



**CEP Policy Paper**

***Recent Legal and Political Developments in the  
Repatriation of European Nationals from  
Northeastern Syria***

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## Executive Summary

- This policy paper presents selected legal and political developments regarding the repatriation of European nationals from Northeast Syria in 2022.
- Of the more than 5,000 Europeans who had traveled to the former territory of the so-called Islamic State (IS) in Syria and Iraq since 2012, several hundred men, women, and minors remain in Kurdish-administered camps and detention facilities in Northeast Syria together with tens of thousand of displaced Syrians and Iraqi refugees.
- While there is no consensus on whether states of origin have a legal obligation to repatriate their citizens from Syria, the urgent need for repatriation of foreign terrorist fighters (FTFs) and their families has become evident from a humanitarian, legal, and security perspective.
- In September 2022, the European Court of Human Rights (ECtHR) issued a much-awaited verdict in a case against the French government for their reluctance to repatriate the plaintiff's grandchildren and daughters from the camps. The court argued that while French women and their children "did not enjoy a general right to repatriation," France needed to review both previous and current applications for repatriation, ensuring that decisions thereon are safeguarded against arbitrariness.
- This verdict as well as mounting national and international pressure contributed to an increase of repatriations of European women and minors from the camps throughout 2022.
- With its seventh and so far last repatriation mission in November 2022, Germany brought back 80 minors, 27 adult women, and one young man. After a longer pause, France restarted repatriating minors and women in July 2022. Also the Netherlands and the U.K. as well as Australia and Canada have been more actively repatriating minors and women.
- Still, the fate of boys, adolescents and adult men unlawfully detained in Northeast Syria remains unsolved.

## Policy Recommendations

- **Repatriating all remaining foreign nationals, including boys as well as male adolescents and adults who are willing to return, from Northeast Syria and working with the respective local authorities with the aim to issue extradition orders for those who refuse to return.** Apart from obvious legal and humanitarian concerns, the return of all men, women, and children very likely allows for more appropriate risk assessment and management as well as the long-term prevention of violent extremism and counterterrorism.
- **Prosecuting returnees for both domestic and international crimes regardless of gender;** this is necessary to ensure accountability of European nationals for their part in atrocities committed by so-called Islamic State (IS), establish a historical record, and offer redress to victim communities. Prosecution should also account for the intersecting discriminatory grounds underlying acts.
- **Enabling individualized, multi-agency, as well as gender and age sensitive approaches to support the rehabilitation, reintegration, and disengagement of returnees beyond the custodial setting;** this is especially important for those cases in which prosecution is not possible—for example due to lack of evidence. Crucial is the cooperation of governmental and non-governmental actors with specific expertise in the prevention of violent extremism.
- **Ensuring that relevant actors can provide long-term support,** especially to minors returning from Syria and individuals with (multiple) trauma.

## About CEP

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The Counter Extremism Project (CEP) is an international, non-profit, and non-partisan international policy organization formed to combat the growing threat from extremist ideologies. One area of focus for CEP is the analysis of responses to (returned) foreign terrorist fighters, including their prosecution, rehabilitation, and reintegration.

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## About the Authors

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## CEP Resources

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- CEP webinar with Sofia Koller and Tanya Mehra, “A New Momentum – The Repatriation And Prosecution Of Alleged European ISIS Affiliates From Northeast Syria In 2022,” December 6, 2022: [https://www.youtube.com/playlist?list=PLMgGq1NecSpaPcO\\_IsUTcuaaieNXvNZha](https://www.youtube.com/playlist?list=PLMgGq1NecSpaPcO_IsUTcuaaieNXvNZha)
- CEP policy paper by Sofia Koller, “Prosecution of German Women Returning from Syria and Iraq,” October 2022: <https://www.counterextremism.com/de/content/update-prosecution-german-women-returning-syria-and-iraq>
- CEP webinar with Sofia Koller, Alexandra Lily Kather, and Anne-Clémentine Larroque, “Back from Raqqa: the Prosecution of Returnees in Germany and France,” October 17, 2022: <https://www.youtube.com/playlist?list=PLMgGq1NecSpbPXEsZj4WhlrOlkqhGY-IR>
- CEP webinar with Dr. Gina Vale and Sofia Koller, “The Fall-Out of Gendered Counterterrorism Approaches in Northeast Syria,” February 28, 2022: <https://www.youtube.com/watch?v=Ngk23Eplb7s>
- CEP report by Dr. Robert Pelzer and Mika Moeller, “Rehabilitation and Reintegration of Released Islamist Extremists in Germany,” August 2020: [https://www.counterextremism.com/sites/default/files/CEP%20Report\\_Rehabilitation%20and%20Reintegration\\_Aug%202020.pdf](https://www.counterextremism.com/sites/default/files/CEP%20Report_Rehabilitation%20and%20Reintegration_Aug%202020.pdf)

