

FEMALE FOREIGN TERRORIST FIGHTERS: CHALLENGES IN REPATRIATION, PROSECUTION, AND REHABILITATION

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Executive Summary

Following the 2019 fall of ISIS's so-called "caliphate" in Iraq and Syria, the repatriation of female foreign terrorist fighters (FTFs) has led to a series of challenges. The way in which Australia, the United Kingdom, the United States, and some European countries—particularly Belgium, France, Germany, Ireland, the Netherlands, and Sweden—handle the repatriation and prosecution of female foreign terrorist fighters has evolved over the years. Originally, women who traveled to Syria were generally considered "jihadi brides" and were charged and prosecuted leniently in comparison to their male counterparts. However, subsequently, evidence has shown that a number of women who have traveled to Syria have had a more active role in the extremist enterprise and have been charged accordingly.¹

The challenge of bringing female FTFs to justice is also impeded by the reluctance of many countries to repatriate foreign fighters due to the presumed risks posed by terrorist convicts. The general concern across governments has been that returnees will potentially reengage in terrorism following their release from prison. However, data suggests that terrorist convicts are less likely than other criminals to reoffend following release.² Nonetheless, it should be stated that those released terrorist convicts who do reengage with terrorism have the potential to make terrorist attacks far more deadly given the experience and skills acquired within terrorist groups.³ Given the lethal potential of reengagement, governments need to establish solid rehabilitation and reintegration programs to adequately respond to returnees.

Repatriation is an important aspect of countering extremism and can only be a possibility when governments have the necessary security services to monitor and regulate individuals who they believe pose a risk to national and global security.⁴ To ensure the successful reintegration of these returnees after repatriation to their home countries, governments will also need to provide the necessary rehabilitation support to mitigate or eradicate any potential future risk as part of the criminal justice process. Rehabilitation and reentry programs in prisons and post-release are necessary elements to counterterrorism strategy as those services can significantly reduce the chance of terrorist recidivism.⁵

If governments delay the repatriation of foreign fighters, their rehabilitation and reentry programs may struggle to reverse the extremist beliefs and disillusionment that prompted many of these foreign fighters to travel to conflict zones in the first place. Another challenge governments will have to contend with would be reconciling the risks of repatriating foreign fighters, and the concrete steps needed in assuring safe rehabilitation and reintegration of these individuals. Each individual presents varying risks

¹ Joana Cook and Gina Vale, "From Daesh to 'Diaspora': Tracing the Women and Minors of Islamic State," International Centre for the Study of Radicalization, July 2018, <https://icsr.info/wp-content/uploads/2018/07/ICSR-Report-From-Daesh-to-%E2%80%98Diaspora%E2%80%99-Tracing-the-Women-and-Minors-of-Islamic-State.pdf>.

² Thomas Renard, "Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence," Combating Terrorism Center, April 2020, <https://ctc.usma.edu/overblown-exploring-the-gap-between-the-fear-of-terrorist-recidivism-and-the-evidence/>.

³ Thomas Hegghammer, "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting," American Political Science Review, February 2013, <https://pdf4pro.com/fullscreen/should-i-stay-or-should-i-go-thomas-hegghammer-4be34f.html>.

⁴ Eric Oehlerich, Mick Mulroy, and Liam McHugh "Jannah Or Jahannam Options For Dealing With Isis Detainees," Middle East Institute, October 2020, <https://www.mei.edu/sites/default/files/2020-10/Jannah%20or%20Jahannam%20-%20Options%20for%20Dealing%20with%20ISIS%20Detainees.pdf>.

⁵ Jesse Morton, "When Terrorists Come Home: The Need for Rehabilitating and Reintegrating America's Convicted Jihadists," Counter Extremism Project, December 2018, https://www.counterextremism.com/sites/default/files/CEP%20Report_When%20Terrorists%20Come%20Home_120618.pdf.

depending on the severity of their radicalization and would require tailored approaches from security officials to mitigate potential threats to domestic and international security. While case-by-case reintegration strategies require more time and extensive resources, the careful execution of rehabilitation programs is part and parcel of offsetting extremist reengagement in the long run. The successful reentry of these individuals will serve as a long-term solution to deradicalization and further discredit extremist movements as well as provide a more stable environment for overall global security.

Radicalization of Female Terrorists

Since the fall of ISIS's so-called "caliphate" in Iraq and Syria in March 2019, many countries have been faced with the challenge of repatriating female FTFs who traveled to the region to participate in the conflict. Figures for the number of female participants have varied as early studies offered a more general snapshot of the demographic with later studies offering more exhaustive breakdowns in terms of nationality. According to a 2016 report by the Institute for Strategic Dialogue, women accounted for 550 of 3,000 western migrants to jihadi-terrorist organizations.⁶ However, 2018 reports estimate that in western European countries—specifically Belgium, France, Germany, Ireland, and the Netherlands—between 664 and 746 women traveled to conflict zones in Iraq and Syria since the establishment of the "caliphate" in 2013. In the United Kingdom and Sweden, 150 and 75 women respectively were documented to have traveled to conflict zones. In the United States, there were 38 women, and in Australia, 30 to 40 female Australians fled to become ISIS supporters.⁷

In October 2017, ISIS declared it permissible for women to become warriors, an unprecedented move in an organization that has prided itself in advocating for and preserving traditional gender roles in society.⁸ Traditional gender roles are held central to the group's ideology—where women are submissive to one's husband and are responsible for producing the next generation of fighters. But by the end of December 2017, the group lost more than 95 percent of its territory in Syria as their fighters were unable to combat the military capabilities of U.S.-backed Syrian Democratic Forces (SDF).⁹ ISIS's decision was made not in line with the fundamentalist organization's ideologies, but rather as a defensive approach towards reclaiming and strengthening the capacity of its membership in the face of a dwindling "caliphate." Women's roles were no longer solely defined as submissive to their male guardians, but essential to preserving the legacy and the territory of the extremist group.¹⁰

⁶ Carolyn Hoyle, Alexandra Bradford, and Ross Frenett, "Becoming Mulan? Female Western Migrants to ISIS," Institute for Strategic Dialogue, January 2015, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2969_Becoming_Mulan_01.15_WEB.pdf.

⁷ Dr. Francesco Ragazzi and Dr. Amandine Scherrer, "The return of foreign fighters to EU soil," European Parliamentary Research Service, May 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf); Joana Cook and Gina Vale, "From Daesh to 'Diaspora': Tracing the Women and Minors of Islamic State," International Centre for the Study of Radicalization, July 2018, <https://icsr.info/wp-content/uploads/2018/07/ICSR-Report-From-Daesh-to-%E2%80%98Diaspora%E2%80%99-Tracing-the-Women-and-Minors-of-Islamic-State.pdf>; Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁸ Rita Katz, "How do we know ISIS is losing? Now it's asking women to fight.," *Washington Post*, November 2, 2017, <https://www.washingtonpost.com/news/posteverything/wp/2017/11/02/how-do-we-know-isis-is-losing-now-its-asking-women-to-fight-for-it/>.

⁹ "Timeline: the Rise, Spread, and Fall of the Islamic State," Wilson Center, October 28, 2019, <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>.

¹⁰ Rita Katz, "How do we know ISIS is losing? Now it's asking women to fight.," *Washington Post*, November 2, 2017, <https://www.washingtonpost.com/news/posteverything/wp/2017/11/02/how-do-we-know-isis-is-losing-now-its-asking-women-to-fight-for-it/>.

Studies have shown that women are drawn to extremism by the same factors that affect radicalized men. According to a report published by the Institute for Strategic Dialogue, factors such as ideology, personal ties, discrimination, and a desire for belonging weigh significantly in the decision process for joining extremist groups. Terrorist recruiters have been effective in tapping into and exploiting narratives of discrimination towards Muslim women—specifically when it comes to the stigmatization of religious attire such as the hijab, niqab, and abaya—in order to resonate with and further radicalize female recruits. Accordingly, in countries such as France which have banned full-face coverings, there has been a facilitation of an “us versus them” mentality that has motivated certain women towards extremism as a method of preserving their faith.¹¹

As made evident in cases such as with British nationals Shamima Begum and Tooba Gondal, radicalized women have taken to recruitment via social media to groom “jihadi brides” for ISIS members in Iraq and Syria.¹² Begum and Gondal’s activities were not limited to recruitment, however. Media sources claim that both women undertook weapons training while in Syria, and that Begum even served in ISIS’s “morality police” where she was a strict “enforcer” of ISIS’s laws, such as dress codes for women.¹³ Although not actively recruited as fighters, women have taken on additional responsibilities throughout the ISIS “brand” that are not just limited to being “jihadi brides” and birthing the next generation of insurgents. Accordingly, ISIS’s online magazine *Dabiq* features an article written by a female member in each edition, further demonstrating that women have been given—albeit still limited—public-facing roles.¹⁴ The status associated with increased visibility among the organization helps to persuade women seeking more prominent roles—such as in combat or demonstrating faculties rather than the traditional “protector of the home” status in the extremist enterprise.

Although previous studies of female ISIS recruits claimed they primarily serve the role as wife or mother or undertake administrative aspects of the so-called “caliphate,” women have taken part in more activities including logistical support and operations. Women seeking roles within the violent tradition of the ISIS brand and terrorism structure could be persuaded to join the extremist movement due to reports detailing the “activist roles” of female operatives. Given that women are less likely to arouse suspicion, are able to better conceal explosives through their attire, and are generally not subject to as strict security measures, extremist groups have shown more willingness towards women’s participation in terrorist activities.¹⁵ Additionally, according to a 2015 report published by the Institute for Strategic

¹¹ Carolyn Hoyle, Alexandra Bradford, and Ross Frenett, “Becoming Mulan? Female Western Migrants to ISIS,” Institute for Strategic Dialogue, January 2015, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2969_Becoming_Mulan_01.15_WEB.pdf; Ester E.J. Strommen, “Jihadi Brides or Female Foreign Fighters? Women in Da’esh – from Recruitment to Sentencing,” PRIO Centre on Gender, Peace and Security, January 2017, <https://www.prio.org/utility/DownloadFile.ashx?id=1219&type=publicationfile>.

¹² Simon Cottee, “How a British College Student Became an ISIS Matchmaker,” *Vice*, December 20, 2016, <https://www.vice.com/en/article/pgpvxn/how-a-british-college-student-became-an-isis-matchmaker>; Lizzie Dearden, “Female Isis members underestimated by security services because of jihadi bride stereotypes, UN warns,” *Independent*, February 27, 2019, <https://www.independent.co.uk/news/world/middle-east/jihadi-bride-female-isis-security-services-shamima-begum-terrorism-latest-a8800356.html>.

¹³ Josie Ensor, “Shamima Begum was cruel enforcer in Isis’s morality police, say Syrian witnesses,” *Telegraph*, April 13, 2019, <https://www.telegraph.co.uk/news/2019/04/13/shamima-begum-cruel-enforcer-isis-morality-police-say-syrian/>; Dave Burke, “ISIS ‘matchmaker’ who ‘recruited Shamima Begum’ pleads to be allowed back to UK,” *Mirror*, September 29, 2019, <https://www.mirror.co.uk/news/uk-news/isis-matchmaker-who-recruited-shamima-20330893>.

¹⁴ Ester E.J. Strommen, “Jihadi Brides or Female Foreign Fighters? Women in Da’esh – from Recruitment to Sentencing,” PRIO Centre on Gender, Peace and Security, January 2017, <https://www.prio.org/utility/DownloadFile.ashx?id=1219&type=publicationfile>.

¹⁵ Mia Bloom, “Analysis: Women and children constitute the new faces of terror,” *CNN*, August 6, 2012, <https://security.blogs.cnn.com/2012/08/06/analysis-women-and-children-constitute-the-new-faces-of-terror/>; Gulfer Ulas, “Female Radicalisation: Why do Women join ISIS?,” London School of Economics, August 15, 2019, <https://blogs.lse.ac.uk/mec/2019/08/15/female-radicalisation-why-do-women-join-isis/>.

Dialogue, women who migrated to Iraq and Syria that have verbalized a willingness to inflict violence also continued to primarily emphasize the importance of their domestic role.¹⁶

While women are joining cadres, they have not entirely dismissed their position in the domestic space as essential to supporting the ideological and state-building mission of ISIS.¹⁷ The act of jihad extends beyond acts of violence and includes promoting propaganda or simply living a life according to the rules of a group. However, the hierarchy of participation within extremist groups has generally leaned towards prioritizing and recognizing those who carry out hard acts of terrorism. Although some women are being given more of an essential role to the insurgency through carrying out violence, some Islamist groups still remain hesitant to give unchecked permission to female recruits to carry out direct acts of terrorism. Accordingly, the women who do take part in combat roles are able to participate due to “special circumstances” in which no men are available or willing to carry out martyrdom operations.¹⁸

When women take on higher status roles throughout the ISIS insurgency, it is possible that they would develop a long-term allegiance to the movement. By actively carrying out attacks, female ISIS members are further integrated into the terrorist network, making it more difficult to leave or ever betray the franchise. However, although there has been the acknowledgment of female fighters—as evidenced by photos and videos released by ISIS’s media wing of women carrying weapons—it is uncertain if women have been trained in the same capacity as their male counterparts or if they regularly take part in high impact attacks.¹⁹ Furthermore, civilians in conflict zones have also noticed a shift in demographics within the insurgency as a December 2018 survey carried out in Iraq by the *New York Times* claimed that “80 percent [of 400 respondents] agreed or strongly agreed that [women] played an important role in the group...[and] 82 percent said they agreed or strongly agreed that Islamic State women will be dangerous for Mosul in the future.”²⁰

According to the U.N. Counter-Terrorism Committee Executive Directorate (CTED), women are more likely to be recruited online than offline, meaning there would be a more obvious electronic paper trail for prosecuting female recruits.²¹ However, since ISIS and its publications do not issue honorifics such as “soldier of the caliphate” or “mujahid” to female attackers, there is less evidence to undeniably incriminate women when facing legal retribution.²² Given the stereotypical “ISIS bride” narrative, some women have been able to return to their home countries following the deaths of their husbands in Iraq or Syria, and have managed to evade punishment. In the case of ISIS widow Omais A., she managed to live in her hometown of Hamburg, Germany, for three years before an investigative journalist uncovered

¹⁶ Carolyn Hoyle, Alexandra Bradford, and Ross Frenett, “Becoming Mulan? Female Western Migrants to ISIS,” Institute for Strategic Dialogue, January 2015, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2969_Becoming_Mulan_01.15_WEB.pdf.

¹⁷ Carolyn Hoyle, Alexandra Bradford, and Ross Frenett, “Becoming Mulan? Female Western Migrants to ISIS,” Institute for Strategic Dialogue, January 2015, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2969_Becoming_Mulan_01.15_WEB.pdf.

¹⁸ Deborah Margolin, “The Changing Roles of Women in Violent Islamist Groups,” Program on Extremism, March 2019, <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/The%20Changing%20Roles%20of%20Women%20in%20Violent%20Islamist%20Groups.pdf>.

¹⁹ Lizzie Dearden, “Isis propaganda video shows women fighting for first time amid ‘desperation’ to bolster ranks,” *Independent*, February 8, 2018, <https://www.independent.co.uk/news/world/middle-east/isis-video-women-jihadis-female-fighters-recruitment-syria-iraq-islamic-state-propaganda-a8200621.html>.

²⁰ Vera Mironova, “Is the Future of ISIS Female?,” *New York Times*, February 20, 2019, <https://www.nytimes.com/2019/02/20/opinion/islamic-state-female-fighters.html>.

²¹ “Gender Dimensions of the Response to Returning Foreign Terrorist Fighters: Research Perspectives,” United Nations Counter Terrorism Committee Executive Directorate, February 2019, https://www.un.org/sc/ctc/wp-content/uploads/2019/02/Feb_2019_CTED_Trends_Report.pdf.

²² Rita Katz, “How do we know ISIS is losing? Now it’s asking women to fight,” *Washington Post*, November 2, 2017, <https://www.washingtonpost.com/news/posteverything/wp/2017/11/02/how-do-we-know-isis-is-losing-now-its-asking-women-to-fight-for-it/>.

the necessary evidence against her so that charges could be filed. In Germany, in order to issue an arrest warrant and charges, evidence of explicit support for ISIS or proof that a person directly fought for the militant group, is necessary.²³ Female ISIS supporters could take advantage of this requirement and feign ignorance regarding violent crimes as they were allegedly just tending to the homes and children of male ISIS members, which would prevent many complicit women from facing adequate punishment for their crimes.²⁴ Furthermore, the belief that women would be less likely to receive harsh punishment could incentivize women in joining terrorist groups as their participation would not be met with the same legal retribution that male participants face when returning to their home countries.

However, as more ISIS female members are repatriated to their respective home countries, prosecution responses to women have begun to be amended to reflect the nature of their participation. Despite ongoing media preconceptions of women as victims of radicalization rather than perpetrators of violent extremism, as more women return to their native countries and provide testimonies on their time in Syria and Iraq, it has become evident that women have carried out a variety of roles within ISIS's "caliphate." Judicial systems around the world have begun to shift away from the gendered treatment of returning FTFs and have adjusted charges and sentences to reflect actions rather than assumptions. Although evidence has suggested that criminal justice systems have steadily begun to treat women as violent extremists in the full sense of the word, they have been slower to provide adequate repatriation, rehabilitation, and reintegration support for women seeking to return to their home countries.²⁵ Countries across Europe as well as Australia and the United Kingdom have demonstrated increased hesitation towards actively repatriating female FTFs due to heightened concerns regarding recidivism and domestic security. However, without a sufficient repatriation pipeline, monitoring and support for these returning female fighters is also compromised, putting women at greater risk of further radicalization or recidivism in the long run.

Repatriation and Prosecution of Female Foreign Fighters

Countries have standard antiterrorism legislation and prosecution practices, but female returnees originally faced different standards of prosecution compared with their male counterparts. The United Kingdom and Europe—such as in Belgium, the Netherlands, and Ireland—initially handed out more lenient sentences for female ISIS supporters. Female defendants were not actively investigated for their participation due to ongoing narratives of young girls and naïve women being persuaded into aligning with ISIS. However, as foreign nationals seek to return home following the fall of the so-called "caliphate," criminal justice systems have begun to amend their approaches to prosecution, risk assessment, and the criminal investigation of returnees.

As previously stated, reports have revealed that women took on roles in ISIS other than just being "ISIS brides." Female FTFs and more specifically, those associated with ISIS, are often active as online propagandists and recruiters, but their involvement in violent activities has not been regularly documented. This is due to ISIS's predisposition of publicizing the actions and successes of its male

²³ Matthias von Hein, "Prosecuting IS returnees in Germany requires the law's longest arm," Deutsche Welle, May 17, 2020, <https://www.dw.com/en/prosecuting-is-returnees-in-germany-requires-the-laws-longest-arm/a-53457461>.

²⁴ Matthias von Hein, "Prosecuting IS returnees in Germany requires the law's longest arm," Deutsche Welle, May 17, 2020, <https://www.dw.com/en/prosecuting-is-returnees-in-germany-requires-the-laws-longest-arm/a-53457461>.

²⁵ "CTED Analytical Brief: The Prosecution of ISIL-associated women," United Nations Security Council Counter-Terrorism Committee Executive Directorate, January 2021, https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/cted_analytical_brief_the_prosecution_of_isil-associated_women.pdf.

rather than its female members. Given the dearth of evidence proving female participation in violent attacks, female ISIS supporters can more readily appeal to the image of the “jihadi bride” who naively followed her husband to the battlefield to carry out family duties when facing western domestic courts. This ability to feign ignorance and innocence was a way for female FTFs to avoid accountability and evade harsh legal punishment. However, female returnees are not just accessories, at times they are perpetrators or facilitators of crimes against humanity. Originally, preconceived notions about gender slighted judicial responses to terrorism, but the dialogue has now shifted towards the evidentiary challenges of charging female supporters seeking repatriation in their home countries.

The justice systems of Australia, the United Kingdom, the United States, and several European countries have faced ongoing criticism due to their prosecution of returning foreign fighters and individuals associated with terrorism. With large numbers of women remaining in Al-Hol and Al-Roj refugee camps, governments have to reconcile their obligations to guarantee the rights of its citizens seeking to return while also considering the possible threat these returnees pose to domestic security. As the number of returning female fighters increases, countries in Europe as well as the United States, the United Kingdom, and Australia have yet to establish consistent methods of prosecution to bring female terror suspects to justice, relative to male suspects of similar crimes. Although there are far more male than female ISIS supporters, male returnees are prosecuted more readily as their actions within an extremist group are publicized and their actions are considered outside of a family unit. Female ISIS supporters often have children which complicates the judicial process as there is an impetus to repatriate children. Given that some countries, such as Germany, require children to be repatriated with their mothers, there are additional challenges in repatriating and potentially charging female ISIS supporters as they no longer are viewed just as “jihadi brides,” but possible perpetrators and facilitators of violence.

Some countries claim that logistical challenges and security risks make it impossible to help their citizens accused of membership in ISIS to safely return to their home countries. However, there have been some instances in which countries have tried female citizens and took action against them.

In July 2018, a dataset compiled by scholars at the Combating Terrorism Center at West Point revealed that women accounted for up to 13 percent (4,761) of the total 41,490 foreign persons who were recorded to have traveled to, or were born inside, ISIS territory in Syria and Iraq.²⁶ Of the 41,490 foreign fighters, the total number of returnees in Western Europe was somewhere between 1,840 and 1,912. Whereas in the United States, there were more than 59 returnees. Given more recent media updates, returnee numbers for the European countries further detailed in this report have increased slightly since 2018. According to data in 2018, female returnees accounted for 178 of the total returnees in Belgium, France, Germany, Ireland, the Netherlands, Sweden, and the United Kingdom. In 2021, the figure has

²⁶ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

increased to 204 female returnees in those countries.²⁷ In Australia and the U.S., the figures have not changed, with one female returnee in Australia, and four in the United States.²⁸

Of those returnees, only a small number of women have been tried for their actions back in the so-called “caliphate.” Below are the sentences several European countries, Australia, the United Kingdom, and the United States have placed on female returnees. It should be qualified, however, that the figures in the chart are not exhaustive and are limited to information made available by open sources. However, the details of these cases demonstrate that female FTFs, like their male counterparts, take on a series of roles and responsibilities that have been and should be adequately reprimanded according to the severity of their crimes.

