FEMALE FOREIGN TERRORIST FIGHTERS:
CHALLENGES IN REPATRIATION,
PROSECUTION, AND REHABILITATION
By Riza Kumar | December 2021

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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

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. 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.

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. 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). 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 the their male guardians, but essential to preserving the legacy and the territory of the extremist group.

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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

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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 Omaima A., she managed to live in her hometown of Hamburg, Germany, for three years before an investigative journalist uncovered

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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 began 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

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 battlefront 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. 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

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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.

<table>
<thead>
<tr>
<th>Country</th>
<th>Female ISIS Supporters</th>
<th>Female ISIS Returnees</th>
<th>Prosecuted*</th>
<th>Typical Sentence for Crime**</th>
<th>Sentence Given to Female Returnees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>30-40(^{29})</td>
<td>1(^{30})</td>
<td>-</td>
<td>3 years to life imprisonment(^{31})</td>
<td>-</td>
</tr>
</tbody>
</table>

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\(^{29}\) 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/](https://ctc.usma.edu/daesh-diaspora-challenges-posed-women-minors-fall-caliphate/).


<table>
<thead>
<tr>
<th>Country</th>
<th>Cases</th>
<th>Age</th>
<th>Time Complexity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>9332</td>
<td>3533</td>
<td>1134 5-10 years35</td>
</tr>
<tr>
<td>France</td>
<td>300-38237</td>
<td>7838</td>
<td>Up to 10 and up to 20 for leadership role39</td>
</tr>
<tr>
<td>Germany</td>
<td>16540</td>
<td>6541</td>
<td>942 1-10 years43</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Country</th>
<th>Minimum Sentence</th>
<th>Maximum Sentence</th>
<th>Timeframe for Release</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>2 years</td>
<td>10 years</td>
<td>Up to 10 years for membership, 6 years for prison</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>3 years</td>
<td>9 months</td>
<td>3 years</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>15 years max</td>
<td>15 years max</td>
<td>15 years max</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>10 years</td>
<td>10 years</td>
<td>Up to 10 years</td>
<td></td>
</tr>
</tbody>
</table>


55 Swedish Woman Convicted of Joining Islamic State Group in Syria,” Associated Press, September 7, 2021, [https://apnews.com/article/europe-middle-east-syria-crime-arrests-6a62f9b1c9f1edf0b6d3629c0dc6](https://apnews.com/article/europe-middle-east-syria-crime-arrests-6a62f9b1c9f1edf0b6d3629c0dc6).


59 “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-6a62f9b1c9f1edf0b6d3629c0dc6](https://apnews.com/article/europe-middle-east-syria-crime-arrests-6a62f9b1c9f1edf0b6d3629c0dc6).


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. As of May 2021, 20 Australian women remain in Al-Roj detention camp in northeastern Syria.

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.

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 “disallegien”

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65 “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.  
conduct.\textsuperscript{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.\textsuperscript{72} As of May 2021, three Australian women have been stripped of their citizenship: Zehra Duman, Suhayra Aden, and a third unidentified woman.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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


against those individuals if they were repatriated. As of May 2021, no woman has yet to be charged as a combatant.\(^\text{78}\)

A few months later on June 22, 2021, the Australian government was urged to repatriate dozens of its citizens, particularly Mariam Daboussey—who was allegedly tricked by her now-deceased husband into traveling to Syria while on a vacation in Turkey in 2015.\(^\text{79}\) However, despite ongoing media attention due to Daboussey’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.\(^\text{80}\) 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.\(^\text{81}\) 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.\(^\text{82}\) Of the returnees, 11 women have been charged or faced criminal investigation for their activities.\(^\text{83}\)

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.\(^\text{84}\) 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

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

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. 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.”

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 Isa in late 2017 where they were then detained at Al-Hol. 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. They were sentenced by the Antwerp Court of Appeal for their involvement in the activities of a terrorist group. Another woman, Nadia Baghouri, 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. Belgian authorities have yet to provide further detail surrounding the three women and their role in ISIS. However, Baghouri’s sentence is particularly

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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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{98} According to media reports, over 12 French women and 300 children remain in detention camps in Syria.\textsuperscript{99}  

\textsuperscript{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/.  
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

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110 "L’épineuse gestion du retour des djihadistes en France," Le Figaro, October 7, 2014,
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. 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. Konig was captured by Turkish forces in 2017 and was detained at Al-Roj with her three children. 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 return 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. 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.

