by the self-styled scholars (*ulama*) of the Islamic State, foremost among them being Turki al-Bin'ali, the head of the Office of Research and Studies (Maktab al-Buhuth wa'l-Dirasat), who was killed in an airstrike in May 2017 while being detained by senior leaders of the caliphate.<sup>1</sup>

The statement bearing the retraction, signed by the Islamic State's Delegated Committee (al-Lajna al-Mufawwada), foretold of an audio series that would treat the theological issues under dispute. Titled "Silsila 'ilmiyya fi bayan masa'il manhajiyya" ("Knowledge Series Clarifying Matters of Methodology"), it appeared in six installments in the second half of September 2017.<sup>2</sup>

The purpose of the "Silsila 'ilmiyya," as the first episode explained, was "to unify the [Islamic] State and unite the hearts of its soldiers around the truth." Thus far, however, it has done nothing of the sort. Far from bringing harmony, it has rather stoked further discord in the ranks of the Islamic State and its online support network. Meanwhile, al-Bin'ali's successor as head of the Office of Research and Studies, described by his supporters as the Islamic State's "mufti," is currently being detained. The charges against him may well lead to his execution, doing further damage to the group's ideological coherence. While the Islamic State remains stronger today than is commonly thought, the internal schism over ideology is doing lasting damage in a way that has yet to be appreciated.

## "The Third Nullifier"

The main reason the May 2017 memo on *takfir* was so controversial was that it elevated *takfir* to the status of a foundational reli-

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gious principle. This came in the assertion that "*takfir* of polytheists (*takfir al-mushrikin*) is one of the manifest principles of the religion (*min usul al-din al-zahira*)"—in other words, that *takfir* is a duty incumbent on every true believer, and that there is no excuse for failing to fulfill it. In jihadi discourse, the notion of *takfir* as a requirement derives from what is commonly known as "the third nullifier" (*al-naqid al-thalith*), a statement by Muhammad ibn 'Abd al-Wahhab, the founder of Wahhabism, in his list of 10 things that nullify one's Islam (i.e., expel one from the faith). The third nullifier in the list reads: "Whoever does not excommunicate the polytheists, or is doubtful about their unbelief, or affirms the validity of their doctrine—he is an unbeliever by consensus."<sup>3</sup> This is to say, those who fail to excommunicate supposed polytheists, or hesitate to do so, are themselves to be excommunicated. Referring to this line, the memo attacked the "postponers" (*murji'a*) within the Islamic State who have sought to dilute "the third nullifier" by imposing such restrictions on it as to render it null and void. One implication of the memo was thus that those who object to this hard line have put themselves beyond the pale.<sup>a</sup>

In the eyes of the Islamic State, the "polytheists" in question are the professed Muslims living in Iraq, Syria, and other Islamic countries who have allegedly committed some act of "polytheism" (*shirk*). This can mean voting in a democratic system or supporting rulers who fail to rule by Islamic law, among other things. When it comes to the polytheistic nature of such practices, the Islamic State is largely agreed. Where it has had difficulty formulating a consensus is in determining which people exactly are to be deemed polytheists, and so subject to *takfir*, and which people, if any, may be excused their theological shortcomings on account of either ignorance (*jahl*) or possession of an alternative religious interpretation (*ta'wil*).

The view of the Islamic State's scholars in the Office of Research and Studies has been that the third nullifier ought to be read restrictively, lest it lead to too expansive an approach to *takfir*. Al-Bin'ali, for instance, in a February 2016 letter to the Delegated Commit-

a The advocates of the more hardline approach to *takfir* in the Islamic State have been referred to by their enemies as "extremists" (*ghulat*) and "Hazimis" (*Hazimiyya*), the latter in reference to a Saudi cleric named Ahmad ibn 'Umar al-Hazimi. Al-Hazimi introduced a controversial doctrine known as *takfir al-'adhir*, meaning "excommunication of the excuser." Derived from a strict reading of "the third nullifier," it stipulates that anyone who "excuses" the unbelief of an unbeliever has committed unbelief oneself and is therefore subject to *takfir*. Because there are disagreements among jihadis over who is and is not an unbeliever, the doctrine is highly contentious. A group of "Hazimis," led by the Tunisian Abu Ja'far al-Hattab, was executed in 2014, but according to al-Bin'ali, their hardline approach resurfaced under a new guise—the demand that *takfir* be considered "a part of the foundation of the religion" (*min asl al-din*). See al-Bin'ali's letter to the Delegated Committee, dated February 13, 2016, available at <http://www.jihadica.com/wp-content/uploads/2018/09/Binali-to-DC.pdf>.