Country	Female ISIS Supporters	Female ISIS Returnees	Prosecuted*	Typical Sentence for Crime**	Sentence Given to Female Returnees
Australia	30-40 ²⁹	1 ³⁰	-	3 years to life imprisonment ³¹	-

²⁷ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; “Belgium takes back mothers and children from Syria jihadist camps,” BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>; “Three convicted IS wives and their children return to Belgium,” The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; “Three jihadi brides and their six children to return to Belgium on Wednesday,” Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>; “Germany repatriates women and children with links to ‘IS’,” Deutsche Welle, October 6, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>; “Foreign Minister Maas on repatriation from Syria on humanitarian grounds,” Federal Foreign Office, December 20, 2020, <https://www.auswaertiges-amt.de/en/newsroom/news/maas-repatriation-syria-on-humanitarian-grounds/2429348>; Cyril Rosman, “Syriëganger Angela B. in rechtszaal: ‘Ik was een dom gansje toen ik vertrok’,” AD, 6 April 2021 <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>; “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>; “Sweden sentences woman for taking child to IS area in Syria,” Associated Press, March 8, 2021, <https://apnews.com/article/turkey-syria-middle-east-islamic-state-group-sweden-cb03aa1bd78d1afdd6944d611c55df5e>.

²⁸ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

²⁹ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

³⁰ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

³¹ “Counter Terrorism,” CDP Australia’s Federal Prosecution Service, <https://www.cdpp.gov.au/crimes-we-prosecute/counter-terrorism>.

Belgium	93 ³²	35 ³³	11 ³⁴	5-10 years ³⁵	4-8 years ³⁶
France	300-382 ³⁷	78 ³⁸	-	Up to 10 and up to 20 for leadership role ³⁹	-
Germany	165 ⁴⁰	65 ⁴¹	9 ⁴²	1-10 years ⁴³	3.5-10 years ⁴⁴

³² Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

³³ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; "Belgium takes back mothers and children from Syria jihadist camps," BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>; "Three convicted IS wives and their children return to Belgium," The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; "Three jihadi brides and their six children to return to Belgium on Wednesday," Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>.

³⁴ Jake Cigainero, "A Belgian woman explains why she joined ISIS, and why she came back," The World, December 19, 2016, <https://www.pri.org/stories/2016-12-19/belgian-woman-explains-why-she-joined-isis-and-why-she-came-back>; "Three convicted IS wives and their children return to Belgium," The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; "Three jihadi brides and their six children to return to Belgium on Wednesday," Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>; Maarten P. Bolhuis and Joris van Wijk, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism," European Journal of Migration and Law, October 7, 2020, https://brill.com/view/journals/emil/22/3/article-p338_2.xml?language=en; "Belgium takes back mothers and children from Syria jihadist camps," BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>.

³⁵ "Belgium," Committee of Experts on Terrorism, October 2016, <https://rm.coe.int/16806ed6ba>.

³⁶ "Belgium takes back mothers and children from Syria jihadist camps," BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>; Jake Cigainero, "A Belgian woman explains why she joined ISIS, and why she came back," The World, December 19, 2016, <https://www.pri.org/stories/2016-12-19/belgian-woman-explains-why-she-joined-isis-and-why-she-came-back>; "Three jihadi brides and their six children to return to Belgium on Wednesday," Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>; Guy Van Vlieden, "The Enduring Influence of Malika El Aroud, Belgium's 'Black Widow of Jihad,'" October 18, 2018, <https://eeradicalization.com/the-enduring-influence-of-malika-el-aroud-belgiums-black-widow-of-jihad/>.

³⁷ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

³⁸ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

³⁹ "Code Pénal [Criminal Code]," Legifrance, November 2, 2014, <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719&dateTexte=20141106>.

⁴⁰ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁴¹ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; "Germany repatriates women and children with links to 'IS'," Deutsche Welle, October 6, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>; "Foreign Minister Maas on repatriation from Syria on humanitarian grounds," Federal Foreign Office, December 20, 2020, <https://www.auswaertiges-amt.de/en/newsroom/news/maas-repatriation-syria-on-humanitarian-grounds/2429348>.

⁴² Melissa Eddy, "German Woman Goes on Trial in Death of 5-Year-Old Girl Held as ISIS Slave," *New York Times*, April 9, 2019, <https://www.nytimes.com/2019/04/09/world/europe/germany-isis-trial.html>; "German 'Islamic State' bride jailed for 5 years," Deutsche Welle, July 5, 2019, <https://www.dw.com/en/german-islamic-state-bride-jailed-for-5-years/a-49482891>; "Omaira A.," Trial International, March 19, 2021, <https://trialinternational.org/latest-post/omaira-a/>; "German Woman Convicted of Joining IS, Holding Yazidi Slaves," Associated Press, June 16, 2021, <https://www.usnews.com/news/world/articles/2021-06-16/german-woman-convicted-of-joining-is-holding-yazidi-slaves>; Amal Clooney, "German court convicts a third ISIS member of crimes against humanity committed against Yazidis," Doughty Street Chambers, June 18, 2021, <https://www.doughtystreet.co.uk/news/german-court-convicts-third-isis-member-crimes-against-humanity-committed-against-yazidis>; "Germany repatriates women and children with links to 'IS'," Deutsche Welle, October 7, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>.

⁴³ "Committee of Experts on Terrorism (Codexter) Profiles on Counter-Terrorist Capacity," Council of Europe, September 2016, <https://rm.coe.int/1680641010>.

⁴⁴ Sofia Diogo Mateus and Vanessa Guinan-Bank, "German court convicts ISIS bride for 'crimes against humanity' in death of 5-year-old Yazidi 'slave'," *Washington Post*, October 25, 2021, <https://www.washingtonpost.com/world/2021/10/25/germany-isis-bride-yazidi-court-case/>;

Ireland	1 ⁴⁵	1 ⁴⁶	1 ⁴⁷	Up to 10 years ⁴⁸	-
The Netherlands	105 ⁴⁹	19 ⁵⁰	3 ⁵¹	15 years max ⁵²	-
Sweden	75 ⁵³	4 ⁵⁴	3 ⁵⁵	9 months to lifetime imprisonment ⁵⁶	3 years ⁵⁷
United Kingdom	150 ⁵⁸	2 ⁵⁹	1 ⁶⁰	Up to 10 years for membership,	6 years ⁶²

“Omama A.,” Trial International, March 19, 2021, <https://trialinternational.org/latest-post/omama-a/>; “German Woman Convicted of Joining IS, Holding Yazidi Slaves,” Associated Press, June 16, 2021, <https://www.usnews.com/news/world/articles/2021-06-16/german-woman-convicted-of-joining-is-holding-yazidi-slaves>; “German ‘Islamic State’ bride jailed for 5 years,” Deutsche Welle, July 5, 2019, <https://www.dw.com/en/german-islamic-state-bride-jailed-for-5-years/a-49482891>.

⁴⁵ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁴⁶ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁴⁷ Alison O’Riordan, “Trial of Lisa Smith accused of Islamic State membership is set for 2022,” The Irish Times, September 14, 2020, <https://www.irishtimes.com/news/crime-and-law/courts/trial-of-lisa-smith-accused-of-islamic-state-membership-is-set-for-2022-1.4354586>.

⁴⁸ “CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005 REVISED Updated to 7 November 2019,” Legislation Online, November 7, 2019, https://www.legislationline.org/download/id/8475/file/Ireland_Criminal_Justice_Terrorist_Offences_Act_2005_am2019_en.pdf.

⁴⁹ “Travelers and Returnees,” AIVD, May 1, 2021, <https://www.aivd.nl/onderwerpen/terrorisme/dreiging/uitreizigers-en-terugkeerders>.

⁵⁰ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; Cyril Rosman, “Syriëganger Angela B. in rechtszaal: ‘Ik was een dom gansje toen ik vertrok,’” AD, 6 April 2021 <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

⁵¹ “Dutch court orders provisional release of woman rescued from Isis by mother,” *Guardian*, November 25, 2014, <https://www.theguardian.com/world/2014/nov/25/dutch-court-woman-rescue-isis-mother-aicha-terror>; Cyril Rosman, “Syriëganger Angela B. in rechtszaal: ‘Ik was een dom gansje toen ik vertrok,’” AD, 6 April 2021 <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

⁵² “Netherlands,” Committee of Experts on Terrorism, November 2008, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680641014>.

⁵³ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; Linus Gustafsson and Magnus Ranstorp, “Swedish Foreign Fighters in Syria and Iraq: An analysis of open-source intelligence and statistical data,” Center for Asymmetric Threat Studies, 2017, <https://www.diva-portal.org/smash/get/diva2:1110355/FULLTEXT01.pdf>.

⁵⁴ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>; “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>; “Sweden sentences woman for taking child to IS area in Syria,” Associated Press, March 8, 2021, <https://apnews.com/article/turkey-syria-middle-east-islamic-state-group-sweden-cb03aa1bd78d1afdd6944d611c55df5e>.

⁵⁵ “Sweden sentences woman for taking child to IS area in Syria,” Associated Press, March 8, 2021, <https://apnews.com/article/turkey-syria-middle-east-islamic-state-group-sweden-cb03aa1bd78d1afdd6944d611c55df5e>; “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>.

⁵⁶ “CUMULATIVE PROSECUTION OF FOREIGN TERRORIST FIGHTERS FOR CORE INTERNATIONAL CRIMES AND TERRORISM-RELATED OFFENCES,” EUROJUST, May 2020, https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2020-05_Report-on-cumulative-prosecution-of-FTFs_EN.PDF.

⁵⁷ “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>.

⁵⁸ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁵⁹ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁶⁰ Lizzie Dearden, “Tareena Shakil: First female British Isis member jailed in UK freed from prison,” *Independent*, February 15, 2019, <https://www.independent.co.uk/news/uk/crime/tareena-shakil-isis-bride-uk-prison-jail-release-syria-son-terror-a8780891.html>.

⁶² Lizzie Dearden, “Tareena Shakil: First female British Isis member jailed in UK freed from prison,” *Independent*, February 15, 2019, <https://www.independent.co.uk/news/uk/crime/tareena-shakil-isis-bride-uk-prison-jail-release-syria-son-terror-a8780891.html>.

				and up to life imprisonment for directing a terror organization ⁶¹	
United States	38 ⁶³	4 ⁶⁴	2 ⁶⁵	Up to 20 years ⁶⁶	5 years ⁶⁷

**Prosecutions that have received some degree of media coverage. It is likely that there have been other prosecutions, but some countries, such as Germany and the Netherlands, have limited the release of details surrounding certain cases.*

***Sentence for participation in or providing material support to a terrorist organization.*

Australia

According to data from the Combating Terrorism Center at West Point, 232 Australians are believed to have traveled to join or support ISIS in Syria. Of that figure, 30 to 40 of those Australian citizens were women. One female returnee has been reported, but information has been scarce surrounding her return.⁶⁸ As of May 2021, 20 Australian women remain in Al-Roj detention camp in northeastern Syria.⁶⁹

The Australian government made the act of traveling to a conflict zone for foreign fighting a criminal offense on December 3, 2014. The measure thereby outlawed foreign fighting regardless of the crimes committed during the individual's stay in the conflict zone. Individuals who entered or remained in provinces where a listed terrorist organization engaged in hostile activity would face a penalty of up to 10 years imprisonment, or in some cases, life imprisonment.⁷⁰

In December 2015, Australia amended the powers of the Citizenship Act of 2007 to automatically deprive an individual of their citizenship if they were over 14 years of age, would not be rendered stateless, and had either fought for a declared terrorist organization or engaged in "disallegiant"

⁶¹ "Proscribed organisations – membership," Sentencing Council, April 12, 2019, <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/proscribed-organisations-membership/>; "United Kingdom," Committee of Experts on Terrorism, April 2007, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680641026>.

⁶³ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁶⁴ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁶⁵ "Former Elkhart, Indiana Resident Sentenced to Over Six Years in Prison for Financing of Terrorism," U.S. Department of Justice, November 9, 2020, <https://www.justice.gov/opa/pr/former-elkhart-indiana-resident-sentenced-over-six-years-prison-financing-terrorism>; Charlie Savage, "American-Born Woman Who Joined ISIS Is Not a Citizen, Judge Rules," *New York Times*, November 14, 2019, <https://www.nytimes.com/2019/11/14/us/hoda-muthana-isis-citizenship.html>.

⁶⁶ "U.S. Code § 2339B - Providing material support or resources to designated foreign terrorist organizations," Legal Information Institute, <https://www.law.cornell.edu/uscode/text/18/2339B>.

⁶⁷ "Former Elkhart, Indiana Resident Sentenced to Over Six Years in Prison for Financing of Terrorism," U.S. Department of Justice, November 9, 2020, <https://www.justice.gov/opa/pr/former-elkhart-indiana-resident-sentenced-over-six-years-prison-financing-terrorism>.

⁶⁸ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁶⁹ Joumanah El-Matrah and Kamalle Dabboussy, "Guilty When Innocent. Australian Government's Resistance to Bringing Home Wives and Children of Islamic State Fighters," *Social Sciences*, May 31, 2021, <https://www.mdpi.com/2076-0760/10/6/202>.

⁷⁰ Adam Hoffman and Marta Furlan, "Challenges posed by returning foreign fighters," Program on Extremism, March 2020, <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Challenges%20Posed%20by%20Returning%20Foreign%20Fighters.pdf>; Matt Siegel, "Australia exercises sweeping new security laws, bans Syria travel," Reuters, December 3, 2014, <https://www.reuters.com/article/us-mideast-crisis-australia/australia-exercises-sweeping-new-security-laws-bans-syria-travel-idUSKCN0J09L20141204>; "Counter Terrorism," CDPP Australia's Federal Prosecution Service, <https://www.cdpp.gov.au/crimes-we-prosecute/counter-terrorism>.

conduct.⁷¹ If an individual met all of those conditions, they would immediately lose their citizenship, most of the time without being notified of the action. The instantaneous deprivation of citizenship led to criticism of the Australian government's lack of accountability in notifying their once-citizens of their rights and status. In June 2019, the Australian Independent National Security Legislation Monitor (INSLM) determined that the automatic procedure of citizenship deprivation—in which there was no assessment of a person's circumstances before being stripped of citizenship—led to complications in which the Australian government was not able to track who lost their Australian citizenship or when. In September 2020, the Australian government amended the "automatic" citizenship deprivation with a model based on a ministerial decision.⁷² As of May 2021, three Australian women have been stripped of their citizenship: Zehra Duman, Suhayra Aden, and a third unidentified woman.⁷³

The amendment of the Citizenship Act impacted the case of Suhayra Aden, an Australian-New Zealand dual citizen. Aden allegedly traveled to Syria on an Australian passport in 2014, and her Australian passport was canceled at some point in 2020 due to her involvement in ISIS. She was arrested in February 2021, as she and her two children tried to enter Turkey from Syria. However, Aden's Australian citizenship was stripped prior to the September 2020 amendment, leaving New Zealand to take on her case.⁷⁴ Given that Aden had children and that Aden would be rendered stateless if deprived of her New Zealand citizenship, New Zealand chose to repatriate Aden on July 25, 2021.⁷⁵

In the case of Zehra Duman, she was stripped of her Australian citizenship in mid-2019 as she was a dual Australian-Turkish national. Duman allegedly had an active role within ISIS, releasing a series of social media posts criticizing western governments and encouraging Muslims abroad to carry out attacks against those countries in early 2015.⁷⁶ When ISIS fell in 2019, Duman was sent to Al-Hol detention camp in northeastern Syria, but escaped before being arrested by Turkish authorities. On September 21, 2020, the Sanilurfa court in southern Turkey sentenced Duman to six years and 10 months in jail for being a member of ISIS. She was released two months later in November 2020 as she was allegedly the only person able to care for her two children. She allegedly lives on parole in Turkey.⁷⁷

On February 21, 2020, the Australian federal police announced that they obtained 42 arrest warrants for Australian individuals who traveled to Syria for "alleged criminal offenses against Australian law." The charges were not made public and did not disclose how many of those warrants were issued towards Australian women, but media sources alleged the charges were likely to include traveling to a declared zone and supporting or joining a terrorist organization. However, the warrants would only be served

⁷¹ "How Australia stripped alleged Isis fighter of citizenship without evaluating her case," *Guardian*, March 10, 2021, <https://www.theguardian.com/australia-news/2021/mar/11/how-australia-stripped-alleged-isis-fighter-of-citizenship-without-evaluating-her-case>.

⁷² "How Australia stripped alleged Isis fighter of citizenship without evaluating her case," *Guardian*, March 10, 2021, <https://www.theguardian.com/australia-news/2021/mar/11/how-australia-stripped-alleged-isis-fighter-of-citizenship-without-evaluating-her-case>.

⁷³ Joumanah El-Matrah and Kamalle Dabboussy, "Guilty When Innocent. Australian Government's Resistance to Bringing Home Wives and Children of Islamic State Fighters," *Social Sciences*, May 31, 2021, <https://www.mdpi.com/2076-0760/10/6/202>.

⁷⁴ "How Australia stripped alleged Isis fighter of citizenship without evaluating her case," *Guardian*, March 10, 2021, <https://www.theguardian.com/australia-news/2021/mar/11/how-australia-stripped-alleged-isis-fighter-of-citizenship-without-evaluating-her-case>.

⁷⁵ Eva Corlett, "New Zealand agrees to repatriate suspected Isis member who grew up in Australia," *Guardian*, July 25, 2021, <https://www.theguardian.com/world/2021/jul/26/new-zealand-agrees-to-repatriate-suspected-isis-member-who-grew-up-in-australia>.

⁷⁶ Sofia Patel, "AUSTRALIAN MUHAJIRAT CASE STUDIES: Zehra Duman and Zaynab Sharrouf," Australian Strategic Policy Institute, February 1, 2017, https://www.jstor.org/stable/resrep04246.8?seq=3#metadata_info_tab_contents.

⁷⁷ "Former Australian citizen and ISIS bride Zehra Duman free in Turkey despite 7-year prison sentence," ABC News (Australia), June 10, 2021, <https://www.abc.net.au/news/2021-06-11/zehra-duman-freed-from-prison-in-turkey/100066322>.

against those individuals if they were repatriated. As of May 2021, no woman has yet to be charged as a combatant.⁷⁸

A few months later on June 22, 2021, the Australian government was urged to repatriate dozens of its citizens, particularly Mariam Dabboussy—who was allegedly tricked by her now-deceased husband into traveling to Syria while on a vacation in Turkey in 2015.⁷⁹ However, despite ongoing media attention due to Dabboussy's case given that she has three children, Australian authorities have not yet enacted new repatriation protocol.

Belgium

Belgium has produced the greatest number of European foreign fighters per capita with 2018 reports estimating that over 602 Belgian citizens were believed to have joined or were affiliated with ISIS in Iraq and Syria. Of that figure, 93 of those supporters were women. Of the 160 returnees to Belgium, 26 were women.⁸⁰ According to media reports in March 2021, 11 women were detained at Al-Roj and 13 others detained in Al-Hol—both refugee camps under Kurdish control in northern Syria.⁸¹ As of July 2021, however, the number of female returnees has increased to 35. Two women were returned to Belgium and charged in June 2020, and one woman was charged on July 2020. Additionally on July 16, 2021, Belgium repatriated six mothers from Al-Roj camp. The repatriated women are expected to be arrested and charged by anti-terror authorities. However, three mothers and seven children still held in Al-Roj rejected the offer to return to Belgium.⁸² Of the returnees, 11 women have been charged or faced criminal investigation for their activities.⁸³

A March 2021 ruling stated that Belgium would repatriate children and some of their mothers on a case-by-case basis from Al-Hol and Al-Roj as well as, in some cases, from Turkish prisons, with the only criteria being national security. National security criteria include the possibility of returnees radicalizing fellow inmates in penitentiary systems, or possibly indoctrinating members of their community if they are not actively monitored.⁸⁴ According to the Foreign Policy Research Institute, Belgian returnees are dispersed throughout the country's standard prisons. However, the country's penitentiary system is overcrowded and does not have adequate programs in place that will properly monitor those returnees

⁷⁸ Joumanah El-Matrah and Kamalle Dabboussy, "Guilty When Innocent. Australian Government's Resistance to Bringing Home Wives and Children of Islamic State Fighters," *Social Sciences*, May 31, 2021, <https://www.mdpi.com/2076-0760/10/6/202>.

⁷⁹ Phil Mercer, "Australia Urged to Repatriate Islamic State Widow from Syrian Camp," Voice of America, June 22, 2021, <https://www.voanews.com/a/east-asia-pacific-australia-urged-repatriate-islamic-state-widow-syrian-camp/6207315.html>.

⁸⁰ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁸¹ "Foreign fighters: Belgium to repatriate children and some mothers held in Syria," Euractiv, March 5, 2021, <https://www.euractiv.com/section/global-europe/news/foreign-fighters-belgium-to-repatriate-children-and-some-mothers-held-in-syria/>.

⁸² "Belgium takes back mothers and children from Syria jihadist camps," BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>.

⁸³ "Three jihadi brides and their six children to return to Belgium on Wednesday," Flanders News, June 29, 2020, <https://www.vrt.be/vrtnews/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>; "Belgium takes back mothers and children from Syria jihadist camps," BBC News, July 16, 2021, <https://www.bbc.com/news/world-europe-57870808>; "Three convicted IS wives and their children return to Belgium," The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; Jake Cigainero, "A Belgian woman explains why she joined ISIS, and why she came back," The World, December 19, 2016, <https://www.pri.org/stories/2016-12-19/belgian-woman-explains-why-she-joined-isis-and-why-she-came-back>.

