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## **LIFE AFTER ISIS: THE PROBLEM OF THE ISLAMIC STATE FOREIGN FIGHTERS**

### **Abstract:**

*After the collapse of the Islamic State of Iraq and Syria many states faced the problem of the foreign fighters wanting to return. Some governments refused to accept their citizens arguing that they pose too much of a threat to the public. Are the governments across the world justified to revoke the citizenships of the former members of the Caliphate? Do states have a responsibility for their own citizens and are obligated to help them no matter the circumstances? These are the questions that this article examines from the legal and political point of view. The article examines a high profile case study of Shamima Begun – a former jihadi wife, who travelled to Syria as a teenager, caught in a battle for her British citizenship.*

### **Keywords:**

*ISIS, Syria, terrorism, foreign fighters, citizenship*

## **Introduction**

In March 2019 the alliance of Syrian forces backed by the USA announced that the last territories of the so called Islamic State had been taken<sup>2</sup>. The falling Caliphate left behind its former residents and fighters. The remaining men, women and children were left without anywhere to go. With the former ISIS territory turning into a war zone majority of the members have been forced to leave and either return to their home countries or seek alternative shelter, such

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<sup>2</sup> *IS 'caliphate' defeated but jihadist group remains a threat*, “BBC News”, 23.03.2019 <<https://www.bbc.co.uk/news/world-middle-east-45547595>> (12.05.2019).

as refugee camps. Returning to their home countries, however, caused a problem as many of them are not welcomed home. The term foreign fighters is used by the national security agencies in UK and the USA to describe the individuals who for different reasons joined the armed conflict abroad<sup>3</sup>. The term foreign terrorist fighters is sometimes used to specify the type of armed conflict that was joined.

The opinions regarding the fate of the Islamic State former fighters and their families are divided among the media and public opinion. How to best handle the returning fighters of Islamic State is a question many governments have been asking recently. Although, there are frameworks in place assembled by multiple organizations, such as the UN or the OSCE, most governments choose to ignore them and refuse to take back their citizens.

This paper explores the issue of returning foreign fighters and their families from the Islamic State to their homelands. The issue caused many controversies in the Western states, such as the United Kingdom or the USA, beginning a discussion on whether the fighters should be accepted back and if so, on what conditions. The paper explores both the international legal framework and the public opinion. The analysis also include a case study of Shamima Begum, a young women recruited as a child by the ISIS. Due to the limited capacity of the paper the examination of the issues is brief and intended to give a reader a short overview of the current situation of the returning foreign fighter.

### **The Islamic State of Syria and Iraq**

The Islamic State of Iraq and Syria (ISIS, also known as IS, Islamic State of Iraq and the Levant, ISIL or DAESH) began as a group of ex-Al Qaeda members<sup>4</sup>. The main objective of the cell was to create a state based on Sharia Laws and return to the original version of early Islam, namely a caliphate on the territory of Syria and Iraq. After Abu Bakr al-Baghdadi took the leadership the group grew stronger<sup>5</sup>. By 2013 the forces from Iraq and Syria had been merged into what is now known as the Islamic State.

The infamous group started to be known for streaming online videos of executions and for its brutality against the Yazidi people on Mount Sanjar

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<sup>3</sup> See: International Center for Counterterrorism in the Hague, *Foreign Fighters*, <<https://icct.nl/topic/foreign-fighters/>> (12.05.2019).

<sup>4</sup> *ISIS: how a global terror network was born*, "The Week", 24.04. 2019 <<https://www.theweek.co.uk/islamic-state/59001/what-is-isis-and-can-the-terror-group-be-stopped>> (12.05.2019).

<sup>5</sup> *Ibidem*.

north Iraq<sup>6</sup>. It was estimated that around 9900 people had been captured and either killed or taken as slaves during the attack on the Yazidis<sup>7</sup>. However, the true scale of what is now called a genocide of the Yazidi may never be known. The details of the attack sent a shock wave across the world. The survey conducted showed very little support for the group among Muslims in the West deeming the group “un-Islamic”<sup>8</sup>. However, there were still people willing to leave their lives in order to join the forming Caliphate.

Many of those who went to Syria had been radicalized by ISIS either online or in person and promised freedom to practice Islam freely in the newly emerging Islamic State<sup>9</sup>. Many citizens flocking to Syria felt disappointed by the West and disattached from the Western culture. The second generation immigrants could not identify with either Western way of life or with that of their parents. Joining ISIS for many was a way of protest and escape. However, the reality and conditions came as a shock to the newcomers. A number of those who left for IS wanted to come back but couldn't due to various reasons.