tee, complained about blanket statements demanding *takfir* of the supporters of “idolatrous” Arab rulers, noting that some of those concerned might be exempted for one reason or another. Such statements, he warned, inevitably lead to “*takfir* of entire societies and peoples.”<sup>4</sup> Similarly, in his refutation of the May 2017 memo, al-Bin‘ali argued that classifying *takfir* as “one of the manifest principles of the religion” opens the door to mass *takfir*—or, more precisely, *takfir* in infinite regress (*al-takfir bi'l-tasalsul*).<sup>5</sup>

Several years earlier, he spelled out his thinking on the subject at greater length in a lecture delivered in Raqqa.<sup>6</sup> “Many of the nullifiers of Islam,” he declared, “are subject to rules and restrictions,” upon which he proceeded to elaborate. One of the upshots of these rules and restrictions, he said, is that most of the world’s professed Muslims are to be presumed Muslim unless proven otherwise. In particular, the inhabitants of the so-called “lapsed abode of unbelief” (*dar al-kufr al-tari*)—that is, the abode of Islam (*dar al-Islam*) that has reverted to being the abode of unbelief (*dar al-kufr*) on account of the fact that Islamic law is no longer applied there—are to be given the benefit of the doubt as concerns their Islamic faith: the presumption is that they are Muslims, not unbelievers. This was a controversial position in the Islamic State, as evidenced by the outbursts of dissenting audience members at al-Bin‘ali’s lecture.<sup>b</sup> But it was representative of the more nuanced approach to *takfir* promoted by the Office of Research and Studies.

Those with the least nuanced approach, and hence the most prone to *takfir*, have been concentrated in the Central Media Department (Diwan al-I‘lam al-Markazi). The Islamic State’s Delegated Committee, its executive body, has tended to occupy something of a medial position, leaning in one direction or the other at different points in time. The May 2017 memo on *takfir* counted as a victory for the more *takfir*-prone faction identified with the Media Department, while the “Silsila ‘ilmiyya” was seen as a triumph for the more *takfir*-averse identified with the Office of Research and Studies. The pendulum, however, appears to be swinging back in the other direction.

### Abu Ya‘qub al-Maqdisi and the “Silsila ‘ilmiyya”

Following his death in late May 2017, al-Bin‘ali was succeeded in his role at the Office of Research and Studies by a Jordanian known as Abu Ya‘qub al-Maqdisi<sup>c</sup> (not to be confused with the prominent Jordanian jihadi ideologue Abu Muhammad al-Maqdisi). While Abu Ya‘qub al-Maqdisi’s identity is as yet unknown, a brief biography online, written by a supporter, states that he has served in several positions in the Islamic State, including as a judge in two “provinces” in Syria, and is the author of 17 books and essays for the Office of Research and Studies.<sup>7</sup> One of these books is a lengthy treatment of the “the third nullifier,” which he interprets restrictively.<sup>8</sup> Significantly, many of the arguments and proof texts found in this book, as well as in another work of his,<sup>9</sup> reappear in the “Silsila ‘ilmiyya” audio series, a fact that lends credence to the widely circulated claim that Abu Ya‘qub was one of the authors of the audio series.<sup>10</sup> Another

one of the authors appears to have been a certain Abu Muhammad al-Masri, who read the series in the original recording.<sup>11</sup>

The six episodes of the “Silsila ‘ilmiyya” can be summarized as follows. The first is an introduction explaining the purpose of the series, railing against “the theoreticians of extremism in *takfir*” and examining the causes of the current division in the Islamic State. The second treats the meaning of the term “foundation of the religion” (*asl al-din*), defined as consisting of four elements: “the affirmation of God, the worship of Him alone, the eschewal of the worship of all others besides Him, and dissociation from those who assign partners to God.” These are held up as necessary conditions of faith, meaning that they must be acknowledged and practiced for one to be considered a Muslim. Ignorance, it is stated, is no excuse for failing to observe these articles of faith. In other words, the principle of “excusing on the basis of ignorance” (*al-‘udhr bi'l-jahl*) is not operative as concerns the foundation of the religion.

The third episode is the heart of the series. Here it is argued that *takfir* does not form a part of the foundation of the religion, but rather is “one of the requirements of the religion” (*min wajibat al-din*). This is to say that while *takfir* of polytheists is a religious duty, it is not a *foundational* one. Failure to engage in *takfir* does not jeopardize one’s status as a Muslim. The fourth episode, building on the third, introduces the notion of “levels” (*maratib*) in *takfir*, the idea being that *takfir* is not always a clear-cut judgment.