## Context

More than 5,000 Europeans had traveled to Syria and Iraq since 2012, mostly to join terrorist organizations such as the so-called Islamic State (IS) or Jabhat al-Nusra.<sup>1</sup> It is estimated that around one third of these travelers were killed abroad and around one third have returned to their home countries either voluntarily, after being deported from a third country or through repatriation missions. Finally, roughly one third are still in Syria: several hundred men, women, and minors remain in Kurdish-administered camps and detention facilities in Northeast Syria together with tens of thousand of displaced Syrians and Iraqi refugees. But there are also dozens of individuals who remain at large, for example in the Idlib region in Northwest Syria.

While there is no consensus on whether states of origin have a legal obligation to repatriate their citizens from Syria, the urgent need for repatriation of foreign terrorist fighters (FTFs) and their families has become evident from a humanitarian, legal, and security perspective. According to the United Nations, in particular Al Howl camp has developed into a new administrative center for the distribution of funds to IS structures in Iraq and Syria.<sup>2</sup> This entails the very real risks that remaining FTFs in these camps are reintegrated into formal IS structures, increasing the risk that they pose upon their return or repatriation. Worrisome in this context is also the currently deteriorating security situation, as Turkey launched dozens of airstrikes in majority-Kurdish areas of Syria and Iraq in late November in retaliation for a deadly bomb attack in Istanbul.<sup>3</sup> Not only is there information from U.S.-backed and Kurdish-dominated Syrian Democratic Forces (SDF) that “ISIS is planning to organize prison breaks during a Turkish ground offensive,”<sup>4</sup> but the U.S. also cut its anti-ISIS patrols in Northeast Syria as a consequence of the airstrikes.<sup>5</sup> Furthermore, Al Howl, housing around 55,000 people from more than 60 countries (more than half of them children), has become notorious for its dire health and safety conditions, recently declared “one of the most dangerous places in the world to be a child.”<sup>6</sup> Not only must children be considered victims and deserve special protection, but the camp is also considered a “breeding ground” for the next generation of IS.<sup>7</sup> In Al Howl, female IS supporters are keeping IS ideology alive and “expanding [their] influence,”<sup>8</sup> not only via propaganda but also murder, torture, and sexual abuse of women and girls, including Yazidi survivors. In addition, a great majority of the people currently in the camps and detention facilities have not been formally found guilty of having committed any crimes. As far as the political calculus goes, they are thus made to remain in the camps on the basis of their merely suspected affiliation with terrorist organizations such as IS.

Still, affected countries have developed very different responses, ranging from repatriating hundreds of men, women, and minors (like Kazakhstan) to stripping citizenship of (assumed) dual nationals to prevent alleged or former IS members from returning (like the U.K.). The complexity of the challenges posed by returnees are, of course, not to be underestimated.

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<sup>1</sup> [https://www.egmontinstitute.be/app/uploads/2021/07/LIBAKERCHOVE\\_BAT\\_Renard-titre.pdf?type=pdf](https://www.egmontinstitute.be/app/uploads/2021/07/LIBAKERCHOVE_BAT_Renard-titre.pdf?type=pdf)

<sup>2</sup> S/2022/83, para. 72, S/2022/547, para. 90,

<https://www.un.org/securitycouncil/sanctions/1267/monitoring-team/reports>

<sup>3</sup> Read more: <https://www.al-monitor.com/originals/2022/11/turkey-strikes-near-us-base-syria-after-pentagon-calls-de-escalation#ixzz7m8vUTGC1>

<sup>4</sup> <https://twitter.com/K24English/status/1597645410835005440>

<sup>5</sup> <https://www.kurdistan24.net/en/story/30082-US-cuts-anti-ISIS-patrols-in-northeast-Syria;-US-Secretary-of-Defense-to-speak-with-Turkish-Defense-Minister>

<sup>6</sup> <https://www.savethechildren.net/news/north-east-syria-rise-killings-terrifying-children-al-hol-camp-says-save-children>

