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UNRETURNED FOREIGN FIGHTERS AND THEIR FAMILIES IN IRAQ AND SYRIA

Abstract

The main subject of the paper is foreign fighters and their families who remain in Iraq and Syria. The paper aims to shed light on the current state of unreturned foreign fighters and their families in Iraqi and Syrian camps and prisons to facilitate the discussion on an appropriate response towards the “unreturned”. The paper additionally attempts to reflect on possible consequences of the current state of the foreign fighters and their families in Iraq and Syria. Theoretical framework of the paper revolves around the definition of a foreign fighter and potential causes for becoming one. The paper employs qualitative methodological approach and relies upon secondary descriptive data collected through the analysis of academic resources and news outlets. The paper explores three main sections of the discussion: the unreturned in Syria, the unreturned in Iraq, and stateless humans. As a result, the paper demonstrates how the unreturned foreign fighters and their families, isolated and condemned, are cemented into a socio-judicial limbo. They live in dire conditions having no determined future or a community to return to. The paper concludes that such conditions are compatible with a rationale for joining the IS. Such a conclusion represents a serious challenge which, if neglected, can lead to the reemergence of the next IS.

Keywords: ISIS foreign fighters, returning ISIS fighters, ISIS, Iraq, Syria, repatriation, terrorism

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INTRODUCTION

It is approximated that at least 40000 foreigners from over 120 countries embarked on a journey to become a part of the Islamic State (hereafter “IS”) in Syria and Iraq (United Nations 2019, 16) (Acheson and Paul 2020, 4). While the notion of foreign fighters exhibiting religious extremism is not a unique feature of the IS, the number of foreigners joining the IS was unprecedented. Since the visible demise of the IS, the international community has attempted to decide upon appropriate measures for the foreign fighters returnees and ensure domestic security with their return. Additional challenge arose with the fact that many foreign fighters also had families who would need to be potentially repatriated as well. Whereas foreign fighters’ families have also posed security concerns to the countries, their real threat remains rather dubious. Nonetheless, the number of foreign fighters returnees is, in fact, not as big as it was initially expected. In 2018, it was estimated that only 17% of IS-affiliated foreigners have returned to their countries (Cook and Vale 2018, 7,15). This indicates that a substantial number of foreign fighters remain in Syria and Iraq, while countries and organizations are trying to decide upon adequate repatriation response and deradicalization mechanism. To adopt appropriate policies, however, it is crucial to understand what is happening to unreturned foreign fighters and their families in Syria and Iraq. This paper henceforth attempts to explore conditions of unreturned foreign fighters and their families in Iraq and Syria and reflect on possible consequences of the current situation.

THEORETICAL FRAMEWORK

To be able to analyze the phenomenon of foreign fighters and their families who are still trapped in Syria and Iraq, it is necessary to define what constitutes a foreign fighter and what drives a person to join the IS as a foreign fighter. According to David Malet (2013, 9), foreign fighters are those who participate in insurgency during a civil conflict but are not citizens of the conflict state(s). Barak Mendelson (2011) further adds that foreign fighters are a feature of asymmetric conflicts where one of the conflict sides are represented as a non-state actor. Mendelson (2011, 193-194) also differentiates foreign fighters from foreign trained fighters. Foreign fighters, according to Mendelsohn, participate in a conflict which is occurring outside of his own country and is not his own country’s war. Foreign trained fighters, in their turn, are normally local people who travel to a different area, undergo training there, and return to execute attacks

elsewhere, most frequently in their own country. Thomas Hegghammer (2010) further elaborates on the definition and suggests that a foreign fighter is an agent who fulfils four criteria. First, it is a person who has entered an insurgency group and operates with it. According to the author, this point differentiates foreign fighters from international terrorist who usually operate out-of-area and concentrate on violence against non-combatants. Second, Hegghammer agrees with other authors and states that a foreign fighter is a person who does not have a citizenship of the conflict state, neither does he have a strong relationship with its warring segments. This point eliminates returning members of diaspora or various exile radicals who already have preexisting interest in the conflict. Third, a foreign fighter should not have a connection to official military organizations. This way the author excludes soldiers who follow their generals despite their ideology or kinship. Lastly, a foreign fighter is unpaid, hence foreign fighters are distinguished from mercenaries who follow the greatest monetary benefit (Hegghammer 2010, 57-59).