The fifth episode addresses the matter of “the recalcitrant group” (*al-ta‘ifa al-mumtani‘a*), meaning a group of people refusing to adhere to one or more of the legal obligations of the faith. While a recalcitrant group must always be fought, it is said, such people are not automatically subject to *takfir*. (The matter is then dismissed as irrelevant to present circumstances.) The sixth and final episode deals with the classification of lands (as the abode of Islam or the abode of unbelief) and the status of their respective inhabitants. Residence in the abode of unbelief, it is affirmed, does not necessarily denote infidel status. But the question whether professed Muslims in the “lapsed abode of unbelief” are to be considered Muslim or not is skirted.

On its face, then, the “Silsila ‘ilmiyya” was in nearly every respect a victory for the Islamic State’s scholars against the “extremists” behind the May 2017 memo and their allies in the Media Department. Most important, they succeeded in downgrading *takfir* from “one of the manifest principles of the religion” to “one of the requirements of the religion,” thereby creating room for reasonable disagreement as to who is a “polytheist” and who is not.

From the beginning, however, this was a problematic victory. Not all of the episodes in the series had, in fact, been released. Moreover, both apparent authors of the series—Abu Ya‘qub al-Maqdisi and Abu Muhammad al-Masri—have been arrested several times by the Islamic State’s leadership in the course of the past year.<sup>12</sup>

### The Missing Episodes and the al-Turath al-‘Ilmi Foundation

In early July 2018, an online media group called the al-Turath al-‘Ilmi Foundation (Mu‘assasat al-Turath al-‘Ilmi) published the transcripts and audio files of three episodes of the “Silsila ‘ilmiyya” that had never aired.<sup>13</sup> In an accompanying statement, al-Turath explained that the original series consisted of nine episodes, all of which had been approved by Abu Bakr al-Baghdadi.<sup>14</sup> At the last minute, however, as the statement relates, a man named al-Hajj ‘Abdallah, who appears to be a high-ranking member of the Dele-

b Their interjections can be heard throughout the lecture.

c According to one source, Abu Ya‘qub’s real name is Ahmad ibn Yusuf Simrin. See Abu Salim al-Muhajir, Iqaf al-dalil wa-bayan fasad al-ta‘sil li-man jadala ‘an al-mutawaqqif fi takfir al-mushrikin, March/April 2018, p. 3, available at <http://www.jihadica.com/wp-content/uploads/2018/10/iqaf-al-dalil.pdf>.

gated Committee—one source describes him as the caliph’s “deputy” (*na’ib*)<sup>15</sup>—intervened to delay the release of three of them, on the grounds that they might upset certain “extremists” in the group.

The three missing episodes were, according to the statement, supposed to be the fourth, sixth, and seventh in the series. Of the original nine, they are the most discouraging of *takfir*. The fourth is a rebuttal of some of the “extremists” arguments in favor of including *takfir* within the scope of the foundation of the religion. The sixth dives deeper into “the third nullifier,” explaining that it has a perilous flip side—namely, that one who wrongfully excommunicates a Muslim exposes oneself to *takfir*. And the seventh presents further evidence against wrongfully excommunicating Muslims. It would appear, then, that these episodes were indeed withheld as part of an effort not to alienate the more *takfir*-prone among the caliphate’s backers.

The statement by al-Turath goes on to say that the missing episodes were originally slated to be al-Turath’s first release upon its launch in October 2017, when it began leaking the unpublished works of the Office of Research and Studies. But it decided to give the Media Department more time. Finally, al-Turath determined that the Media Department had been recaptured by the “extremists” and purged of their opponents, at the direction of the aforementioned al-Hajj ‘Abdallah. Similarly, back in December 2017, al-Turath reported that the “extremists” had been restored to their positions in the Islamic State’s Delegated Committee, after having been sacked by al-Baghdadi in the months before.<sup>16</sup> Indeed, the impression given by al-Turath’s various news reports is that the “extremists” are very much back in control.