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.

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.
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

from Syria. 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.

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. 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. Consular assistance is not available in Syria and Kurdish-controlled territories, which significantly prevents FTFs from initiating the repatriation process. Furthermore, like Belgium and France, Germany does not strip nationals of their citizenship unless they are a dual national.

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.

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. 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

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. 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. 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.

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.

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.

German female ISIS returnees have also been convicted of aiding and abetting crimes against humanity committed against the Yazidis. In the case of Omaima A., a German-Tunisian national from Hamburg, she traveled to Syria in January 2015, and between spring and summer 2015, Omaima 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, Omaima A. also undertook weapons training. She returned to Germany in 2016. On October 2, 2020, the Hanseatic Higher Regional Court in Hamburg found Omaima A. guilty of membership in a foreign terrorist organization, crimes against humanity by enslavement, breach of duty of care or upbringings, unlawful imprisonment, and breaches of the Military Weapons Control Act. She was sentenced to three and a half years in prison.

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. Sarah O. and her husband were arrested in Turkey.

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.


142 “Terrorism,” An Roinn Dil agus Cirt [Department of Justice], http://www.justice.ie/en/JELR/Pages/terrorism.


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.\(^\text{145}\)

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.\(^\text{146}\) 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.\(^\text{147}\)

### 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.\(^\text{148}\) Of the 67 returnees, 17 were women.\(^\text{149}\) As of 2021, the number of female returnees has increased to 19.\(^\text{150}\) Of the returnees, three women have faced criminal proceedings.\(^\text{151}\)

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.\(^\text{152}\)

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\(^\text{150}\) 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, 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

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fighting alongside ISIS. 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. After the fall of Baghouz, Barreto was taken into Kurdish-led SDF custody and transferred to Al-Hol camp. 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.

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.

Sweden

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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


\(^{172}\)“Minister: Families are responsible for their children,” SVT, February 24, 2019, https://www.svt.se/nyheter/inriker/ministerns-svar-de-har-ansvar-for-sina-barn.


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

and question individuals suspected of being terrorists.\textsuperscript{182} Additionally, the Home Secretary can use the Royal Prerogative to strip a person of his or her British passport.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{187} Following her release, Shakil is required to continually notify police of her personal details for up to 15 years.\textsuperscript{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.\textsuperscript{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

or suspected of terrorist activity. 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.

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.

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). 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.

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. 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.

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.

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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 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. \(^{203}\)

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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. 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.

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. 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. 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.

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.”

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

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.\(^\text{210}\) 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.\(^\text{211}\) 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.\(^\text{212}\) 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.\(^\text{213}\)

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.\(^\text{214}\) 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


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

Given the lethal nature of terror attacks, it is a valid concern to be wary of released terrorist convicts.\textsuperscript{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 or 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.\textsuperscript{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,”\textsuperscript{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 influence others towards more aggressive forms of extremism.\textsuperscript{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.\textsuperscript{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


\textsuperscript{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, \url{https://pdf4pro.com/fullscreen/should-i-stay-or-should-i-go-thomas-hegghammer-4be34f.html}.


\textsuperscript{220} Eric Oehlerich, Mick Mulroy, and Liam McHugh “Jannah Or Jahannam Options For Dealing With Isis Detainees,” Middle East Institute, October 2020, \url{https://www.mei.edu/sites/default/files/2020-10/Jannah%20or%20Jahannam%20-%20Options%20for%20Dealing%20with%20Isis%2DDetainees.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. 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.

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, 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. 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

economic resources outside of their male partners prior to their joining the caliphate, which further strains their potential to successfully reintegrate into society.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{229} Prisons could potentially have persuasive hardened extremists who reinforce extremist beliefs and efforts, undermining rehabilitation efforts of convicted terrorists.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

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. 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.

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. While the government repatriated eight children in June 2019, 20 Australian women remain within Al-Roj detention camp. 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.

Belgium

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The Belgian response to returnees is structured around three core principles: a multi-agency approach, subsidiarity, and information sharing. 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.

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.

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. 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. 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.

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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. CeEx 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 prevention 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

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-Württemberg, 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,

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.  

Ireland

Ireland does not have a formal rehabilitation and reintegration program in place as there have only been two foreign fighter returnees. 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. 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. 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.

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.

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

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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

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

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.  

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.

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. 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. 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. 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.


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. 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.

**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. 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.

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,

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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

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.


