

A LAWLESS SPACE — ALLEGED ISIS- AFFILIATED MEN AND BOYS FROM GERMANY DETAINED IN NORTHEASTERN SYRIA

CEP Policy Paper



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	01
POLICY RECOMMENDATIONS	02
CONTEXT	04
A DETENTION SYSTEM FOR MEN, WOMEN, AND MINORS	05
CHALLENGES REGARDING THE KURDISH-LED ADMINISTRATION	07
ONGOING LACK OF REPATRIATION OF FOREIGN TERRORIST FIGHTERS	08
GERMAN MEN AND BOYS IN DETENTION	10
CASE STUDIES: INTERVIEWS WITH ISMAIL S., MARTIN L. AND SHAMIL CH.	12
GERMAN POLICY ON GERMAN DETAINEES IN NORTHEASTERN SYRIA	15
INTERNATIONAL PERSPECTIVES	19
CONCLUSION & OUTLOOK	20

EXECUTIVE SUMMARY

- This policy paper presents insights regarding men and boys from Germany who are currently detained in North-eastern Syria, most of them allegedly affiliated with the so-called Islamic State in Syria and Iraq (ISIS). It first outlines the situation on the ground, including the role of the Kurdish-led administration (AANES) and its system of detention facilities and camps. Three case studies of German nationals—Ismail S. and Martin L., as well as Germany-affiliated minor Shamil Ch.—are used to highlight male detainees' different profiles and the fact that most had become radicalized in Germany prior to their departure. The paper then traces German policy approaches, including the government's ongoing inaction concerning the question of men's repatriation, as well as the current stalemate regarding foreign nationals detained in Northeastern Syria caused (at least partly) by the priorities and concerns of both the German government and AANES. The report goes on to call attention to the potential of judicial measures to mandate or at least accelerate repatriation as well as the crucial role that national and international civil society organizations can play as brokers between detainees, their relatives and their governments. Finally, some international perspectives and approaches are included, such as US advocacy for more active repatriation, past repatriations of adult men by countries such as Kazakhstan as well as ISIS propaganda are included. Based on these insights, the paper makes several recommendations for policy stakeholders.
- Approximately 10,000 men from more than 74 countries, including Germany, remain detained in Northeastern Syria. The international expert community usually refers to them as alleged ISIS members and some officials characterize the situation in the camps and prisons as "the largest single concentration of terrorist detainees in the world." However, it is important to note that due to logistical and capacity constraints, most of these individuals have still not been charged with any crime. As of 2025, many of the detainees are already in their sixth year of detention.
- AANES, which administers the detention facilities and camps, gained de facto autonomy in 2012 during the Syrian civil war. However, AANES's lack of international recognition as a government legally and politically complicates the situation concerning the management of the detention, prosecution, and repatriation of all detainees. Detention facilities are overcrowded. Further, conditions in those facilities seem to violate international human rights, humanitarian, and child welfare standards, which can put boys and adolescents at greater risk of (re) radicalization. Strong evidence exists of torture and other ill treatment of detainees. Male minor detainees are often housed together with adult men, exposing them for example to the danger of being radicalized or physically assaulted.
- At least 1,150 individuals left Germany to travel to Syria and Iraq since 2011, most of them to join terrorist organizations such as ISIS. Between 2019 and 2022, Germany had repatriated 80 minors, 27 adult women and one young man. However, the majority of the surviving detained male foreign terrorist fighters from Germany—including at least 28 men—remain in Northeastern Syria, and the political will to repatriate them remains absent.
- Six years after the fall of the "caliphate" and despite numerous prison riots and escape attempts, affected governments and the international community have not done enough to find a durable solution compliant with international law for these detainees—especially men and boys. The status quo significantly burdens AANES and impedes holding ISIS members accountable for their crimes. It also presents a serious security threat to the region and beyond, particularly given the uncertainty and instability following the fall of the Assad regime in December 2024.

POLICY RECOMMENDATIONS

The German government could, in cooperation with European and international partners as well as the Kurdish-led administration, establish a roadmap with clear milestones to accomplish the managed repatriation of all remaining German nationals from Northeastern Syria. This would better enable more detailed risk assessments for each case, leading to criminal prosecution (if applicable) as well as rehabilitation and social reintegration. Such an approach requires a political decision by Berlin to initiate a managed return of German men and adolescents, setting an example for other European countries. For male detainees, the roadmap could consist of the following steps:

- 1) **Establishing a complete list of the remaining German nationals or German-connected persons detained in Northeastern Syria.** The German government, in particular the German Federal Foreign Office (AA), the Federal Ministry of the Interior (BMI) and the Federal Ministry of Justice (BMJ), in cooperation with their partners in the Global Coalition to Defeat ISIS and international organizations such as the International Committee of the Red Cross (ICRC), could compile a list containing the exact location of the detainees in Northeastern Syria, as well as their respective physical and psychological conditions. Such a list could also include the burial sites of those who have died in detention. Berlin could update this list regularly and make the information in it on each respective detainee available to their immediate family in Germany, as well as the detainee's legal representatives.
- 2) **Establishing communication with all detained German nationals as well as individuals with a connection to Germany.** The AA, which already supports ICRC representatives' access to German nationals in detention facilities, could work to ensure continued ICRC access to detained individuals so that the Committee's staff can provide humanitarian assistance, including medical support, and allow communication with the individual's relatives in Germany. This could include non-German individuals who had travelled from Germany and/or with family ties in Germany. In addition, the ministry could work with its partners to ensure continuous access for detainees to German-speaking lawyers to enable legal representation or at least enable the issuance of power-of-attorney declarations.
- 3) **Establishing a list of individuals wishing to be repatriated.** Though repatriation is an inter-ministerial task, the German government—particularly the AA, BMI, and BMJ—could work with their partners to establish a list of detainees who have confirmed that they desire repatriation (this probably will include most if not all detainees). Similar to the procedures carried out to prepare the repatriation of German women and minors, the Global Coalition to Defeat ISIS could support this process through DNA testing to assist the identification of German nationals. Detainees' relatives could also assist with providing proof of identity (such as birth certificates and photos) that would allow the AA to issue temporary travel documents.
- 4) **Establishing repatriation “batches” to triage detainees’ returns—for example, prioritizing those with vulnerability due to them being minors and (mental) health conditions.** This approach would allow the various stakeholders to mitigate the logistical challenges of transporting large numbers of potentially high-risk individuals, including by giving time to ensure the necessary support from other governments.
- 5) **Preparing the affected German federal states for the male detainees’ return, risk assessment and management, prosecution, and rehabilitation.** This could include updating existing guidelines for the relevant federal and national actors, such as the interior and justice ministries, security agencies, returnee coordinators, mental health experts, and exit counseling centers. Courts could also ensure improved access to trials for representatives of the non-German-speaking Kurdish community, including Yazidis—for example, by providing translation of press releases into English and Kurdish.

About CEP

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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CEP Resources

- CEP webinar with Sofia Koller, Gabor Subai & Dr. Alexander Schwarz, “Sechs Jahre Strafverfolgung von IS-Rückkehrerinnen in Deutschland (Teil 2): Kritik und Handlungsempfehlungen,” May 7, 2024: https://www.youtube.com/playlist?list=PLMgGq1NecSpaOy3ITrpXUcWaV5o_J07oc
- CEP policy paper by Sofia Koller, “Six Years Later. A Status Update on the Prosecution of Female Returnees in Germany,” February 2024: https://www.counterextremism.com/sites/default/files/2024-02/CEP%20Update%20Prosecution%20of%20Female%20Returnees%20in%20Germany_February%202024.pdf
- CEP webinar with Sofia Koller, Helmut Grauer & Sonka Mehner, “Sechs Jahre Strafverfolgung von IS-Rückkehrerinnen in Deutschland,” November 2, 2023: <https://www.youtube.com/playlist?list=PLMgGq1NecSpaPDjxIUsl4gQskPgmGniRT>
- CEP webinar with Sofia Koller, Dr. Sharon Weill, and Constance Wilhelm-Olympiou, “A Sisyphean Task? Prosecuting Returnees from Syria and Iraq in France,” May 2, 2023: <https://www.youtube.com/watch?v=5UQZkZoY6pw&list=PLMgGq1NecSpYvhzx9fihRuPwi3QEF6Px1&pp=iAQB>
- CEP policy paper by Sofia Koller, “Prosecution of Returning Foreign Terrorist Fighters in France,” March 2023: https://www.counterextremism.com/sites/default/files/2023-03/CEP%20Policy%20Paper_Prosecution%20of%20Returnees%20from%20Syria%20and%20Iraq%20in%20France_March%202023.pdf
- CEP webinar with Sofia Koller & 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/watch?v=6z7CS-b70rvs&list=PLMgGq1NecSpaPcO_IsUTCuaaieNXvNZha&pp=iAQB
- CEP policy paper by Sofia Koller, Carlotta Sallach, and Alexander Schiele, “Recent Legal and Political Developments in the Repatriation of European Nationals from Northeastern Syria, December 2022: https://www.counterextremism.com/sites/default/files/2022-12/CEP%20Policy%20Paper_Recent%20Repatriation%20of%20Europeans%20from%20Syria_Dec%202022.pdf.
- 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 Dr. Gina Vale & Sofia Koller, “The Fall-Out of Gendered Counterterrorism Approaches in Northeast Syria,” February 28, 2022: <https://www.youtube.com/watch?v=Ngk23Eplb7s>