From the perspective of the Media Department, the Office of Research and Studies, in cooperation with al-Turath, has gone rogue. Since October 2017, al-Turath has released dozens of books and essays by the scholars of the Office of Research and Studies, including a six-volume compendium prepared by al-Bin’ali, in addition to numerous audio files of lectures and speeches. The Media Department has been highly critical of these unauthorized releases. In an official statement in July 2018, it instructed supporters of the caliphate not to publish or circulate such unauthorized materials—whether written, audio, or visual—claiming that “they do not represent the Islamic State, its provinces, or its leadership.”<sup>17</sup> In his August 22, 2018, speech, al-Baghdadi said something similar, warning his supporters not to believe news reports that do not issue from the Central Media Department.<sup>18</sup> The fact that he only referred to news reports (*akhbar*) is likely an indication that he does not wish to alienate the scholars of his group, however upset he may be with them.

### The Charge Sheet

On August 30, 2018, a report from al-Turath announced that “the governor of al-Sham,” a man known as ‘Abd al-Qadir or Hajji Hamid, circulated a statement charging Abu Ya’qub with several treasonous crimes. The statement was read aloud in various parts of the Islamic State.<sup>19</sup> As al-Turath reported previously, Abu Ya’qub had been detained on July 11, 2018, for issuing a *fatwa* against working in any part of the caliphate besides the military.<sup>20</sup> The August 30, 2018, statement refers to this *fatwa* as a gift “on a silver platter” to the Rand Corporation, the latter seen as leading an effort to combat Islamic State media online.<sup>21</sup>

The charge sheet against Abu Ya’qub includes the following transgressions: publishing his writings online without the consent of al-Baghdadi; defying orders to report to the frontlines; spying on the Islamic State on behalf of Abu Muhammad al-Maqdisi, the influential jihadi ideologue in Jordan who has been a major opponent of the group; dividing the ranks of the Islamic State by claiming that its rulers have acted unjustly; concealing the whereabouts of Abu Muhammad al-Hashimi, a dissident scholar who wrote a searing critique of the Islamic State in the wake of the May 2017 memo;<sup>22</sup> rallying the group’s scholars to put pressure on the leadership to submit to their demands; collaborating with another Islamic State dissident, Abu Suhayb al-Najdi; refusing to hand over the “red stamp” bearing the logo of the Office of Research and Studies; and issuing fatwas that run contrary to the correct Sunni methodology (*manhaj*) on unspecified issues.

The response from Abu Ya’qub’s camp was swift. On September 1, 2018, al-Turath released a letter of protest by a group of scholars in the Islamic State.<sup>23</sup> In addition to defending their leader against the charges leveled against him, the authors called on the Islamic State’s rulers to hold a public trial before judges and scholars to hear the testimony of both sides. A few days later, another letter defending Abu Ya’qub and calling for a public hearing appeared online.<sup>24</sup> The anonymous author, who refers to himself as a student of the accused, reveals that Abu Ya’qub is elderly and suffering from multiple medical issues—a heart murmur, sciatica pain, and degenerative disc disease. He described the charge sheet, which was read aloud in the mosques of al-Hasakah (Wilayat al-Baraka) by the chief sharia official there, as a move “paving the way to kill the shaykh.” In both letters, Abu Ya’qub is repeatedly described as “the mufti of the [Islamic] State.”

### God Save the Mufti

On September 12, 2018, the al-Wafa’ Media Foundation, an ally of the al-Turath al-‘Ilmi Foundation, appealed for divine intervention in the case of Abu Ya’qub. “We ask God to save the mufti of the Islamic State,” it wrote on its Telegram channel.<sup>25</sup> Whether this prayer is answered or not, it is abundantly clear that the Islamic State’s ideological integrity, much like its territorial integrity, has been severely compromised. Al-Baghdadi has sought to hold both sides of the ideological dispute in check by striking a balance. But the balance has long been precarious, and is proving increasingly untenable. Over the past year, the scholars of the Office of Research and Studies have found themselves on the losing side of this balancing act. With the “Silsila ‘ilmiyya,” it seemed as if the balance had been restored in their favor, but they are evidently convinced that the “extremists” remain firmly in control. Meanwhile, those who hold the levers of power in the Islamic State have grown weary of the scholars’ frequent protests and leaks.