There is no unique reason why foreign fighters join the IS. Benmelech and Klor (2016), for instance, believe that foreign fighters did not join the IS due to purely political or economic reasons. Instead, they were compelled by the ideology and the challenges they encountered while trying to integrate to a rather homogenous Western society. Thomas Hegghammer (2010) states that foreign fighters were not actually invited wherever they went, hence there was no evident financial reason for a foreign fighter to join an insurgency group as there is usually no looting, money or power gaining possibilities. Religious reason seems to be the most prominent reason for religious extremism: foreign fighters tend to be driven by the idea that Muslim umma is under an existential threat. Thus, it is necessary to rise against the massacre of Muslim people and the occupation of (holy) Muslim lands. They are additionally supported by the commands of Islamic law which encourages the participation of all Muslim believers, regardless of where they live (Hegghammer 2010, 65, 73-74) Malet (2010), however, emphasizes that recruiters into the IS play a crucial role in the number of foreign fighters that eventually joined the IS. Recruiters tend to emphasize the need of a defensive response to sustain survival of the community. Recruiters are perfect marketing strategists: they develop a targeting plan and create an emotive narrative that resonates with people. Malet (2010) demonstrates four stages in the recruitment model. Firstly, rebels, who are usually a weaker segment of the local conflict, would try to seek external assistance and specialists by purposefully using emotive narratives to evoke outrage, fear, and resentment in their target's mind and heart. As a next step they would

continue strategic targeting of outside groups or even governments who might have ethnic, religious, or ideological connection to the insurgencies. Then, within such groups, rebels would detect active individuals suffering of (perceived) marginalization. Both social bonds and grievances would constitute a flawless rationale to join the insurgency. Last step includes persuasion of potential recruits: they are often told that their common group is existentially threatened, hence recruit's involvement is a key to the group survival. Moreover, recruiters frequently use manipulative strategies for to make their target feel as if he is obliged to fulfill his duty to the common group. A regular profile of a person who recruiters target for foreign fighting is a man in his early 20s. He is usually a first- or second-generation immigrant who is coming from lower socio-economic class. Additional important feature that recruiters seek is prior military experience (Malet 2010, 100-109).

THE UNRETURNED IN SYRIA

Once Syrian Democratic Forces (hereafter "SDF") recaptured areas from the IS, they have gathered alleged IS members, including foreigners, together with their families and detained them. According to March 2019 statistics, SDF still held around 1000 foreign fighters (Jenkins 2019). Kurdish-lead authorities have chosen a specific method in regard to foreigners who were alleged of joining the IS. While Syrian citizens were transferred to the ad hoc counterterrorism court and put on trial, foreigners were not prosecuted. The explanation lies in the belief that foreigners affiliated with the IS should be a legal hardship of their home countries. Kurdish authorities have expressed their desire for the foreign governments to take their own citizens back to their courts (Houry 2019). However, not all countries would like a foreign fighter to return on their soil due to internal fear and security challenges. Some countries have also expressed their hesitance over the possibility of prosecution at home. France and the UK, for instance, decided to use the possibility of residency and citizenship revocation, additionally suggesting that the foreign fighters should be persecuted and left locally, where they are detained (Bąkowski and Puccio 2016) (Mehra and Paulussen 2019).

The challenge, however, lies in the judicial system established in the north of Syria. It is flawed and is short of international acknowledgement. The main obstacles consist of the inadequate defense mechanism, subsequent absence of defense lawyer, and lack of trained professionals among local judges and prosecutors. Additionally, there is no functioning mechanism for the formal appeal process. Thus, the

possibility of a fair, internationally recognized trial is rather dubious. Besides listed challenges, Kurdish forces were perpetually accused of torturing detainees to death, even for smaller charges than terrorism (Mehra and Paulussen 2019)(Alarabiya News 2021). Since SDF denies such accusations, it is complicated to assess how many detainees have been tortured. Even if international community assists Syrian judicial system with the conduction of fair trials, the SDF is still an improbable long-term jailer, simply due to its own uncertain future in the country: SDF does not hold international (judicial) recognition. Setting a tribunal similar to those in the Balkans and Rwanda is also a rather dubious solution, because setting tribunals is a lengthy process, whereas witness protection is complicated in a country torn by war (BBC 2019). As a result, with no international agreement or unified response, detained foreigners are stranded in a legal vacuum in the north of Syria.