⁸⁴ "Foreign fighters: Belgium to repatriate children and some mothers held in Syria," Euractiv, March 5, 2021, <https://www.euractiv.com/section/global-europe/news/foreign-fighters-belgium-to-repatriate-children-and-some-mothers-held-in-syria/>.

once they are released.⁸⁵ Additionally, in 2015, Belgium amended a law to include a conviction of at least five years in prison for specified terrorist acts.⁸⁶

One of the most widely covered returns of a “jihadi bride” was of Laura Passoni. Passoni, a convert to Islam, left Belgium with her young son to join ISIS in Syria in June 2014 after meeting an ISIS recruiter online. Passoni married the recruiter two months after meeting him and fled to Syria with the recruiter and her four-year-old son under the guise that she would become a nurse and care for others in ISIS’s so-called “caliphate.” Upon arriving in Syria, Passoni was confined to a communal women’s home and quickly learned her role was that of giving birth to future fighters for ISIS. After two attempts, Passoni successfully escaped to Turkey with her son and was able to return to Belgium. Passoni was given a suspended sentence as judges determined she did not intentionally leave for Syria under the pretense of carrying out acts of terrorism. Passoni currently is monitored by police and must regularly check in with probation officers. Along with not being allowed to communicate with anyone from Syria, she also cannot leave the country or use social media.⁸⁷ According to Passoni, some of the female recruits fled to Syria for love and had followed a fighter, but “there were plenty of women who were full of hatred, all they wanted to do was get a Kalashnikov and launch attacks.”⁸⁸

Other female recruits have not been as fortunate as Passoni in their attempt to return to their homeland. In March 2018, two Belgian women, Tatiana Wielandt and Boucha Abouallal, spoke to the media from Al-Hol stating that they sought to return to Belgium. Both women fled to Syria with their ISIS extremist husbands in 2013 before surrendering to Kurdish forces in Ain Issa in late 2017 where they were then detained at Al-Hol.⁸⁹ The women and their six children managed to flee to Turkey in November 2019, where they turned themselves in to Turkish authorities. Wielandt and Abouallal’s four eldest children were able to return to Belgium in January 2020, and in June 2020, the two women and their remaining children were able to return as well. Upon their return, Wielandt and Abouallal were set to serve the minimum five years in prison.⁹⁰ They were sentenced by the Antwerp Court of Appeal for their involvement in the activities of a terrorist group.⁹¹ Another woman, Nadia Baghoury, who fled Syria in March 2020, turned herself into Turkish authorities, and was sentenced to four years in prison by the Brussels criminal court in July of 2020.⁹² Belgian authorities have yet to provide further detail surrounding the three women and their role in ISIS. However, Baghoury’s sentence is particularly

⁸⁵ Daveed Gartenstein-Ross, “The Enduring Legacy of French and Belgian Islamic State Foreign Fighters,” Foreign Policy Research Institute, February 5, 2020, <https://www.fpri.org/article/2020/02/enduring-legacy-french-belgian-isis-foreign-fighters/>.

⁸⁶ Maarten P. Bolhuis and Joris van Wijk, “Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism,” European Journal of Migration and Law, October 7, 2020, https://brill.com/view/journals/emil/22/3/article-p338_2.xml?language=en.

⁸⁷ Jake Cigainero, “A Belgian woman explains why she joined ISIS, and why she came back,” The World, December 19, 2016, <https://www.pri.org/stories/2016-12-19/belgian-woman-explains-why-she-joined-isis-and-why-she-came-back>.

⁸⁸ Eleanor Beardsley, “Europe Wakes Up To Prospect Of Female Terrorists,” NPR, October 17, 2016, <https://www.npr.org/sections/parallels/2016/10/17/498201909/europe-wakes-up-to-prospect-of-female-terrorists>.

⁸⁹ Ellen Francis, “Exclusive: Two Belgian women, renouncing Islamic State, fear kids will never go home,” Reuters, March 10, 2019, <https://www.reuters.com/article/us-mideast-crisis-islamic-state-belgium/exclusive-two-belgian-women-renouncing-islamic-state-fear-kids-will-never-go-home-idUSKBN1QROVF>.

⁹⁰ “Three jihadi brides and their six children to return to Belgium on Wednesday,” Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>.

⁹¹ “Three convicted IS wives and their children return to Belgium,” The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; “Three jihadi brides and their six children to return to Belgium on Wednesday,” Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>.

⁹² “Three convicted IS wives and their children return to Belgium,” The Brussels Times, July 1, 2020, <https://www.brusselstimes.com/news/belgium-all-news/119533/three-convicted-is-wives-and-their-children-return-to-belgium/>; “Three jihadi brides and their six children to return to Belgium on Wednesday,” Flanders News, June 29, 2020, <https://www.vrt.be/vrtnws/en/2020/06/29/three-jihadi-brides-and-their-six-children-to-return-to-belgium/>.

noteworthy as she was given a more lenient sentence despite the default five years imprisonment handed down to defendants charged with participating in a terrorist organization.⁹³

Between 2009 and January 2020, at least four women have lost their Belgian citizenship in relation to convictions for terrorist activities. Among some of the most notorious, is Malika El Aroud—the “Black Widow of Jihad,” a moniker given to her following the death of two of her husbands. According to media reports, El Aroud directed both of her husbands’ activities and was at the forefront of the movement of women to take on more active roles in the male-dominated terrorist structure.⁹⁴ Malika was convicted in 2007 with her second husband for operating pro-al-Qaeda websites and was suspected by authorities of planning attacks in Belgium. Malika was convicted and sentenced to eight years in jail in May 2010 for incitement to terrorism. She was considered a pioneer in online recruitment and had managed to convince at least seven men from Belgium and France to leave for the Afghan conflict in 2007 to join terrorist groups there. Despite her imprisonment, however, El Aroud continued to communicate with her followers on the French jihadist forum, Ansar al-Haqq, through letters she sent to a friend that were later transcribed and posted on the site. In 2014, legal proceedings began to strip El Aroud of her Belgian citizenship.⁹⁵ Her citizenship was revoked in December 2017, as Belgian law allows citizens who have not obtained their citizenship from a parent or through birth can have their citizenship annulled.⁹⁶ As of March 2021, El Aroud remains in accommodations provided by the Belgian Immigration Office as the Moroccan government has not cooperated in assisting with her extradition.⁹⁷

France

France has had a significant number of citizens and residents travel abroad to fight alongside Islamist groups. More than 1,910 French citizens are believed to have joined or were affiliated with terrorist hot spots. However, it is unclear if those hot spots were exclusive to Iraq and Syria. Of that figure, it is believed that 300 to 382 of those supporters were women. Of the 376 to 410 returnees, 78 are women.⁹⁸ According to media reports, over 12 French women and 300 children remain in detention camps in Syria.⁹⁹

⁹³ Maarten P. Bolhuis and Joris van Wijk, “Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism,” *European Journal of Migration and Law*, October 7, 2020, https://brill.com/view/journals/emil/22/3/article-p338_2.xml?language=en.

⁹⁴ Elaine Sciolino and Souad Mekhennet, “Al Qaeda Warrior Uses Internet to Rally Women,” *New York Times*, May 28, 2008, <https://www.nytimes.com/2008/05/28/world/europe/28terror.html>; Guy Van Vlieden, “The Enduring Influence of Malika El Aroud, Belgium’s ‘Black Widow of Jihad,’” October 18, 2018, <https://eeradicalization.com/the-enduring-influence-of-malika-el-aroud-belgiums-black-widow-of-jihad/>; “Fouad Belkacem: Belgian Islamist leader loses citizenship,” *BBC News*, October 23, 2018, <https://www.bbc.com/news/world-europe-45951138>.

⁹⁵ Guy Van Vlieden, “The Enduring Influence of Malika El Aroud, Belgium’s ‘Black Widow of Jihad,’” October 18, 2018, <https://eeradicalization.com/the-enduring-influence-of-malika-el-aroud-belgiums-black-widow-of-jihad/>.

⁹⁶ Maarten P. Bolhuis and Joris van Wijk, “Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism,” *European Journal of Migration and Law*, October 7, 2020, https://brill.com/view/journals/emil/22/3/article-p338_2.xml?language=en.

⁹⁷ “Jihadist ‘black widow’ Malika El Aroud will not be deported for lack of cooperation from Morocco,” RTBF, March 1, 2021, https://www.rtbf.be/info/belgique/detail_la-veuve-noire-du-djihadisme-malika-el-aroud-ne-sera-pas-expulsee-faute-de-cooperation-du-maroc?id=10709088; “Belgium will not be able to send Malika El Aroud back to Morocco for lack of cooperation,” *MSN*, March 3, 2021, <https://www.msn.com/fr-xl/afrique-du-nord/other/la-belgique-ne-pourra-pas-refouler-malika-el-aroud-vers-le-maroc-faute-de-coop%C3%A9ration/ar-BB1ecG71?ocid=ob-fb-frxl-1564152329699>.

⁹⁸ Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: The Challenges Posed by Women and Minors After the Fall of the Caliphate,” *Combating Terrorism Center at West Point*, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

⁹⁹ “Opinion: France must repatriate ‘Islamic State’ sympathizers stranded in Syria,” *Deutsche Welle*, March 6, 2021, <https://www.dw.com/en/opinion-france-must-repatriate-islamic-state-sympathizers-stranded-in-syria/a-56789997#:~:text=French%20authorities%20are%20loathed%20to,have%20remained%20in%20the%20country.>

Those that return to France are systematically questioned by French intelligence and law enforcement authorities. Afterwards, the returnees are almost always detained and charged with conspiracy with a terrorist enterprise. Once charged, they are subject to further investigation by specialized investigative magistrates in preparation for trial.¹⁰⁰ Conspiracy with a terrorist enterprise, according to the French Criminal Code, is understood as “participating in a group formed, or an agreement made, for the purpose of preparing an act of terrorism.” The crime is punishable up to 10 years in prison, and up to 20 years for those in a leadership role.¹⁰¹ Under a 2012 criminal law, terrorist acts that are committed either domestically or abroad are subject to the same charges and sentences.¹⁰² In July 2014, the French government considered a draft law that would widen the scope of the crime of conspiracy with a terrorist enterprise to include terrorist plots prepared by lone individuals. It would also allow government authorities to prohibit, through an administrative procedure, individuals from leaving France if they might join or train with Islamist groups abroad.¹⁰³ The law was adopted in November 2014.¹⁰⁴

France has demonstrated considerable hesitation towards repatriating ISIS members. According to a 2019 poll conducted by Dentsu Consulting, 89 percent of 1,000 French people polled were worried about the return of terrorists to France, with 82 percent of those polled stating they approved of the decision to let Iraq judge French terrorists.¹⁰⁵ Additionally, over 67 percent of those polled approved of leaving the children of terrorists in Iraq and Syria.¹⁰⁶

Rather than repatriating French nationals, the French government has taken on a strategy of “outsourcing” the prosecution of French foreign terrorist fighters. In October 2019, French Foreign Minister Jean-Yves Le Drian went to Baghdad to persuade local officials to prosecute 60 French terrorists detained in Syrian camps.¹⁰⁷ That same month, 12 French people were sentenced in Baghdad for belonging to ISIS, a crime that is punishable by death. Among those charged were two women who were not given the death penalty but sentenced to life imprisonment.¹⁰⁸

¹⁰⁰ Marie-Amélie Lombard, “L’épineuse gestion du retour des djihadistes en France,” *Le Figaro*, October 7, 2014, <http://www.lefigaro.fr/actualite-france/2014/10/06/01016-20141006ARTFIG00355-l-epineuse-gestion-du-retour-des-djihadistes-en-france.php>.

¹⁰¹ “Code Pénal [Criminal Code],” *Legifrance*, November 2, 2014, <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719&dateTexte=20141106>.

¹⁰² “Loi No. 2012-1431 du 21 décembre 2012 relative à la sécurité et à la lutte contre le terrorisme [Law No. 2012-1431 of December 21, 2012, Regarding Security and the Fight Against Terrorism],” *Legifrance*, December 21, 2012, http://www.legifrance.gouv.fr/affichTexte.do?sessionId=77572629B0A192B20BB565604668AD14.tpdjo03v_3?cidTexte=JORFTEXT000026809719&categorieLien=id.

¹⁰³ Projet de Loi renforçant les dispositions relatives à la lutte contre le terrorisme [Proposed Law Reinforcing the Provisions Regarding the Fight Against Terrorism], July 9, 2014, <http://www.assemblee-nationale.fr/14/projets/pl2110.asp>.

¹⁰⁴ “France: Anti-Terrorist Law Prohibiting Citizens from Leaving France Found Constitutional,” *Library of Congress*, October 30, 2015, <https://www.loc.gov/law/foreign-news/article/france-anti-terrorist-law-prohibiting-citizens-from-leaving-france-found-constitutional/>.

¹⁰⁵ “L’attitude du gouvernement français à l’égard du retour des djihadistes,” *Dentsu Consulting*, February 28, 2019, <http://www.odoxa.fr/sondage/djihadistes-francais-approuvent-massivement-jugement-lirak-ne-veulent-voir-leurs-enfants-revenir/>.

¹⁰⁶ “L’attitude du gouvernement français à l’égard du retour des djihadistes,” *Dentsu Consulting*, February 28, 2019, <http://www.odoxa.fr/sondage/djihadistes-francais-approuvent-massivement-jugement-lirak-ne-veulent-voir-leurs-enfants-revenir/>.

¹⁰⁷ Matteo Pugliese, “France and Foreign Fighters: The Controversial Outsourcing of Prosecution,” *Italian Institute for International Political Studies*, January 9, 2020, <https://www.ispionline.it/en/pubblicazione/france-and-foreign-fighters-controversial-outsourcing-prosecution-24666>.

¹⁰⁸ Alissa J. Rubin, “France Hands ISIS Suspects to Iraq, Which Sentences Them to Hang,” *New York Times*, May 29, 2019, <https://www.nytimes.com/2019/05/29/world/middleeast/france-iraq-isis-trials.html>; Matteo Pugliese, “France and Foreign Fighters: The Controversial Outsourcing of Prosecution,” *Italian Institute for International Political Studies*, January 9, 2020, <https://www.ispionline.it/en/pubblicazione/france-and-foreign-fighters-controversial-outsourcing-prosecution-24666>; “Paris tries to convince Baghdad to accept the transfer of its jihadists from Syria,” *L’Obs*, October 17, 2019, <https://www.nouvelobs.com/monde/20191017.AFP6796/paris-tente-de-convaincre-bagdad-d-accepter-le-transfert-de-ses-jihadistes-de-syrie.html>.

France remains hesitant in repatriating female FTFs who have been captured and detained in refugee camps in northern Syria while also only repatriating a handful of children.¹⁰⁹ Emilie Konig, a former barmaid from Brittany who left for Syria in 2013 after agreeing to marry an ISIS member she met online, claims the terrorist group has wrecked her life. However, Konig frequently appeared in ISIS propaganda videos—including one in which she was training with a shotgun. Given the publicity surrounding Konig’s affiliation with ISIS, she was placed on U.S. and U.N. terrorist sanctions list and was accused of recruiting others to join a terrorist organization as well as inciting violence.¹¹⁰ Konig was captured by Turkish forces in 2017 and was detained at Al-Roj with her three children.¹¹¹ Konig’s three kids were returned to France in January 2021. However, Konig still remains at Al-Roj, waiting to be repatriated. Although she claims she is no longer radicalized, if Konig were repatriated, she would still have to face terror-related charges upon her return¹¹² and remain subject to international counterterrorism sanctions by the U.N. Security Council, significantly curtailing her ability to operate.

Along with Konig, there are 10 other Frenchwomen held at Al-Hol who are seeking to be repatriated and stand trial in France. However, France continues to argue that adults who join ISIS should be tried where they committed their crimes—despite calls from the United Nations Human Rights Office of the High Commissioner for immediate repatriation of all foreign nationals in northern Syria’s detainment camps.¹¹³ France claims that trying the women would be nearly impossible as their potential crimes are uncertain and the Kurdish administration that is detaining them is not internationally recognized, rendering the logistical aspects of repatriation as outside of the law. Furthermore, given that France was subject to a number of high-profile Islamist terrorist attacks in 2020, repatriations for ISIS members are subject to increased hesitation and pushback from not only the French government, but also the French public.¹¹⁴

Given the political and public unpopularity of repatriating both ISIS fighters and their families, the relatives of detainees have taken it upon themselves to expedite repatriation processes. On April 5, 2019, family members of two female detainees applied to the urgent applications judge at the Paris Administrative Court seeking an order to direct the Minister for Europe and Foreign Affairs to organize the repatriation of their daughters and grandchildren. However, those appeals were rejected, and their cases were instead sent to the European Court for Human Rights in Strasbourg in March 2021. Although

¹⁰⁹ Constant Meheut, “Pressuring France to Bring Them Home, Women Who Joined ISIS Stage Hunger Strike,” *New York Times*, February 21, 2021, <https://www.nytimes.com/2021/02/21/world/europe/isis-frenchwomen-hunger-strike.html>.

¹¹⁰ Chris Pleasance, “French ISIS bride begging to return from Syria undergoes identical makeover to Shamima Begum in bid to convince the West she has rejected extremism - so are their new looks a sham?,” *Daily Mail*, April 7, 2021, <https://www.dailymail.co.uk/news/article-9444067/French-ISIS-bride-undergoes-makeover-similar-Shamima-Begum.html>; “Emilie Konig,” United Nations Security Council, September 23, 2014, https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/individual/emilie-konig; “In the Matter of the Designation of Emilie Konig as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended,” Federal Register, September 30, 2015, <https://www.federalregister.gov/documents/2015/09/30/2015-24896/in-the-matter-of-the-designation-of-emilie-konig-as-a-specially-designated-global-terrorist-pursuant>.

¹¹¹ Ben MacPartland, “The story of Emilie Konig: How a French nightclub barmaid became a notorious ISIS recruiter,” *The Local*, January 9, 2018, <https://www.thelocal.fr/20180109/how-a-french-nightclub-barmaid-became-a-notorious-isis-recruiter/>.

¹¹² Chris Pleasance, “French ISIS bride begging to return from Syria undergoes identical makeover to Shamima Begum in bid to convince the West she has rejected extremism - so are their new looks a sham?,” *Daily Mail*, April 7, 2021, <https://www.dailymail.co.uk/news/article-9444067/French-ISIS-bride-undergoes-makeover-similar-Shamima-Begum.html>.

¹¹³ “Syria: UN experts urge 57 States to repatriate women and children from squalid camps,” United Nations Human Rights Office of the High Commissioner, February 8, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26730&LangID=E>; Constant Meheut, “Pressuring France to Bring Them Home, Women Who Joined ISIS Stage Hunger Strike,” *New York Times*, February 21, 2021, <https://www.nytimes.com/2021/02/21/world/europe/isis-frenchwomen-hunger-strike.html>.

¹¹⁴ Constant Meheut, “Pressuring France to Bring Them Home, Women Who Joined ISIS Stage Hunger Strike,” *New York Times*, February 21, 2021, <https://www.nytimes.com/2021/02/21/world/europe/isis-frenchwomen-hunger-strike.html>.

it is expected that the judges will take months to deliver a ruling on repatriation cases, their decision will provide a precedent for future repatriation cases across Europe.¹¹⁵

Germany

While German police and security services have dealt with returnees for years now, available data on foreign terrorist fighters is limited. Germany undertakes stringent measures on data protection and privacy rights and has been reluctant to disclose information that would compromise intelligence collection methods used by security agencies.¹¹⁶ According to the Combating Terrorism Center at West Point, as of July 2018, there were over 165 female ISIS supporters, out of a total of 1,268 affiliates, originally from Germany. Out of the 357 returnees, 53 were women.¹¹⁷ As of October 2021, the number of female returnees has increased to 65, with one woman returning in September 2018, three women returned in December 2020, and eight women returned in October 2021.¹¹⁸ Of those returnees, nine have faced charges or criminal prosecution for the activities in the conflict zone.¹¹⁹ Although Germany is notorious for having significantly less public data available on the identities of foreign terrorist fighters given strict regulation on data protection and privacy rights, general data on the numbers of foreign travelers to conflict zones is actually better than most countries.¹²⁰ Additionally, German authorities are hesitant to reveal methods of intelligence gathering.¹²¹

Germany had been known for conducting very few repatriations, according to Hannah Neumann, one of the country's elected members of European Parliament who sits on the human rights and security committees. The Egmont Royal Institute put the total number of repatriations around seven as of October 2020. However, in December 2020, Germany repatriated another three women and 12 children

¹¹⁵ "H.F. AND M.F. V. FRANCE AND J.D. AND A.D. V. FRANCE (2021)," Rights and Security International, July 5, 2021, <https://www.rightsandsecurity.org/action/litigation/entry/h.f-and-m.f-v-france-and-j.d-and-a.d-v-france-2021>; Frank Andrews, "Syria: Could a European court force France to bring home families of IS fighters?," Middle East Eye, October 2, 2021, <https://www.middleeasteye.net/news/syria-france-european-court-repatriate-families-islamic-state>.

¹¹⁶ Daniel Heinke, Jan Raudszus, Rik Coolsaet, David Malet, Simon Minks and Bibi Van Ginkel, "Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?: Assessing Policies on Returning Foreign Terrorist Fighters in Belgium, Germany and the Netherlands," Egmont Institute, 2018, <http://www.jstor.org/stable/resrep17406.6>.

¹¹⁷ Rachel Briggs Obe and Tanya Silverman, "Western Foreign Fighters: Innovations in Responding to the Threat," Institute for Strategic Dialogue, 2014, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.