The mufti’s fate may well determine whether the Islamic State’s scholars remain in the fold, or whether they abandon the caliphate entirely. Even their continued arrest, however, could carry implications. As one disenchanted supporter recently wrote online, the Islamic State is now persecuting its scholars in the same fashion as Saudi Arabia. How will it urge people to jihad, he said, when it is engaged in such hypocrisy?<sup>26</sup> **CTC**

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- 12 See the various news reports by Mu'assasat al-Turath al-'Ilmi from December 2017 to September 2018, available at <http://www.jihadica.com/wp-content/uploads/2018/09/turath-reports.pdf>. In late August 2018, the Islamic State issued a new version of the "Silsila 'ilmiyya," with no substantive changes but read by another speaker. This was likely an indication that al-Masri no longer enjoys good standing with the group's senior leadership. See further at Cole Bunzel, "New turn in the saga of ISIS's silsila 'ilmiyya (its audio series intended to clarify disputed matters of ideology). Yesterday the group reissued the series with a different voice, as previous reader (Abu Muhammad al-Masri) is no longer in good standing (1/3)," Twitter, August 29, 2018, available at [pic.twitter.com/104PrgzhNF](http://pic.twitter.com/104PrgzhNF).
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# Revisiting the Mali al-Qa`ida Playbook: How the Group is Advancing on its Goals in the Sahel

By Jami Forbes

**In 2012, al-Qa`ida-affiliated militants from North Africa and the Sahel joined regional armed groups in the Tuareg rebellions in northern Mali. The goal was to create an Islamic state and combine regional grievances with broader al-Qa`ida strategic ambitions. In 2013, journalists uncovered an al-Qa`ida 'playbook' for Mali, which provided insight into al-Qa`ida's goals for the country. This was outlined in a 2013 article in this publication by Pascale Combelle Siegel. In that article, Siegel argued that the playbook served as an "ominous warning" of a long-term plan by al-Qa`ida for the Sahel. Unfortunately, events validate Siegel's warning and suggest that al-Qa`ida, through its North Africa- and West Africa-based affiliates, is advancing on the goals it set out for its movement in the region.**

In early 2013, the then Associated Press journalist Rukmini Callimachi recovered what was dubbed "The Mali al-Qa`ida Playbook" in Timbuktu, a document that provided unprecedented insight into al-Qa`ida's strategic ambitions for the Sahel region of West Africa.<sup>1</sup> The playbook was believed to be a guidance letter from the senior most al-Qa`ida leader in Africa, Algeria-based al-Qa`ida in the Lands of the Islamic Maghreb (AQIM) Emir Abdulmalek Droukdel, to his lieutenants in northern Mali. In it, Droukdel suggested that al-Qa`ida viewed the 2012 Tuareg rebellions in Mali as an "historic" opportunity to expand and nurture a long-term presence in the Sahel.

The missive outlined five broad goals: uniting the Azawad people,<sup>a</sup> regulating the relationship with regional armed group Ansar Dine,<sup>b</sup> curbing the radical activities of militants, imposing sharia law, and developing support for external al-Qa`ida activities. These objectives aligned with a directive from al-Qa`ida leader Ayman al-Zawahiri, disseminated in September 2013, titled "General Guidelines for Jihad."<sup>2</sup> In this communiqué, al-Zawahiri explained

a Azawad is the name used to describe Northern Mali, largely prescribed by ethnic Tuareg and Berbers in the region. It was also the short-lived name of the state established by rebels in Mali in 2012.

b Ansar Dine, or "Defenders of the Faith," is a Northern Mali-based armed group led by Tuareg rebel leader Iyad ag Ghali. The group was designated as a Specially Designated Terrorist Group by the U.S. State Department in March 2013 due to its actions in inciting rebellion in northern Mali and its ties to al-Qa`ida.

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that establishing unity of effort, cultivating local support, and mobilizing populations were necessary to build up the jihadi movement as a prelude to the eventual creation of a caliphate.

In a 2013 *CTC Sentinel* article, Pascale Combelle Siegel argued that the AQIM playbook served as an "ominous warning" of a long-term plan by al-Qa`ida that could signal a "successful return" of the group.<sup>3</sup> Unfortunately, events in the Sahel since 2013 have validated Siegel's warning, with the al-Qa`ida network in the region methodically (albeit slowly) advancing on almost all of the strategic objectives it set for itself in the playbook. AQIM and al-Qa`ida elements have deliberately integrated themselves into the region by nurturing ties to disenfranchised tribal and ethnic groups, fighting alongside armed groups in support of local/regional grievances, fostering unity of effort, and slowly implementing their version of rule of law.