<sup>7</sup> <https://www.nbcnews.com/news/world/isis-syria-al-hol-camp-population-reduced-biden-administration-plan-rcna50877>

<sup>8</sup> <https://www.theweeklymemo.com/opinion/women-are-fueling-isis-comeback/>

Challenges include whether enough evidence is available for an arrest warrant upon the return of these individuals; how to prosecute them for national and international crimes; how to assess and manage the security risk that they potentially continue to pose; how to ensure their rehabilitation within and outside of the prison system, especially in the case of radicalized and/or traumatized individuals; and how to support their deradicalization and disengagement as well as their social reintegration. In the case of minors, child protection must be the priority, but questions such as their potential indoctrination, traumatic experiences abroad, their social environment, and access to education further add to the complexity.

While governments and national courts have come to different conclusions regarding states' obligations towards their citizens, the considerations behind these decisions often focus on short-term political considerations and overstated security risks posed by returnees rather than actual analyses of potential responses as well as the examination of international legal obligations.<sup>9</sup> In the context of a recent European Court of Human Rights (ECtHR) verdict, this policy brief examines recent legal and political developments in repatriation policies and practices, including in France and Germany.

### **Protecting against Arbitrariness: The ECtHR's Condemnation of France**

In 2019, two French families initiated proceedings before the ECtHR due to the French government's reluctance to repatriate their grandchildren and daughters from Syria. On September 14, 2022, the ECtHR issued a verdict that added a new perspective to the discussion on the obligation to repatriate. France had indeed violated Article 3 § 2 of Protocol No. 4 to the European Convention on Human Rights (ECHR) and deprived its nationals of the "right to enter" and return to France.<sup>10</sup> French women and their children, however, "did not enjoy a general right to repatriation." Still, the Court ordered France to review both previous and current applications for repatriation, ensuring that decisions thereon are safeguarded against arbitrariness. On the one hand, the Court's decision in *H.F. and Others v France* offers relief to (relatives of) European nationals currently held in camps in Northeast Syria. Specifically, by calling upon France, and by implication all other state parties to the ECtHR, to ensure that proper procedures are in place to examine repatriation requests, the Court condemned the current practice of many European states to treat the camps as legal black holes, devoid of any responsibilities on their part. On the other hand, in its focus on the procedural obligations of states, the Court's assessment is exceptionally narrow. The Court found that "the general conditions in the camps must be considered incompatible with applicable standards under international humanitarian law (...) together with the general protection of human dignity and the prohibition of humiliating and degrading treatment." Yet, its decision that France had no jurisdiction over the applicants with respect to Art. 3 means that, in the Court's view, it is not on France to end this situation.

Other human rights bodies, however, have gone further. In February, for instance, the U.N. Committee on the Rights of the Child (CRC) stated not only that the circumstances in the camp amounted to inhumane and degrading treatment (IDT) but also that France had the power and responsibility to take active measures to protect its minor nationals therefrom.<sup>11</sup> Similarly, in August, the U.N. Committee against Torture recommended that Belgium should take all

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<sup>9</sup> <https://academic.oup.com/jcs/advance-article-abstract/doi/10.1093/jcs/krac016/6576083?redirectedFrom=fulltext>

<sup>10</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7431242-10174513>

<sup>11</sup> <https://www.ohchr.org/en/press-releases/2022/02/france-violated-rights-french-children-detained-syria-failing-repatriate>

reasonable steps to ensure the protection of their physical and psychological integrity.<sup>12</sup> This included the provision of documents necessary for their repatriation either by the state or a humanitarian organization. Lastly, in one of the most recent assessments of the situation, in its concluding observations on Germany's periodic reports, the CRC called upon the Federal Republic to "[u]ndertake effective and urgent measures to repatriate children who are nationals of [Germany] from the camps in the Syrian Arab Republic."<sup>13</sup>

The disagreements between different human rights bodies as to the positive obligations on states arising from the situation in the camps set aside, it is unrefuted that individuals interned there are continuously exposed to flagrant violations of their human rights—from the right to life and the freedom from torture and IDT to the right to health and education.