Daniel L. Byman from the Center for Middle East Policy estimates that at its peak the Islamic State covered the territory the size of the Great Britain and ruled around 8 million people. As the Islamic State gradually lost its territory the fighters and their families scattered around. Some travelled home, others became stuck in the war zone. The local groups in Iraq and Syria slowly withdrew its support for the Islamic State. The alliances were made as the IS appeared to be winning against the West. Many local groups joined the IS out of fear of becoming vulnerable to the growing Caliphate. As the power of the IS declined so did the support of both foreign and local fighters<sup>10</sup>.

### The scale of the problem

There is no confirmed data regarding the number of people from Europe who travelled to Syria and neighbouring Iraq to fight or live in the Islamic

<sup>6</sup> S. Tagay, D. Ayhan, Cl. Catani, U. Schnyder, M. Teufel, *The 2014 Yazidi genocide and its effect on Yazidi diaspora*, “The Lancet”, 2017 390 (10106), pp. 1946-1951.

<sup>7</sup> V. Cetorelli, I. Sasson, N. Shabila, G. Burnham, A. C. Tsai, *Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey*, “PLOS Medicine”, 2017:14 (5).

<sup>8</sup> A. Schmidt, *Public Opinion Survey Data to Measure Sympathy and Support for Islamist Terrorism: A Look at Muslim Opinions on Al Qaeda and IS*, International Center for Counter-Terrorism The Hague 2017.

<sup>9</sup> E. Benmelech, E. F. Klor, *What explains the flow of foreign fighters to ISIS?* Cambridge, MA National Bureau of Economic Research Cambridge, MA National Bureau of Economic Research, 2017.

<sup>10</sup> D. L. Byman, *What happens when ISIS goes underground?*, “The New York Times”, 18.01.2018, <<https://www.brookings.edu/blog/markaz/2018/01/18/what-happens-when-isis-goes-underground/>> (13.05.2019).

State. The US National Bureau of Economic Research estimates that in December 2015 there had been 30000 foreign nationals on the Islamic State territory<sup>11</sup>. The Global Counterterrorism Forum determines that the number could be as high as 40000<sup>12</sup>. The majority of them came from the Middle East and North Africa. However, a considerable number still came from the so called Western countries, including European Union, USA and Australia. According to the European Union Radicalisation Awareness Report around 5000 Europeans left their homes to join Islamic State<sup>13</sup>. The numbers decline sharply after 2015. There is research available that explains the reasons for such radicalisation. It is crucial to analyze these reasons not only to understand why citizens join terrorist organizations but also to prevent future recruitment.

In comparison to the entire populations of the states that the Islamic State fighters came from the numbers are small. An estimated 850 citizens of Great Britain travelled to Syria in order to join the Islamic State. It is approximately 0.0013% of the population of 65 million. The number so statistically small can easily be dismissed. However, the methods and scale of ISIS recruitment, especially online, presented a new and dangerous form of radicalisation, which involved not just single cases but entire families. This has not been observed ever before in regards to other terrorist groups.

The number of women flocking to the Islamic State was also unprecedented. Although women were present in terrorists organizations before their role and purpose changed in case of ISIS. According to the researchers from the RUSI journal women were mostly driven by the promise of empowerment and the significant role they would play in the rise of the Caliphate<sup>14</sup>. In majority of the cases the children were either brought to Syria by their parents or were born there.

### **How safe is it to received the foreign terrorist fighters back?**

ISIS was the best equipped, trained and financed terrorist group the world has know. It is safe to assume that the lost of the territory in Syria and Iraq is not the end of the organization. Daniel L. Byman speculates that IS might “go

<sup>11</sup> The National Bureau of Economic Research, *Where are IS fighters coming from*, 3.06.2019 <<https://www.nber.org/digest/jun16/w22190.html>> (13.05.2019).

<sup>12</sup> Global Counterterrorism Forum, *Addressing Returning Families of Foreign Terrorist Fighters* <<https://www.thegctf.org/Initiatives/Addressing-Returning-Families-of-Foreign-Terrorist-Fighters>> (18.05.2019).