¹¹⁸ "Foreign Minister Maas on repatriation from Syria on humanitarian grounds," Federal Foreign Office, December 20, 2020, <https://www.auswaertiges-amt.de/en/newsroom/news/maas-repatriation-syria-on-humanitarian-grounds/2429348>; "Germany and Denmark repatriate 37 children and 11 'IS women' from Syria," BBC News, October 7, 2021, <https://www.bbc.com/news/world-europe-58824546>; "Germany repatriates women and children with links to 'IS'," Deutsche Welle, October 7, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>; Amal Clooney, "German court convicts a third ISIS member of crimes against humanity committed against Yazidis," Doughty Street Chambers, June 18, 2021, <https://www.doughtystreet.co.uk/news/german-court-convicts-third-isis-member-crimes-against-humanity-committed-against-yazidis>.

¹¹⁹ "Germany repatriates women and children with links to 'IS'," Deutsche Welle, October 7, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>; Amal Clooney, "German court convicts a third ISIS member of crimes against humanity committed against Yazidis," Doughty Street Chambers, June 18, 2021, <https://www.doughtystreet.co.uk/news/german-court-convicts-third-isis-member-crimes-against-humanity-committed-against-yazidis>.

¹²⁰ "Analyse der den deutschen Sicherheitsbehörden vorliegenden Informationen über die Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien ausgewandert sind," Bundesamt für Verfassungsschutz, Bundeskriminalamt (K111, ST33), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE), December 1, 2014, https://www.innenministerkonferenz.de/IMK/DE/termine/to-beschluesse/14-12-11_12/anlage-analyse.pdf?blob=publicationFile&v=2.

¹²¹ "The Return of Foreign Fighters to EU Soil," European Parliament, May 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49); Daniel H. Heinke and Jan Raudszus, "GERMANY'S RETURNING FOREIGN FIGHTERS AND WHAT TO DO ABOUT THEM," Egmont, The Royal Institute for International Relations, February 2018, http://www.egmontinstitute.be/content/uploads/2018/02/egmont.papers.101_online_v1-3.pdf?type=pdf.

from Syria.¹²² Additionally, on October 6, 2021, Germany repatriated eight women and 23 children from a detention camp in northern Syria. According to media reports, six of the women were taken into custody and are under criminal investigation with arrest warrants issued against them. The fate of the two other women was not disclosed.¹²³

Although Germany has been preparing domestic prosecutions of FTFs, repatriation efforts face further roadblocks if an individual is located in a country that does not have a German consulate. Without consular access, German nationals seeking repatriation are not immediately granted the principal right to return to Germany.¹²⁴ However, Germany, like France, outsources their prosecution of ISIS militants. Countries where the alleged crimes were committed are given the authority to prosecute and convict foreign ISIS fighters as long as they can access consular officials as well as not face the death penalty. A number of Germans have already faced trial in Iraq, but Germany does not have any official relations with the Syrian Kurdish administration that oversees Al-Roj and Al-Hol.¹²⁵ Consular assistance is not available in Syria and Kurdish-controlled territories, which significantly prevents FTFs from initiating the repatriation process.¹²⁶ Furthermore, like Belgium and France, Germany does not strip nationals of their citizenship unless they are a dual national.¹²⁷

According to the German Federal Foreign Office, any ISIS returnee who is brought to trial will typically face charges of membership in a terrorist group. If found guilty, the defendant will be sentenced to 10 years in prison. Furthermore, if the defendant is found guilty of occupying a living space from which an ISIS victim has fled, they will be charged with a war crime.¹²⁸

In one of the highest profile cases against a female ISIS member, on April 9, 2019, a Munich court charged Jennifer Wenisch with murder, war crimes, membership in a foreign terrorist organization, and weapons violations. Among her crimes, Wenisch along with her husband Taha A.-J.—the first ISIS militant that was tried after international officials recognized the Yazidi genocide under ISIS—enslaved and badly mistreated a 5-year-old Yazidi girl to the point of death.¹²⁹ In 2014, Wenisch left Germany for Iraq, where she joined the “moral patrols” in Fallujah from June until September 2015. In her role—in which she reportedly carried various lethal weapons—she monitored women’s behavior and made sure their clothing and behavior complied with rules set by ISIS. Wenisch was taken into custody when she sought to renew her identity papers at the German embassy in Ankara, Turkey in 2016 and was

¹²² “Foreign Minister Maas on repatriation from Syria on humanitarian grounds,” Federal Foreign Office, December 20, 2020, <https://www.auswaertiges-amt.de/en/newsroom/news/maas-repatriation-syria-on-humanitarian-grounds/2429348>.

¹²³ “Germany and Denmark repatriate 37 children and 11 ‘IS women’ from Syria,” BBC News, October 7, 2021, <https://www.bbc.com/news/world-europe-58824546>; “Germany repatriates women and children with links to ‘IS’,” Deutsche Welle, October 7, 2021, <https://www.dw.com/en/germany-repatriates-women-and-children-with-links-to-is/a-59430602>.

¹²⁴ “Germany responds to Trump appeal to take back ISIL fighters from Syria,” Reuters, February 17, 2019, <https://www.euronews.com/2019/02/17/germany-responds-to-trump-appeal-to-take-back-isil-fighters-from-syria>.

¹²⁵ Natalie Muller, “Germany is failing to prosecute IS foreign fighters, Yazidis accuse,” Deutsche Welle, May 25, 2019, <https://www.dw.com/en/germany-is-failing-to-prosecute-is-foreign-fighters-yazidis-accuse/a-48944533>.

¹²⁶ Killian Roithmaier, “Germany and its Returning Foreign Terrorist Fighters: New Loss of Citizenship Law and the Broader German Repatriation Landscape,” International Centre for Counter-Terrorism, April 18, 2019, <https://icct.nl/publication/germany-and-its-returning-foreign-terrorist-fighters-new-loss-of-citizenship-law-and-the-broader-german-repatriation-landscape/>.

¹²⁷ Maarten P. Bolhuis and Joris van Wijk, “Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism,” European Journal of Migration and Law, October 7, 2020, https://brill.com/view/journals/emil/22/3/article-p338_2.xml?language=en.

¹²⁸ Lila Hassan, “Repatriating ISIS Foreign Fighters Is Key to Stemming Radicalization, Experts Say, but Many Countries Don’t Want Their Citizens Back,” PBS, April 6, 2021, <https://www.pbs.org/wgbh/frontline/article/repatriating-isis-foreign-fighters-key-to-stemming-radicalization-experts-say-but-many-countries-dont-want-citizens-back/>.

¹²⁹ “Prosecuting IS returnees in Germany requires the law’s longest arm,” Deutsche Welle, May 17, 2020, <https://www.dw.com/en/prosecuting-is-returnees-in-germany-requires-the-laws-longest-arm/a-53457461>; Melissa Eddy, “German Woman Goes on Trial in Death of 5-Year-Old Girl Held as ISIS Slave,” *New York Times*, April 9, 2019, <https://www.nytimes.com/2019/04/09/world/europe/germany-isis-trial.html>.

deported back to Germany. Allegedly, Wenisch was a staunch ISIS supporter and did nothing to prevent her husband's violent treatment of the 5-year-old girl.¹³⁰ On October 25, 2021, a Munich court convicted Wenisch for "crimes against humanity and attempted war crimes" as well as aiding and abetting the murder of a child. She was sentenced to 10 years in prison for her actions.¹³¹ Wenisch's husband, Taha A.-J., was convicted for crimes against humanity and war crimes on November 30, 2021, and was sentenced to life in prison.¹³²

In July 2019, Germany convicted the first woman charged for belonging to a terrorist organization. Sabine S. was sentenced by a Stuttgart court to five years in prison for war crimes as she took possession of two apartments seized by ISIS. Sabine S. lived in Syria from 2013 to 2017, during which she married an ISIS fighter, and was later captured by Kurdish forces. She was returned to Germany in April 2018 and was arrested for joining a foreign terrorist group. During her trial it was revealed that she had praised ISIS-controlled territory in several blogs in an attempt to recruit others. Additionally, court documents claimed she received weapons training.¹³³ Sabine S.'s sentence was not particularly lenient as section 129a of the German Criminal Code stipulates a sentence of one to ten years imprisonment for those found guilty of participating in a terrorist organization.¹³⁴

German female ISIS returnees have also been convicted of aiding and abetting crimes against humanity committed against the Yazidis. In the case of Omaila A., a German-Tunisian national from Hamburg, she traveled to Syria in January 2015, and between spring and summer 2015, Omaila A. and her ISIS fighter husband held a 13-year-old Yazidi girl. Additionally, she used social media and email to promote life in the ISIS's "caliphate" to persuade other German women to join her in Syria. While in Raqqa, Omaila A. also undertook weapons training. She returned to Germany in 2016.¹³⁵ On October 2, 2020, the Hanseatic Higher Regional Court in Hamburg found Omaila A. guilty of membership in a foreign terrorist organization, crimes against humanity by enslavement, breach of duty of care or upbringing, unlawful imprisonment, and breaches of the Military Weapons Control Act. She was sentenced to three and a half years in prison.¹³⁶

In a similar case, on June 16, 2021, a German-Algerian woman, identified only as Sarah O. was convicted of membership in ISIS, committing crimes against humanity and being an accessory to rape, and unlawful detention. The state court in Dusseldorf sentenced Sarah O. to six and a half years in prison. According to court documents, Sarah O. traveled to Syria in November 2013 to join ISIS. She later married an ISIS fighter and housed new members while also trying to persuade others to join the terror organization. While in Syria, Sarah O. and her husband lived in an apartment acquired illegally by ISIS and held five Yazidi women and two girls as slaves.¹³⁷ Sarah O. and her husband were arrested in Turkey

¹³⁰ "Prosecuting IS returnees in Germany requires the law's longest arm," Deutsche Welle, May 17, 2020, <https://www.dw.com/en/prosecuting-is-returnees-in-germany-requires-the-laws-longest-arm/a-53457461>.

¹³¹ Sofia Diogo Mateus and Vanessa Guinan-Bank, "German court convicts ISIS bride for 'crimes against humanity' in death of 5-year-old Yazidi 'slave'," *Washington Post*, October 25, 2021, <https://www.washingtonpost.com/world/2021/10/25/germany-isis-bride-yazidi-court-case/>.

¹³² Christopher F. Scheutze, "ISIS Fighter Convicted in Death of Enslaved 5-Year-Old Girl," *New York Times*, November 30, 2021, <https://www.nytimes.com/2021/11/30/world/europe/isis-trial-yazidi-germany.html>.

¹³³ "German 'Islamic State' bride jailed for 5 years," Deutsche Welle, July 5, 2019, <https://www.dw.com/en/german-islamic-state-bride-jailed-for-5-years/a-49482891>.

¹³⁴ "Committee Of Experts On Terrorism (Codexter) Profiles On Counter-Terrorist Capacity," Council of Europe, September 2016, <https://rm.coe.int/1680641010>.

¹³⁵ David Rising, "Terrorism conviction of German rapper's wife upheld by court," March 22, 2021, <https://apnews.com/article/state-courts-islamic-state-group-courts-hamburg-syria-890a721d64e1dbb016403e2905f734ac>.

¹³⁶ "Omaila A.," Trial International, March 19, 2021, <https://trialinternational.org/latest-post/omaila-a/>.

¹³⁷ "German Woman Convicted of Joining IS, Holding Yazidi Slaves," Associated Press, June 16, 2021, <https://www.usnews.com/news/world/articles/2021-06-16/german-woman-convicted-of-joining-is-holding-yazidi-slaves>.

in February 2018 and in September of that year, she was deported to Germany and arrested upon arrival. The defendant's trial began in 2019.¹³⁸

In certain humanitarian cases, Germany has repatriated German nationals with gravely ill children. Children cannot legally be repatriated without their mothers, and on December 20, 2020, Germany repatriated 12 children and three mothers, all of whom were considered to be in very poor health. The mothers, all described by media sources as the "wives of jihadists" were subsequently under investigation for allegedly belonging to ISIS.¹³⁹ At the time of this writing, no information was provided stating the extent of the investigation or if prosecution or monitoring processes would be implemented upon their return.

Ireland

More than 30 Irish citizens are believed to have joined or were affiliated with ISIS in Iraq and Syria. Of that figure, it is believed that one of those supporters were women. Of the two returnees, one was a woman.¹⁴⁰

Ireland has taken on a more hands-on approach to repatriating FTFs. The overall message among the Irish government has been that Irish citizens have a legal right to return home. Although the Irish government does have the authority to strip citizenship from citizens who have dual nationality, Ireland does not have legislation that specifically targets those who traveled to join terrorist groups.¹⁴¹ Ireland's Terrorist Offenses Act of 2005 covers public provocation to commit a terrorist offense, recruiting for terrorism, and training for terrorism. Additionally, the law includes that a terrorist group that engages in, promotes, encourages, or advocates terrorist activity in or outside the state is an unlawful organization.¹⁴²

In December 2019, Irish authorities charged former Irish Defense Force member Lisa Smith under the Terrorist Offenses Act 2005 for her engagement in terrorist activity in or outside the state. Smith, who converted to Islam and was radicalized online, moved to ISIS-held territory on and off from 2013 to 2015. She married an ISIS fighter in 2015, who eventually died in battle in 2019. After the fall of ISIS's territorial hold in Syria and Iraq, Smith and her 2-year-old daughter were captured by a Turkish-backed militia and were placed in Al-Hol and Ain Issa refugee camps.¹⁴³ Turkish officials deported Smith to Ireland on December 1, 2019. She was arrested upon her arrival and charged with a terrorism offense, after which she was transferred to an isolated wing of Ireland's Limerick prison until December 19 when she was granted bail.¹⁴⁴ Smith was subjected to several restrictions as part of her bail conditions,

¹³⁸ Amal Clooney, "German court convicts a third ISIS member of crimes against humanity committed against Yazidis," Doughty Street Chambers, June 18, 2021, <https://www.doughtystreet.co.uk/news/german-court-convicts-third-isis-member-crimes-against-humanity-committed-against-yazidis>.

¹³⁹ "Germany and Finland bring home women from Islamic State camps," BBC News, December 20, 2020, <https://www.bbc.com/news/world-europe-55387991>.

¹⁴⁰ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

¹⁴¹ Conor Gallagher, Lara Marlowe and Derek Scally, "How is Europe dealing with the return of Isis jihadists?," Irish Times, March 19, 2019, <https://www.irishtimes.com/news/crime-and-law/how-is-europe-dealing-with-the-return-of-isis-jihadists-1.3830587>.

¹⁴² "Terrorism," An Roinn Dli agus Cirt [Department of Justice], <http://www.justice.ie/en/JELR/Pages/terrorism>.

¹⁴³ Michelle Hennessy, "Lisa Smith will be subject to security assessment on arrival in Ireland," The Journal (Dublin), November 12, 2019, <https://www.thejournal.ie/lisa-smith-security-assessment-4888274-Nov2019/>.

¹⁴⁴ Paul Reynolds, "Lisa Smith charged with committing terrorist offence," RTÉ News, December 4, 2019, <https://www.rte.ie/news/courts/2019/1204/1096941-lisa-smith/>; Conor Gallagher, "Turkey to deport Lisa Smith and her daughter to Ireland," Irish Times (Dublin), November 11, 2019, <https://www.irishtimes.com/news/crime-and-law/turkey-to-deport-lisa-smith-and-her-daughter-to->

including checking in with police twice a day and a curfew between 8 p.m. and 7 a.m. She was barred from social media and Internet use in general. The court also required Smith to obtain a new mobile phone upon her release and provide the number to the police. Failure to answer immediately if authorities call would constitute a bail violation. Police investigators cited Smith's potential flight risk in objecting to her bail. Smith's passport had previously been confiscated and the court forbade her from applying for new travel documents under her bail conditions.¹⁴⁵

Smith's return was not widely welcomed by the Irish public. In one poll carried out by the *Irish Mirror*, over 92 percent of more than 16,300 polled voted in favor of banning Smith from Ireland.¹⁴⁶ The Irish courts reciprocated the sentiment of bringing Smith to justice and in September 2020, it was announced that Smith's trial at the Special Criminal Court is set to move forward and will take place on January 11, 2022. She is charged with membership in a terrorist organization and financing terrorism and faces 10 years imprisonment if found guilty.¹⁴⁷

The Netherlands

According to the Netherlands's General Intelligence and Security Service (AIVD), as of May 2021, at least 305 Dutch citizens have traveled to Syria and Iraq to become foreign fighters since 2012. Reportedly, over 105 of those foreign fighters were female.¹⁴⁸ Of the 67 returnees, 17 were women.¹⁴⁹ As of 2021, the number of female returnees has increased to 19.¹⁵⁰ Of the returnees, three women have faced criminal proceedings.¹⁵¹

The Dutch authorities can take firm action against those who commit violence, use hate speech, attempt to recruit others, or travel to or return from a conflict zone. According to counterterrorism laws adopted in 2017, these measures include: confiscating the passports of persons who are planning to travel to a terrorist conflict zone; stopping benefit payments to terrorists who have already gone to a conflict zone; and prosecuting people who attempt to recruit others or incite violence.¹⁵² The Netherlands, like

[ireland-1.4079261](#); Isabella Nikolic, "Irish suspected ISIS bride Lisa Smith, 38, spends 20 hours a day locked in her cell in solitary confinement at Limerick Prison," Daily Mail (London), December 15, 2019, <https://www.dailymail.co.uk/news/article-7794757/Irish-suspected-ISIS-bride-Lisa-Smith-38-spends-20-hours-day-locked-cell.html>.

¹⁴⁵ "Lisa Smith is granted bail, release expected tomorrow," RTÉ News, December 19, 2019, <https://www.rte.ie/news/courts/2019/1219/1102191-lisa-smith/>; Tom Tuite, "SMITH BAIL Lisa Smith to be banned from using social media under strict bail conditions as IS accused to reside in north east," Irish Sun (Dublin), December 19, 2019, <https://www.thesun.ie/news/4906144/lisa-smith-banned-social-media-bail/>.

¹⁴⁶ Pat Flanagan, "92% of Irish Mirror Facebook followers believe ISIS bride Lisa Smith should not be allowed to return to Ireland," Irish Mirror, April 9, 2019, <https://www.irishmirror.ie/news/irish-news/isis-lisa-smith-poll-irishmirror-14272809>.

¹⁴⁷ Alison O'Riordan, "Trial of Lisa Smith accused of Islamic State membership is set for 2022," The Irish Times, September 14, 2020, <https://www.irishtimes.com/news/crime-and-law/courts/trial-of-lisa-smith-accused-of-islamic-state-membership-is-set-for-2022-1.4354586>.

¹⁴⁸ "Travelers and Returnees," AIVD, May 1, 2021, <https://www.aivd.nl/onderwerpen/terrorisme/dreiging/uitreizigers-en-terugkeerders>.

¹⁴⁹ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

¹⁵⁰ Cyril Rosman, "Syriëganger Angela B. in rechtszaal: 'Ik was een dom gansje toen ik vertrok'," AD, 6 April 2021, <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

¹⁵¹ "Dutch Woman, rescued from ISIS, arrested," News24, November 22, 2014, <https://www.news24.com/News24/Dutchwoman-rescued-from-ISIS-arrested-20141122>; "Dutch judge extends detention for 'Syria jihadist bride'," BBC News, November 21, 2014, <https://www.bbc.com/world-europe-30139841>; "Dutch court orders provisional release of woman rescued from Isis by mother," *Guardian*, November 25, 2014, <https://www.theguardian.com/world/2014/nov/25/dutch-court-woman-rescue-isis-mother-aicha-terror>; Cyril Rosman, "Syriëganger Angela B. in rechtszaal: 'Ik was een dom gansje toen ik vertrok'," AD, 6 April 2021, <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

¹⁵² "Combating Jihadism," Government of the Netherlands, <https://www.government.nl/topics/counterterrorism-and-national-security/combating-jihadism>; Wendy Zeldin, "Netherlands: Three New Laws Adopted to Further Counterterrorism Efforts," Library of Congress, March 14, 2017, <https://www.loc.gov/law/foreign-news/article/netherlands-three-new-laws-adopted-to-further-counterterrorism-efforts/>.

Belgium, France, and Germany, does not revoke citizenship of terrorists unless they hold dual nationality. In instances of dual nationals, extremists without prior criminal convictions who have joined a terrorist group, have been trained at a terrorist training camp, or who as an instructor contributed to “the transmission of skills and knowledge to jihadist fighters” can have their citizenship revoked.¹⁵³

The Dutch Ministers of Social Affairs and Employment and of Security and Justice launched a program called *Action Plan: Integrated Approach to Jihadism* in August 2014.¹⁵⁴ The program includes six elements of which include risk reduction of would-be jihadists, interventions for those traveling to conflict zones, radicalization, social media, and exchange of information and cooperation.¹⁵⁵ Under the action plan, returnees have to regularly report their activities to the authorities.¹⁵⁶

On November 11, 2019, a court in The Hague ruled that the Netherlands must actively help repatriate the children of women who joined ISIS and who are currently being held in prison camps in Syria. Lawyers for 23 women who joined ISIS had previously argued for the court to force the state to repatriate the women and their 56 children as the state has an obligation to care for the overall wellbeing of its citizens.¹⁵⁷ The final ruling did not result in such an obligation and instead compelled the state to do everything within reasonable limits to repatriate children.¹⁵⁸ However, on November 22, due to ongoing debates about national security interests and diplomatic considerations, the Court of Appeal overturned the previous decision and ruled that the state was not legally required to repatriate children.¹⁵⁹ On June 26, 2020, the Dutch Supreme Court ruled that the Netherlands does not have to repatriate women and children trapped in camps in Syria or Iraq.¹⁶⁰

One of the most publicized female ISIS supporters was known as Aicha, a 19-year-old Dutch Muslim convert who had gone to Syria in February 2014 to marry Israfil Yilmaz, a former Royal Netherlands Army Soldier who joined ISIS, whom she had seen interviewed on TV. Her mother reportedly met her at the Turkish-Syria border to bring her home after her marriage failed. Police arrested Aicha in November 2014 when she arrived back in the Netherlands with her mother and charged her with joining ISIS. A Dutch court ordered her conditional release later in the month. The court did not publicly disclose those conditions other than stating that Aicha should “not commit any crimes and adhere to any request by the police and justice officials.” Aicha’s conditional release was a drastic departure from the anticipated 30 years in prison that Dutch public prosecutors expected if Aicha was found guilty of

¹⁵³ Peter Cluskey, Jihadists Face Losing Dutch Nationality, Irish Times, July 15, 2014, <http://www.irishtimes.com/news/world/europe/jihadists-face-losing-dutch-nationality-1.1866335>; “Netherlands: Integrated Approach to Combatting Jihadism,” Library of Congress, November 7, 2014, <https://www.loc.gov/item/global-legal-monitor/2014-11-07/netherlands-integrated-approach-to-combatting-jihadism/>.