These mechanisms reflect disciplined strategic patience and could help enable al-Qa`ida lay the foundation for a durable presence in the Sahel, one that could eventually train and host foreign fighters and provide the sanctuary necessary to support external attacks. This long-term aspiration is alluded to in the playbook, where AQIM outlined the advantages of gaining a Mali-based safe haven:

*"Gaining a region under our control and a people fighting for us and a refuge for our members that allows us to move forward with our program at this stage is no small thing and nothing to be underestimated. The enemy's constant, persistent effort now is to not leave any safe havens for the Mujahideen."*

## Establishing Unity of Effort

In 2012, al-Qa`ida elements recognized that for the strategy to succeed in Mali, the group needed to establish an organizational relationship with regional armed groups. The move aligned with al-Zawahiri's broader guidance to develop unity of effort, working together to "create an organized, united, ideological and aware jihadi force."<sup>4</sup> Two specific goals identified in the Mali playbook underscore this effort: uniting the Azawad people and regulating al-Qa`ida's relationship with Ansar Dine.

These goals were largely satisfied in March 2017 when al-Qa`ida formally announced the unification of several Mali-based armed groups under the umbrella organization Jama'a Nusrat ul-Islam was al-Muslimin (JNIM), or Group to Support Islam and Muslims.<sup>5</sup>

c On September 5, 2018, the U.S. Department of State declared JNIM to be a Specially Designated Foreign Terrorist Organization. In the announcement, the Coordinator for Counterterrorism, Ambassador Nathan A. Sales, noted, "Al-Qaida and its affiliates like JNIM remain deadly threats to the United States and our allies. These designations are part of our continuing efforts to squeeze al-Qaida's finances, denying it the resources it needs to carry out attacks." "State Department Terrorist Designation of Jama'at Nusrat al-Islam wal-Muslimin (JNIM)," U.S. Department of State, September 5, 2018.

This merger was the manifestation of planning put in place since 2012 and brought together members from AQIM's Sahara branch, Ansar Dine, Al-Murabitun, and the Macina Liberation Front. It also helped to underpin ethno-political dynamics that probably contributed to al-Qa`ida's initial presence in the Sahel by naming Ansar Dine Emir Iyad ag Ghali (an influential ethnic Tuareg in northern Mali) as the leader of the group. In the announcement, JNIM and ag Ghali not only pledged allegiance to AQIM, but also to al-Qa`ida leader al-Zawahiri and the Taliban (following longstanding al-Qa`ida tradition), underscoring the influence and strategic direction of al-Qa`ida senior leadership over the group.

This merger helped to create efficiencies, promote cohesion, and develop a more strategic operational outlook. Only three days after the announcement, JNIM claimed credit for an attack on a Malian outpost in Boulekeessi, Mali, which killed more than 11 soldiers. The group has since conducted attacks on the French Embassy in Burkina Faso in March 2018; executed a sophisticated attack on French and U.N. forces in Timbuktu in April 2018; targeted a Western-style hotel in Bamako in March 2018; and assaulted the Sahel G5 Joint Force headquarters in Sevare, Mali, in June 2018, which led to the removal of the commander a few days later.<sup>d</sup>

After the attack on the G5 Joint Force in Sevare, the JNIM made clear the extent of its ambition:

*"This blessed invasion comes to prove to the occupiers and*

*their allies that by the grace of Allah, the mujahideen proceed on the path of jihad until the last Crusader soldier is repelled and until the Shariah of Allah is established on our land from the lands of Islam.*"<sup>5</sup>

### Cultivating Support

Al-Qa`ida appears to also be progressing on its efforts to cultivate local support, although it has not completely satisfied the two specific goals AQIM outlined in the playbook: curbing radical policies and prepping the terrain to apply sharia law. However, al-Qa`ida almost certainly understood the cultivation of local support would not be achieved rapidly but rather would be a generational undertaking. This was acknowledged in the AQIM playbook, comparing al-Qa`ida's "project" in Mali to the care of a "newborn, with many phases ahead of it that it must pass through to grow and mature."<sup>6</sup>

In the playbook, al-Qa`ida stipulated that it needed to create more predictable and transparent policies in northern Mali, where militants were notorious for the indiscriminate burning of buildings and the implementation of harsh punishments amongst the local populace. Since 2012, al-Qa`ida has implemented rules and regulations forbidding the destruction of local shrines and the uneven application of religious punishments, suggesting this was contradictory to longstanding al-Qa`ida guidance.<sup>7</sup> Al-Qa`ida also attempted to reign in the brutality being implemented by Iyad ag Ghali and notorious al-Qa`ida commanders Abou Zeid and Mohkhar Belmokhtar. Droukdel reportedly viewed them as "impetuous fanatics who were likely to alienate the very people they were trying to win over."<sup>8</sup> The deaths of Zeid and (likely) Belmokhtar in French-led counterterrorism operations<sup>9</sup> almost certainly enabled AQIM to generate greater compliance amongst fighters in the Sa-

d The G5 Sahel Joint Force is a collaborative security effort involving France and several Sahelian countries, including Burkina Faso, Mali, Mauritania, Niger, and Chad. It was established in 2017 in response to terrorist threat posed in part by AQIM and JNIM. It remains in nascent stages, but is receiving financial and material support from the international community.