<sup>13</sup> European Union Radicalisation Awareness Report, *Responses to returnees: Foreign terrorist fighters and their families*, July 2017 <[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran\\_br\\_a4\\_m10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf)> (17.05.2019).

<sup>14</sup> E. Pearson, E. Winterbotham, *Women, Gender and Daesh Radicalisation*, “The RUSI Journal”, 2017 vol. 162 No 3, p. 60-72.

underground, disrupt politics and foster sectarianism; wage an insurgency; and then come roaring back”<sup>15</sup>. The idea of the Islamic State is dangerous and the campaign of terror across the globe is unlikely to end. Considering this, the foreign fighters pose a substantial threat to their home communities. However, it may still be safer to allow them to come back.

The returning foreign fighters caused a strident political and public debate in the UK. Part of the society favoured the acceptance of the returning members of the Caliphate, especially children. Majority, however, perceived the fighters as terrorists and a great security threat to their homelands. It is estimated that around 30% to 40%, depending on a source, of all those who joined the Islamic State have now returned to their home countries or want to return in the near future<sup>16</sup>. The rate is higher for certain European states, such as the United Kingdom where around 50% have or want to come back<sup>17</sup>. The problem of the foreign terrorist fighters needs urgent addressing. The growing challenge of accommodating the former fighters and their families became a pressing issue for countries such as the United Kingdom. Although the returning of a terrorist fighters is not a new issue the scale and circumstances of the process is novel because of the high number of IS residents.

The Islamic State posed a threat not just to the people of Syria and neighbouring states but to the whole international community. The IS “weaponized” the foreign fighter. The common conception is that the fighters travelled to Syria to be trained and indoctrinated only to return with a new network of contacts making it much easier to plan and organize terrorist attacks on their homeland. The foreign fighters were needed to operate in other countries not just in Syria. This poses a great security issue for many states. The Islamic State fighters and others who came in close contact with ISIS are considered dangerous. However, as pointed out by Hegghammer and Nesser in the research from 2015, only 1 person in 360 becomes involved in terrorist activity after returning to the home country<sup>18</sup>.

A number of the foreign fighters captured are now remanded in the prisons run by the Kurdish-led Syrian Democratic Forces in the north-east Syria. It is

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<sup>15</sup> *Ibidem*.

<sup>16</sup> *ISIS Members Returning to the UK*, “House of Commons Hansard”, vol. 656 23.03.2019 <<https://hansard.parliament.uk/commons/2019-03-18/debates/42259394-C90B-4670-BFC9-A5F91518A5FF/ISISMembersReturningToTheUK>> (15.05.2019).

<sup>17</sup> *ISIS: Fast Facts*, “CNN News”, 1.05.2019 <<https://edition.cnn.com/2014/08/08/world/isis-fast-facts/index.html>> (12.05.2019).

<sup>18</sup> T. Hegghammer, P. Nesser, *Assessing the Islamic State’s Commitment to Attacking the West*, “Perspectives on Terrorism”, 2015, 9 (4), pp. 14-30.

estimated that around 800 to 1000 fighters are held in the Kurdish prisons<sup>19</sup>. All prisoners pose a credible threat of radicalisation and terrorism to their home countries. Leaving them in Syria seems equally dangerous as they might work to restore the Caliphate. Considerable number of women and children lives in the refugee camps.

There are in general three approaches that the governments can adopt in dealing with the returning foreign fighters considering that joining the Islamic State was a crime. Firstly, the governments can opt to prevent the fighters from returning home and leave them at the disposal of the Iraqi Justice system. There is a moral and legal concern attached to this solution as the justice system in Iraq has been found to fail to prevent arbitrary imprisonment or torture<sup>20</sup>. The fair trials cannot be guaranteed. Furthermore, European states oppose death penalty which is a possibility if the former ISIS members are tried in the Iraqi courts<sup>21</sup>.

Secondly, the foreign fighters cases could be passed and tried at the International Criminal Court. However, the prosecutor of the ICC Fatou Bensouda stated recently that there is no jurisdiction over ISIS former territory<sup>22</sup>. In addition, the International Criminal Court is an institution design to process the most serious crimes, for examples the leaders of the Islamic State rather than the their foreign fighters<sup>23</sup>.