CONTEXT

In early December 2024, the Syrian Arab Republic under Bashar al-Assad collapsed amid major offensives by Syrian opposition forces, led by Hay'at Tahrir al-Sham (HTS) and supported by other rebel groups such as the Turkish-backed Syrian National Army (SNA). A new transitional government under HTS leader Ahmad al-Sharaa (a.k.a. Abu Mohammed al-Jolani) has inherited the foreign fighter problem that started more than a decade ago. The rise of the so-called Islamic State in Iraq and Syria (ISIS) had led to an unprecedented mobilization of tens of thousands of foreigners traveling to the conflict zone.¹ Some returned voluntarily after a short stay in the "caliphate," others perished or were unable to leave for a variety of reasons, but many remained committed to ISIS' ideology until the very end. In March 2019, the US-led coalition and the Kurdish-dominated Syrian Democratic Forces (SDF) defeated ISIS territorially after a weeklong battle near Baghouz, Syria. Since then, the Kurdish-led administration, the Democratic Autonomous Administration of North and East Syria (AANES),² has detained the surviving alleged ISIS members in a vast network of at least 27 detention facilities and two detention camps in Northeastern Syria.³ As the respective countries of origin of these individuals have been very reluctant to repatriate their citizens, more than 56,000 men, women and children remain in the detention camps and facilities.⁴ They include individuals whom AANES has classified as members of or having links to ISIS (and therefore referred to as foreign terrorist fighters⁵), victims of ISIS and around 30,000 children – mostly from Iraq and Syria, but also from more than 74 other countries (referred to as Third Country Nationals or TCNs).⁶

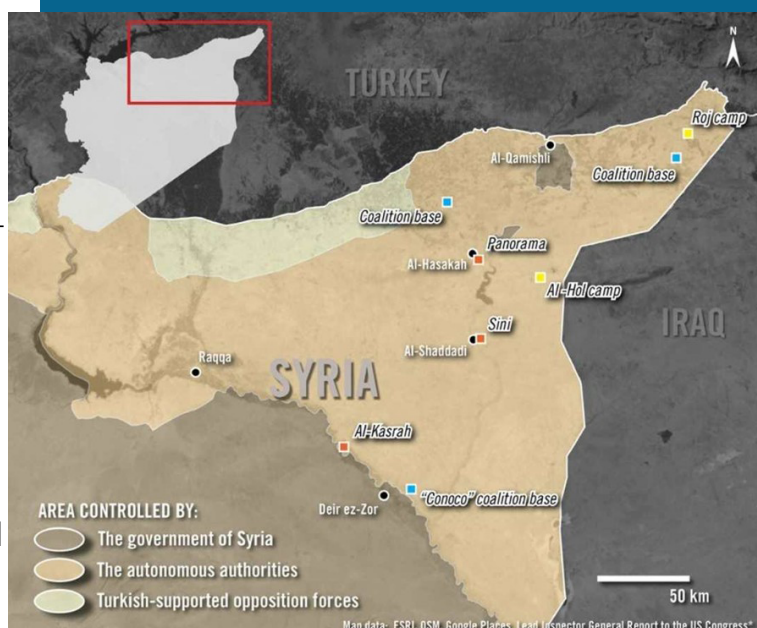


Figure 1: Map of detention camps and facilities in Northeastern Syria, Amnesty International Report 2024, p.6.

Six years after the fall of the "caliphate", the remaining detained foreign nationals present a very complex challenge. In particular, the roughly 10,000 male alleged ISIS members in Northeastern Syria represent, according to one US official, "the largest single concentration of detained terrorists in the world," though most have not been charged with any crime yet due to logistical and capacity constraints.⁷ Local, regional and international actors therefore face several serious logistical, humanitarian, security, and legal challenges. The fall of the Assad regime in 2024 has further complicated this situation.

1 Cook, J. & Vale, G.: "From Daesh to 'Diaspora' II: The Challenges Posed by Women and Minors After the Fall of the Caliphate," CTC Sentinel, July 2019, <https://ctc.usma.edu/wp-content/uploads/2019/07/CTC-SENTINEL-062019.pdf>, p. 36.

2 While the Kurdish-led administration now refers to itself as DAANES, this new abbreviation has not caught on internationally. Consequently, this paper uses the original and better-known term AANES..

3 In this publication, the term "detention camp" is used to refer to an open air space, while the term "detention facility" is used to refer to closed buildings serving as makeshift prisons.

4 Amnesty International: "Syria: Aftermath. Injustice, torture and death in detention in north-east Syria," April 17, 2024, Index No. MDE 24/7752/2024, <https://www.amnesty.org/en/documents/MDE24/7752/2024/en/>, p. 45.

5 United Nations Security Council Resolution 2178 (2014) defines "foreign terrorist fighters" as "individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict." Technically, this term could also include women, but it appears that most women did not take part in these activities. "United Nations Security Council: Resolution 2178 (2014)," adopted by the Security Council at its 7272nd meeting, on September 24, 2014, U.N. Doc. S/RES/2178 (2014), p. 2. In the context of this paper, the term "foreign terrorist fighters" is used less often, since the relevant group also involves minors.

6 Amnesty International 2024.

7 Moss, I.: "Intervention at the D-ISIS Coalition FTF Working Group," US Department of State, D-ISIS Coalition FTF Working Group, March 5, 2024, <https://www.state.gov/intervention-at-the-d-isis-coalition-ftf-working-group/>.

A DETENTION SYSTEM FOR MEN, WOMEN, AND MINORS

Amidst the collapse of the “caliphate” six years ago, AANES has built a system of detention camps and facilities in Northeastern Syria to detain the surviving men, women, and minors, many suspected to be members of or linked to ISIS. This system is run by several autonomous bodies: AANES⁸ and its military wing, the SDF⁹ and SDF-affiliated¹⁰ security forces (see Figure 1).¹¹ Two main detention camps, Al Hol and Roj, house around 46,600 individuals – most of them women and children. Additionally, AANES guards nearly 10,000 persons – mostly men and adolescent boys – in at least 27 detention facilities, including two so-called rehabilitation centers for young individuals, mostly boys between 12 and 18 years.¹² These 10,000 consist of 2,000 alleged foreign terrorist fighters and 8,000 Syrian and Iraqi fighters who are mostly held in substandard ad hoc prison facilities in cities such as Qamishlo, Raqqa, Derik, and Shaddadi.¹³

One of the SDF’s main detention facilities for men and boys is Al-Sina’a, also known as Panorama or Ghweiran Prison, located in Al-Hasakah. ISIS mounted a large-scale attack on this facility in January 2022. According to the prison administration, there were nearly 4,500 people detained in Al Sina’a in January 2025, including approximately 700 boys and young men classified as boys by AANES.¹⁴ The situation is especially complicated for boys, most of them probably taken to the “caliphate” by their parents or born there. While girls and younger boys usually remain with their mothers in the camps, since 2019, teenage boys who are suspected of being members of ISIS or having links to the terrorist group have been detained together with adult men, reportedly leading to the continued radicalization of the boys. International pressure eventually led to the establishment of two additional rehabilitation centers specifically for boys, Houri and Orkesh. Orkesh opened in September 2022 and is housing 148 boys aged 11 to 18 from approximately 25 nationalities (as of July 2024).¹⁵ The boys are being transferred to the center by AANES, primarily from Al Hol camp but also from camp Roj and the Al-Sina’a detention facility. In a statement, AANES has argued that male adolescents had been attacking camp staff, were radicalized by their mothers, and were raping women in the camps, leading to pregnancies.¹⁶ AANES also argued that some boys had been abused as sexual slaves by women held in the camp. Some boys have been moved directly to detention facilities for adult men while others remain detained alongside adult men.¹⁷ The center has not yet defined what will happen to the boys after they turn 18. However, staff interviewed by one of the authors believe that the boys will be repatriated to their respective countries of origin before reaching that age. They also believe that if transferred to one of the detention facilities

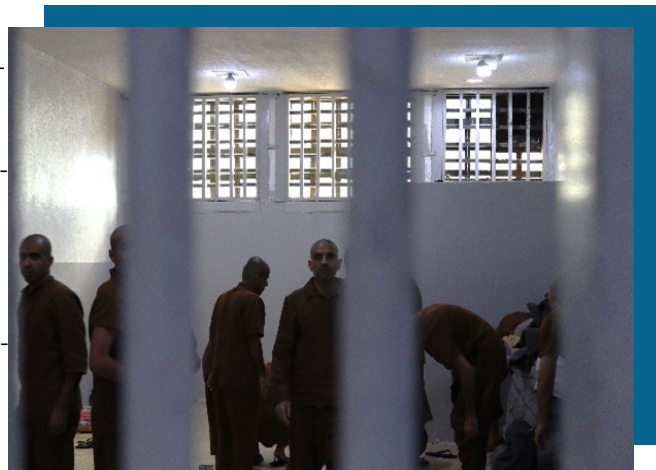


Image 1: Detainees in Al-Sina’a or Panorama prison in Al-Hasakeh, January 2025, Syria
Olva Mrvova

8 Detention facilities run by the AANES: 1. Alaya Central Prison*, 2. Derik Central Prison for Women*, 3. Ghweiran Central Prison*, 4. Houri Juvenile “Rehabilitation” Center*, 5. Kobani Central Prison*, 6. Manbij Central Prison*, 7. Naf Kur Central Prison, 8. Orkesh Juvenile “Rehabilitation” Center*, 9. Raqqa Central Prison for Women*, 10. Raqqa Central Prison*. *Indicates detention facilities where Amnesty International has documented the presence of children, Amnesty International Report 2024.

9 The Syrian Democratic Forces (SDF) is a Kurdish-led coalition formed by ethnic militias and rebel groups and serves as the official military wing of AANES.

10 “SDF and affiliated security forces” refers to the forces of the SDF - including the Yekîneyên Anti-Terror Forces (YAT) and SDF Commandos, as well as factions of the region’s Internal Security Forces (ISF), including General Security, and the Hêzên Anti-Terror Forces (HAT).