¹⁵⁴ “Annual Plan 2015,” National Coordinator for Security and Counterterrorism, 2015, https://www.legislationline.org/download/id/6036/file/Netherlands_annual_plan_National_Coordinator_Security_Counterterrorism_2015_en.pdf; “The Rising Threat Of “Foreign Terrorist Fighters,” Harvard Law School, <https://pilac.law.harvard.edu/briefing-report-suppressing-fff-supporting-pha>.

¹⁵⁵ Stef Wittendorp, Roel de Bont, Jeanine de Roy van Zuijdewijn and Edwin Bakker, “Dealing with Jihadism: A policy comparison between the Netherlands, Belgium, Denmark, Germany, France, the UK and the US (2010 to 2017),” Universiteit Leiden, December 2017, https://www.universiteitleiden.nl/binaries/content/assets/governance-and-global-affairs/isga/report-1_2017_dealing-with-jihadism.pdf.

¹⁵⁶ “Jihadis kept out of police stations because of safety fears,” Dutch News, February 19, 2015, <https://www.dutchnews.nl/news/2015/02/jihadis-kept-out-of-police-stations-because-of-safety-fears/>.

¹⁵⁷ Margreet Fogteloo, “The return of IS fighters: Cooked a pot or killed people?,” De Groene Amsterdammer, November 13, 2019, <https://www.groene.nl/artikel/een-potje-gekookt-of-mensen-vermoord>.

¹⁵⁸ Goos Hofstee, “The Debate around Returning Foreign Fighters in the Netherlands,” Italian institute for International Political Studies, January 9, 2020, <https://www.ispionline.it/en/publicazione/debate-around-returning-foreign-fighters-netherlands-24665#n1>.

¹⁵⁹ “The Debate Around Returning Foreign Fighters in the Netherlands,” Clingendael, January 13, 2020, <https://www.clingendael.org/publication/debate-around-returning-foreign-fighters-netherlands>.

¹⁶⁰ “Dutch state does not have to help women, children trapped in Syria: Supreme Court,” NL Times, June 26, 2020, <https://nltimes.nl/2020/06/26/dutch-state-help-women-children-trapped-syria-supreme-court#:~:text=The%20Dutch%20State%20does%20not,ISIS%20of%20their%20own%20accord..>

fighting alongside ISIS.¹⁶¹ It is unclear if Aicha participated in ISIS in any capacity other than marrying an ISIS fighter. However, given Aicha's young age and the appeals her mother made for Aicha's return on public television, it is possible the court concluded Aicha was a victim and not a true criminal perpetrator.

Another woman, Ângela Barreto, of Portuguese and Dutch descent, reportedly traveled to Syria from Utrecht in August 2014. While in Syria, Barreto married Fábio Poças, an ISIS militant of Portuguese descent. Barreto had two children with Poças before his death, and then married another member of the Portuguese jihadist contingent, Nero Saraiva, in 2018. Both Poças and Saraiva were connected to some of ISIS's most gruesome crimes. Poças was involved in the burning of a Jordanian Royal Air Force Pilot, and Saraiva allegedly planned and executed many violent actions perpetrated by ISIS, specifically activities that targeted western victims.¹⁶² After the fall of Baghouz, Barreto was taken into Kurdish-led SDF custody and transferred to Al-Hol camp.¹⁶³ At the end of 2020, Barreto reportedly escaped Al-Hol and fled to Turkey, where she was eventually sent back to the Netherlands. The exact details of Barreto's eventual arrest and trial remain murky, but according to media reports, Barreto appeared at a trial in Rotterdam on June 4, 2021. Barreto claimed she was not stable when she left Syria, and that despite wanting to leave the extremist group in 2015, it was impossible to leave ISIS territory until the fall of the "caliphate." The Public Prosecution Service, however, allege that Barreto aided in the recruitment of three teenage Dutch girls, aged between 15 and 16, to join ISIS in February 2015. Additionally, the prosecution alleges there are photos of Barreto with weapons and that she attempted to sell a hand grenade online.¹⁶⁴

Also on June 4, 2021, another woman known as Audrey C. appeared in court at the Hague. Audrey C. allegedly left for Syria in 2013 and eventually married Belgian ISIS fighter Fouad Akrich. On December 22, 2019, Audrey C., Akrich, and her children attempted to illegally cross the border from Syria into Turkey. Audrey C. and her children were detained and after 10 months incarceration, were deported to the Netherlands from Turkey. Audrey C. claims she regrets the wrong choices she made, and that she was never a legitimate ISIS member, but had rather only lived within the so-called "caliphate." Both Audrey C. and Barreto's trials remain ongoing.¹⁶⁵

Sweden

¹⁶¹ "Dutch Woman, rescued from ISIS, arrested," News24, November 22, 2014, <https://www.news24.com/News24/Dutchwoman-rescued-from-ISIS-arrested-20141122>; "Dutch judge extends detention for 'Syria jihadist bride'," BBC News, November 21, 2014, <https://www.bbc.com/news/world-europe-30139841>; "Dutch court orders provisional release of woman rescued from Isis by mother," Guardian, November 25, 2014, <https://www.theguardian.com/world/2014/nov/25/dutch-court-woman-rescue-isis-mother-aicha-terror>.

¹⁶² Nuno Tiago Pinto, "Inside the Foreign Fighter Pipeline to Syria: A Case Study of a Portuguese Islamic State Network," Combating Terrorism Center at West Point, August 2020, <https://www.ctc.usma.edu/inside-the-foreign-fighter-pipeline-to-syria-a-case-study-of-a-portuguese-islamic-state-network/>.

¹⁶³ Nuno Tiago Pinto, "Inside the Foreign Fighter Pipeline to Syria: A Case Study of a Portuguese Islamic State Network," CTC Sentinel <https://www.ctc.usma.edu/inside-the-foreign-fighter-pipeline-to-syria-a-case-study-of-a-portuguese-islamic-state-network/>

¹⁶⁴ Cyril Rosman, "Syriëganger Angela B. in rechtszaal: 'Ik was een dom gansje toen ik vertrok'," AD, 6 April 2021 <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

¹⁶⁵ Cyril Rosman, "Syriëganger Angela B. in rechtszaal: 'Ik was een dom gansje toen ik vertrok'," AD, 6 April 2021 <https://www.ad.nl/binnenland/syrieganger-angela-b-in-rechtszaal-ik-was-een-dom-gansje-toen-ik-vertrok~ab1de957/>.

According to Sweden's intelligence service Säpo, around 300 Swedes or Swedish residents joined ISIS in Syria and Iraq mostly around 2013 and 2014. A quarter of those who joined ISIS abroad were women.¹⁶⁶ As of June 2021, three female returnees have faced criminal proceedings for their actions in Syria.¹⁶⁷

In Sweden, membership in a terrorist organization is not a criminal offense, leading Swedish authorities to not charge female returnees under terrorism legislation, but for war crimes.¹⁶⁸ If found guilty of war crimes—which include committing an act such as a killing or being connected to an armed conflict or occupation—the sentence ranges from at least four years to 18 years in prison.¹⁶⁹

The Swedish government has gradually amended laws and measures concerning returning FTFs. In 2016, the Swedish government criminalized terrorist travel, enforced stricter rules on terrorist financing, and expanded prevention activities.¹⁷⁰ Additionally, on March 1, 2020, Sweden implemented new laws, among which introduced a special criminal liability for those who have links to—particularly if those links promote, strengthen, or support—terrorist organizations. The new laws also determined that traveling abroad to associate with or finance terrorist organizations would be considered a criminal offense, and there would be a greater penalty for illegal recruitment.¹⁷¹

In February 2019, Mikael Damberg, the Swedish minister of the interior, stated that Sweden cannot act in a war zone and that Sweden has “no plans to bring home these people who have participated in IS activities.”¹⁷² Aside from repatriation methods, Sweden has proposed alternative approaches to contend with Swedish citizens remaining in Syria. In April 2019, the government announced that rather than bringing individuals back to Sweden, the government would “ earmark” two million Swedish crowns to support basic needs in refugee camps in Syria.¹⁷³ In an effort to forward the prosecution of foreign ISIS fighters, on June 3, 2019, Sweden proposed the possibility of an international tribunal based in Iraq. According to Damberg, the tribunal would allow Sweden and its allies to be “closer to witnesses, closer to the Kurdish regional forces who have arrested [ISIS fighters].” However, academic critics of the proposal believe the tribunal would serve as a way for countries to unload the burden of trials and convictions onto an already overwhelmed court system in the Middle East.¹⁷⁴ As of October 2021, the

¹⁶⁶ “Sweden jails Isis mother who took two-year-old son to Syria,” The Local, March 9, 2021, <https://www.thelocal.se/20210309/sweden-jails-isis-mother-who-took-two-year-old-son-to-syria/>; Linus Gustafsson and Magnus Ranstorp, “Swedish Foreign Fighters in Syria and Iraq: An analysis of open-source intelligence and statistical data,” Center for Assymetric Threat Studies, 2017, <https://www.diva-portal.org/smash/get/diva2:1110355/FULLTEXT01.pdf>.

¹⁶⁷ “Sweden sentences woman for taking child to IS area in Syria,” Associated Press, March 8, 2021, <https://apnews.com/article/turkey-syria-middle-east-islamic-state-group-sweden-cb03aa1bd78d1afdd6944d611c55df5e>; “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>.

¹⁶⁸ “CUMULATIVE PROSECUTION OF FOREIGN TERRORIST FIGHTERS FOR CORE INTERNATIONAL CRIMES AND TERRORISM-RELATED OFFENCES,” EUROJUST, May 2020, https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2020-05_Report-on-cumulative-prosecution-of-FTFs_EN.PDF.

¹⁶⁹ “War Crime - Swedish Police efforts,” Polisen, <https://polisen.se/en/victims-of-crime/war-crime---swedish-police-efforts/>.

¹⁷⁰ “The government's measures regarding returnees who fought for IS,” SVERIGES RIKSDAG, August 14, 2017, <https://www.riksdagen.se/sv/dokument-lagar/dokument/interpellation/regeringens-atgarder-kring-atervandare-som-H410591>;

¹⁷¹ “A special criminal liability for links with a terrorist organization,” SVERIGES RIKSDAG, December 17, 2019, <https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/ett-sarskilt-straffansvar-for-samrore-med-en-H701JuU13>.

¹⁷² “Minister: Families are responsible for their children,” SVT, February 24, 2019, <https://www.svt.se/nyheter/inrikes/ministerns-svar-de-har-ansvar-for-sina-barn>.

¹⁷³ “Millions of aid are earmarked for children of Swedish IS supporters in Syria,” SVT, April 9, 2019, <https://www.svt.se/nyheter/utrikes/bistandsmiljoner-oronmarks-till-flyktinglager-i-syrien>.

¹⁷⁴ “The State of Justice: Syria 2020,” Syria Justice and Accountability Centre, March 2020, https://syriaaccountability.org/wp-content/uploads/02.28_SJS-ENG_pdf_compressed-1.pdf; Helen Warrell, “Sweden proposes international tribunal to try Isis fighters,” *Financial Times*, May 19, 2019, <https://www.ft.com/content/9086250e-7802-11e9-bbad-7c18c0ea0201>.

Swedish stance on adult foreign fighters had not changed and the proposal of an international tribunal has not progressed.¹⁷⁵

In the instances where female FTFs were charged and sentenced in Sweden, the women were not actively repatriated, but were arrested and sentenced due to being deported by Turkish and Kurdish forces. On March 8, 2021, the Lund District Court sentenced a Swedish woman to three years in prison for taking her 2-year-old son to Syria in 2014. The court alleged she “intended to move to Syria with her son and settle there permanently.” However, once ISIS’s reign began to collapse in 2017, she was arrested by Syrian Kurdish troops but managed to escape to Turkey where she was subsequently arrested. She was then extradited from Turkey to Sweden.¹⁷⁶ However, in June 2021, the Kurdish regional government in northeastern Syria chose to deport three women back to Sweden from Syria. When the three women arrived in Sweden, two of the women were arrested and the third was released following questioning. The two women were arrested due to suspicion of committing war crimes, with one woman also facing charges of suspected genocide and crimes against humanity. Given that the women were expelled by the Kurdish self-government, Sweden’s Foreign Minister Anne Linde claimed that Sweden did not actually repatriate the women, but still had a responsibility to receive their citizens.¹⁷⁷

United Kingdom

According to the Combating Terrorism Center at West Point, there were over 150 female ISIS supporters originally from the United Kingdom who traveled to conflict zones. Out of the 400 to 425 returnees, only two were women.¹⁷⁸

Counterterrorism legislation in the U.K. undertakes stringent responses to terror offenses. It is considered a criminal offense for any British national to travel abroad to commit or prepare a terrorist offence, to obtain training in terrorism, and those that commit or are suspected of terror acts overseas may also be prosecuted.¹⁷⁹ Returnees who are guilty of preparing or assisting in the preparation for terrorist acts face sentences up to life in imprisonment.¹⁸⁰ Other measures include requiring terrorists to take part in a deradicalization program and blocking the return of British citizens to U.K. soil if they are suspected of terrorism overseas.¹⁸¹

Through the Terrorism Act, the police are afforded powers involving terrorism prevention and investigative measures (TPIMs). Included among those powers are measures such as imposing travel limitations, house arrest on individuals suspected of engaging in terrorist agendas, and the right to stop

¹⁷⁵ Yrsa Landström, “Remaining Foreign Fighters: Fear, Misconceptions and Counterproductive Responses,” Understanding the Creeping Crisis, May 11, 2021, https://link.springer.com/chapter/10.1007/978-3-030-70692-0_4.

¹⁷⁶ “Sweden sentences woman for taking child to IS area in Syria,” Associated Press, March 8, 2021, <https://apnews.com/article/turkey-syria-middle-east-islamic-state-group-sweden-cb03aa1bd78d1afdd6944d611c55df5e>.

¹⁷⁷ “Sweden arrests 2 women suspected of war crimes in Syria,” Associated Press, September 7, 2021, <https://apnews.com/article/europe-middle-east-syria-crime-arrests-64a62f8bb1c9f1edfd0b6d3629c0ddc6>.

¹⁷⁸ Rachel Briggs Obe and Tanya Silverman, “Western Foreign Fighters: Innovations in Responding to the Threat,” Institute for Strategic Dialogue, 2014, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.

¹⁷⁹ “Terrorism Act 2000,” U.K. Legislation, 2000, <https://www.legislation.gov.uk/ukpga/2000/11/contents>.

¹⁸⁰ “Terrorism Act 2006,” U.K. Legislation, 2006, <https://www.legislation.gov.uk/ukpga/2006/11/contents>.

¹⁸¹ “David Cameron Outlines New Anti-Terror Measures to MPs,” BBC News, September 1, 2014, <https://www.bbc.com/news/uk-29008316>.

and question individuals suspected of being terrorists.¹⁸² Additionally, the Home Secretary can use the Royal Prerogative to strip a person of his or her British passport.¹⁸³ Additionally, the British Nationality Act permits the Secretary of State—if they believe a person has “done anything seriously prejudicial to the interests of the U.K. or a British Overseas Territory—to deprive a person of his or her British citizenship, unless it would render the individual stateless.”¹⁸⁴

The U.K. first prosecuted a female supporter of ISIS in 2016 when Tareena Shakil was sentenced to six years in prison by a Birmingham court for traveling to a warzone and supporting ISIS on social media. Shakil was convicted of membership of a terrorist group and encouraging terrorism given the content of her social media posts in which she was seen carrying an AK-47 assault rifle and glorified ISIS and the possibility of martyrdom.¹⁸⁵ Shakil started posting in support of ISIS in July 2014, and in October 2014, fled to Syria from her family home with her toddler son. She returned to Burton-upon-Trent in 2015, and later denied she was ever a member of the terror group and that she traveled to Syria because she believed reports about ISIS’s violent activities were exaggerated by the media. The presiding judge believed that Shakil had been radicalized online after speaking with members of the terrorist group and that she had formed extremist views after knowingly speaking with an ISIS militant involved in the training of terrorist fighters.¹⁸⁶ On February 15, 2019, Shakil was released from prison after only serving three years of her sentence. Under former U.K. law, a terror offender would automatically be released from custody after completing half of their sentence and would serve the rest of the sentence on probation. However, a new law in 2020, the Terrorist Offenders (Restriction of Early Release) Act, has increased the release point to after two-thirds of the sentence is served.¹⁸⁷ Following her release, Shakil is required to continually notify police of her personal details for up to 15 years.¹⁸⁸

In the case of Shamima Begum, a Bangladeshi British woman who left east London in 2015 to join ISIS and is currently detained at Al-Roj. She faced the possibility of losing her U.K. citizenship given that she was eligible for citizenship in another country as both of her parents were born in Bangladesh.¹⁸⁹ On February 2019, her citizenship was revoked by the Home Secretary. However, on July 16, 2020, the U.K.’s Court of Appeal determined that Begum has the right to return to the United Kingdom to challenge the stripping of her British nationality. Removing her British citizenship would have been rendered stateless, potentially breaching her right to life and the prohibition of torture under the European Convention on Human Rights (ECHR) and depriving her of the right to a fair and effective appeal of the decision. Furthermore the Court of Appeal determined that if Begum could not appeal the decision, there would be the risk of her being transferred to Iraq or Bangladesh, where she could be unlawfully killed or suffer mistreatment due to draconian measures in response to those affiliated with

¹⁸² “Terrorism Prevention and Investigation Measures Act 2011,” U.K. Legislations, 2011, <http://www.legislation.gov.uk/ukpga/2011/23/contents>; House of Commons Home Affairs Committee, “Counter-Terrorism Seventeenth Report of Session 2013–14,” U.K. Parliament, April 2014, www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/231/231.pdf.

¹⁸³ Melanie Gower, “Deprivation of British Citizenship and Withdrawal of Passport Facilities,” House of Commons Library, June 9, 2017, <https://commonslibrary.parliament.uk/research-briefings/sn06820/>.

¹⁸⁴ “British Nationality Act 1981,” U.K. Legislation, 1981, <http://www.legislation.gov.uk/ukpga/1981/61/contents>.

¹⁸⁵ Lizzie Dearden, “Tareena Shakil: First female British Isis member jailed in UK freed from prison,” *Independent*, February 15, 2019, <https://www.independent.co.uk/news/uk/crime/tareena-shakil-isis-bride-uk-prison-jail-release-syria-son-terror-a8780891.html>.

¹⁸⁶ Richard Ford, “Isis woman Tareena Shakila released from British jail,” *The Times*, February 15, 2019, <https://www.thetimes.co.uk/article/isis-woman-tareena-shakila-released-from-british-jail-5gt0m99wh>.

¹⁸⁷ Elin Hofverberg, “England Enacts Law Prohibiting the Early Release of Terrorists,” *Law Librarians of Congress*, April 24, 2020, <https://blogs.loc.gov/law/2020/04/england-enacts-law-prohibiting-the-early-release-of-terrorists/>.

¹⁸⁸ Richard Ford, “Isis woman Tareena Shakila released from British jail,” *The Times*, February 15, 2019, <https://www.thetimes.co.uk/article/isis-woman-tareena-shakila-released-from-british-jail-5gt0m99wh>.

¹⁸⁹ “Shemima Begum: IS teenager to lose UK citizenship,” *BBC News*, February 20, 2019, <https://www.bbc.com/news/uk-47299907>.

or suspected of terrorist activity.¹⁹⁰ However, on February 26, 2021, Begum lost a series of appeals that would have allowed her to return to the U.K. to fight the removal of her citizenship when the Supreme Court's five judges unanimously denied her request to return.¹⁹¹

However, on August 1, 2021, the High Court ruled that it was unlawful for the government to strip a woman, known only as D4, of her citizenship as the Home Office had not informed her that they removed her citizenship in December 2019. D4—who is currently in the same detention camp as Shamima Begum—along with her daughters, were suspected of being members of ISIS, and were stripped of their citizenship due to reasons of national security. The ruling was controversial as U.K. officials believe it could lead to dozens of terrorists claiming the right to return to the United Kingdom. D4's solicitors were only made aware of the U.K.'s removal of D4's citizenship in October 2020, two weeks after D4 sought to ask the Foreign Office to help repatriate her. The court ruled that the home secretary's "failure to give notice of her decision to deprive D4 of her citizenship invalidates the order...D4 remains a British citizen." The Home Office is seeking to appeal the decision.¹⁹²

United States

The United States has been supportive of repatriating its nationals as the official policy under both the administrations of Presidents Donald Trump and Joe Biden. The U.S. has encouraged countries to repatriate its nationals and their dependents in Iraq and Syria. As of October 2020, the United States has reportedly brought back every American supporter of ISIS that was held by the Syrian Democratic Forces (SDF).¹⁹³ According to the Combating Terrorism Center at West Point, there were over 38 female ISIS members out of a total of 272 supporters. Out of the 59 returnees, four were women.¹⁹⁴

The United States has consistently maintained that FTFs, whether male or female, should face prosecution in their home countries. Women who did not commit terrorist acts represent a more complicated demographic, as these women may share violent terrorist ideologies or may be victims.¹⁹⁵ In the United States, a person can be prosecuted for providing, attempting to provide, or conspiring to provide material support as well as knowing or intending that the support be used in a terrorist offense. In the instance of material support, female FTFs could be charged under that statute if they used social media to recruit individuals.¹⁹⁶

U.S. law prohibits even attempts to join designated foreign terrorist organizations, but reviews repatriation cases on a case-by-case basis. Similar to countries in Western Europe, naturalized U.S.