Lastly, the foreign fighter could be allowed to return, prosecuted by the rule of law and rehabilitated into the society. There are significant problems with all three options but most political analysts and academics tend to lean towards the third opinion. Dr Catherine Brown argues that by allowing the ISIS fighters to return home the governments can observe their movements and associations but also challenge the belief that the West does not care about Muslim citizens<sup>24</sup>. In addition, the European states are obliged to observe

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<sup>19</sup> M. Peel, A. England, Ch. Cornish, *Europe battles problem of returning Isis fighters*, "The Financial Times" 19.02.2019, <<https://www.ft.com/content/acf5a70e-3384-11e9-bd3a-8b2a211d90d5>> (11.05.2019).

<sup>20</sup> H. Haider, *Formal Justice in Iraq*, 12.12.2014 research prepared for the UK Government's Department for International Development, <<https://assets.publishing.service.gov.uk/media/57a089a6ed915d622c00032d/hdq1175.pdf>> (11.05.2019).

<sup>21</sup> A. Cuthbertson, *France backs Iraq court but opposes death sentences for Isis members* "The Independent". 26.05.2019, <<https://www.independent.co.uk/news/world/middle-east/france-iraq-isis-members-death-penalty-a8932106.html>> (15.05.2019).

<sup>22</sup> The International Criminal Court, *Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS*, 8.04.2015 <<https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-08-04-2015-1>>, (18.05.2019).

<sup>23</sup> S. McLintock, *ISIS Foreign Fighters and the International Criminal Court*, Australian Institute of International Affairs.

<sup>24</sup> C. Brown, *Returning Foreign Fighters – what are the ethical and practical responsibilities?*, University of Birmingham bulletin for Islamic Studies, October 2018.

the Human Rights, one of which is the right to a fair trial. The picking and choosing which human right to respect and which to ignore creates a dangerous precedent for the international community.

### The legal framework

The issue of the returning ISIS foreign fighter had been addressed before the fall of the Islamic State. There is a number of ways to deal with the returning fighters depending on their level of involvement and commitment to the Islamic State ideology, as Aiden Flynn from Staffordshire University argues<sup>25</sup>. He proposes a range of tools from implementing a rehabilitation program to criminal prosecution. However, the prosecutor must be satisfied that the prosecution lays within public interest and that there is sufficient evidence. This condition is what steers the public opinion against letting the Islamic State back in the country. The evidence of planning, preparing or even executing terrorist acts in places like Syria would be difficult to obtain. It would mean that in consequence the justice might not be served.

The IS fighters with British citizenship would be tried under the Terrorism Act 2006 that deems encouraging, training and preparing for terrorism acts illegal<sup>26</sup>. The case of Mohammed Uddin is an example of a successful conviction under the Terrorism Act 2006<sup>27</sup>. He has been jailed for 7 years after travelling to Syria and returning to the UK a few months later.

There is a number of internationally approved documents that provide guidelines and support for governments struggling to deal with returning members of the Islamic State. The Global Counterterrorism Forum started the Initiative on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters in order to develop a successful approach to the former members of the Islamic State and their families<sup>28</sup>. The Good Practice documents were developed in London in November 2017. The main purpose was to examine potential security risks regarding the returning families. The document serves as a guideline for international assistance, engagement

<sup>25</sup> A. Flinn, *How the authorities can prosecute IS fighters who return to Britain – explained*, “The Conversation” 31.10.2017 <<https://theconversation.com/how-the-authorities-can-prosecute-is-fighters-who-return-to-britain-explained-86101>> (19.05.2019).

<sup>26</sup> See: *Terrorism Act 2006*, text (revised version) <<https://www.legislation.gov.uk/ukpga/2006/11/contents>> (18.05.2019).

<sup>27</sup> B. Mitchell, C. Mortimer, *Mohammed Uddin: British man jailed after going to Syria to join Isis*, “The Independent” 10.02.2016, <<https://www.independent.co.uk/news/uk/crime/isis-syria-british-man-mohammed-uddin-a6865291.html>> (22.05.2019).

<sup>28</sup> Global Counterterrorism Forum, *Initiative on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters*, November 2017, <<https://www.thegctf.org/Initiatives/Addressing-Returning-Families-of-Foreign-Terrorist-Fighters>> (30.05.2019).

and training. Another document addressing the problem of the returning fighters is the Guidelines for Addressing the Threats and Challenges of “Foreign Terrorist Fighters” within a Human Rights Framework designed by the Organization for Security and Cooperation in Europe<sup>29</sup>. The document also provides guidelines for governments based on the rule of law and human rights to address the issue of returning fighters and their families.