11 Detention facilities run by the SDF and affiliated security forces: 1. Al-Hasakah detention facility (SDF), 2. Al-Hasakah Women’s Prison / Halat daycare (YPJ)*, 3. Al-Hol camp detention facility (ISF)*, 4. Al-Hol village detention facility (ISF)*, 5. Al-Shaddadi detention facility (SDF)* (located in Al-Shaddadi city, it is separate from Sini detention facility, which is located on the outskirts of Al-Shaddadi city), 6. Anbarra detention facility (ISF), 7. Ayed Tabqa detention facility (ISF)*, 8. Deir ez-Zor Factories Roundabout / “Ma’amîl” detention facility (ISF)*, 9. Derik detention facility (SDF)*, 10. Manbij detention facility (ISF), 11. Panorama / “Al-Sina’a” detention facility (SDF)*, 12. Roj camp detention facility (YPJ)*, 13. Sini detention facility (SDF / Military Intelligence), 14. Tabqa detention facility (SDF)*, 15. YPJ intelligence prison (YPJ). *Indicates detention facilities where Amnesty International has documented the presence of children, Amnesty International Report 2024.

12 Amnesty International 2024.

13 Broomfield, M.: “The ISIS Prison Camps the World Forgot,” Truthdig, November 6, 2023, <https://www.truthdig.com/articles/letter-from-northern-syria-the-isis-prison-camps-the-world-forgot/>.

14 Amnesty International 2024.

15 Interview with educators at the center with one of the authors, July 2024.

16 Source: “Clarification Statement Regarding Amnesty International’s Report” issued by AANES, 2024 (no exact date given).

17 Interview with Harmonie Toros, Professor in Politics and International Relations at the University of Reading (UK), March 6, 2024.

ties for adults in Northeastern Syria, the boys will likely re-radicalize.¹⁸

Hence, it is crucial to differentiate male detainees according to their age, partly since foreigners who are adult men now were not necessarily over 18 when they travelled to the conflict zone.¹⁹ According to the former UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, the situation of adolescent boys “can only be qualified as one of the most severe forms of arbitrary mass detention of male children encountered.”²⁰ Another international law expert criticizes the “circular argument of threat” when it comes to adolescent boys, who “become threats, because they have been detained.”²¹ Orkesh also houses a boy with links to Germany (see case study on p. 19).

Security and Health Risks

On several occasions, detainees have escaped or been freed by ISIS forces. In the past and modeled on earlier campaigns, ISIS launched an offensive called “Breaking the Walls”, aimed at attacking prisons and inciting unrest in detention facilities in Syria and Iraq.²² The most notorious attack began on January 20, 2022, when ISIS-affiliated groups stormed Al-Sina’a detention facility in Al-Hasakah. The attack, which lasted nearly nine days, ended with the killing of dozens of alleged ISIS fighters and detainees in the detention facility, as well as the deaths of around 140 members of the SDF and prison guards. In addition, hundreds of detainees managed to escape.²³ Many of them aimed to reach the Badia desert, the area between Palmyra and Deir Ezzor. In an interview with one of the authors in November 2023, a Syrian prisoner and former member of ISIS’ intelligence service (Emni) confirmed this.²⁴ Those who escaped also included internationally wanted ISIS leaders, and it is likely that these escapees will seek to integrate into remaining terrorist cells in Northern Syria.²⁵ The attack on Al-Sina’a was the most sophisticated ISIS operation since the organization’s military defeat in Syria and Iraq in 2019, and it required the assistance of U.S. forces to finally quell the violence.²⁶ ISIS terror attacks in Syria increased following this incident, with 2024 marking the highest annual number of ISIS-related terror attacks in Syria since 2019.²⁷

Presently, many detainees are already in their sixth year of detention and the facilities remain severely overcrowded. Different international bodies, including courts, human rights bodies, and non-governmental organizations (NGOs), have assessed that conditions violate international human rights standards, and have reported strong indications of torture or ill-treatment of detainees.²⁸ According to Amnesty International, many detainees are malnourished or suffer from various health conditions, such as hypothermia, tuberculosis or respiratory problems.²⁹ Reportedly, detainees with tuberculosis had not been treated or separated from other detainees for about a year, which likely exacerbated the spread of this highly infectious disease.³⁰ Meanwhile, the SDF started testing for tuberculosis in Al Sina’a and according to the prison administration, approximately 3,500 of the 4,500 prisoners were infected as of January 2025. The prison administration is also launching a new health program to suppress the disease and reports that healthy detainees are being moved to other wards to prevent tuberculosis from spreading.³¹ However, full medical care is still not available. Notwithstanding the detainees’ potential security risk, this dire situation contributes to a concrete risk of re-radicalization as well as to physical and mental health issues, which significantly reduces the possibility of their effective rehabilitation and social reintegration.

18 Interview with educators at the center with one of the authors, November 2023.

19 Interview with Toros, March 6, 2024.

20 Interview with Professor Fionnuala Ní Aoláin KC (Hons), former UN special rapporteur, March 27, 2024.

21 Interview with Dr. Anne Charbord, March 27, 2024.

22 Clifford B. and Weiss, C.: “Threat of Jihadi Prison Assaults and Riots”, CTC Sentinel, February 2020, <https://ctc.westpoint.edu/breaking-walls-goes-global-evolving-threat-jihadi-prison-assaults-riots/>.

23 Hassan, M. & al-Ahmed, S.: “A closer look at the ISIS attack on Syria’s al-Sina Prison”, Middle East Institute, February 14, 2022, <https://www.mei.edu/publications/closer-look-isis-attack-syrias-al-sina-prison>.

24 Interview with Syrian ISIS detainee, November 2023.

25 Loveluck, L. & Cahlan, S.: “Prison break: ISIS fighters launched a brazen attack to free their comrades,” The Washington Post, February 3, 2022, <https://www.washingtonpost.com/world/2022/02/03/syria-hasakah-isis-prison-attack/>.

26 Yacoubian, M.: “Al-Hol: Displacement Crisis is a Tinderbox that Could Ignite ISIS 2.0”, The United States Institute of Peace, May 11, 2022, <https://www.usip.org/publications/2022/05/al-hol-displacement-crisis-tinderbox-could-ignite-isis-20>.

27 Waters, Georgy, ISIS Redux: The Central Syria Insurgency in October 2024, Counter Extremism Project, CounterPoint Blog, 15 November 2024, <https://www.counterextremism.com/blog/isis-redux-central-syria-insurgency-october-2024>

28 See for example Amnesty International 2024 and Rights & Security International: “Europe’s Guantanamo. The indefinite detention of European women and children in North East Syria,” February 21, 2021, https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf.

29 Amnesty International 2024.

30 Interview with Toros, March 6, 2024.

31 Interview with the Al Sina’a prison administration with one of the authors, January 2025.

Access to Detention Facilities

Access to the detention facilities for men and boys remains even more restricted than access to the camps for women and children. In July 2023, then-UN Special Rapporteur Fionnuala Ní Aoláin carried out a technical visit to Northeastern Syria and was provided access to the detention facilities Alaya and Panorama, Hourri and Orkesh centers for adolescent and juvenile boys, and the camps Al Hol and Roj.³² She leveled several criticisms, including that foreign intelligence services but not humanitarian staff or lawyers had access to the detainees. While she had no possibility to speak to the men in Panorama detention facility, she did interact and speak with men in the other detention facilities for adult men she visited. According to her assessment:

that prison is a black hole (...) they are almost beyond the reach of law.”³³ In her final report, the rapporteur’s verdict is devastating: “conditions in the detention facilities and prisons [...] remain absolutely dire, in particular torture and other cruel, inhuman or degrading treatment, including sexual violence and reproductive harm; arbitrary detention; infringements of the right to life; restrictions on freedom of movement; erasure of the right to family life; fundamental infringements of the right to health; abrogation of the right to education; denial of the right to non-discrimination; lack of the right to clean and safe water; and multiple violations of the rights of the child.”³⁴

In addition, the ICRC had initially been granted access to the camps and detention facilities.³⁵ Due to security concerns after the prison break in early 2022, this access had been interrupted. However, as of summer 2024, the ICRC had again been granted access for about a year.³⁶

CHALLENGES REGARDING THE KURDISH-LED ADMINISTRATION

AANES gained de facto autonomy in 2012 during the Syrian civil war. However, its lack of international recognition as a government further complicates the situation of detention, prosecution, and repatriation of alleged ISIS-affiliated foreign individuals. The detainees have not yet faced any judicial process, nor have they had the opportunity to challenge the reasons for and the legality of their detention. Many have been detained for more than six years. Presently, most detainees are held in isolation, without access to a lawyer. According to Robel Baho, deputy co-Chair of AANES’ Foreign Relations Department, “after the defeat of IS, we wanted to create a Nuremberg-style international court, but there was no interest from the international community.”³⁷ Baho says there was pressure on AANES to try ISIS members, especially from local Syrian citizens who have suffered losses during the so-called caliphate, such as deaths of relatives, loss of property or long-term injuries. AANES has requested but not yet received support from the European Union (EU) in the form of experts in international law or financial support to build a functioning court system, according to Baho. AANES is also in communication with a number of international human rights NGOs. The groundwork is being laid for a judicial process, for which AANES needs to enlist foreign partners to gain legitimacy as a non-state actor. While AANES announced in June 2023 its intent to start prosecuting foreign nationals,³⁸ experts estimate that this would be unlikely, since AANES has neither legislative authority nor an established legal system.³⁹ Even if successful, the creation of local courts would also present serious security challenges for potential judges, prosecutors, and defense lawyers who would have to personally travel to Northeastern Syria, as well as for the detainees themselves.

32 UN Office of the High Commissioner for Human Rights: “Technical Visit to the Northeast of the Syrian Arab Republic. End of Mission Statement,” United Nations Human Rights Special Procedures, July 21, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>.

33 Interview with Ní Aoláin, March 27, 2024.

34 United Nations Human Rights Special Procedures: “Technical Visit to the Northeast of the Syrian Arab Republic. End of Mission Statement,” Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteurs, Independent Experts & Working Groups, July 21, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>.