¹⁹⁰ Julia Coleman and Joana Cook, "Shamima Begum, citizenship revocation and the question of due process," International Centre for Counter-Terrorism, July 17, 2020, <https://icct.nl/publication/shamima-begum-citizenship-revocation-and-the-question-of-due-process/>.

¹⁹¹ Elian Peltier, "Shamima Begum Loses Effort to Return to U.K. in Fight for Citizenship," *New York Times*, February 26, 2021, <https://www.nytimes.com/2021/02/26/world/europe/shamima-begum-citizenship.html>.

¹⁹² Tim Shipman and Dipesh Gadhur, "Jihadists given hope of return to UK," *The Times*, August 1, 2021, <https://www.thetimes.co.uk/article/jihadists-given-hope-return-syria-isis-vqzlr9zkw>.

¹⁹³ "The United States Has Repatriated 27 Americans from Syria and Iraq Including Ten Charged with Terrorism-Related Offenses for Their Support to ISIS," U.S. Department of Justice, October 1, 2020, <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>.

¹⁹⁴ Rachel Briggs Obe and Tanya Silverman, "Western Foreign Fighters: Innovations in Responding to the Threat," Institute for Strategic Dialogue, 2014, https://www.isdglobal.org/wp-content/uploads/2016/02/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.

¹⁹⁵ "Foreign Terrorist Fighters: Addressing Current Challenges," U.S. Mission to the OSCE, February 11, 2020, <https://osce.usmission.gov/foreign-terrorist-fighters-addressing-current-challenges/>.

¹⁹⁶ Elizabeth Buner, "Doing Our Part: Acknowledging and Addressing Women's Contributions to ISIS," *William & Mary Journal of Race, Gender and Social Justice*, February 2016, <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1427&context=wmjowl>.

citizens can be stripped of their citizenship if found guilty of terrorist crimes, leaving them only with the citizenship of their country of origin.¹⁹⁷

According to the Program on Extremism at George Washington University, the average prison sentence for individuals charged with crimes related to ISIS was 13.2 years.¹⁹⁸ However, although general sentencing guidelines in the U.S. are meant to achieve consistent outcomes, according to a 2018 report from the Combating Terrorism Center at West Point, the U.S. has generally proven to be more lenient on female defendants than their male counterparts. According to a 2015 study, women were 58 percent less likely to be sentenced to prison than men given the expectation that women take on hyper-traditional gender roles within ISIS's network. In the case of women charged with support to ISIS, the average sentence has been significantly less—around three to four years with three years of supervised release.¹⁹⁹

On November 26, 2019, Samantha Marie Elhassani, also known as Samantha Sally, pleaded guilty to concealment of terrorism financing. In 2014, Indiana resident Elhassani was informed by her husband and brother-in-law that they sought to travel to Syria to join ISIS. In the period of November 2014 and 2015, Elhassani made multiple trips to Hong Kong to transport more than \$30,000 in cash and gold from the United States to deposit in Hong Kong. The deposited cash and gold were intended to be used by Elhassani's husband and brother-in-law to fund to their activities for ISIS in Syria. Elhassani's last trip to Hong Kong included procuring tactical gear, such as rifle scopes and image-stabilized binoculars. From there, Elhassani and her family moved to ISIS-controlled territory in Syria sometime around June 2015.²⁰⁰

While in Syria, Elhassani's oldest son—who was 10 years old at the time—appeared in an ISIS propaganda video where he pledged to carry out attacks against the West.²⁰¹ Elhassani's husband, Moussa, was reportedly killed while fighting for ISIS, and Elhassani and her four children were eventually captured by the U.S.-backed SDF. Elhassani was transferred from the custody of the SDF to U.S. law enforcement custody in July 2018.²⁰²

Although Elhassani claimed she was tricked by her husband to travel to Syria, court documents revealed she knowingly engaged in the concealment of resources that were intended to support future ISIS fighters. On November 9, 2020, Elhassani was sentenced by a court in the Northern District of Indiana to six years in prison and three years of supervised release after being found guilty of financing terrorism.²⁰³

¹⁹⁷ Brian Michael Jenkins, "Options for Dealing with Islamic State Foreign Fighters Currently Detained in Syria," Combating Terrorism Center at West Point, May/June 2019, <https://ctc.usma.edu/options-dealing-islamic-state-foreign-fighters-currently-detained-syria/>.

¹⁹⁸ "ISIS in America," Program on Extremism, March 2021, <https://extremism.gwu.edu/isis-america>.

¹⁹⁹ Audrey Alexander and Rebecca Turkington, "Treatment of Terrorists: How Does Gender Affect Justice?," Combating Terrorism Center at West Point, September 2018, <https://ctc.usma.edu/treatment-terrorists-gender-affect-justice/>.

²⁰⁰ "Former Elkhart, Indiana Resident Sentenced to Over Six Years in Prison for Financing of Terrorism," U.S. Department of Justice, November 9, 2020, <https://www.justice.gov/opa/pr/former-elkhart-indiana-resident-sentenced-over-six-years-prison-financing-terrorism>.

²⁰¹ Rukmini Callimachi, Eric Schmitt and Charlie Savage, "American Accused of Being ISIS Fighter in Syria Faces Prosecution in U.S.," *New York Times*, July 19, 2018, <https://www.nytimes.com/2018/07/19/world/middleeast/islamic-state-us-detainee.html>.

²⁰² Jeff Seldin, "American Mom Who Joined IS Sentenced to More Than 6 1/2 Years in Prison," *Voice of America*, November 10, 2020, <https://www.voanews.com/usa/american-mom-who-joined-sentenced-more-6-12-years-prison>.

²⁰³ "Former Elkhart, Indiana Resident Sentenced to Over Six Years in Prison for Financing of Terrorism," U.S. Department of Justice, November 9, 2020, <https://www.justice.gov/opa/pr/former-elkhart-indiana-resident-sentenced-over-six-years-prison-financing-terrorism>.

However, in the case of Hoda Muthana—an American-born woman who joined ISIS in 2014—U.S. District Judge Reggie Walton ruled on November 14, 2019, that Muthana was not eligible to return to the United States given that her father was a diplomat from Yemen at the time of her birth.²⁰⁴ Muthana was not guaranteed U.S. citizenship given her father’s diplomatic status. However, her father never applied for naturalized citizenship for his daughter as he believed she was automatically a citizen since she was eventually given an American passport.²⁰⁵

While in Syria in early December 2014, Muthana posted a group photo on Twitter of what appeared to be four women holding foreign passports and announcing their intention to burn the documents. In March 2015, Muthana called for violence in the United States over Memorial Day.²⁰⁶ While in Syria, Muthana married a total of three ISIS fighters, two of which were killed. She was eventually captured by Kurdish forces in January 2019 and was placed in Al-Hol with her son.²⁰⁷ Muthana, who claims she was “brainwashed” by ISIS, remains vigilant in returning to the U.S. to face charges and take responsibility for her actions.²⁰⁸

On January 19, 2021, the U.S. Court of Appeals for the D.C. Circuit upheld the district court’s decision on Muthana’s citizenship, ruling that “Hoda Muthana is not now and never was a citizen of the United States,” and “because Hoda is not a citizen, neither is her son, who was born abroad to two alien parents.”²⁰⁹

Although the United States has undertaken sentencing women affiliated with ISIS, sentences have been inconsistent with their crimes in comparison to male recruits and supporters. However, it is significant that the United States has taken on the complicated process of repatriating and prosecuting female foreign fighters. The legal endeavor ultimately provides a framework for governments that may be hesitant of legally responding to nationals who chose to align with ISIS and are currently held in conflict zones. The legal precedence set forth by the United States paves the way for courts to acknowledge and standardize the methods in which female FTFs safely return to and are rehabilitated back into society.

The Real Risk of Terrorist Convicts and Recidivism

Over the past few years, the Australian, U.K., U.S., and several European governments have made modest moves towards prosecuting foreign fighters. However, ongoing fears of recidivism among terrorist convicts, especially following their release from prison, has delayed more proactive methods of

²⁰⁴ Ellie Hall, “A Judge Has Ruled That A Woman Who Left The US For ISIS Is Not An American Citizen,” BuzzFeed News, November 14, 2019, <https://www.buzzfeednews.com/article/ellievhall/hoda-muthana-isis-not-american-citizen>.

²⁰⁵ “Alabama woman who joined Isis is not US citizen, judge rules,” *Guardian*, November 14, 2019, <https://www.theguardian.com/world/2019/nov/14/hoda-muthana-isis-not-us-citizen-ruling>; Charlie Savage, “American-Born Woman Who Joined ISIS Is Not a Citizen, Judge Rules,” *New York Times*, November 14, 2019, <https://www.nytimes.com/2019/11/14/us/hoda-muthana-isis-citizenship.html>.

²⁰⁶ Ellie Hall, “Gone Girl: An Interview With An American In ISIS,” BuzzFeed News, April 17, 2015, <http://www.buzzfeed.com/ellievhall/gone-girl-an-interview-with-an-american-in-isis#.heGXm80KZ>.

²⁰⁷ Martin Chulov and Bethan McKernan, “Hoda Muthana ‘deeply regrets’ joining Isis and wants to return home,” *Guardian*, February 17, 2019, <https://www.theguardian.com/world/2019/feb/17/us-woman-hoda-muthana-deeply-regrets-joining-isis-and-wants-return-home>.

²⁰⁸ Natalie Musumeci, “Hoda Muthana’s lawyer: Few people ‘resent ISIS’ as much as her,” *New York Post*, February 21, 2019, <https://nypost.com/2019/02/21/hoda-muthanas-lawyer-few-people-resent-isis-as-much-as-her/>.

²⁰⁹ Circuit Judge Neomi Rao, “Ahmed Ali Muthana, Individually, and as Next Friend of Hoda Muthana and Minor John Doe, Appellant v. Michael R. Pompeo,” United States Court of Appeals for the District of Columbia Circuit, January 19, 2021, [https://www.cadc.uscourts.gov/internet/opinions.nsf/97F4C9BA474983DE8525866200567816/\\$file/19-5362-1880558.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/97F4C9BA474983DE8525866200567816/$file/19-5362-1880558.pdf).

repatriation, deradicalization, and reintegration. The potential threat of released terrorist convicts and their ability to carry out future lethal attacks has been touted as the primary, and sometimes only, reason as to why western countries have not yet established a comprehensive repatriation program regarding FTFs. While there has been a surge of concern among security services and the public about terrorist recidivism following attacks in London and Vienna in 2019 and 2020, academic scholarship has suggested that terrorists are unlikely to relapse into violent extremism.²¹⁰ Although there are foreign fighters who do engage in terrorism—almost always within a year of their return—law enforcement efforts have managed to monitor, track, and contain those terrorist plots. The action in preventing those specific terrorist threats suggests that law enforcement need to have the programs and tools necessary to prevent renewed terrorist activity following the repatriation of these foreign fighters.²¹¹ The scholarship on recidivism rates is promising, but it should also be stated that some returnees possess violent skills and knowledge that present significantly lethal risks if they do choose to carry out a domestic attack.²¹² One successful attack by a veteran terrorist puts countless innocent lives at risk, presenting a moral predicament for governments as they consider the risk of returnees.

However, figures on recidivism are still not widely available, making it difficult to determine the certainty of the potential threat of released ISIS convicts. Additionally, it is important to define what exactly is considered reengagement and recidivism. Terrorist reengagement refers to an individual who returns to terrorism after a period of disengagement regardless of whether it was voluntary or involuntary, while terrorist recidivism is defined as two or more distinct convictions for terrorism related offenses over a specific period of time.²¹³

Based on data compiled by scholars at the German Council on Foreign Relations, the average recidivism rate for released convicted terrorists across North America, Europe, the Middle East, and Asia is 9 percent, with a median rate of 5.5 percent. Although the figure is not at zero, the rate is much lower than that of non-terrorist offenders. Additionally, it is worth noting that the reoffenders were convicted of more general criminal activity that was not politically or religiously motivated.²¹⁴ Instead, releasees engaged in apolitical activities, including parole violations, minor theft, and fraud for personal gain, drugs, and domestic violence. In the Netherlands from the period of 2012-2018, there was a recidivism rate of eight out of 189 individuals (4.2 percent). In the United States, in the period from 1990-2019, the rate was two out of 189 (1 percent). In England and Wales, the figure is six reoffenders of 196 (3 percent) of terrorist convicts released from prison between January 2013 and December 2019. In Belgium, a review of 557 jihadi terrorist convicts spanning three decades from 1990 also confirmed that 2.3 percent reengaged in terrorist activities. In a provisional study from France, the rate is noticeably higher, as over 16 percent of 137 individuals convicted of terrorism between 2004 and 2017 reoffended

²¹⁰ Thomas Renard, "Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence," Combating Terrorism Center, April 2020, <https://ctc.usma.edu/overblown-exploring-the-gap-between-the-fear-of-terrorist-recidivism-and-the-evidence/>.

²¹¹ Adam Hoffman and Marta Furlan, "Challenges Posed by Returning Foreign Fighters," Program on Extremism, March 2020, <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Challenges%20Posed%20by%20Returning%20Foreign%20Fighters.pdf>.

²¹² Thomas Hegghammer, "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting," American Political Science Review, February 2013, <https://pdf4pro.com/fullscreen/should-i-stay-or-should-i-go-thomas-hegghammer-4be34f.html>.

²¹³ Eric Oehlerich, Mick Mulroy, and Liam McHugh "Jannah Or Jahannam Options For Dealing With Isis Detainees," Middle East Institute, October 2020, <https://www.mei.edu/sites/default/files/2020-10/Jannah%20or%20Jahannam%20-%20Options%20for%20Dealing%20with%20ISIS%20Detainees.pdf>.

²¹⁴ Andrew Silke, "Research on Terrorist Recidivism and its Implications for Policy and Practice," German Council on Foreign Relations, June 2021, https://dgap.org/sites/default/files/article_pdfs/IssuePaper_Recidivism_english.pdf.

following release.²¹⁵ In comparison to average rates of criminal recidivism—40 percent to 60 percent worldwide—former terrorists are significantly less likely to be recidivists.²¹⁶

Given the lethal nature of terror attacks, it is a valid concern to be wary of released terrorist convicts.²¹⁷ There have been long-term studies of al-Qaeda returnees that reveal the lethal risks involved with returnees. In 2013, Norwegian academic and terrorism expert Thomas Hegghammer determined that while the rate of recidivism of al-Qaeda returnees remained fairly low, those who did reengage with terrorism were able to carry out far more deadly attacks due to their experience within the terrorist group.²¹⁸ However, if the necessary disengagement and monitoring programs are established, that risk can be mitigated. Since prisons have been known throughout international security communities as “grounds for radicalization,”²¹⁹ it is even more pertinent that governments allocate the necessary deradicalization resources and services to ensure the long-term rehabilitation and reintegration of terrorist convicts.

Although the process of repatriating, convicting, and prosecuting FTFs can be lengthy, there is also genuine concern for the effects of not repatriating such individuals quickly enough or not repatriating them at all. FTFs held in detention centers across Syria potentially have more opportunities to be influenced by fellow detainees who endorse hardened extremist beliefs as well as also influence others towards more aggressive forms of extremism.²²⁰ Given the amount of time and effort that goes into rehabilitating extremists, it would be more practical and effective to repatriate FTFs as soon as possible so that they can begin the rehabilitation process. By delaying the repatriation process, grievances with western governments could transform into viable acts of retribution. Additionally, according to a report by Rights and Security International (RSI), concerns that detainees are too dangerous to return has proven to be less convincing as the risk profile of women and children detained in Northeast Syria includes many who were subsequently disillusioned by life under ISIS. Many of those women who were unable to escape Syria eventually found themselves detained in Al-Hol or Al-Roj, having to undergo a lengthy detention without any proper legal process, investigation, or charge.²²¹

However, once FTFs are in prison, it becomes crucial that governments provide services that are commensurate with the needs of the individual. For example, those who are convicted for planning and carrying out attacks would potentially be far more radicalized than those who simply assisted an

²¹⁵ Rajan Basra, “Prisons and Terrorism: Extremist Offender Management in 10 European Countries,” International Center for the Study of Radicalization, July 2020, https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Prisons-and-Terrorism-Extremist-Offender-Management-in-10-European-Countries_V2.pdf.

²¹⁶ Thomas Renard, “Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence,” Combating Terrorism Center, April 2020, <https://ctc.usma.edu/overblown-exploring-the-gap-between-the-fear-of-terrorist-recidivism-and-the-evidence/>.

²¹⁷ Andrew Silke, “Research on Terrorist Recidivism and its Implications for Policy and Practice,” German Council on Foreign Relations, June 2021, https://dgap.org/sites/default/files/article_pdfs/IssuePaper_Recidivism_english.pdf.

²¹⁸ Thomas Hegghammer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice between Domestic and Foreign Fighting,” American Political Science Review, February 2013, <https://pdf4pro.com/fullscreen/should-i-stay-or-should-i-go-thomas-hegghammer-4be34f.html>.

²¹⁹ “Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors,” OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Prison Reform International, 2021, https://www.osce.org/files/f/documents/b/3/492934_0.pdf.

²²⁰ Eric Oehlerich, Mick Mulroy, and Liam McHugh “Jannah Or Jahannam Options For Dealing With Isis Detainees,” Middle East Institute, October 2020, <https://www.mei.edu/sites/default/files/2020-10/Jannah%20or%20Jahannam%20-%20Options%20for%20Dealing%20with%20ISIS%20Detainees.pdf>; “Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria,” Rights and Security International, February 17, 2021, https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf.

²²¹ “Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria,” Rights and Security International, February 17, 2021, https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf.

attacker. Each would require alternative recovery measures. Additionally, exit programs should employ a more culturally and religiously comprehensive approach. In Germany, most prisons do not have the staff members with adequate knowledge of Islam and Islamism, which creates a blind spot towards effective rehabilitation and reintegration programs.²²² Some prisons, such as those in the Netherlands, house terrorist offenders separately from other inmates, which can allow a more focused program on how to assist the prisoner in fully disengaging from terrorist networks. In the case of female FTFs, this personalized program could prove particularly helpful as to determine the correct rehabilitation programs for the “jihadi bride” versus the ideologically motivated female fighter.²²³

Just as the case of gendered preconceptions of female fighters and their roles in extremist groups, the preconceived notion of recidivism among terrorist convicts has led to policies, or the lack thereof, being driven more by assumptions rather than evidence. Inclusion and trust-based social interactions are key factors in supporting deradicalization,²²⁴ but if repatriation continues to be delayed, it will become harder to dispel distrust and resentment of western forces within FTFs. Positive results towards rehabilitating extremists—and thus, preventing future terrorist threats and attacks—is far more likely when FTFs are within the jurisdiction of their home countries rather than being almost entirely inaccessible in detention centers halfway across the world. Repatriation provides a window of opportunity to work with radicalized offenders to discourage rather than encourage continued extremism.

Rehabilitation and Reintegration

Repatriating FTFs is a long-term problem that has typically been met with short-term solutions from governments. Although repatriation can be politically unpopular, rehabilitation programs are essential in order to safely reintegrate high-risk individuals back into their home countries.²²⁵ Those convicted of terror-related crimes are considered a significant threat to public safety, and the stigma that is part and parcel to associating with notorious extremist enterprises further necessitates rehabilitation strategies that will not only mollify public unease but also ensure sustainable reintegration for returnees, particularly female returnees. The stigmatization that follows from association with terrorist organizations is one obstacle that is not easily mitigated but can be more emotionally and socially taxing for female FTFs. Their actions are not only a reflection on themselves, but if they are mothers, their previous actions become a statement of their inability to adequately raise and protect their family. In this case, insufficient community support could potentially lead to renewed isolation, a leading factor of radicalization. Additionally, many of these female returnees did not have adequate job training or

²²² Andrew Silke, “Research on Terrorist Recidivism and its Implications for Policy and Practice,” German Council on Foreign Relations, June 2021, https://dgap.org/sites/default/files/article_pdfs/IssuePaper_Recidivism_english.pdf.

²²³ Andrew Silke, “Research on Terrorist Recidivism and its Implications for Policy and Practice,” German Council on Foreign Relations, June 2021, https://dgap.org/sites/default/files/article_pdfs/IssuePaper_Recidivism_english.pdf.

²²⁴ “Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors,” OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Prison Reform International, 2021, https://www.osce.org/files/f/documents/b/3/492934_0.pdf; Chris Bosely, “Violent Extremist Disengagement and Reconciliation: A PEACEBUILDING APPROACH,” United States Institute of Peace, July 2020, https://www.usip.org/sites/default/files/2020-07/20200729-pw_163-violent_extremist_disengagement_and_reconciliation_a_peacebuilding_approach-pw.pdf.