## France: Finally Repatriating at Least Children and Their Mothers

Arbitrariness is indeed one of the key aspects for those advocating for repatriation in France. While several EU and non-EU member states, like Finland and Kazakhstan, have slowly started repatriating minors and adult women, France has become "increasingly isolated among its European partners."<sup>14</sup> Having returned 35 minors on a "case-by-case basis" and without their mothers in 2019, no further repatriation was undertaken until the summer of 2022. International calls for repatriation, for example by the European Parliament or Human Rights Watch,<sup>15</sup> have been reinforced by national stakeholders, including associations representing relatives of those remaining abroad, lawyers, journalists, or the French association for victims of terrorism.<sup>16</sup> France has not only been criticized for its lack of repatriation but specifically that repatriation decisions were made "without anyone knowing or understanding on what criteria, without any transparency or effective control,"<sup>17</sup> making it an arbitrary decision as to which children will return and which will be "left to die behind barbed wire."<sup>18</sup> In addition, the French public prosecutor François Molins pointed out that, regarding French women detained in Syria, "in terms of security it would be better to bring them in and try them."<sup>19</sup>

In July 2022, France finally repatriated 16 adult women and their 35 children from Syria and an additional 15 adult women (between 19 and 42 years old) and 40 children in October 2022.<sup>20</sup> Factors leading to this policy shift included increasing instability in the region, a change in standpoint of key government officials, as well as the pending ECtHR verdict.<sup>21</sup> Still, at least

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<sup>12</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBEL%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBEL%2fCO%2f4&Lang=en)

<sup>13</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2fCO%2f5-6&Lang=en)

<sup>14</sup><https://www.thenationalnews.com/weekend/2022/07/08/repatriating-wives-and-children-of-isis-terrorists-is-a-first-step-in-a-long-process/>

<sup>15</sup> <https://news.un.org/en/story/2021/02/1085982>; <https://www.middleeasteye.net/news/european-parliament-calls-repatriation-children-syrian-camps>; <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>

<sup>16</sup> <http://www.famillesunies.fr/2022/09/15/pas-un-seul-enfant-francais-ne-doit-rester-dans-les-camps/>

<sup>17</sup> [https://twitter.com/DoseLevy\\_Avocat/status/1570056524957089797/photo/1](https://twitter.com/DoseLevy_Avocat/status/1570056524957089797/photo/1)

<sup>18</sup> <https://www.middleeasteye.net/news/france-syria-list-children-take-home-one-left-behind>

<sup>19</sup> <https://www.radiofrance.fr/franceinter/podcasts/l-invite-de-8h20-le-grand-entretien/l-invite-de-8h20-le-grand-entretien-du-mercredi-31-aout-2022-1383106>; For example, Hayat Boumeddiene, widow of Amedy Coulibaly and suspected of having helped her husband with his terrorist attack in January 2015, had reportedly evaded from a Kurdish camp in early 2019;

<https://www.counterextremism.com/extremists/hayat-boumedienne>

<sup>20</sup> [https://www.lemonde.fr/international/article/2022/10/24/rapatriees-de-camps-en-syrie-dix-femmes-mises-en-examen-et-ecrouees\\_6147169\\_3210.html#xtor=AL-32280270-\[default\]-](https://www.lemonde.fr/international/article/2022/10/24/rapatriees-de-camps-en-syrie-dix-femmes-mises-en-examen-et-ecrouees_6147169_3210.html#xtor=AL-32280270-[default]-)

<sup>21</sup> <https://www.thenationalnews.com/weekend/2022/07/08/repatriating-wives-and-children-of-isis-terrorists-is-a-first-step-in-a-long-process/>



67 men, 60 women, and around 210 minors are estimated to remain in Northeastern Syria and while more women and minors might be repatriated, a return of male adults is not in sight.<sup>22</sup>

## **Germany: Repatriating Minors and Their Mothers, Leaving Male Nationals Behind**

While Germany has also been avoiding its responsibility towards German nationals abroad, two main factors have contributed to the current approach to repatriate minors together with their mothers. First, several families have used regional courts to force the German government to repatriate their family members. In 2019, an administrative court in Berlin decided that the government must indeed repatriate a woman and her three underage children.<sup>23</sup> While the decision stated that there was a constitutional right of protection by the state, the German Foreign Office had a large scope of discretion in how to respond to it. Also, the court case only regarded minors. The court did not decide whether Germany had a general obligation to repatriate its nationals, but ruled that separating the children from their mother would be unreasonable. Hence, Germany has started to repatriate minors together with their mothers. However, the German government has still been trying to play for time. A German court had, for example, threatened to order a fine in spring 2020, when a woman and her two children were not brought back from Syria in a reasonable amount of time.<sup>24</sup>