35 The ICRC Central Tracing Agency is collecting information on prisoners of war (POWs) to help “prevent missing cases by accounting for those in enemy hands and providing information to their families in a dignified manner,” <https://www.icrc.org/en/document/prisoners-war-what-you-need-know>

36 Interview with a US Department of State official, May 14, 2024.

37 Interview with Robel Baho, August 2023.

38 Seldin, J.: “Syrian Kurds Launch New Attempt to Prosecute Captured IS Foreign Fighters,” Voice of America, June 15, 2023, <https://www.voanews.com/a/syrian-kurds-launch-new-attempt-to-prosecute-captured-is-foreign-fighters/7139770.html>.

39 Interview with Toros, March 6, 2024, and interview with a US Department of State official, May 14, 2024.

Additionally, since the beginning of the civil war in 2011, Northeastern Syria has been an active conflict zone. Beyond the lack of a sustainable settlement by the conflict parties and the fall of the regime, instability also persists in this area due to regular attacks by Turkish forces.⁴⁰ Similarly, Iranian-backed forces that have targeted US personnel and interests in Syria have also increased their attacks on the SDF in response to US support for Israel following renewed military conflict between Hamas and Israel in the Gaza Strip since October 2023. Since December 2024, Turkey and Turkish-backed SNA fighters in Northern Syria have fought an offensive against SDF forces. As a result, the SDF has to regularly direct its limited resources to address security challenges other than securing the detention facilities. According to Khaled Remo, co-chair of AANES' Justice and Law Enforcement Department, "the staff, especially Kurds working in the autonomy rehabilitation centers, are afraid of assassination by Turkey [...]. Many assassinations of our staff are also carried out in collaboration with [ISIS]."⁴¹ As Remo explains, personnel also lack expertise, as opportunities to gain the necessary education are reduced in a conflict environment: "Some people have left the country, some are working in rehabilitation centers to have an income although they do not have the necessary qualifications for these tasks."⁴²

Another challenge is identifying individuals in detention, since many detainees arrived without or passports or other identification documents.⁴³ Hence, one of the key challenges remains the lack of records or a central register of detained individuals.⁴⁴ According to a US State Department official, "[Detainees] are held in a network of facilities, with some more secure than others, but the entire network suffers from severe disorganization."⁴⁵ The Global Coalition to Defeat ISIS, but mainly the US, has been providing support to the detention system, including to carry out biometric assessments.⁴⁶ US funds have also covered operational costs, including salaries for prison guards. When a reduction in US humanitarian assistance by the Trump administration led to the suspension of salary payments, resulting in prison guards' absenteeism spiking to 40 percent by February 1, 2025,⁴⁷ an exception was granted related to the facilities' management given potential security consequences.⁴⁸

Beyond these questions of capacity, resources, security, and qualifications, the position of the Kurdish-led administration itself is ambivalent: while it advocates for repatriation, AANES' detention of foreign nationals also ensures that it retains international attention and support. It has repeatedly threatened to release alleged ISIS foreign terrorist fighters but under the current circumstances, the release of foreigners also represents a potential security threat to AANES, at least in the short and medium term.⁴⁹ Without a clear strategy from affected governments – or at least a willingness to make progress on the issue of repatriation – the status quo is likely to exacerbate the security threat in Northeastern Syria, in the broader Middle East and internationally in the long run.

ONGOING LACK OF REPATRIATION OF FOREIGN TERRORIST FIGHTERS

Due to the aforementioned challenges, AANES continue to have a strong interest in countries of origin repatriating their detained citizens. It considers women and children victims that should be repatriated by their home countries together. However, the general absence of legal obligations means that most foreign governments consider the repatriation of their nationals and individuals with links to their country discretionary.⁵⁰ For example, Iraqis and Syrians make up the majority of the detainees. Iraq has

40 Since early 2023, the Syrian Observatory for Human Rights (SOHR) has documented the death of 72 Syrian civilians: nine children, eight women and 55 young and adult men. The causes of death include gunfire by Turkish guard forces (Jandarma) and aerial as well as ground attacks by Turkish forces, including airstrikes by fighter jets and drones. SOHR: "Turkey's presence in Syria in 2023 | Aerial and ground attacks by Turkish forces leave 72 civilians and nearly 140 combatants dead," SOHR, May 11, 2024, <https://www.syriahr.com/en/321676/>.

41 Interview with Khaled Remo, November 2022.

42 Interview with Remo, November 2022.

43 Interview with Toros, March 6, 2024.

44 Interviews with Dirk Schoenian on May 6 and with a US Department of State official on May 14, 2024.

45 Interview with a US State Department official, May 14, 2024.

46 Amnesty International 2024.

47 Rojava Information Center: "FLASH UPDATE: US foreign aid freeze – impact on the North and East Syria region," February 3, 2025, <https://rojavainformationcenter.org/2025/02/flash-update-usaid-freeze-impact-on-the-north-and-east-syria-region/>; Interview with the detention facility guard February 2025.

48 Rayes, D.: "The foreign aid freeze poses risks to US interests in Syria", Atlantic Council, January 31, 2025, <https://www.atlanticcouncil.org/blogs/menasource/the-foreign-aid-freeze-poses-risks-to-us-interests-in-syria/>.

49 Interview with Toros, March 6, 2024.

50 For example, a Canadian court had found in 2023 that Canada had an obligation to return several nationals. However, after the government's appeal regarding the repatriation of four men, a federal court may still overturn that decision, Raycraft, R. & Burke, A.: "Federal government appealing court order to repatriate 4 Canadian men detained in Syria," CBC, February 10, 2023, <https://www.cbc.ca/news/politics/government-appeal-court-order-repatriate-1.6744096>.

been very active on this issue, repatriating around 900 fighters and 9,500 displaced nationals since May 2021, as well as pledging to return all of its nationals by 2027.⁵¹ Communication with the former Syrian regime on the issue of alleged ISIS detainees was ongoing, but no consensus had yet been reached with Damascus before the regime collapsed in December 2024.⁵²

Repatriating citizens – especially adult men who have likely left to fight for terrorist organizations voluntarily – hence remains a controversial and politically difficult issue in many Western countries. Governments are forced to choose between addressing international security challenges and human rights violations, providing accountability to ISIS' victims in the medium to long term, and dealing with short-term domestic political imperatives. For example, part of the debate in European countries focuses around concerns about the lack of sufficient evidence that would enable courts to impose long prison sentences on returnees and repatriated individuals, and hence the risk that such individuals would walk free, posing a security risk. Indeed, repatriation would only be the first step in a long process of ensuring accountability and working towards returnees' rehabilitation and reintegration.

Date	Total repatriated	Minors	Adults
August 19, 2019	4	4	-
November 22, 2019	4	3	1 woman (mother)
December 19, 2020	15	12	3 women (mothers)
October 6, 2021	31	23	8 women (mothers)
March 30, 2022	37	27	10 women (mothers)
October 6, 2022	12	7	4 women (including 3 mothers) and 1 young man
November 1, 2022	5	4	1 woman (mother)
2019-2022	108	80	28

Table 1: Repatriation Missions of the German Government from Northeastern Syria (compiled by one of the authors)

From Germany, at least 1,150 individuals – 25 percent of whom are women – had traveled to Syria and Iraq, most of them to join terrorist organizations such as ISIS.⁵³ In 2019, Germany had, like several other countries, started repatriating some of its citizens. So far, Germany has returned 80 minors, 27 adult women (almost all of them mothers of German children) and one young man in several missions between summer 2019 and fall 2022 (see Table 1). With this approach, Germany has become somewhat of a role model when it comes to the repatriation of minors and women from Northeastern Syria. According to the Global Repatriations Tracker, Germany is currently in second place after France regarding the repatriation of children and women (Table 2).⁵⁴ Still, considering that several women have reportedly died or their whereabouts are unknown (and that most of the children were probably born in Iraq or Syria), only around 11.2 percent of the original French and 9.4 percent of the original German female travelers have been repatriated as of 2024.⁵⁵ Presently, Germany is one of only three EU member states (together with Finland and Italy) that have repatriated adult men at all. However, the repatriation of adult men by Germany has remained an exception (see p.21). In most countries, repatriation missions continue to focus on women and minors. According to the German government, 40 percent of original travelers have returned to Germany, including least 129 German adult women.⁵⁶ Still, reportedly around 40 men, women, and minors from Germany remain in Northeastern Syria.⁵⁷

51 Moss, I.: "Remarks to the IJ Meeting on ISIS Prosecutions," US Department of State, July 23, 2024, <https://www.state.gov/remarks-to-the-ij-meeting-on-isis-prosecutions/>, Doumit, J. & Joudeh, K.: "It Is One Big Prison": Challenges in Repatriation from Al Hol Camp in Syria," The Tahrir Institute for Middle East Policy, August 6, 2024, <https://timep.org/2024/08/06/it-is-one-big-prison-challenges-in-repatriation-from-al-hol-camp-in-syria/>.

52 Interview with Baho, August 2023.

53 Deutscher Bundestag: „Antwort der Bundesregierung. IS-Anhänger und deren Kinder im In- und Ausland – Stand: 31. Dezember 2023," Drucksache 20/11085, April 17, 2024, <https://dserver.bundestag.de/btd/20/110/2011085.pdf>.

54 Rights and Security: "Global Repatriations Tracker," 2024, <https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker>

55 Hecker, M.: "The French Approach to Female Violent Extremist Offenders" and Koller, S.: "The German Approach to Female Violent Extremist Offenders," in: Mehra, T., Renard, T. & Herbach, M. (Hrsg.): "Female Jihadis Facing Justice. Comparing Approaches in Europe," The Hague, ICCT Press 2024, <https://www.icct.nl/publication/female-jihadis-facing-justice-comparing-approaches-europe>, p. 41 and p. 63.