²²⁵ Tanya Mehra LL.M, Dr. Christophe Paulussen, “The Repatriation of Foreign Fighters and Their Families: Options, Obligations, Morality and Long-Term Thinking,” International Centre for Counter-Terrorism, March 6, 2019, <https://icct.nl/publication/the-repatriation-of-foreign-fighters-and-their-families-options-obligations-morality-and-long-term-thinking/>.

economic resources outside of their male partners prior to their joining the caliphate, which further strains their potential to successfully reintegrate into society.²²⁶

Comprehensive government responses to returnees will require substantial rehabilitation and reintegration programs that help ensure individuals are deradicalized to limit the risk of recidivism. According to the U.S. Institute of Peace, radicalization and violent extremism is best understood as a “complex psychosocial process” driven by individual traits and circumstances, social dynamics, and external enabling conditions.²²⁷ Understanding violent extremism through this lens underscores the importance of mitigating specific mindsets as well as guaranteeing healthy shifts in social relationships and personal circumstances to encourage disengagement from terror-related activities and prevent recidivism. Additionally, those who traveled to conflict zones in Iraq and Syria not only have a connection to international terrorist networks, but some returnees also acquired battlefield experience and training in the use of weapons.²²⁸ This particular knowledge—while not always associated with female returnees due to lack of evidence of such a skillset—carries an inherent threat to public safety. While it can also be argued FTFs have a certain degree of compromised morals to carry out or attempt to carry out heinous acts of violence, navigating the psychology of these actors is difficult to quantify and beyond the scope of this specific research.

While returnees who are convicted and imprisoned for violent extremism and terrorism-related offenses are seemingly brought to justice, prisons can sometimes be unfavorable environments that could potentially further radicalize individuals. Prisons in Europe—many of which are underfunded and overcrowded—have the potential to serve as radicalization incubators for terrorists while also facilitating the expansion of networks between criminals and terrorist ideologues.²²⁹ Prisons could potentially have persuasive hardened extremists who reinforce extremist beliefs and efforts, undermining rehabilitation efforts of convicted terrorists.²³⁰ Although prisons represent only one potential pathway to radicalization, it should still be noted that very little is known on how the radicalization process is carried out behind prison walls.²³¹ In the case of returnees, however, they have the potential to build a network of supporters who could further radicalize their beliefs and plant the seed for potential expansion upon their release.²³² Rehabilitation and reintegration initiatives must involve active support to incarcerated terrorists as inadequate monitoring systems within penitentiaries could do little, if anything, to transform a returnee’s sentiments for extremist behavior.

Furthermore, post-detention parole programs featuring specialized evaluation and continued monitoring are critical to ensure the reduction in terrorism-related recidivism. Post-detention programs

²²⁶ Georgia Holmer and Adrian Shtuni, “Returning Foreign Fighters and Reintegration Imperative,” U.S. Institute of Peace, 2017, <https://www.jstor.org/stable/pdf/resrep12456.pdf?refreqid=excelsior%3A4dd9c8ccdb588bc329c743c302c35bc6>.

²²⁷ Georgia Holmer and Adrian Shtuni, “Returning Foreign Fighters and Reintegration Imperative,” U.S. Institute of Peace, 2017, <https://www.jstor.org/stable/pdf/resrep12456.pdf?refreqid=excelsior%3A4dd9c8ccdb588bc329c743c302c35bc6>.

²²⁸ Bart Schuurman and Liesbeth van der Heide, “Foreign fighter returnees & the reintegration challenge,” RAN Centre of Excellence, November 2016, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_foreign_fighter_returnees_reintegration_challenge_112016_en.pdf.

²²⁹ Ian Acheson and Amanda Paul, “Guns and glory: Criminality, imprisonment and jihadist extremism in Europe,” Counter Extremism Project, September 2019, https://www.counterextremism.com/sites/default/files/2021-03/CEP_download.pdf.

²³⁰ Georgia Holmer and Adrian Shtuni, “Returning Foreign Fighters and the Reintegration Imperative,” United States Institute of Peace, March 2017, https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/resources/docs/USIP_sr402-returning-foreign-fighters-and-the-reintegration-imperative.pdf.

²³¹ “THE INPUT: PATHWAYS TO JIHAD A Thematic Analysis of 310 Cases,” GLOBSEC and Counter Extremism Project, April 2019, <https://www.globsec.org/wp-content/uploads/2019/04/The-Input-Pathways-to-Jihad.pdf>.

²³² Alexander Meleagrou-Hitchens, Seamus Hughes, and Bennett Clifford, “American Jihadists in Syria and Iraq,” George Washington University, February 2018, <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/TravelersAmericanJihadistsinSyriaandIraq.pdf>.

are long-term projects that do not comply to one specific timeline and require sustained investment from both the terrorist convict and their home governments. Ideally, the programs offer the terrorist offender a chance to forge a new identity so that they, as well as their communities, will be more resilient to circumstances involving violent extremism.²³³ Law enforcement entities must also develop safe, reliable, and effective lines of communication and information exchange with community programs and members so that potential threats can be reported or addressed more quickly. Since government agencies are often the main parties responsible for designing and implementing reintegration programs, in most instances, additional resources will only be provided to these programs if they are considered successful. However, as data on terrorist recidivism is limited, it is challenging to determine the efficacy of rehabilitation programs in place. There are also no standard measurements that determine whether an initiative is “successful” or not.²³⁴

Australia

Although on-the-ground interviews of female Australian citizens currently detained at Al-Hol have stated that they would willingly cooperate with police and the Australian criminal justice system, the Australian government has not been receptive to their pleas.²³⁵ While the government repatriated eight children in June 2019, 20 Australian women remain within Al-Roj detention camp.²³⁶

If the women are ever to be repatriated, charged, and sentenced, there are currently only two states in Australia that have dedicated prison programs for radicalized inmates. The Victorian Community Integrated Support Program (CISP) was established in 2010 and expanded in early 2015 and aims to rehabilitate imprisoned terrorists by offering a holistic approach to rehabilitation. The program has pre- and post-release components and focuses on religious and social engagement with participants. In New South Wales, the proactive integrated support model (PRISM) intervention is conducted by Corrective Services NSW. PRISM, which has been operating since 2016, is a case-managed intervention program that seeks to address the psychological, social, theological, and ideological needs of radicalized offenders. A voluntary program, PRISM’s primary objective is to rehabilitate clients through individually tailored intervention plans that are assisted by a team of psychologists, religious support officers, as well as service and program officers. Unlike other prison rehabilitation programs, PRISM has undergone a series of evaluations that have demonstrated the importance of consistent engagement and participation in the successful reintegration of offenders once they are released.²³⁷

Belgium

²³³ Georgia Holmer and Adrian Shtuni, “Returning Foreign Fighters and Reintegration Imperative,” U.S. Institute of Peace, 2017, <https://www.jstor.org/stable/pdf/resrep12456.pdf?refreqid=excelsior%3A4dd9c8ccdb588bc329c743c302c35bc6>.

²³⁴ Bart Schuurman and Liesbeth van der Heide, “Foreign fighter returnees & the reintegration challenge,” RAN Centre of Excellence, November 2016, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_foreign_fighter_returnees_reintegration_challenge_112016_en.pdf; “Guns and glory: Criminality, imprisonment and jihadist extremism in Europe,” Counter Extremism Project, September 2019, https://www.counterextremism.com/sites/default/files/2021-03/CEP_download.pdf.

²³⁵ Joumanah El-Matrah and Kamalle Dabboussy, “Guilty When Innocent. Australian Government’s Resistance to Bringing Home Wives and Children of Islamic State Fighters,” *Social Sciences*, May 31, 2021, <https://www.mdpi.com/2076-0760/10/6/202>.

²³⁶ Elaine Pearson, “Australians Trapped in Syria Need Government’s Help,” Human Rights Watch, October 13, 2020, <https://www.hrw.org/news/2020/10/13/australians-trapped-syria-need-governments-help>.

²³⁷ Adrian Cherney, “Prison radicalisation and deradicalisation in Australia,” Australian Strategic Policy Institute, April 4, 2020, <https://www.aspistrategist.org.au/prison-radicalisation-and-deradicalisation-in-australia/>.

The Belgian response to returnees is structured around three core principles: a multi-agency approach, subsidiarity, and information sharing.²³⁸ With the multi-agency approach that includes federal agencies and local authorities and civil society organizations, Belgium’s response to foreign fighters is led not only by criminal law, but other actors, including intelligence services, police, penitentiary services, education institutions, and social services, are also involved throughout the rehabilitation process. The cooperation between these agencies was clarified in the 2016 Framework-Note on Integral Security and the 2015 revision of the “Plan Radicalism” that dictates the mechanisms in which the Local Task Forces, or the Local Integrated Security Cells (LISC), coordinate objectives. Subsidiarity focuses on prioritizing a local level response to monitoring returnees. Information sharing between the multiple agencies also helps to flag and facilitate effective responses to dangerous individuals which is also due in part to a joint database—called “Dynamic”—detailing Belgian FTFs.²³⁹

At the end of May 2020, there were 165 inmates linked to terrorism and radicalization monitored by the penitentiary administration’s Extremism Cell (*Cellule Extremisme* or CelEx), with 33 returnees still in prison, four of which are women. Women received an average sentence of 5.8 years in prison in comparison to 6.6 years for men. In March 2015, the federal government adopted the “Action Plan against radicalization in prison,” in which the country sought to prevent the radicalization of inmates and to develop specialized follow-up processes for radicalized inmates. CelEx, which was created in 2015, centralizes all information from prison staff, the police, intelligence services, and the prosecutor’s office, to facilitate the detection or evaluation of radicalized inmates and to make better informed recommendations on the responses to those inmates. Another special unit, called CEGP is responsible for intelligence gathering in relation to violent extremism in prisons and can disseminate that information to other services.²⁴⁰

However, female penitentiary institutions are only able to handle a limited number of returnees as they do not have the adequate infrastructure to properly monitor or detain extremely high-risk female detainees.²⁴¹ The return of around 30 women detained in Syria to Belgium would result in a significant jump of the total female prison population of 427 inmates.²⁴² Upon detention, returnees are screened at least once every two months to observe specific behaviors. The screenings involve the use of psychosocial services such as VERA-2R, which is a risk-assessment tool to evaluate radicalized inmates that then makes recommendations such as whether an inmate should be transferred to a separate unit and whether an inmate should restrict their contact with external visitors or other inmates.²⁴³

²³⁸ Thomas Renard and Rik Coolsaet, “RETURNEES: WHO ARE THEY, WHY ARE THEY (NOT) COMING BACK AND HOW SHOULD WE DEAL WITH THEM? Assessing Policies on Returning Foreign Terrorist Fighters in Belgium, Germany and the Netherlands,” Egmont Institute, February 2018, http://www.egmontinstitute.be/content/uploads/2018/02/egmont.papers.101_online_v1-3.pdf?type=pdf.

²³⁹ Thomas Renard and Rik Coolsaet, “RETURNEES: WHO ARE THEY, WHY ARE THEY (NOT) COMING BACK AND HOW SHOULD WE DEAL WITH THEM? Assessing Policies on Returning Foreign Terrorist Fighters in Belgium, Germany and the Netherlands,” Egmont Institute, February 2018, http://www.egmontinstitute.be/content/uploads/2018/02/egmont.papers.101_online_v1-3.pdf?type=pdf.

²⁴⁰ Thomas Renard, “Extremist Offender Management in Belgium,” Egmont Institute, July 2020, https://www.egmontinstitute.be/content/uploads/2020/07/ICSR-Report-Thomas-Rendard_Extremist-Offender-Management-in-Europe-BELGIUM.pdf?type=pdf.

²⁴¹ Thomas Renard, “Extremist Offender Management in Belgium,” Egmont Institute, July 2020, https://www.egmontinstitute.be/content/uploads/2020/07/ICSR-Report-Thomas-Rendard_Extremist-Offender-Management-in-Europe-BELGIUM.pdf?type=pdf.

²⁴² Thomas Renard, “Extremist Offender Management in Belgium,” Egmont Institute, July 2020, https://www.egmontinstitute.be/content/uploads/2020/07/ICSR-Report-Thomas-Rendard_Extremist-Offender-Management-in-Europe-BELGIUM.pdf?type=pdf.

²⁴³ Thomas Renard, “Extremist Offender Management in Belgium,” Egmont Institute, July 2020, https://www.egmontinstitute.be/content/uploads/2020/07/ICSR-Report-Thomas-Rendard_Extremist-Offender-Management-in-Europe-BELGIUM.pdf?type=pdf.

Belgium does not have an official deradicalization program, and instead focuses on disengagement programs. Assistance and support to released returnees is the responsibility of federated entities (*communautés*) and not the federal government. On the Dutch-speaking side of Belgium, there are four members of the Flemish administration who have been working with terrorist convicts or radicalized inmates. On the French-speaking side, CAPREV (*Centre d'Aide et de Prise en charge de toute personne concernée par les Extremismes et Radicalismes Violents*, Centre for the Assistance of People concerned by any Radicalism or Extremism leading to Violence) deals with radicalization and violent extremism in general. Both systems provide voluntary, tailored programs for each inmate that includes psychological trauma, individual resilience, religion, professional skills, and reintegration support.²⁴⁴

However, given that both of these programs were developed in 2016 and 2017 and are voluntary, there has not been enough data to evaluate the effectiveness of these programs. Additionally, given that these programs were not quick to take off, some inmates had already been released before benefitting from the programs. CelEx inmates are often released under probation which requires participating in disengagement and deradicalization programs as well as meeting with psychosocial workers. However, inmates that are not offered probation or refuse probation will be released at the end of their sentence without conditions but will still be individually monitored by local task forces who decide on tailored security measures. Despite the lack of more rigorous monitoring, according to Belgium's counterterrorism security service—the Coordination Unit for Threat Analysis (CUTA)—95 percent of the 20 women returnees have been showing signs of disengagement since their release.²⁴⁵

France

In instances where returnees to France are charged or convicted with a terrorism-related offense, they are subject to being listed in a nationally automated court file, *Fichier judiciaire des auteurs d'infractions terroristes* (FIJAIT) for 20 years. Upon being listed in FIJAIT, returnees have to provide a proof of address every three months, report changes of address within 15 days, report the details of any journey planned 15 days before departure, and if living abroad, they have to report to authorities 15 days ahead of their travel to France. If a returnee fails to comply with these terms, they could potentially serve two years in prison.²⁴⁶

In 2017, France created the counter-radicalization Action Plan “Research and Intervention on Extreme Violence” (RIVE) France, to revitalize efforts within the prison sector after a 2015 prevention initiative, *Unités de prévention de la radicalisation*, failed to demonstrate measurable success. Under the auspices of the Ministry of Justice, RIVE created three “individual treatment centers” for those under judicial supervision in Lille, Lyon, and Marseille. The Action Plan states explicitly that these initiatives will feature educational, psychological, social, and cultural interventions. The advent of the program in early 2017 came after the Directorate of the Prison Administration contracted the non-governmental Association for Applied Criminal Policy and Social Integration to facilitate “the disengagement of extremist violence in an open environment through multidisciplinary, individualized, comprehensive and intensive

²⁴⁴ “Extremist Offender Management in Europe: Country Reports,” International Centre for the Study of Radicalization, July 2020, <https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Extremist-Offender-Management-in-Europe-Country-Reports.pdf>.

²⁴⁵ Thomas Renard, “Extremist Offender Management in Belgium,” Egmont Institute, July 2020, https://www.egmontinstitute.be/content/uploads/2020/07/ICSR-Report-Thomas-Rendard_Extremist-Offender-Management-in-Europe-BELGIUM.pdf?type=pdf.

²⁴⁶ “The Return of Foreign Fighters to EU Soil,” European Parliament, May 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

monitoring.” RIVE comprises of practitioners of clinical psychology, psychiatry, and religious experts, and interventions can feature a range of dimensions, including practical assistance, family support, home visits, meetings with specialists, and restorative justice. However, given that these disengagement and deradicalization programs are still relatively new, there has not been enough data to discern whether or not these programs have had any significant impact on offenders of violent extremism.²⁴⁷

Germany

Given that German sentences for terror-related crimes are not as lengthy as other western countries, Germany instead seeks to focus on re-socializing offenders, with deradicalization programs at the forefront of the mission. However, many of these programs are not standardized due to the federal-state structure of the German prison and rehabilitation systems. Although the German justice system works extensively with social workers to assist convicts with the reintegration process, the phenomenon of homegrown terrorists and returning FTFs is still a nascent problem which makes it difficult to gauge the efficacy of reintegration and deradicalization programs.²⁴⁸

Currently, participation in Germany’s reintegration and deradicalization programs is voluntary.²⁴⁹ However, there needs to be a suitable method of ensuring that returnees have renounced any communication to extremist actors and commitment to radical ideologies. Although it would be difficult to determine how sincere a person is in their abandonment of terrorist principles, it is pertinent that monitoring programs place a focus on active distancing from extremist connections. Although Germany established a National Strategy on the Prevention of Extremism in July 2016 to increase funding for integration and prevention programs, not enough time has passed to collect substantive data to determine the efficacy of these initiatives.²⁵⁰

One nationally recognized organization focusing on returnees is called the Violence Prevention Network (VPN). The organization has “advice centers” in regions with large numbers of foreign fighters—such as Baden-Wurttemberg, Bavaria, Hesse, and Saxony—and provides deradicalization and disengagement support to not only the returnees but also other vulnerable communities within the region. The centers provide a range of individual and group interventions that are focused on mentoring, discussing extremist ideologies, and assisting individuals in planning their future outside of prison. Again,

²⁴⁷ “The Return of Foreign Fighters to EU Soil,” European Parliament, May 2018,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

²⁴⁸ Thomas Renard and Rik Coolsaet, “RETURNEES: WHO ARE THEY, WHY ARE THEY (NOT) COMING BACK AND HOW SHOULD WE DEAL WITH THEM? Assessing Policies on Returning Foreign Terrorist Fighters in Belgium, Germany and the Netherlands,” Egmont Institute, February 2018, http://www.egmontinstitute.be/content/uploads/2018/02/egmont.papers.101_online_v1-3.pdf?type=pdf.

²⁴⁹ “Returning Foreign Terrorist Fighters in Germany: An Assessment of the Threat and Strategy Options,” Institute of World Politics, September 8, 2019, https://www.iwp.edu/active-measures/2019/09/08/returning-foreign-terrorist-fighters-in-germany-an-assessment-of-the-threat-and-strategy-options/#_ftn11; Dr. Robert Pelzer and Mika Moeller, “Rehabilitation and Reintegration of Released Islamist Extremists in Germany,” Counter Extremism Project, August 2020, https://www.counterextremism.com/sites/default/files/CEP%20Report_Rehabilitation%20and%20Reintegration_Aug%202020.pdf.

²⁵⁰ “Returning Foreign Terrorist Fighters in Germany: An Assessment of the Threat and Strategy Options,” Institute of World Politics, September 8, 2019, https://www.iwp.edu/active-measures/2019/09/08/returning-foreign-terrorist-fighters-in-germany-an-assessment-of-the-threat-and-strategy-options/#_ftn11; “Strategie der Bundesregierung zur Extremismusprävention und Demokratieförderung” (“Strategy of the Federal Government to Prevent Extremism and Promoting Democracy”), *The Government of the Federal Republic of Germany*, July 13, 2016, https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2016/strategie-extremismuspraevention-und-demokratiefoerderung.html;jsessionid=EF7901BAFB7ABEAA99356B492FD6CF85.2_cid295.

determining the efficacy of these programs has been limited as they are voluntary and still relatively too new to provide substantive reports on the outcomes of the program's outreach.²⁵¹

Ireland

Ireland does not have a formal rehabilitation and reintegration program in place as there have only been two foreign fighter returnees.²⁵² In the case of Lisa Smith, Irish authorities imposed a strict curfew, prohibited social media and Internet access, enforced twice a day check ins with police, and confiscated her passport.²⁵³ However, Irish authorities are able to allocate the necessary resources and time to monitoring the activities of Smith as she only represents one of two high-risk returnees.²⁵⁴ In countries where there are far more returnees, local police may not adequately equipped, underfunded, or not properly trained to deal with these specific individuals.

The Netherlands

The Netherlands undertakes a more municipal-focused approach in dealing with reintegration. Municipalities determine the stipulations of reintegration which provides a comprehensive approach to understanding the unique circumstances behind why certain individuals were radicalized. However, not all municipalities are as responsive to carrying out programs dealing with radicalized individuals. Either they do not have the adequate expertise, or they do not want to acknowledge the possibility of extremist sentiment within their communities.²⁵⁵

In 2012, the Netherlands established a specialized reintegration program within the Dutch Probation Service called "Team TER" (terrorism, extremism, and radicalization). Civil society actors work alongside governmental officials to provide socio-preventative models to monitor radicalization. Specifically, there are 13 specially trained probation officers who perform risk management and supervision of individuals released from prison. Disengagement programs are tailor made for individuals and consider appropriate methods of intervention, prevention, and supervision. The program solicits the help of external contractors, such as psychological and theological experts to provide the necessary behavior and religious responses to those within the program. Given preliminary findings of the program's impact in 2013-2014, there were mixed results as two of the clients left for Syria, but another follow-up study was conducted in 2017. However, those findings have yet to be published.²⁵⁶

Dutch authorities also initiated the "Inclusion" program in July 2017 which focused on practical reintegration which is understood as tangible solutions such as housing, employment assistance, and a

²⁵¹ "The Return of Foreign Fighters to EU Soil," European Parliament, May 2018,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

²⁵² Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

²⁵³ "Lisa Smith is granted bail, release expected tomorrow," RTÉ News, December 19, 2019,

<https://www.rte.ie/news/courts/2019/1219/1102191-lisa-smith/>; Tom Tuite, "SMITH BAIL Lisa Smith to be banned from using social media under strict bail conditions as IS accused to reside in north east," Irish Sun (Dublin), December 19, 2019, <https://www.thesun.ie/news/4906144/lisa-smith-banned-social-media-bail/>.