Another document is the United Nations Security Council Resolution 2178 introduced in 2014 that put a requirement on member state to stop, accept, prosecute and reintegrate any terrorist fighters upon their return<sup>30</sup>. The framework for the UN member states is called the UN Foreign Terrorist Fighters Implementation Plan. The resolution further address other issues such as restricted travel, preventing the spread of radicalisation and stopping the financial aid to terrorism. However, some governments including the United Kingdom or Australia actively look for ways to prevent their citizens from coming back, mainly by removing their citizenship. UN Foreign Terrorist Fighters Implementation Plan puts certain obligations on the United Nations member states. The signatory states to the resolution are required to monitor all aspects of lives of the returning fighters, such as their level of radicalisation, communication, finance, movement and potential resumption of terrorist activity<sup>31</sup>. There are legal guidelines and frameworks for the governments to follow while dealing with the returning fighter.

### **The children of Islamic State**

The issue of the ex-residents of the Islamic State territory is more complicated in case of the children, both born there and those brought in by their parents. The Global Observatory estimates that at least 12% of the 40000 IS foreign fighters are underage<sup>32</sup>. It is also estimated that there are around

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<sup>29</sup> Organization for Security and Cooperation in Europe, *Guidelines for Addressing the Threats and Challenges of “Foreign Terrorist Fighters” within a Human Rights Framework*, Office for Democratic Institutions and Human Rights, Warsaw 2018.

<sup>30</sup> See: United Nation Security Council, *Resolution 2178 (2014)*, 24.09.2014, <[https://www.un.org/sc/ctc/wp-content/uploads/2015/06/SCR-2178\\_2014\\_EN.pdf](https://www.un.org/sc/ctc/wp-content/uploads/2015/06/SCR-2178_2014_EN.pdf)> (18.05.2019).

<sup>31</sup> UN Office of Counterterrorism, *Foreign Terrorist Fighters Implementation Plan*, 2014 <<https://www.un.org/counterterrorism/ctitf/en/foreign-terrorist-fighters-implementation-plan>> (29.05.2019).

<sup>32</sup> A. Athie, *The Children of ISIS Foreign Fighters: Are Protection and National Security in Opposition?* “The Global Observatory” 18.12.2018, <<https://theglobalobservatory.org/2018/12/children-isis-foreign-fighters-protection-national-security-opposition/>> (22.05.2019).

1400 European children in Syria and Iraq, including those born there<sup>33</sup>. There is a serious security concern regarding children and young people recruited by the Islamic State who were subjected to intense indoctrination through social and educational means. Many of them as young as 9 were trained for combat or suicide missions<sup>34</sup>.

The children who were born within the borders of the Islamic States are in even more complicated situation. The Human Rights Watch data estimates, citing a research done by Quilliam Foundation and Iraqi Interior Ministry, that 31000 pregnant women had been living under the ISIS rule. Additionally, 300 children were found without citizenship and, therefore, unable to enrol into Iraqi schools, however the numbers are likely to be much higher<sup>35</sup>. The question arose regarding their nationalities. The lack of appropriate documentation, such as birth or marriage certificates, puts the children born in the caliphate at a great risk of becoming stateless.

Gilles de Kerchove, the EU's counterterrorism coordinator, recently called the children born under ISIS rule "a ticking time bomb", suggesting that without appropriate approach there may grow up to become the next generation of suicide bombers<sup>36</sup>. The ISIS itself called the children the guardians of their ideology, a so called "cubs generation".

Undoubtedly, the children have been exposed to violence from a young age and indoctrinated by the authorities of the Islamic State rendering them a security threat and delaying their repatriation. However, as the Global Observatory argues, leaving them in Syria, isolated and with unaddressed trauma might be more dangerous than accepting their return. In addition, De Kerchove also mentioned that de-radicalisation of the female IS recruits might be key for future security in Europe. The mothers in turn would help de-radicalise the children.

Norwegian Refugee Center warns in its recent report that it could take years for children of the Islamic State to receive documentation and have their case

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<sup>33</sup> T. Renard, R. Coolsaet, *Children in the Levant: Insights from Belgium on the dilemmas of repatriation and the challenges of reintegration*, "Egmont Security Policy Brief", No. 98 July 2018, <[http://aei.pitt.edu/94374/1/SPB98%2DRenard%2DCoolsaet\\_v2.pdf](http://aei.pitt.edu/94374/1/SPB98%2DRenard%2DCoolsaet_v2.pdf)> (23.05.2019).