56 Deutscher Bundestag: „Antwort der Bundesregierung. IS-Anhänger und deren Kinder im In- und Ausland – Stand: 31. Dezember 2023," Drucksache 20/11085, April 17, 2024, <https://dserver.bundestag.de/btd/20/110/2011085.pdf>, p. 20; Koller, S.: "Six Years Later. A Status Update On The Prosecution Of Female Returnees In Germany," Counter Extremism Project, February 2024, https://www.counterextremism.com/sites/default/files/2024-02/CEP%20Update%20Prosecution%20of%20Female%20Returnees%20in%20Germany_February%202024.pdf.

57 According to the German government, 38 German men and women remain in Syria. Deutscher Bundestag: "Islamisten in Deutschland – Stichtag: 3.

Country	Repatriated Children	Repatriated Women	Repatriated Men
Belgium	32	13	0
Denmark	18	4	0
France	167	56	0
Finland	>18	>5	>1
Germany	80	27	1
Italy	4	1	1
Netherlands	46	20	0
Spain	13	2	0
Sweden	27	10	0
UK	18	3	0

Table 2: Repatriated Individuals from Northeastern Syria to selected European countries (Global Repatriations Tracker, as of March 6, 2025)

GERMAN MEN AND BOYS IN DETENTION

The German contingent of travelers represents the second largest group in Europe after France’s.⁵⁸ Several German security agencies, including the Federal Criminal Police (BKA), have collected and analyzed data on the radicalization processes of 784 individuals who have either traveled to the conflict zone in Syria and Iraq or attempted to do so.⁵⁹ The analysis states that the initial success of ISIS and, in particular, the declaration of the “caliphate” mobilized and radicalized significant sections of the German extremist Salafist community in an unprecedented way. The ongoing conflict in Syria – and to a lesser extent in Iraq – has been used by Salafi-jihadists to promote their extremist ideology, focusing on a simple dichotomous message of an ongoing global defensive struggle between the ummah (the community of Muslims) and the infidels.⁶⁰ The analysis also confirms earlier findings that there are no simple patterns of radicalization or recruitment, nor is there a typical socio-demographic profile. Although there is evidence that social marginalization and economic disadvantages play a role, a number of German individuals who traveled to Syria and Iraq to join terrorist groups have an academic background. Many of the German fighters went to Syria to take part in the fight against the Assad regime. However, at least 65 percent of the 1,150 travelers from Germany are known to have supported or are still supporting terrorist organizations like ISIS or Al Qaida, including in combat.⁶¹ This is noteworthy because most Islamist extremists in Germany lacked military training and battlefield experience. More than half of travelers hold (at least) German nationality. 270 individuals, including at least ten women, have died.⁶² Finally, the current whereabouts of 370 men and women with a connection to Germany are unknown and they may still be in Syria, Iraq, or Turkey, or are potentially deceased.

It is difficult to establish how many adult men remain detained in Northeastern Syria. While AANES has, with the assistance of the Global Coalition to Defeat ISIS, carried out two biometric assessments in the detention facilities since 2019, international

April 2024,” Drucksache 20/11243, April 30, 2024, <https://dserver.bundestag.de/btd/20/112/2011243.pdf>.

58 Steinberg, G.: “Jihadism in Germany: Weak Beginnings, a Growing Scene, New Dangers”, Konrad Adenauer Stiftung, 2022, <https://www.kas.de/documents/252038/16166715/Jihadist+terrorism+in+Europe.+Jihadism+in+Germany.pdf/c7220494-8108-c265-09d0-5836a6e6f5ec?version=1.1&t=1663245508412>.

59 Bundeskriminalamt, Bundesamt für Verfassungsschutz und Hessisches Informations- und Kompetenzzentrum gegen Extremismus: „Analyse der Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien oder Irak ausgereist sind,” Zweite Fortschreibung, 2016.

60 Heinke, Daniel H.: “German Foreign Fighters in Syria and Iraq: The Updated Data and its Implications,” CTC Sentinel, March 2017, <https://ctc.westpoint.edu/german-foreign-fighters-in-syria-and-iraq-the-updated-data-and-its-implications/>.

61 Deutscher Bundestag 2024: “Antwort der Bundesregierung. IS-Anhänger und deren Kinder im In- und Ausland – Stand: 31. Dezember 2023”, Drucksache 20/11085, April 17, 2024, <https://dserver.bundestag.de/btd/20/110/2011085.pdf>.

62 Grüner Vogel e.V. (Green Bird) Conference: “Fünf Jahre nach dem Ende des Kalifats – eine Zwischenbilanz der Deradikalisierungsarbeit mit Rückkehrer*innen und ihren Kindern,” March 14, 2024, Berlin, Germany.

observers find that AANES has difficulties keeping track of all detainees.⁶³ However, several experts interviewed by the authors assume that relevant governments do have an overview of their nationals detained in Syria and Iraq, but that these numbers are highly sensitive and therefore not publicly available. In February 2025, German public television broadcaster ZDF reported that AANES officials had mentioned 30 German male detainees. In April 2024, the Federal Government of Germany had informed the federal parliament (Bundestag) that there were 28 German nationals “with references to Islamist terrorism” detained in Syria.⁶⁴ Several other individuals have other nationalities but had travelled from Germany.⁶⁵ Within the German cohort, two individuals have reportedly died in detention. The first one, Kadir T. from Hamburg, had reportedly already suffered health issues before entering Kurdish custody, where he died in early summer 2020.⁶⁶ The second reported death is that of Mohammed A. Married to German female returnee Verena W., Mohammed A. had reportedly already died of tuberculosis in August 2022, but his family was only informed of his death by security agencies in autumn 2023.⁶⁷ That detainees are dying in Kurdish custody has also been confirmed by a 2024 Amnesty International report based on testimonies of former detainees that practices within at least the Sini detention facility “led to the deaths of hundreds of people, who are buried in a mass grave on the prison grounds.”⁶⁸

The male detainees from Germany are distributed among several detention facilities in cities in Northeastern Syria and housed in mass cells along with other alleged ISIS detainees. While in the early years of detention AANES had allowed sporadic communications – for example German detainees were able to send letters to relatives in Germany via the ICRC – these communications were terminated for security reasons following the attack on the Al-Sina’a detention facility in January 2022.⁶⁹ Since then, even close relatives of several detainees from Germany have not had any signs of life from their detained family members.⁷⁰ For example, a ZDF interview with Alaeddine Taieb in 2025 had been his first sign of life for years.⁷¹ Consequently, the detainees are currently living in complete isolation from their families in their countries of origin. They are stuck in a legal vacuum without the possibility of contacting their family or receiving legal advice. This likely further reduces trust in German authorities among both the detainees and their families in Germany.

The 28 German nationals detained in Northeastern Syria are aged between 19 and 62 years and at least eleven hold a second nationality.⁷² Several of these individuals were or are married⁷³ to German women and have German children. Examples are Selcuk G., who has a child with German national Duygu D. from Hesse, and Cem K. from Hamburg, who has two children with German returnee Nadja R. (see Image 2⁷⁴). Furthermore, several individuals, some of whom are not German nationals, were or are married to German women who have since returned to Germany with their children and have already been convicted for membership in a terrorist organization and other crimes committed during their time with ISIS.⁷⁵ For example, Lucas G.’s wife Emilie R., whom he had married according to Islamic law, was sentenced to three years in prison. According to the verdict, Emilie R. had received weapons training and, together with Lucas G., declared herself willing to commit a suicide attack in Germany. Ismail S.’s wife Nurten J., whom he had married according to Islamic law, was convicted for, inter alia,

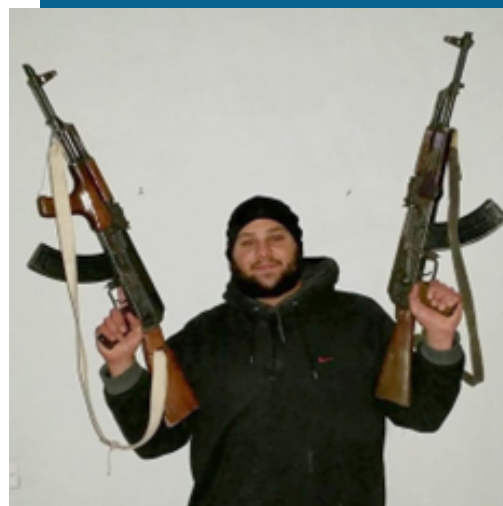


Image 2: Selcuk G. from Germany

63 Interview with international human rights lawyer Dr. Anne Charbord, March 27, 2024.

64 German Parliament: “Antwort der Bundesregierung. Islamisten in Deutschland – Stichtag: 3. April 2024,” Drucksache 20/11243, April 30, 2024, <https://dserver.bundestag.de/btd/20/112/2011243.pdf>, S.7; Klaus, J.: “Deutsche IS-Anhänger im syrischen Knast,” ZDF Frontal, February 11, 2025, <https://www.zdf.de/nachrichten/politik/ausland/syrien-is-anhaenger-deutschland-gefaengnis-frontal-100.html>.

65 Interview with Claudia Dantschke on April 5, 2024.

66 Stritzel, B.: “Deutscher ISIS-Kämpfer stirbt in kurdischer Haft,” Bild, September 3, 2020, <https://www.bild.de/politik/ausland/politik-ausland/erster-deutscher-isis-kaempfer-stirbt-in-kurdischer-haft-72717104.bild.html>.

67 Interview with Claudia Dantschke, April 5, 2024.

68 Amnesty International 2024.

69 Khaled, A.: “Rojava’s prisional systems”, Peripheries, December 2022, <https://revistaperiferias.org/en/materia/rojavas-prisional-systems/>.

70 Interview with Claudia Dantschke, April 5, 2024.

71 Klaus, J.: “Deutsche IS-Anhänger im syrischen Knast,” ZDF Frontal, February 11, 2025, <https://www.zdf.de/nachrichten/politik/ausland/syrien-is-anhaenger-deutschland-gefaengnis-frontal-100.html>.