Since the 2019 decision, Germany has repatriated 27 adult women, 80 minors, and one adult male in seven different missions, supported by U.S. forces and often in cooperation with other European countries.<sup>25</sup> One of the last repatriations to Germany occurred in October 2022, when an “adolescent” was repatriated with other women and minors. The case of this young man exemplifies the complexity of returnees’s profiles. According to the public prosecutor, Cebrail Ö. was taken by his mother to Syria in June 2013 at the age of 11, educated according to IS ideology, received military training, and participated in combat.<sup>26</sup> After his arrest in October 2019, he remained an active IS member and, for example, led a group of youths with whom he assaulted other allegedly non-believing youngsters. According to the German Foreign Ministry, there are still a medium two-digit number of German women as well as their children in the camps, but the remaining mothers reportedly do not wish to be repatriated at the moment.<sup>27</sup> Hence, what will happen to them as well as adult men remains to be seen.

## **Recent Developments in Repatriation Policy in the Netherlands and the U.K.**

In 2022, there have been several other positive developments regarding repatriation.

In February 2022, the **Netherlands** repatriated five adult women as well as 11 children from Al Howl.<sup>28</sup> Until June 2021, the Netherlands had refused to repatriate adult women and public prosecutors had charged alleged female IS affiliates with terrorist offences *in absentia* as the women were not able to attend their trial. As several women who were still in Syria indicated

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<sup>22</sup> Own calculation, based on <https://twitter.com/JcBrisard/status/1544268654455492608>

<sup>23</sup> <https://www.lto.de/recht/nachrichten/n/vg-berlin-vg-34-245-19-auswaertiges-amt-ruckfuehrung-familie-is-kaempfer/>; <https://openjur.de/u/2252051.html>

<sup>24</sup> <https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2020/pressemitteilung.901461.php>, <https://www.lto.de/recht/hintergruende/h/vg-berlin-34m45619-is-rueckkehrer-aa-bundesregierung-syrien-zwangsgeld/>

<sup>25</sup> <https://www.dw.com/de/zehn-deutsche-is-anhängerinnen-aus-syrien-zurückgeholt/a-61312064>; <https://www.auswaertiges-amt.de/en/newsroom/news/repatriation-syria/2556528>; <https://www.tagesschau.de/investigativ/swr/is-frauen-kinder-syrien-103.html>

<sup>26</sup> <https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/aktuelle/Pressemitteilung-vom-06-10-2022.html>

<sup>27</sup> <https://www.tagesschau.de/investigativ/swr/is-frauen-kinder-syrien-103.html>

<sup>28</sup> <https://icct.nl/publication/repatriation-women-children-netherlands/>



that they would make use of their right to be present in court, a Rotterdam court had ruled that, if they could not appear in court, it would terminate the proceedings against them. The Dutch government hence decided to repatriate the women so that they could stand trial. Dutch media also reported in September 2022 that an additional 41 Dutch women were to be repatriated.<sup>29</sup> The latest repatriation to the Netherlands of 11 women and at least 28 minors was carried out in close cooperation with the German authorities in early November.<sup>30</sup>

In October 2022, the **United Kingdom** repatriated a British woman and her child.<sup>31</sup> This is the first time that the U.K. has allowed the return of an adult from Syria since 2019. While the Foreign Office stated that the repatriation did not translate into a policy change, the woman was reportedly a victim of human trafficking who had, together with her daughter, suffered “extreme trauma.” Around 60 British nationals, including 35 minors reportedly remain detained in Syria. So far, the U.K. has not only opposed the repatriation of its citizens but actively removed their citizenship, as in the highly publicized case of Shamima Begum who traveled to Syria from London at age 15.