*An image captured from JNIM's video announcement regarding its 2017 merger in Mali. Featured are (left) Ahmadou Koufu, representing the Macina Liberation Front; (second to left) Yahya Abu al-Hammam, representing the AQIM Sahara Branch; (middle) Iyad ag Ghali, representing Ansar Dine; (middle right) Mohamed Ould Nouini, the now-deceased former leader of Al-Murabitun; and (right) Abu Abd al-Rahman al-Sanhaji, an AQIM senior cleric and judge.*

hel/Sahara region and increasingly draw upon more disciplined and ideological leaders, such as the current AQIM Sahara branch emir Yahya Abu al-Hammam.

Perhaps more importantly, al-Qa`ida also recognized that the implementation of sharia law in Mali was vital to its long-term aspirations for the region. The group acknowledged in the playbook that this implementation needed to be a “gradual evolution” due to the lack of pre-existing religious education in the region. Al-Qa`ida stated that until circumstances were ready to apply sharia, officials needed to “talk and preach to people in order to convince them and educate them.”



*Algerian-born Yahya Abu al-Hammam is a longstanding AQIM leader and U.S.- and U.N.-designated terrorist who has been tied to not only high-profile attacks in Mali and Mauritania (including a 2005 attack that killed 17 soldiers), but the kidnapping and detention of several Westerners.<sup>10</sup> (Photo from December 2015 AQIM media statement)*

Al-Qa`ida elements in the region have since been adopting a measured approach that includes religious education, outreach from al-Qa`ida ideological and religious leaders, and the provision of legal services for locals.<sup>11</sup> Consequently, some of the local populace in northern Mali is likely becoming habituated to (the jihadis' version of) sharia law. For instance, in 2013, when al-Qa`ida-aligned militants attempted to conduct a public stoning in Gao, Mali, locals interfered and stopped the practice. However, by 2017, militants were openly enforcing (their version of) sharia law (including public stonings) with little to no resistance from locals, according to data provided by Human Rights Watch and regional press reports.<sup>12</sup>

### Mobilizing Populations

In line with al-Zawahiri's guidelines to mobilize local populations in support of al-Qa`ida's efforts, the playbook for Mali stipulated that fighters needed to patiently set conditions for locals to embrace al-Qa`ida's external activities. This included providing instruction to “pretend to be a domestic movement” and not immediately show that al-Qa`ida had “global, expansionistic jihadi” ambitions for the region. In the playbook, AQIM laid out proposals stipulating that it would provide some manpower to Mali-based armed groups to support localized efforts and share the burden of governing, but would also have another parallel effort to support “jihadi action

outside of the region.”

Al-Qa`ida groups in the Sahel have progressed on this initiative, using their safe haven in northern Mali to support three external attacks in West Africa against Western interests. This includes the January 2016 attack on a hotel in Burkina Faso, a March 2016 attack on a hotel in the Ivory Coast, and the March 2018 complex attacks on the French Embassy and a Burkinabe compound associated with the Chief of Defense in Ouagadougou, Burkina Faso. The recent shift to attacking more hardened targets in 2018 may portend an increasing confidence and operational sophistication among al-Qa`ida elements in the region. Similarly, attack data also suggests that as of 2018, al-Qa`ida-affiliated, Mali-based groups are expanding into northern Burkina Faso, where as of early 2018, the threat of jihadi violence has forced the closure of several schools and militants are banning the use of the French language.<sup>13</sup> In addition, on September 18, 2018, an al-Qa`ida-affiliated media outlet announced a new al-Qa`ida faction in Burkina Faso that would fight Ouagadougou's “oppression and tyranny” and would defend against the “humiliation” and torture of Muslims in the region.<sup>14</sup>

Furthermore, a March 5, 2018, statement released by JNIM publicly referred to northern Mali as the “Timbuktu Emirate” (the first time al-Qa`ida has publicly done this since 2013), signaling that al-Qa`ida may be increasingly confident that it is meeting the preconditions to establish an Islamic state in the region.<sup>15</sup> AQIM has also issued joint media statements with other affiliates, such as al-Qa`ida in the Arabian Peninsula (AQAP), that reflect the groups still aspire to contest “far enemies” in the West. This includes statements in 2017 calling for attacks on the United States, criticizing the 2018 move of the U.S. Embassy to Jerusalem, and denouncing French forces.<sup>16</sup>