72 Algerian, Lebanese, Moroccan, Serbian, Syrian, Tunisian, and Turkish; Deutscher Bundestag 2024.

73 There are also men in detention facilities who were married in Germany, e.g. Wahid Al F.

74 Original source: <https://www.sabah.com.tr/dunya/duygu-doganin-iseide-katildigi-iddiasi-2988896>.

75 Koller, S.: “Six Years Later. A Status Update On The Prosecution Of Female Returnees In Germany,” Counter Extremism Project, February 2024, https://www.counterextremism.com/sites/default/files/2024-02/CEP%20Update%20Prosecution%20of%20Female%20Returnees%20in%20Germany_February%202024.pdf, p.12.

war crimes against property, aiding and abetting a crime against humanity (enslavement), and deprivation of liberty for having exploited a Yazidi woman enslaved by another German couple. Nurten J. was sentenced to four years and three months in prison. Cem K.'s wife Nadja R., whom he had married according to Islamic law, was sentenced to three years and three months in prison for a war crime against property, having lived with her husband in a looted accommodation provided by ISIS.

While the German federal government reports that as of September 2023, there were arrest warrants pending against 114 individuals within the “phenomenon area politically motivated crime – religious ideology” who remain abroad, there are no official numbers available regarding individuals detained in Syria specifically.⁷⁶ However, experts believe that arrest warrants or at least entry bans have been issued by German authorities for most if not all such individuals.⁷⁷ At least one German national – Fared Saal from North Rhine Westphalia is sanctioned by the United Nations Security Council (UNSC) and listed on the 1267/1898/2253 ISIL (Da'esh) and al-Qaida sanctions list of the UNSC. He also has a pending European arrest warrant against him.⁷⁸ Saal reportedly escaped from a detention facility in late 2019 during a Turkish offensive on Kurdish-held territories.⁷⁹

After joining ISIS, German fighters usually received religious and military training and were assigned a role to perform within the terror group. In addition to combat, the responsibilities of an individual ISIS member varied: from guarding important objects, to working in the media, to serving in the security forces of ISIS (for example, the emni or the moral police (hisbah)). German members were fully integrated into the organization. For example, several of these individuals were part of the ISIS secret police. In Raqqa, the capital of the “caliphate,” where the organization's media center and important security forces were based, there was an important community of German ISIS members who were in close contact with each other.⁸⁰

To highlight the varying profiles of detainees, the following section presents three case studies – two adult men and one male adolescent – all of whom have a connection to Germany. In the cases of the two adult men, the examples also serve as reminders that travelers had radicalized in Germany before their departure.

CASE STUDIES: INTERVIEWS WITH ISMAIL S., MARTIN L. AND SHAMIL CH.

One of the authors was able to conduct several interviews with German detainees in Kurdish facilities between 2021 and 2023.⁸¹ While it was at first possible for journalists to visit detainees in the detention facilities, since the attack on Al-Sina'a in 2022, interviews have to take place outside. The detainees were taken to a building under the administration of Kurdish security. They were brought to the interviews in handcuffs and with their eyes covered, and often did not know what to expect, being only later informed that they are meeting a journalist or researcher. The interviews are often, but not always, recorded on camera by the Kurdish security organization Asayish. During the interview, it is forbidden to ask about the facility in which the respective detainees are being held. Since the fall of the Syrian regime in 2024, journalists have been allowed to enter the prison for a quick tour and five-minute interview with prisoners. Longer interviews continue to take place outside.

Case Study 1: Ismail S.

Ismail S. (a.k.a. Abu Abd al-Rahman) was born in Germany in 1986 to a Palestinian father and a German mother who later converted to Islam. The couple and their three children lived in the district town of Husum in the north of the country (Schleswig-Holstein). “My father was not strict, but he always tried to keep us close to the book of God, the Quran. In general, the faith in our family was more traditional than real or deep.”⁸² In his own words, Ismail S. approached questions of faith alone, especially in relation to his desire to marry: “When you want to make this decision, you have to think about the future. You have a responsibility. I thought about the direction my life is going, where I'm going. If I choose Islam, I have to live it. For me, Islam is the truth.” In the end, Ismail S. did not marry. However, he continued to watch videos of various preachers. One of them was

76 Deutscher Bundestag 2024, p. 6.

77 Interview with Ní Aoláin, March 27, 2024.

78 United Nations Security Council: “Fared Saal,” June 2, 2023,

https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/individual/fared-saal.

79 “IS-Terrorist verschwunden”, Radio Bonn / Rhein-Sieg, November 12, 2019, <https://www.radiobonn.de/artikel/is-terrorist-verschwunden-399629.html>.

80 Steinberg, G.: “Jihadism in Germany: Weak Beginnings, a Growing Scene, New Dangers”, Konrad Adenauer Stiftung, 2022, <https://www.kas.de/documents/252038/16166715/Jihadist+terrorism+in+Europe.+Jihadism+in+Germany.pdf/c7220494-8108-c265-09d0-5836a6e6f5ec?version=1.1&t=1663245508412>.

81 The four photos pictured in this report were taken by one of the authors during her interviews.

82 Interview with Ismail S. with one of the authors, November 2021.

Pierre Vogel, a.k.a. Abu Hamsa, a German convert who grew up in a Christian family. At the time, Ismail S. was just finishing his studies in electrical engineering. Since March 2010, he had been running the Jihadist website “Salafimedia” in collaboration with British jihadists Anjem Choudary and Abu Waleed.⁸³ S. also worked with Abu Dujana and Abu Abdullah on the An-Nusrah Project, which outwardly presented itself as a harmless fundraising organization. On the an-Nusrah.com and an-Nusrah.de websites, Salafists advertised donations for allegedly needy Muslims in Syria and often featured hateful sermons by well-known German preachers.⁸⁴

Ismail S. also joined the association Millatu Ibrahim (MI), founded in 2011 by two of the most famous German-speaking jihadists, Mohamed Mahmoud and Denis Cuspert, known as Deso Dogg, and based in a mosque in Solingen.⁸⁵ MI disseminated its propaganda via a website and the group attracted national attention in early May 2012, when Salafist demonstrations in Solingen and Bonn escalated. The following month, Germany saw the largest raid against an Islamist network in its history.⁸⁶ MI members subsequently moved to Egypt.⁸⁷ During the time when the Muslim Brotherhood held power in Egypt, Salafists were able to enjoy some political support and the members of MI seemed to have been working to establish a German Salafist colony.⁸⁸ The group received weapons training in Egypt and later in Libya, and then went to Syria to fight in the Syrian civil war, before the rise of ISIS.⁸⁹ Ismail S. was approximately 25 years old when the group moved to Syria and established a base in the Syrian provinces of Idlib and Latakia. “I was active in the Dawah area, along with Mohamed Mahmud and Deso Dogg, we worked as a group,” he explained.⁹⁰ Ismail S. later joined Jabhat al-Nusrah, at that time the al-Qaida affiliate in Syria.⁹¹ “They were attractive to me as it was obvious what they stood for. They were urgently looking for fighters, this was in 2013, the time when they were separating from the Islamic State in Syria.” S. worked for the group for a few months, but later left it to join ISIS. The reason he gave was that he wanted to operate under the original leadership: “Jabhat al-Nusra was more of a name, whereas ISIS was already operating in Iraq at the time.”



Image 3: Ismail S., November 2021, Syria
Olva Mrvova



Image 4: Ismail S., November 2023, Syria
Olva Mrvova

Upon joining ISIS, Ismail S. underwent the usual initial training. “The training lasted 10 days, we were taught the very basic things – how to use a Kalashnikov, a handgun, a mortar, the theoretical basics for snipers or the basics of RPGs [rocket-propelled grenades].” S. subsequently settled in Raqqa, where he worked at the Hayat Media Center. Together with Christian Emde from Solingen (alias Abu Qutada al-Almani), they worked on the public relations staff. In his own words, Ismail S. did not fight; he allegedly was “too valuable” to the ISIS leadership. His primary role was working in the media. “Every state in the world has a media. A functioning state without media is not a functioning state.” He later married Nurten J. from Leverkusen in Raqqa, with whom he had two sons. Nurten J. was sentenced to four years and three months in prison by the higher regional court in Düsseldorf in 2021.⁹² The most serious aspect of her criminal trial was the testimony of

an enslaved Yazidi woman who served in the household of Ismail S.

Ismail S. is currently in a Kurdish detention facility in Northeastern Syria. Since the communication with detainees in the Al-Sina’a

⁸³ Interview with Ismail S., November 2023.

⁸⁴ Flade, F.: “Spendensammler des Dschihad”, Verschlussache, March 14, 2013, <https://ojihad.wordpress.com/2013/03/14/spendensammler-des-dschihad/>.

⁸⁵ Flade, F. & Lutz, M.: “Razzia gegen Salafisten – Friedrich verbietet Netzwerk”, Welt, June 14, 2012, <https://www.welt.de/politik/deutschland/article106591960/Razzia-gegen-Salafisten-Friedrich-verbietet-Netzwerk.html>.

⁸⁶ Ibid.

⁸⁷ Interview with Ismail S., November 2021.

⁸⁸ Weinthal, B.: “The rise of a ‘German Salafist colony’ in Egypt”, August 15, 2012, FDD’s Long War Journal, https://www.longwarjournal.org/archives/2012/08/the_opening_of_a_ger.php.

⁸⁹ Interview with Ismail S., November 2021.

⁹⁰ Dawah is the act of inviting people to Islam.

⁹¹ United Nations Security Council: “Al-Nusrah Front for the People of the Levant”, May 4, 2014 (updated on 14 March 14, 2022), https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/al-nusrah-front-for-the-people-of-the-levant.