Finally, there are also positive developments in several non-European countries that have, so far, largely refused repatriation. For example, after a change of government as well as the death of an Australian boy who was unlawfully detained with adult men in Northeast Syria, Australia media reported that the repatriation of 16 Australian women and 42 children was being planned.<sup>32</sup> In late October 2022, the **Australian** government then confirmed that it brought back four women and 13 minors.<sup>33</sup> At the end of October, **Canada** confirmed the repatriation of two minors and two adult women.<sup>34</sup> As of June 2020, approximately 47 Canadian nationals, including 26 children, were reportedly held in Syria; until this year, Canada had only repatriated a five-year-old orphan in 2020 and a four-year-old girl and her mother in 2021.<sup>35</sup>

## Conclusion

In the discussion on the repatriation of foreign nationals with alleged ties to IS and other terrorist organizations in Northeast Syria, the ECtHR’s verdict that France must review its approach to repatriation of French citizens has been an important development, as “states can no longer simply outright refuse or sit on requests for repatriation as a matter of policy.”<sup>36</sup> In addition, political, humanitarian, legal, and security considerations have led to an increase in the number of assisted returns of (non-)European nationals, including adult women in the course of 2022. While these are welcome developments, repatriation has so far been largely

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<sup>29</sup> <https://www.rtlnieuws.nl/nieuws/artikel/5335921/kabinet-41-islamitische-staat-12-vrouwen-29-kinderen-uitreizigers>; <https://www.hrw.org/news/2022/11/03/netherlands-joins-repatriations-northeast-syria>

<sup>30</sup> <https://www.tagesschau.de/investigativ/swr/is-frauen-kinder-syrien-103.html>;

<https://www.hrw.org/news/2022/11/03/netherlands-joins-repatriations-northeast-syria>

<sup>31</sup> [https://www.theguardian.com/politics/2022/oct/13/british-woman-and-her-child-repatriated-from-syrian-detention-camp-in-uk-first?CMP=share\\_btn\\_tw](https://www.theguardian.com/politics/2022/oct/13/british-woman-and-her-child-repatriated-from-syrian-detention-camp-in-uk-first?CMP=share_btn_tw)

<sup>32</sup> <https://edition.cnn.com/2022/10/03/australia/australia-syria-women-children-intl-hnk>;

<https://www.hrw.org/news/2022/11/03/netherlands-joins-repatriations-northeast-syria>

<sup>33</sup> [https://edition.cnn.com/2022/10/29/world/australia-repatriation-isis-families-syria-camps-intl-hnk/index.html?utm\\_source=iterable&utm\\_medium=email&utm\\_campaign=5421441](https://edition.cnn.com/2022/10/29/world/australia-repatriation-isis-families-syria-camps-intl-hnk/index.html?utm_source=iterable&utm_medium=email&utm_campaign=5421441)

<sup>34</sup> <https://twitter.com/CanadaSyria/status/1585192510795702274>;

<https://www.middleeasteye.net/news/two-women-arrested-after-being-repatriated-canada-syrian-detention-camp>

<sup>35</sup> <https://www.middleeasteye.net/news/two-women-arrested-after-being-repatriated-canada-syrian-detention-camp>

<sup>36</sup> <https://www.justsecurity.org/83146/european-court-tackles-the-thorny-issue-of-family-repatriation-from-northeast-syria/>

restricted to adult women and minors and left out detained adolescent and adult males—a stance which is unlikely to change in the near future.

Against the backdrop of the proven ability of Western governments to repatriate their citizens, their decision to perpetuate a situation characterized by human rights violations has to be condemned. It undermines such governments' claims to be supporters of the rule of law and due process. Moreover, the human rights at stake here are among the most absolute known to international law and must not be applied in a gender-discriminatory way to the exclusion of detained males. Some of these rights, such as the freedom from torture and IDT, are even considered non-derogable and binding upon all members of the international community (*jus cogens*) under customary law. For European governments to acquiesce in the continued violation of such rights, even where they could alleviate the suffering of their nationals by repatriating them, challenges these governments' goals to promote human rights and individual freedoms around the world. It thereby offers arguments to systemic rivals seeking to portray Western governments as hypocritical. Beyond these humanitarian and legal arguments, the repatriation and hence (where possible) prosecution,<sup>37</sup> rehabilitation, and reintegration of men, women, and children must finally be accepted as an important measure helping to prevent the reemergence of IS in Syria and Iraq as well as a core security interest of governments in Europe and beyond.<sup>38</sup>

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<sup>37</sup> For an analysis of the prosecution of German female returnees, see:

<https://www.counterextremism.com/de/content/update-prosecution-german-women-returning-syria-and-iraq>; <https://ctc.usma.edu/holding-women-accountable-prosecuting-female-returnees-in-germany/>

<sup>38</sup> For insights into the reintegration of returned minors, see for example

<https://www.hrw.org/report/2022/11/21/my-son-just-another-kid/experiences-children-repatriated-camps-isis-suspects-and>