In addition to detained male foreign fighters, SDF also detains women and children affiliated to the IS. Unlike men, women and children are held in camps (al-Hol camp being the largest), instead of prisons, and are not normally brought to trial. Analogous to men, however, women and children are living in the legal limbo: they cannot leave the camp whereas SDF is waiting for the countries to repatriate these people. While Indonesia, the U.S., Russia, Kazakhstan, and a few other countries, have repatriated their citizens from the camps, other countries, unfortunately, withheld from active repatriation of women and children (Mehra and Paulussen 2019) (Dworkin 2020)(Blinken 2021). Sweden and France have chosen a distinct approach and have accepted only orphaned children from the camps. The official justification of reluctance towards women and children repatriation was often framed within an argument that some countries do not have a consular representation in Syria anymore. The sincere reason, however, it is argued, is more trivial: countries see mothers and their children (some of whom became fighters as young as at the age of nine) as a security threat and a potential jihadi for whom they do not have a proper prosecution mechanism. Moreover, the countries have grown less trustful of IS-affiliated women, since within the IS women were found to execute not only caregiving function but, encouraged by the IS itself, also an active role in recruitment, suicide attacks across Europe and combat. The situation with children is rather polemic since many of them were brought to life while their mother lived in the areas controlled by the IS and clearly had no choice in choosing their whereabouts (Chatterjee 2016, 213)(Middle East Eye 2017)(Houry 2019).

Houry (2019) points out that the situation with IS-affiliated women and children started to resemble endless detention with neither legal basis

nor a return plan. In the meantime, some women lamented interrogations and beatings occurring in the camp. Furthermore, health conditions in the camp are reportedly meager. Camp inhabitants are helpless against various diseases, including tuberculosis and hepatitis A, which spread quickly, and impact children the most. Doctors Without Borders have even named the humanitarian situation in the camps “shameful”, as there is no protection from COVID-19, no safe drinking water resources, and no sanitation infrastructure (Médecins Sans Frontières 2021). Besides the lack of physical health assistance, psychological support in the form of, for instance, trauma counselling is absent, too (Saad 2020).

The other side of the coin, however, is that camps, like prisons, have practically accumulated thousands of people who might still share the IS ideology. While IS fighters might have been defeated, the ideology behind the IS is very much alive in the minds of remaining people. Aggravated by the dire conditions in the camps, some radicalized mothers raise their children with an idea of violent jihad and future Caliphate. In the camp al-Hol, it has been reported that strong female believers in the IS ideology continue strict policing through *hesba* (“religious police”) groups and confront women who do not feel affiliation with the IS anymore and do not act accordingly. Moreover, such *hesba* units execute internal punishments: through torture, flogging, murder, etc. SDF, in its turn, claims that they do not have enough resources to terminate pro-IS activities in the camp (Mironova 2020)(Coles and Faucon 2021)(Saleh 2021). The situation is worsened by the cases of sexual violence, forceful recruitment, and human trafficking affiliated with these camps (U.S. Department of State 2021, 531-533). On the one hand, it is crucial, given the circumstance, to ensure that camp residents are deradicalized and reintegrated to stop the spread of the IS ideology. On the other hand, the logical question is how can countries ensure that women and children repatriated from Syrian camps do not commit terrorist attacks or continue recruitment once returned?

THE UNRETURNED IN IRAQ

In Iraq many foreigners, including women and children, affiliated with the IS were detained as well. Contrary to the Syrian approach, Iraq conducted trials against foreign fighters who were charged for their involvement with the IS and, in addition, accused of illegal trespassing to the foreign territory. Trials were administered against not only men, but also women and children above the age of nine. It might be shocking that foreign children as young as the age of nine can be sentenced for an

illegal entry onto the foreign territory while they most probably did not have any choice (Houry 2019). Their parents brought them across the border. Despite the persecuted children above nine years old, younger children also must experience the life of prison as they are often detained in the same cell as their mothers. It is rather unjust that a simple fact of being born “within” the IS condemned those children to a life in prison. Iraqi legal proceedings are rather of questionable nature, as the trials are often rushed and last around ten minutes each. As a result, detainees are sentenced to harsh punishments, including death penalty and mass hangings, without individual regard to their actions. Both IS combatants and civil IS employees have the same chance of being sentenced to death penalty. Yet detainees do not have access for an adequate and practical defense to argue for their case (Revkin 2018). Another remarkable concern is that in Iraq IS-affiliated detainees tend to be mixed with convicts charged for other crimes which poses a security concern of possible spread of jihadi ideology among other prisoners. At the same time, Iraqi prisons are usually described as overcrowded places that lack enough guards who could have potentially prevented intermingling between prisoners and contain ideology spread. There is, additionally, certain ambiguity over what will happen to all the IS-affiliated foreigners once their sentence in Iraq comes to an end. There is no definite answer to whether these people will be repatriated or sent elsewhere (Houry 2019).