<sup>34</sup> *Responses to returnees: Foreign terrorist fighters and their families*, "European Union Radicalisation Awareness Report", July 2017, <[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran\\_br\\_a4\\_m10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf)> (12.05.2019).

<sup>35</sup> N. Houry, *What to Do About Kids Born Under ISIS*, Human Rights Watch <<https://www.hrw.org/news/2016/11/23/children-caliphate>> (23.05.2019).

<sup>36</sup> T. Kington, *45,000 children of Isis 'are ticking time bomb'*, "The Financial Times" 8.05.2019, <<https://www.thetimes.co.uk/article/45-000-children-of-isis-are-ticking-time-bomb-lp0nq9q2m>> (18.05.2019).

considered by the Western governments<sup>37</sup>. In the meantime they will be forced to live marginalised lives in isolation. According to the Paris Commitment from 2007 the children in conflict zones, that have been recruited or used by armed groups, should always be considered victims<sup>38</sup>. To date no government has taken efficient and proactive approach to claim those children and repatriate them.

### The Shamima Begum case study

Shamima Begum was a British citizen when she disappeared from her East London home in February 2015<sup>39</sup>. She and two of her classmates travelled to Syria through Turkey in order to join the Islamic State and become brides for the IS fighters. Within few days of arriving Shamima was married to a Dutch fighter. Her story made the headlines as her family pleaded for her return. Eventually, she became one of the best known people from the United Kingdom to join the Caliphate and was made into a poster child for IS recruitment.

She was 15 years old and legally a child under the UK law when she left for Syria. Since then her two friends have died and she had 3 children all of which also died due to various health problems. The public was sympathetic to start with regarding the girls as young and vulnerable but changed their mind gradually<sup>40</sup>. The Commissioner of the Metropolitan Police announced that the three girls would not face terrorism charges if they decide to come back as they posed a low risk to the country<sup>41</sup>. The moods, however, were different in February 2019 when *The Times* war correspondent Anthony Lloyd found Shamima Begum at an Al-Hawl refugee camp in northern Syria<sup>42</sup>.

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<sup>37</sup> *Barriers from birth: Undocumented children in Iraq sentenced to a life on the margins*, “Norwegian Refugee Agency Report”, April 2019, <<https://www.nrc.no/globalassets/pdf/reports/iraq/barriers-from-birth/barriers-from-birth---report.pdf>> (17.05.2019).

<sup>38</sup> Text: *The Paris Commitments to protect children from unlawful recruitment and use by armed forces or armed groups*. 2007 Paris, <[https://www.icrc.org/en/doc/assets/files/other/pariscommitments\\_en.pdf](https://www.icrc.org/en/doc/assets/files/other/pariscommitments_en.pdf)> (18.05.2019).

<sup>39</sup> *Two London girls in Syria have married, families say*, “BBC News”, 4.07.2015 <<https://www.bbc.co.uk/news/uk-33394986>> (30.05.2019).

<sup>40</sup> *Syria girls: Families 'cannot stop crying'*, “BBC News”, 22.02.2015, <<https://www.bbc.com/news/uk-31575908>> (15.05.2019).

<sup>41</sup> D. Barrett, M. Evans, *Three 'Jihadi brides' from London who travelled to Syria will not face terrorism charges if they return*, “The Telegraph” 10.03.2015. <<https://www.telegraph.co.uk/news/uknews/11461693/Sisters-of-the-missing-jihadi-brides-to-face-radicalisation-tests.html>> (19.05.2019).

<sup>42</sup> J. Walker, *Times website and app break on day it secures 'major scoop' on London schoolgirl who joined ISIS*, “The Press Gazette” 14.02.2019, <<https://www.pressgazette.co.uk/times->

Since the publishing of Lloyd's interview more and more information about Shamima appeared in the UK's press. There was little support for Shamima's plans to return the UK. A witness reported that Shamima was serving in the ISIS "morality police" which was responsible for making sure the strict rules of the Caliphate are obeyed by other members, especially by women<sup>43</sup>. In a following interview for BBC Begum failed to express regret for the actions of Islamic State which earn her more enemies among the public<sup>44</sup>.