### The Significance of Mali

Mali, home to the literal city of Timbuktu, may seem remote and relatively insignificant to some Westerners. However, the region would have strategic implications if a significant part of it fell to al-Qa`ida, particularly if it sets the precedent for the group to establish some form of state or ‘emirate’ within Mali based on its own brand of sharia law (similar to why Afghanistan remains so important). Should Mali be consumed by al-Qa`ida's influence, it could further empower the encroachment of militant ideology into already volatile nations in West Africa and facilitate this reach into more stable regions as well.

Although located in sub-Saharan West Africa, Mali is connected to the Maghreb region of North Africa via a series of historical trade and facilitation routes. The militancy in Mali has been fueled in large part by the influx of weapons from Libya.<sup>17</sup> In addition, it abuts the historical AQIM base of operations in Algeria. (The Algeria/Mali border region is particularly lucrative to JNIM and al-Qa`ida-affiliated terrorists, as it falls outside of the reach of the current French counterterrorism footprint.) Mali also sits at a crossroads to nations that have so far been largely inoculated by the rise of extremism in Africa, including the Ivory Coast—one of Africa's fastest growing economies.<sup>18</sup>

Mali is likely viewed by al-Qa`ida as being advantageous and particularly vulnerable, owing to its near-failed state status, ongoing ethnic strife, and large percentage of the population that is disaffected with the government. Al-Qa`ida officials have been certain to note the shortfalls of Bamako on several occasions. For example, in a July 2018 statement from the JNIM Emir, ag Ghali stated that

the 2018 presidential elections in Mali were like a “mirage” and the Malian people would reap nothing from it but “illusions, as it has always been accustomed.”<sup>19</sup> Public discontent with Bamako was likely a contributor to the low turnout, with less than 28 percent of registered voters participating in the process.<sup>20</sup>

## Outlook

Al-Qa`ida is slowly yet methodically advancing its strategic goals in Mali. This progression is likely difficult to observe, given its often discrete tactics (a shift from the heavy-handed practices it employed in 2012). Undoubtedly, inter-marriage or the implementation of sharia law is not as apparent as some of the high-profile and media-savvy tactics employed by other groups such as the Islamic State. However, the slow and steady progression in the Sahel is notable and could pose a significant long-term threat to U.S. and Western interests in Africa—particularly given the encroachment of al-Qa`ida’s ideology into vulnerable populations of the Sahel.

Al-Qa`ida appears resolved to establish a foothold in the Sahel via AQIM and JNIM, despite pressure from ongoing French-led efforts and the presence of more than 15,000 U.N. peacekeepers there.<sup>21</sup> The lack of progress of the peace process in Mali, coupled with the limitations of regional security forces, suggests that the current counterterrorism mission in Mali will remain inconsistent and ineffective. In addition, al-Qa`ida has openly declared its as-

pirations to remove all Western influence from the Sahel—which, if successful, could pave the way for its ambition to establish its brand of Islamic rule in Mali. For example, following a June 19, 2017, attack against a Western-affiliated hotel in Bamako, Mali, al-Qa`ida stated it was sending a “message dripping with blood and body parts” that Western “crusaders” would never be secure in the region.<sup>22</sup>

Should al-Qa`ida’s project of building a state in Mali succeed, it could advance al-Qa`ida’s strategic goals and become a flagship affiliate that inspires increased confidence in al-Qa`ida as an organization. In a September 2017 statement, al-Zawahiri claimed that AQIM’s efforts in the Maghreb and Sahel would serve as an “epic chapter in the war annals of Muslim history” and that the unity of effort in the region was as an “example, worthy of emulation, for ... Mujahid brothers and Muslims the world over.”<sup>23</sup>

In addition, control over territory in Mali could help to support external attack planning, with the 1998 attacks on the U.S. Embassies in Kenya and Tanzania serving as ominous examples of what al-Qa`ida may achieve with an Africa-based safe haven (Sudan in that case). Finally, it could position an increasingly emboldened al-Qa`ida to intensify its threats on the capitals of Mali, Niger, and Burkina Faso, further undermine stability in already vulnerable regions, and threaten instability in economic pillars of West Africa such as the Ivory Coast. **CTC**

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