⁹² Koller 2024, p.18.

detention facility was reduced significantly effective January 2022, Ismail S. has not communicated with his parents. “The German government says it is a democratic state. They say they stand for justice and values. I wish they would follow that. Because I’ve been here, in this prison for years and I don’t know what will follow. I don’t know what game they’re rooting for.” Ismail S. expressed his wish to be repatriated to Germany and his family is in contact with a counseling organization which is advocating for repatriation.

Case Study 2: Martin L.

Martin L. (alias Abu Yassir al-Almani) was born in December 1990 in Saxony-Anhalt and lived in Zeitz, where he trained as an industrial mechanic and later worked as a welder. He was a member of the local boxing club and goalkeeper of the football club SV Motor Zeitz. Martin L. also belonged to an Arab-Armenian youth gang, smoked weed and committed petty thefts. “My father and I had a generally good relationship apart from minor problems. He supported me in football, boxing, my work and even when I converted to Islam.”⁹³ When he was about 18 years old, Martin L. came into contact with Islam: “I had friends from abroad at that time, we used to box together and play football and many of them were Muslims. I asked them about Islam, I did a lot of re-research on my own. I had a lot of doubts, and then I went to Leipzig.” In 2012, he converted to Islam at the Al-Rahman mosque in Leipzig, where he also married his first wife.

In 2014, Martin L. attended a several-month long seminar on Islam in Hildesheim and came into contact with the famous Iraqi preacher Abu Walaa (alias Ahmad Abdulaziz Abdullah Abdullah).⁹⁴ In Martin L.’s words, the two men “got along well” and Abu Walaa became his mentor. In early November 2014, Martin L. traveled via Hanover and Istanbul to Syria, where he joined ISIS. “I arrived in Syria via Jarabulus, where there was a man from the secret group who spoke German. That’s how I first came into contact with the secret service [of ISIS].” He and his extended family (three wives, married according to Islamic law) lived in Raqqa.⁹⁵ Martin L. first served in the hisbah, then in the emni, where he regularly met Abu Muhammad al-Adnani (real name Taha Sobhi Falaha, the deputy supreme leader of ISIS). “I had seven computers, all bought in Turkey. Also eavesdropping equipment, cell phones, computers, everything. I didn’t fight, the leadership didn’t let me.

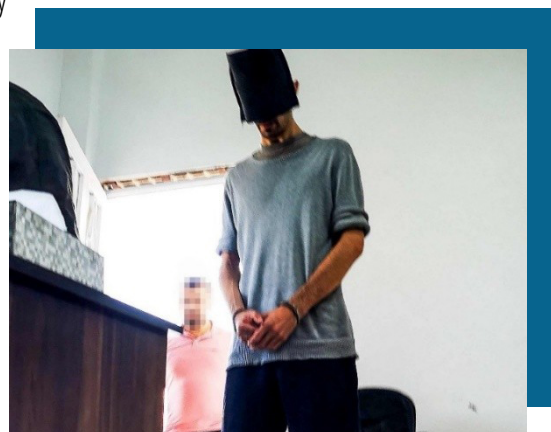


Image 5: Martin L., August 2023, Syria
Olva Mrvova

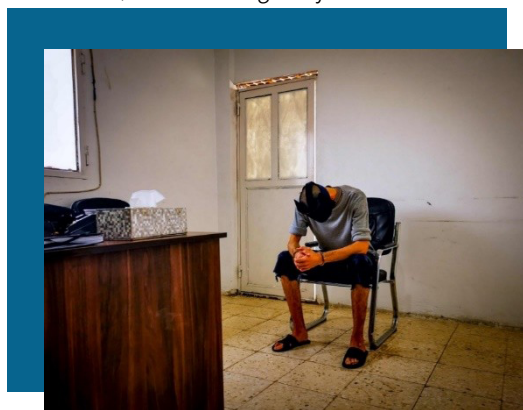


Image 6: Martin L., August 2023, Syria,
Olva Mrvova.

I was in charge of matters where there were no other people who could do it.” Martin L. worked in ISIS counterintelligence and was also often present at interrogations. “When we caught someone and arrested them, we searched and interrogated them. I was in charge of decrypting devices like cell phones and computers.” He continues to deny accusations of torturing prisoners or murder. “I have never been involved in executions. I was in the tech office formatting laptops, cell phones and hard drives.” As early as 2016, he said, he realized that ISIS was ending. “The real problems came when I left Raqqa and moved to the city of Mayadin. For me, the Islamic State was finished then – also because of the internal disagreements that had arisen within the organization.” Martin L. was arrested in late January

2019 by SDF soldiers near the Iraqi border along with two of his wives.⁹⁶ He is currently being held in a Kurdish detention facility in Northeastern Syria. Despite his current physical frailty in the detention facility (due to apparent malnutrition), Martin L. was bright and alert when interviewed. “I am a little calmer. I have people I can talk to. But the situation is not good. We are struggling. We are not fighting with other people, today we are fighting diseases. One brother has died. I fight every day.” Martin L. expressed his wish to be repatriated but said, “How do I perceive my homeland today? I don’t have a homeland. I am a traveler.”

⁹³ Interview with Martin L., August 2023.

⁹⁴ Abu Walaa was the de facto leader of ISIS in Germany and recruited young men to travel to Iraq and Syria.

⁹⁵ One of the two wives, which he had married according to Islamic law, German national Leonora M., was repatriated, convicted and sentenced to two years on probation, Koller 2024, p. 20.

⁹⁶ Lemke’s third wife, the French citizen Julie Maninchedda, had been killed in Syria during an attack.

Case Study 3: Shamil Ch.

Shamil Ch. is a boy who lived in Cologne for several years before being brought to Syria by his mother. After the fall of the “caliphate”, Shamil was placed with his mother and two siblings in the Annex section of Al Hol camp (Phase 5), which is mainly reserved for third country nationals. He says that he did not experience any sexual violence during his stay in Al Hol. After some years, he was removed from the camp. “The SDF officers opened our tent, put handcuffs on my hands and then pushed me into the car where we waited for the other boys. They transported several of us together.”⁹⁷ Shamil was first placed in the juvenile ward of Al-Sina’a detention facility for six to seven months, then in the juvenile ward of Shadadi prison for five to six months, then in a unspecified temporary facility, and finally transferred to Orkesh rehabilitation center in March or April 2023. The boy is in regular contact with his mother and siblings (who are still in Al Hol camp) via video call, with each call lasting a maximum of 5 minutes. To the author, Shamil Ch. expressed his wish to be returned back to Germany.

According to disengagement expert Claudia Dantschke from the NGO Grüner Vogel e.V., who is in contact with Shamil’s mother in the Al Hol camp, Shamil has Russian citizenship and lived in Cologne, where his father, Murat C., had a mobile phone shop.⁹⁸ At Grüner Vogel e.V., they assume that Murat C. had fought in Syria and was killed in 2017, as were two of Shamil’s other siblings. The boy’s last identity card is a residence permit from the city of Cologne that expired in 2014.⁹⁹ Shamil’s uncle, who still lives in Cologne, wants to apply for family reunification for humanitarian reasons so that Shamil can be repatriated to Germany. According to the staff at Orkesh, a German delegation talked to Shamil during a visit to the center in 2023 and questioned his teachers, who were positive about his performance.¹⁰⁰ Nevertheless, Germany reportedly decided not to repatriate the boy. According to the his supervisor, the argument was that Germany did not have a suitable facility for such cases.¹⁰¹

In August 2024, a German journalist published an article about Shamil Ch.’s story.¹⁰² According to this reporting, an internal list records the boy as German, born on January 1, 2008, meaning that he turned 18 in January 2025 and could be transferred to a detention facility for adult men.¹⁰³

GERMAN POLICY ON GERMAN DETAINEES IN NORTHEASTERN SYRIA

In the course of ISIS’ territorial and military defeat and the arrest of tens of thousands of alleged ISIS affiliates by Kurdish forces in early 2019, Western governments were confronted with the challenge of what to do with their nationals in Northeastern Syria. Several factors play a role in shaping German policy concerning German nationals and individuals with links to Germany detained in Northeastern Syria.

On a practical level, the German embassy in Damascus had remained closed since 2012, leaving Germany with no official diplomatic channels to Syrian stakeholders and only a limited ability to provide consular assistance in the country.¹⁰⁴ However, allegedly contacts between some German officials and AANES have existed for example in the context of the first repatriation mission in 2019.¹⁰⁵ In addition, media reports indicated that Kurdish authorities had received a senior delegation from the Netherlands and Germany in November 2022.¹⁰⁶ In March 2025, the German embassy in Damascus finally reopened its doors. However, only few German diplomats will resume limited activities in Syria – consular work will continue to be carried out from Beirut.¹⁰⁷

⁹⁷ Interview with boy, November 2023.

⁹⁸ Interview with Claudia Dantschke, July 31, 2024.

⁹⁹ Dörries, B.: “Wir müssen die Kinder da rausholen”, Süddeutsche Zeitung, August 2024, <https://www.sueddeutsche.de/projekte/artikel/politik/is-islamischer-staat-terror-syrien-e850922/?reduced=true>

¹⁰⁰ Interview with the boy’s supervisor and other employees of the Orkesh center, November 2023.

¹⁰¹ Interview with the boy’s supervisor and other employees of the Orkesh center, November 2023.

¹⁰² Dörries, B.: “Wir müssen die Kinder da raus holen,” August 3/4, 2024, Süddeutsche Zeitung.

¹⁰³ AANES usually records “January 1” if the person has no passport or if there is doubt about his or her actual date of birth.

¹⁰⁴ taz: “Syrien ohne deutsche Vertretung. Deutsche Botschaft geschlossen,” January 20, 2012, <https://taz.de/Deutsche-Botschaft-geschlossen/!5102699/>.

¹⁰⁵ German Parliament: “Antwort der Bundesregierung. Stand der Rückholung deutscher Staatsbürgerinnen und Staatsbürger und insbesondere ihrer Kinder aus den ehemaligen IS-Gebieten,” Drucksache 19/26668, February 12, 2021, <https://dserver.bundestag.de/btd/19/266/1926668.pdf>, p.6

¹⁰⁶ North Press Agency: “Germany, Netherlands repatriate nationals from NE Syria,” November 2, 2022, <https://npasyria.com/en/86649/>.