Sajid Javid, the UK Home Secretary, announced on February 19th 2019 that a motion had been made to strip Shamima Begum of her British citizenship<sup>45</sup>. According to the UK law a person can be stripped of their citizenship only if they are eligible for a citizenship elsewhere<sup>46</sup>. A person cannot be made stateless had they been a British citizen before<sup>47</sup>. The case of Shamima Begum has been complex. While there was strong support for the Home Secretary decision to revoke her citizenship, there were equally strong concerns on what that decision really meant. In reality stripping a person of their citizenship can leave them trapped in dangerous places and vulnerable without diplomatic support<sup>48</sup>. The case of Shamima received the most attention from the media but was not isolated. There was 104 other people who have lost their British citizenship since 2017 for being "not conducive to the public good"<sup>49</sup>. It is a considerable increase compared with only 16 in 2016. Although it is illegal to cause anyone to become stateless, the UK immigration law has

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website-and-app-break-on-day-it-secures-major-scoop-on-london-schoolgirl-who-joined-isis/> (15.05.2019).

<sup>43</sup> J. Ensor, R. Mendick, *Shamima Begum was cruel enforcer in Isis's morality police, say Syrian witnesses*, "The Telegraph" 13.04.2019, <<https://www.telegraph.co.uk/news/2019/04/13/shamima-begum-cruel-enforcer-isis-morality-police-say-syrian/>> (19.05.2019).

<sup>44</sup> V. Dodd, S. March, *Girl who left UK for Isis calls killing innocents a 'two-way thing'*, "The Irish Times", 18.02.2019, <<https://www.irishtimes.com/news/world/uk/girl-who-left-uk-for-isis-calls-killing-innocents-a-two-way-thing-1.3798311>> (19.05.2019).

<sup>45</sup> J. Simpson, *Isis runaway Shamima Begum stripped of her British citizenship*, "The Times" 20.02.2019, <<https://www.thetimes.co.uk/article/isis-runaway-shamima-begum-stripped-of-her-british-citizenship-w97nlm9x3>> (21.05.2019).

<sup>46</sup> D. Anderson, *Citizenship Removal Resulting in statelessness*, UK Government Independent Reviewer Report April 2016, Presented to Parliament pursuant to section 40B(5) of the British Nationality Act 1981, <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/518120/David\\_Anderson\\_QC\\_-\\_CITIZENSHIP\\_REMOVAL\\_\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David_Anderson_QC_-_CITIZENSHIP_REMOVAL__web_.pdf)> (19.05.2019).

<sup>47</sup> D. Prabhat, *Shamima Begum: legality of revoking British citizenship of Islamic State teenager hangs on her heritage*, "The Conversation" 20.02.2019. <<https://theconversation.com/shamima-begum-legality-of-revoking-british-citizenship-of-islamic-state-teenager-hangs-on-her-heritage-112163>> (23.05.2019).

<sup>48</sup> *Ibidem*.

<sup>49</sup> *Ibidem*.

changed in order to honour the UN conventions but at the same time to make revoking citizenships easier<sup>50</sup>.

A number of conditions must be met for the government to be able to stripped anyone of their citizenship. First of all, a person must either have dual citizenship or their citizenship must result from naturalisation<sup>51</sup>. Second condition is that the Secretary of State must “reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such country or territory”<sup>52</sup>. In case of Shamima Begum the citizenship was revoked on the suggestion that she might be eligible for the Bangladeshi citizenship due to her mother’s heritage. This notion has been perceived by many commentators as passing the responsibility to another government. The immigration lawyers and specialists in Bangladeshi law confirmed that a person born to a Bangladeshi parent automatically has a dual citizenship until they are 21 years old. After that time the citizenship expires if it is not claimed. The Bangladeshi government announced, however, that Bangladesh would not allow Shamima to cross their border.

Some questioned the decision of the Home Secretary regarding Ms Begum case as unjustified. Was Shamima a dangerous terrorist and a risk to the security of the UK or was she a victim of indoctrination and an online grooming? She was legally a child when she left the UK and suffered years of indoctrination and severe trauma after all 3 of her children died. There is a strong case for allowing the former inhabitants of the Islamic State like Shamima Begum to be resocialized. There is convincing evidence to suggest that Shamima was made an example of by the UK government for all future recruits wanting to join terrorist organization. She has been already judged by the media and public without even being formally accused. The latest update was that Shamima’s case will be heard in front of the Special Immigration Appeals Commission to review and challenge the Home Secretary decision to strip her of her British citizenship<sup>53</sup>.