²⁵⁴ Joana Cook and Gina Vale, "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," Combating Terrorism Center at West Point, July 2019, <https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/>.

²⁵⁵ Liesbeth van der Heide and Olivia Kearney, "The Dutch approach to extremist offenders," International Centre for Counter-Terrorism, February 26, 2020, <https://icct.nl/publication/the-dutch-approach-to-extremist-offenders/>.

²⁵⁶ "The Return of Foreign Fighters to EU Soil," European Parliament, May 2018,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

network-oriented approach that focuses on social relationships as well as cognitive behavioral training. However, given that it is still a new program, results have not yet been recorded.²⁵⁷

Released extremist offenders also go through the “Safety House” approach where local partners can develop approaches better suited for complex cases. Among those partners are the Team TER, the police, general prosecution, the Child Protection Board, Dutch Custodial Services, youth services, mental health care providers, theologians, and other experts. This “whole of society” approach provides security for the local populations, but also addresses the root causes of the transgressions of released foreign fighters.²⁵⁸

Sweden

The Swedish penitentiary system is lauded for its focus on promoting rehabilitation, ensuring security in prison, and working towards the reentry of its inmates. However, Sweden does not consider extremist offenders to be different from other offenders, and their rehabilitation efforts do not have an explicit ideological component—a necessary aspect when dealing with radicalized extremists.²⁵⁹

Sweden utilizes a “dispersal strategy” in which prisoners in custody for violent extremism are spread out throughout the incarceration system to prevent the formation of ideologically radical hubs. The dispersal strategy allows prison staff to adequately monitor those who are considered to be involved or at risk of becoming involved in violent extremist groups.²⁶⁰

In terms of rehabilitation programs for violent extremist offenders, in 2019 the Swedish Prison and Probation Service (SPPS) launched Entré, which was originally a program to support desistance from gangs. The program, which is based on multi-agency cooperation between prison and probation authorities, is catered towards those who seek to leave extremist environments.²⁶¹ The program provides one-to-one cognitive-behavioral treatment to support violent extremist offenders’ transition back into the community. Each offender is assigned a therapist who constructively considers the client’s former activities and offers alternative perspectives and behaviors for the client to lead a more constructive life following their release from prison. The four themes of Entré are: avoiding future exposure to high-risk situations, decreasing dysfunctional interpretation and experiences in high-risk situations, changing or managing emotions associated with high-risk situations, and expanding behavior to encourage decisions outside of violent or criminal acts. The practical, problem-solving aspects of the program aim to provide skills for violent extremist offenders to address real-life barriers that originally directed them towards radicalization. The program provides a long-term strategy towards the successful

²⁵⁷ “The Return of Foreign Fighters to EU Soil,” European Parliament, May 2018,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

²⁵⁸ Liesbeth van der Heide and Olivia Kearney, “The Dutch approach to extremist offenders,” International Centre for Counter-Terrorism, February 26, 2020, <https://icct.nl/publication/the-dutch-approach-to-extremist-offenders/>.

²⁵⁹ Rajan Basra and Peter R. Neumann, “Prisons and Terrorism: Extremist Offender Management in 10 European Countries,” International Centre for the Study of Radicalization, July 2020, https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Prisons-and-Terrorism-Extremist-Offender-Management-in-10-European-Countries_V2.pdf; Liane Jackson, “Behind bars in Scandinavia, and what we can learn,” American Bar Association, February 1, 2020, <https://www.abajournal.com/magazine/article/behind-bars-in-scandinavia-and-what-we-can-learn>.

²⁶⁰ “PREPARE Preventing Radicalisation in Probation and Release – Perspectives and Practices at the Local Level,” European Forum for Urban Security, 2020, http://justicia.gencat.cat/web/.content/home/departament/projectes_internacionals/execucio_penal/prepare-ang-191127.pdf.

²⁶¹ “PREPARE Preventing Radicalisation in Probation and Release – Perspectives and Practices at the Local Level,” European Forum for Urban Security, 2020, http://justicia.gencat.cat/web/.content/home/departament/projectes_internacionals/execucio_penal/prepare-ang-191127.pdf.

rehabilitation and reintegration of violent extremist offenders back into their communities, while also providing the necessary strategies and skillset to refrain from engaging in future extremist activities.²⁶²

United Kingdom

British probation law formerly allowed prisoners serving fixed-term sentences—excluding life sentences—to be released halfway through their terms. On February 3, 2020, the British government introduced emergency legislation to prevent people convicted of terrorism from being released after serving half their sentences. The legislation was introduced following an attack in south London in which the assailant, who was released a week earlier from prison for terror related crimes, stabbed and injured three people before being shot dead by police.²⁶³ The Terrorist Offenders (Restriction of Early Release) Bill required convicted terrorists to serve at least two-thirds of their sentences and then receive approval from a parole board before early release. Both houses of parliament approved the bill by February 24.²⁶⁴

As of 2009, the U.K. has had the “One-to-One Terrorist Act offender rehabilitation” (TACT) scheme in place. Run by The Unity Initiative (TUI), a private actor, TACT works closely with London Probation Services, Prison Services, and the Home Office. TACT takes on the most challenging and high-profile cases of individuals convicted of terror crimes and focuses on “ideological rehabilitation.” In 2017, the program amended its mission to increasingly focus on foreign fighters who traveled to Iraq and Syria. According to TUI, ISIS returnees convicted under Britain’s Terrorism Acts allegedly contact TUI directly as they provide individualized interventions that draw on the teachings of renowned ideological scholars. Although TUI’s approach presents a more sensitive understanding of the specific ideological semantics important to foreign fighter returnees, similar to the other rehabilitation programs presented earlier, there has not been any empirical evidence on the efficacy of TUI’s program.²⁶⁵

However, the U.K. has recognized the role of prisons and the ways in which inadequate monitoring and intervention could delay disengagement from extremist beliefs among detainees. The Motivational and Engagement Intervention (MEI) and Healthy Identity Intervention (HII) programs were established in 2010 and 2011 and are open to those convicted of Islamist terrorism and “extreme right-wing violence.” The programs focus on preventing extremist activity by minimizing an individual’s engagement with a specific group or ideology.²⁶⁶ MEI was developed to strengthen participant motivation and engagement with the intervention process, dispel myths, and reduce distrust among those skeptical of authority. HII is considered the most intensive of the intervention programs, and focuses on preventing future offending with those who had an interest in and were engaged with extremist groups. The programs were based on theoretical approaches to offender rehabilitation and evidence-based methods such as pro-social modeling, emotional management, and cognitive restructuring.²⁶⁷ Although the programs had

²⁶² “Treatment of Violent Extremist Offenders in Sweden: the Entré programme,” Confederation of European Probation, <https://www.cep-probation.org/treatment-of-violent-extremist-offenders-in-sweden-the-entre-programme/>.

²⁶³ “Streatham attacker named as Sudesh Amman,” BBC News, February 3, 2020, <https://www.bbc.com/news/uk-51351844>.

²⁶⁴ “Emergency terror law clears parliamentary hurdles,” BBC News, February 24, 2020, <https://www.bbc.com/news/uk-politics-51623028>;

“Britain moves to end early release of convicted terrorists,” Reuters, February 11, 2020, <https://www.reuters.com/article/us-britain-security-law/britain-moves-to-end-early-release-of-convicted-terrorists-idUSKBN20511>.

²⁶⁵ “The Return of Foreign Fighters to EU Soil,” European Parliament, May 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

²⁶⁶ Douglas Weeks, “Lessons Learned from U.K. Efforts to Deradicalize Terror Offenders,” Combating Terrorism Center, March 2021, <https://www.ctc.usma.edu/lessons-learned-from-u-k-efforts-to-deradicalize-terror-offenders/#reference7>.

²⁶⁷ Chris Dean, Monica Lloyd, Carys Keane, Beverly Powis and Kiran Randhawa, “Intervening with Extremist Offenders – A Pilot Study,” HM Prison & Probation Services, 2018,

a small number of participants, the majority of the participants in both programs reported that MEI and HII were beneficial to understanding their motivations for their crimes and that they were provided with the necessary “next steps” to encourage their desistance. The results were encouraging for a range of extremist offenders. However, no new data has been released regarding whether the programs prevented recidivism in the long run.²⁶⁸

Supplementing MEI and HII is the “Desistance and Disengagement Pilot Program,” which has allegedly been in place since as early as 2016 as a joint effort between the Home Office and “experienced practitioner and non-governmental organizations.” The purpose of the program is to ensure the provision of appropriate mentoring, psychological, and theological interventions. These sociocultural considerations provide nuanced and comprehensive assistance, but given the sensitive nature of the program and its participants, limited information has been released.²⁶⁹

United States

Although the First Step Act (FSA)—which was signed into law in December 2018—provides sentenced inmates with “programs assisting in the skills necessary to succeed upon release,” inmates convicted of serious crimes, such as terrorism offenses, are excluded from the FSA.²⁷⁰ In general, prisoner reentry programming in the U.S. takes on a variety of methods, including job training and placement, transitional houses, and restorative justice programs. However, information regarding terrorist reintegration programming remains limited, making it difficult to determine what are the exact policies and programs that are available to terrorist convicts.²⁷¹ The United States has been vocal in its support of rehabilitating foreign fighters to their home countries, and on August 31, 2020, the U.S. voted against a draft resolution within the U.N. Security Council that fell short of sufficiently advancing measures to prosecute, rehabilitate, and reintegrate foreign terrorist fighters.²⁷² While the draft resolution emphasized that female FTFs may have served in many different roles in the terror organization and would require long-term methods on developing tailored prosecution, rehabilitation, and reintegration measures, the draft resolution failed to stipulate the repatriation to countries of origin or nationality—a “crucial first step” according to U.S. Ambassador Kelly Craft.²⁷³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727966/Intervening_with_Extremist_Offenders_A_Pilot_Study.pdf.

²⁶⁸ Chris Dean, Monica Lloyd, Carys Keane, Beverly Powis and Kiran Randhawa, “Intervening with Extremist Offenders – A Pilot Study,” HM Prison & Probation Services, 2018,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727966/Intervening_with_Extremist_Offenders_A_Pilot_Study.pdf; Douglas Weeks, “Lessons Learned from U.K. Efforts to Deradicalize Terror Offenders,” Combating Terrorism Center, March 2021, <https://www.ctc.usma.edu/lessons-learned-from-u-k-efforts-to-deradicalize-terror-offenders/#reference7>.

²⁶⁹ “The Return of Foreign Fighters to EU Soil,” European Parliament, May 2018,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf#page=49](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf#page=49).

²⁷⁰ “First Step Act Approved Programs Guide,” U.S. Department of Justice, October 2020,

https://www.bop.gov/inmates/fsa/docs/fsa_program_guide_202010.pdf; “The Attorney General’s First Step Act Section 3634 Annual Report,” U.S. Department of Justice, December 2020, https://www.bop.gov/inmates/fsa/docs/20201221_fsa_section_3634_report.pdf.

²⁷¹ Mary Beth Altier, “Criminal or Terrorist?: Fear, Bias, and Public Support for Prisoner Reentry Programs,” Terrorism and Political Violence, 2021,

https://www.academia.edu/46095601/Criminal_or_Terrorist_Fear_Bias_and_Public_Support_for_Prisoner_Reentry_Programs?pop_sutd=true.

²⁷² “Security Council Announces Failure to Adopt Text on Prosecuting, Rehabilitating Foreign Terrorist Fighters, by Vote of 14 in Favour, 1 Against,” United Nations, August 31, 2020, <https://www.un.org/press/en/2020/sc14292.doc.htm>.

²⁷³ “Security Council Announces Failure to Adopt Text on Prosecuting, Rehabilitating Foreign Terrorist Fighters, by Vote of 14 in Favour, 1 Against,” United Nations, August 31, 2020, <https://www.un.org/press/en/2020/sc14292.doc.htm>; “Foreign Terrorist Fighters: Addressing Current Challenges,” U.S. Mission to the OSCE, February 11, 2020, <https://osce.usmission.gov/foreign-terrorist-fighters-addressing-current-challenges/>; “Explanation of Vote on a UN Security Council Draft Resolution on Threats to International Peace and Security Caused by Terrorist Acts,” United States Mission to the United Nations, August 31, 2020, <https://usun.usmission.gov/explanation-of-vote-on-a-un-security-council-draft-resolution-on-threats-to-international-peace-and-security-caused-by-terrorist-acts/>.

The United States has also led the way in the rehabilitation and reintegration for the mothers of ISIS-associated children. The primary goal of the Foreign Terrorist Fighters Working Group, which is co-chaired by the United States and Jordan, is full disengagement from terrorism by re-socializing them back into their communities in ways that respect both rule of law and human rights. Psychosocial support figures into the model as well.²⁷⁴ The working group is under the purview of the Global Counterterrorism Forum (GCTF), a multilateral counterterrorism platform co-chaired by Morocco and Canada, which brings together policymakers and practitioners from around the world to develop practices and tools necessary to prevent terrorist threats.²⁷⁵

Conclusion and Recommendations

Female FTFs still represent a novel demographic within counterterrorism frameworks. The policies and programs that have been established to rehabilitate extremist offenders have categorically dismissed female participation in extremist enterprises and are just now adapting responses to better cater to this phenomenon. The first hurdle that governments face is dependent on acquiring evidence on the actions of female foreign terrorist fighters in Syria. The United Nations Security Council has specifically set up one such mechanism that can be helpful in these investigations—the International, Impartial and Independent Mechanism (IIIM)—which collects admissible evidence of war crimes and crimes against humanity in Syria to assist in criminal proceedings in national, regional, or international courts or tribunals.²⁷⁶ In terms of criminal actions carried out by ISIS members in Iraq, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) serves as the evidence gathering mechanism to assist in fair and transparent criminal proceedings.²⁷⁷

Additionally, sustainable and long-term prevention requires a comprehensive approach that continually encourages deradicalization, desistance, and disengagement from extremist ideologies and behaviors. Given that many rehabilitation programs have only been in operation for a few years, dissecting the success rate of these initiatives is limited to anecdotal literature rather than true quantifiable empirics. As most women convicted of ISIS-related crimes are still carrying out their prison sentences—which, at least according to the case studies, hovers around at least five years—it is untenable to claim rehabilitation and reintegration programs will be successful following their release. However, these programs and intervention initiatives provide possible avenues to prevent the worst outcomes of extremist ideologies and behaviors.

Overall, successful rehabilitation programs integrate a solid understanding of the varying social and cultural environments and circumstances that led to radicalization. Technical components provided by government agencies through monitoring and rehabilitation programs must be complemented with the mentoring and evaluation expertise of mental health practitioners and local communities. In the Counter Extremism Project (CEP) report, *When Terrorists Come Home: The Need for Rehabilitating and Reintegrating America’s Convicted Jihadists*, authors Jesse Morton and Mitchell D. Silber recommend that prisons should “pilot a voluntary, in-prison/out-of-prison, rehabilitation and reintegration program,

²⁷⁴ “Foreign Terrorist Fighters: Addressing Current Challenges,” U.S. Mission to the OSCE, February 11, 2020, <https://osce.usmission.gov/foreign-terrorist-fighters-addressing-current-challenges/>.

²⁷⁵ “About the GCTF,” Global Counterterrorism Forum, <https://www.thegctf.org/>.

²⁷⁶ “International, Impartial, and Independent Mechanism,” United Nations, <https://iiim.un.org/mandate/>.

²⁷⁷ “Our Mandate,” United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD), <https://www.unitad.un.org/content/our-mandate>.

tailored for former violent extremist offenders (jihadist terrorists) significantly in advance of their release date to reduce the likelihood of recidivism.” Although Morton and Silber’s recommendations are applied in a U.S. specific context, the recommendations are amenable to international practice.²⁷⁸ Most countries have pre-existing in-prison infrastructure—specifically gang dropout programs as well as drug and alcohol programs—that they can amend to fit the specific needs of violent extremist offenders. According to Morton and Silber, prisons could build on these programs by providing “additional mental health staff with expertise in cognitive behavior therapy and radicalization as well as appropriate Muslim chaplains for religious counseling.” Accountability is critical to ensure the sustainability of rehabilitation missions so post-release initiatives must also be prioritized throughout these programs.²⁷⁹

However, given that many female FTFs are still in the process of being repatriated, prosecuted, and sentenced, there is not enough reliable data to determine the differences of their repatriation and rehabilitation process versus that of their male counterparts. The female foreign fighters that have been convicted since the fall of ISIS’s “caliphate” are still serving their sentences, making it difficult to determine the efficacy of rehabilitation services following prison release. While countries have provided disengagement and rehabilitation services within prisons, not much has been detailed describing the ways in which those services have been adjusted between male and female terrorist convicts.

Early studies have suggested that recidivism among terrorist convicts is significantly lower than other criminals, but the demographic this report has focused on are still in the early stages of their conviction and eventual rehabilitation process.²⁸⁰ Certainly, there are risks with returnees and the consequences of their actions could be catastrophic. It is, however, promising that terrorist convict recidivism figures are generally lower than the double digits, but that has not yet swayed several countries, particularly the U.K. and France, to drastically alter their approach in expediting the repatriation process of their nationals still held in detention centers across northern Syria. Overall, the long-term goals of containing the risk of extremists and those vulnerable to extremism requires more than keeping the problem at a literal distance.

Additionally, the countries described throughout this report already have rehabilitation programs in place that they could retrofit to offset the domestic security concerns that have delayed repatriation efforts. Most countries are not starting from ground zero when rehabilitating extremists, which contradicts the arguments of politicians and security officials who are hesitant to repatriate nationals due to resources and space. Furthermore, rehabilitation and reintegration programs require more public attention to be better understood in the counterextremism space. In the European Union, the Radicalization Awareness Network (RAN)—an umbrella network connecting people involved in preventing radicalization and violent extremism throughout Europe—brings practitioners both from government authorities and civil society to address and clearly document the challenges involved in reintegrating and rehabilitating terrorist convicts.²⁸¹ Of RAN’s working groups, RAN Rehabilitation and RAN Prisons have constantly provided recommendations and promising practices that would be

²⁷⁸ Jesse Morton and Mitchell D. Silber, “When Terrorists Come Home: The Need for Rehabilitating and Reintegrating America’s Convicted Jihadists,” Counter Extremism Project, December 2018, https://www.counterextremism.com/sites/default/files/CEP%20Report_When%20Terrorists%20Come%20Home_120618.pdf.

²⁷⁹ Jesse Morton and Mitchell D. Silber, “When Terrorists Come Home: The Need for Rehabilitating and Reintegrating America’s Convicted Jihadists,” Counter Extremism Project, December 2018, https://www.counterextremism.com/sites/default/files/CEP%20Report_When%20Terrorists%20Come%20Home_120618.pdf.

²⁸⁰ Thomas Renard, “Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence,” Combating Terrorism Center, April 2020, <https://ctc.usma.edu/overblown-exploring-the-gap-between-the-fear-of-terrorist-recidivism-and-the-evidence/>.

²⁸¹ “Topics and Working Groups,” European Commission, https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/topics-and-working-groups_en.

applicable to governments not only within, but outside of the EU.²⁸² The working groups provide an opportunity for practitioners within the prison context to address the real-life and personal challenges that affect FTFs and violent extremist terrorist offenders. Given that deradicalization is not a process with a concrete ending, the working groups engage a holistic viewpoint and approach that includes discussions on how to credibly provide a stable future life for offenders.

According to RAN Prisons, in order to make long-term rehabilitation viable, stability has to be prioritized to create intrinsic motivation in continuing rehabilitation and disengagement.²⁸³ RAN Rehabilitation, which focuses on probation, exit, and deradicalization work, also considers the importance of the practitioners in the rehabilitation process. Not only does RAN Rehabilitation consider practitioner safety given the risk of close proximity to violent extremist offenders, but the working group also advises on the work itself and the importance of transparency of the organizations or institutions carrying out rehabilitation programs. Given that rehabilitation work faces criticism due to its perceived soft stance on crime and extremism, RAN Rehabilitation emphasizes that it is important to communicate openly with the public about successes and mistakes to foster a more nuanced and realistic understanding of the rehabilitation field.²⁸⁴

Overall, preconceived notions of the identities and risk factors of returnees has been a continued theme throughout judicial approaches to repatriating and rehabilitating foreign fighters. These preconceived notions have been partially dismissed as female returnees are now being charged based on their actions in ISIS's so-called "caliphate" rather than just being considered "ISIS brides." However, the concern about risk factors associated with terrorist convicts will remain steadily in place until more research is done and more data is made available to discount the invalidity of those claims.

Understandably, female returnees present a unique challenge in the nexus of policy and security. The potential dangers of a returnee who reengages in terrorist activities can be catastrophic, but those concerns do not exist in a vacuum. There are concrete steps that international governments can take to address the individual risks associated with returnees. International security is based on confronting new and unusual challenges to achieve a favorable outcome, and the approach to repatriating and rehabilitating female returnees can only reach such an outcome once the challenge is adequately taken on.

²⁸² "Rehabilitation Working Group (RAN REHABILITATION)," European Commission, https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/topics-and-working-groups/rehabilitation-working-group-ran-rehabilitation_en#ecl-inpage-1581; "Prisons Working Group (RAN PRISONS)," European Commission, https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/topics-and-working-groups/prisons-working-group-ran-prisons_en.

²⁸³ "Practitioners' questions and needs for the future, based on experiences in dealing with Foreign Terrorist Fighters and Violent Extremist or Terrorist Offenders," RAN Practitioners, June 3, 2021, https://ec.europa.eu/home-affairs/system/files/2021-08/ran_concl_paper_prisons_ftfs_23-24_062021_en.pdf.

²⁸⁴ "Crises in rehabilitation – safeguarding practitioners and approaches," RAN Practitioners, May 2021, https://ec.europa.eu/home-affairs/system/files/2021-09/ran_paper_rehabilitation_handling_crises_27-28052021_en.pdf.