Similar to Syria, Iraq also hosts camps for displaced families (women and children) of IS-affiliated fighters, both local and foreign. People who live in those camps are afraid to return to their neighborhoods: it is claimed that they are being harassed by police, ex neighbors, and family members for being wives and offspring of IS fighters. Foreign women often claim to be either afraid of the home community or not willing to live in the lands of infidels. The situation in such camps is dreadful. Camp inhabitants are suffering from lack of education, health facilities, and food suppliers. Camp residents often lack any documentation and hence cannot freely travel around the area, neither can they pass military checkpoints in the country. That means people from such camps are not allowed to enroll into education facilities or visit doctors outside the camp (Greenwood 2017)(Beaubien 2022). Communal stigma against fighters’ families on one side and no prospects in the camp, on the other, leaves them in a limbo. At the same time, Iraq declared that they would like to close those camps (Human Rights Watch 2021). The question is then what will happen to camp residents? While local IS-families might have a chance of reintegration into their own local community, families of foreign fighters do not have such an opportunity.

STATELESS HUMANS

It has been already mentioned that some countries revoked the citizenship of their foreign fighters, leaving them stateless. Additional challenge that unites Syria and Iraq is children born into foreign fighters' families while they were living under the IS. Such children do not have birth certificates that would be recognized internationally (Luquerna 2020). Moreover, even if there was IS documentation on those children, most of it was lost or destroyed during the fight. Both issues practically make such children stateless human beings. Furthermore, as countries do not have diplomatic representation in the north of Syria, for example, the whole process of establishing identity and verifying parental lineage, which could grant those children a citizenship, becomes burdensome. Nonetheless, it is noteworthy that there was a small progress related to recently born children. SDF and local administration offices in Northern Syria, for example, began issuing birth certificates to those children who were born to foreign women in the SDF camps. However, this tactic has not yet been applied to children who were born before the camp, under the IS. The issue persists (Houry 2019).

CONCLUSION

There are certain limitations to the paper's content. First of all, it is rather problematic to find information on the conditions in the prisons and camp. Uncomfortable truth of the hardships within these institutions is not something that is widely shared by local forces or governments. As a result, the paper had to heavily rely upon secondary data. Secondly, when talking about unreturned foreign fighters and their families living in camps and prisons, it is complicated to completely isolate them from local IS-affiliated "community". After all, they represent one societal sector which undergoes similar problems with local judicial system, dire conditions, and community rejection.

It is unclear what the future holds for the foreign fighters and their families remaining in Iraq and Syria. There is no particular deradicalization program in place. Neither there is a reintegration plan for the prisoners. In fact, camps and prisons become new ideological battlegrounds that reinforce jihadi ideology and violent extremism. Foreign fighters' home countries could potentially repatriate their citizens and work on deradicalization of these individuals, but the question of foreign fighters is not that easy, and it heavily depends on the political environment of each individual country. Moreover, some foreign fighters and families do not

have any citizenship, leaving them in a stateless limbo. Foreign fighters and their families typically represent a substantial security concern for their countries. As a result, these people are not welcomed neither in Iraq or Syria, nor in their home countries. In the meantime, foreign fighters and their families undergo brutal conditions of rather unjust judicial system and basic necessities deprivation. Additionally, it is especially acute to consider the future of children who have never had a chance to experience life outside of violence. How can they become a part of a nonviolent society, after having lived through the IS ferocity and the hardship of a prison sentence? It is crucial to consider the unreturned seriously, as those people, unwanted and isolated, are living in extremely poor conditions with no prospects, no determined future. These conditions resonate with potential reasons for joining the IS which were outlined in the beginning of the paper. As a result, foreign fighters and their families might continue supporting the IS or return to the community that truly accepts them – to their ideology and IS companions. They can also radicalize fellow prisoners or camp residents. In such a case, the world is only delaying the re-emergence of the next IS.

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