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<sup>50</sup> M. Gibney, *Don’t trust the government’s citizenship-stripping policy*, Refugees Studies Center Oxford 3.02.2014, <<https://www.rsc.ox.ac.uk/news/dont-trust-the-governments-citizenship-stripping-policy-matthew-gibney>> (23.05.2019).

<sup>51</sup> D. Anderson, *Citizenship Removal Resulting in statelessness*, UK Government Independent Reviewer Report April 2016, Presented to Parliament pursuant to section 40B(5) of the British Nationality Act 1981, <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/518120/David\\_Anderson\\_QC\\_-\\_CITIZENSHIP\\_REMOVAL\\_\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David_Anderson_QC_-_CITIZENSHIP_REMOVAL__web_.pdf)> (19.05.2019).

<sup>52</sup> *Ibidem*.

<sup>53</sup> D. Casciani, *Shamima Begum: IS bride set to be granted legal aid*, “BBC News” 15.04.2019, <<https://www.bbc.com/news/uk-47934721>> (21.05.2019).

United Kingdom is not the only country that faces legal and political difficulties caused by their citizens who travelled to Syria to join Islamic State but now request to be allowed back. The US, France and Germany are among those facing the same issue<sup>54</sup>. After the fall of IS territory in Syria and Iraq the Washington led military coalition insisted on the European governments to repatriate their citizens while refusing to take back American citizens<sup>55</sup>. This notion has been since strongly resisted by the European Union states. The foreign fighters and their families remain an unsolved issue for many states that were left with a dilemma of whether to allow them to back or not.

### Summary

According to a number of experts on terrorism and political analysts it is highly likely that the defeated Islamic State will continue operating underground while waiting for a right moment to reappear. Both Syria and Iraq offer good conditions for such a comeback. As the sectarianism and discrimination against Sunni Muslims continue in Iraq it will not be difficult to find recruits for the new ISIS. Discrimination policies in America and cuts to the international aid will also contribute to the growing aversion towards the West. Therefore good governance in Syria and Iraq is necessary to fight Islamic State as it goes underground.

In addition, more tools and knowledge is needed to prevent online radicalisation and recruitment into terrorist organizations. As the example of the Islamic State has shown it was fairly easy to reach potential recruits online and convince them to come to Syria and join IS.

Lastly, there is a pressing security issue of how to deal with the returning foreign fighters previously involved with the Islamic State. So far some of the Western governments made attempts to avoid the problem by simply not letting the fighters back or revoking their citizenships. However, there is a growing evidence that concludes that it is better to take the foreign fighters back, put them through the justice system and rehabilitate them into society. Leaving the former residents of the Islamic State in Syria and Iraq or stripping them of their citizenship is far more dangerous as they might easily return to terrorist activity without any monitoring. Better approach is necessary.

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<sup>54</sup> M. Peel, A. England, Ch. Cornish, *Europe battles problem of returning Isis fighters*, "The Financial Times" 19.02.2019, <<https://www.ft.com/content/acf5a70e-3384-11e9-bd3a-8b2a211d90d5>> (15.05.2019).

<sup>55</sup> *Trump tells other nations to 'take back' Islamic State fighters. But not the U.S.*, "The Washington Post", 3.03.2019, <[https://www.washingtonpost.com/gdpr-consent/?destination=%2fopinions%2ftrump-tells-other-nations-to-take-back-islamic-state-fighters-but-not-the-us%2f2019%2f03%2f03%2fc215e7dc-3ad4-11e9-a2cd-307b06d0257b\\_story.html%3f&utm\\_term=.bf743196a05a](https://www.washingtonpost.com/gdpr-consent/?destination=%2fopinions%2ftrump-tells-other-nations-to-take-back-islamic-state-fighters-but-not-the-us%2f2019%2f03%2f03%2fc215e7dc-3ad4-11e9-a2cd-307b06d0257b_story.html%3f&utm_term=.bf743196a05a)> (23.05.2019).

The issue becomes more complex in cases of women and children, especially those born on ISIS territory. All minors still living at refugee camps should be dealt with first. It is also a matter of priority to develop and implement more useful guidelines for receiving back the foreign fighters. The governments should refer to the policies and guidelines and act accordingly. So far the national responses have been influenced greatly by the security threats. At the moment most of the governments are in the process of adopting a way to deal with their citizens who joined the Islamic State and it is too soon to determine whether they are succeeding.

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