¹⁰⁷ Hubenko, D.: “Germany reopens embassy in Syria after 13-year closure”, Deutsche Welle, March 20, 2025, <https://www.dw.com/en/germany-reopens-embassy-in-syria-after-13-year-closure/a-71985073>.

In addition, the German government provides humanitarian aid in Northeastern Syria. For example, in 2020, the German government supported transnational NGOs with around € 14 million (in the areas of health, water, sanitation, hygiene and food) and € 2.3 million for humanitarian mine and ordnance clearance.¹⁰⁸ In Al Hol camp, the German government has been funding projects “aimed at improving the living conditions, safety and protection (...) with a particular focus on women and children.”¹⁰⁹

Compared with other European countries, Germany began repatriating minors quite early, starting with the return of four in August 2019.¹¹⁰ However, the decision making process of the German authorities has been influenced by several factors. First, several local administrative court decisions obliged Germany to repatriate minors, though only from Al Hol camp.¹¹¹ Furthermore, when Germany began repatriating minors, the Kurdish-led administration refused to let minors be repatriated without their mothers, meaning Germany started returning children together with their mothers.¹¹² This is because AANES considers women and children to be victims. In addition, the AA decided to also repatriate minors and their mothers from camp Roj. Finally, one adult woman without children, Marcia M., and one young male adult, Cebrail Ö., were repatriated to Germany. Ö. had been taken by his mother to Syria in August 2013 at the age of eleven and was repatriated – without his mother – as a young adult in October 2022.¹¹³ In July 2023, Cebrail Ö. was convicted by a Hamburg court for membership in a terrorist organization abroad, including for having participated in combat, and sentenced to two years and six months in prison according to juvenile law.¹¹⁴ However, these two cases remained exceptions.

So far, cases of German alleged foreign terrorist fighters and their family members is being treated as administrative consular cases and not elevated to a higher level of political decision making, unlike in other countries such as the United Kingdom¹¹⁵ or Canada, where decisions on this group of individuals had been taken by the respective prime ministers. The decision to relegate the management of such cases to the administrative level also means that individuals who are repatriated to Germany will have to bear the costs involved in their return.

On the political level, several German political parties, especially the Green Party, had been active on the situation of German nationals in Northeastern Syria when they were in the opposition. For example, in April 2019, the Green Party's spokeswoman for domestic affairs publicly called on the German government to evacuate the children of German ISIS supporters from Syria.¹¹⁶ In June 2020, a group of Green members of parliament demanded that the government “must finally present a strategy on how it intends to repatriate people and, above all, children with German citizenship from the camps in Syria and Iraq, and how it intends to prioritize this.”¹¹⁷ A few days earlier, members of the opposition party Die Linke also claimed that the government had

108 German Parliament, “Schriftliche Fragen mit den in der Woche vom 8. Februar 2021 eingegangenen Antworten der Bundesregierung,” Drucksache 19/26646, February 12, 2021, <https://dserver.bundestag.de/btd/19/266/1926646.pdf>, p.65-66.

109 Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to other International Organizations Geneva: “Note Verbale,” Note No. 50/2021, March 25, 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36085>.

110 Koller, S., Sallach, C. & Schiele, A.: “Recent Legal and Political Developments in the Repatriation of European Nationals from Northeastern Syria,” Policy Paper, Counter Extremism Project, December 2022, https://www.counterextremism.com/sites/default/files/2022-12/CEP%20Policy%20Paper_Recent%20Repatriation%20of%20Europeans%20from%20Syria_Dec%202022.pdf.

111 See, for example, Legal Tribute Online: “Familie eines IS-Kämpfers muss zurückgeholt werden,” July 11, 2019, <https://www.lto.de/recht/nachrichten/n/vg-berlin-vg-34-245-19-auswaertiges-amt-ruckfuehrung-familie-is-kaempfer/>.

112 Also compare the case of Belgium: “Belgian Prime Minister Alexander De Croo stated that the previous attempt to recover only the children (and not their mothers) from the camps was not approved by the Syrian Kurds.” Van Wilgenburg, W.: “Belgian PM defends repatriation of ISIS families from northeast Syria,” Kurdistan24, May 20, 2022, <https://www.kurdistan24.net/en/story/28414-Belgian-PM-defends-repatriation-of-ISIS-families-from-northeast-Syria>.

113 The Federal Prosecutor at the Federal Court of Justice: “Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung „Islamischer Staat (IS)“ erhoben,” January 16, 2023, <https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/2023/Pressemitteilung-vom-16-01-2023.html>.

114 Several aspects of the approach to Cebrail Ö.'s case have drawn criticism, e.g., that he had spent pre-trial detention in a prison for terrorism suspects instead of a juvenile prison; Spanner, Elke: “Kindheit im Kalifat,” Die Zeit, July 20, 2023, <https://www.zeit.de/hamburg/2023-07/islamischer-staat-terrorismus-syrien-verurteilung-is-rueckkehrer> and Welt: “Schon als Elfjähriger startete die Islamisten-Laufbahn,” February 27, 2023, <https://www.welt.de/regionales/hamburg/article243998553/IS-Rueckkehrer-Schon-als-Elfjaehriger-startete-die-Islamisten-Laufbahn.html>.

115 For example, in the UK, decisions on the repatriation of alleged ISIS members or groups are made by the government. See for example the case of Shamima Begum: Sabbagh, D.: “Shamima Begum loses appeal against removal of British citizenship,” The Guardian, February 23, 2024, <https://www.theguardian.com/uk-news/2024/feb/23/shamima-begum-loses-appeal-against-removal-of-british-citizenship>. Similarly, in Slovakia, where, based on the decision of the Slovak Ministry of Foreign Affairs, the repatriation of Slovak citizens from the Roj camp and the Hourri rehabilitation center from Northeastern Syria took place. TASR: “Slovenka Renáta D., ktorú obvinili z terorizmu, zostáva vo väzbe,” May 3, 2023, <https://www.teraz.sk/slovensko/slovenka-renata-d-ktoru-obvinili-z-t/711780-clanok.html>.

116 Neue Osnabrücker Zeitung: “Grüne fordern Rückholung von Kindern deutscher IS-Anhänger aus Syrien,” April 29, 2019, <https://www.presseportal.de/pm/58964/4257695>.

117 German Parliament: “Kleine Anfrage. Deutsche Staatsbürgerinnen und Staatsbürger und ihre Kinder in den ehemaligen IS-Gebieten,” Drucksache

a “shared responsibility” and reiterated that the Kurdish-led administration had demanded for years that “countries of origin of the foreign IS members and their family members take them back and have them stand trial.”¹¹⁸ From 2021 to 2025, a coalition of the Social Democratic Party, the Greens and the Free Democratic Party governed Germany, with the Green politician Annalena Baerbock as Foreign Minister. However, neither this government nor the outgoing foreign minister have decided how to approach the subject of German men detained in Northeastern Syria. As one actor put it: the German government “decided not to decide.”¹¹⁹ Since assuming office, Baerbock had not – at least to the authors’ knowledge – publicly called for the repatriation of German men. Notably, Germany also expects other states – including Iraq – to take back deported terrorist suspects and offenders.¹²⁰

Beyond national decision-making processes, the position of AANES seems to further complicate the situation. AANES has repeatedly declared that it aims to prosecute crimes committed by ISIS, including foreign nationals, but on the other hand, it has called on countries of origin to take back their citizens. For example, in January 2023, Khaled Davrisch, a AANES representative in Germany, welcomed Germany’s interest in prosecuting crimes committed by ISIS and said that “the repatriation operations must be extended, especially to male [ISIS] members. Because they are just waiting to break out of our prisons and commit further crimes”.¹²¹ These contradictory positions might be explained by geopolitical considerations. While the Kurdish authorities are clearly overwhelmed with the management of tens of thousands of alleged ISIS members and consequently have called on the international community to support them, it seems that they do not necessarily have a sustained interest in sending all third-country nationals back. Apparently AANES assumes that if it retains a number of foreign nationals in their custody, it is able to increase its chances of maintaining international attention to and increasing potential support for a recognized Kurdish state in Northeastern Syria.¹²² Hence, the current stalemate with regard to German men detained in Northeastern Syria seems to be partly caused by varying priorities and concerns of both sides – the German government and AANES. As a US State Department official put it, “There is opportunity in chaos and lack of clarity – nobody is forced to take a firm position and since it is not realistic for there to be prosecution of non-Syrians in Syria – that’s an excuse for inaction.”¹²³

It is also important to address the question of individuals without German nationality. From a legal perspective, paragraph 5 of the German law on consular assistance (Act on Consular Officials, their Duties and Powers or KonsG¹²⁴) regulates consular support for German nationals in need in special life situations such as conflict and explicitly extends such support to “non-German family members of Germans if they live or have lived with them in the same household for a longer period of time.”¹²⁵ More specifically, “in their consular district, the consular officers shall look after German prisoners on remand and in prison at their request and, in particular, provide them with legal protection” (paragraph 7, KonsG). Although these provisions do not provide for a legal claim to repatriation, they afford German authorities the possibility to extend repatriation efforts to non-German men detained in Northeastern Syria on a case-by-case basis.

From a judicial perspective, experts estimate that all adult men have criminal investigations pending against them and that the majority of them also have arrest warrants pending against them.¹²⁶ While those men who hold German nationality cannot be stopped from entering Germany – in case they manage to escape custody and return to Germany on their own – it is likely that all those without German nationality are subject to travel bans by the German authorities.

Civil society actors have also played an important role in shaping German policy on repatriation. For example, the NGO Grüner Vogel e.V. is providing counseling on disengagement from Islamist extremism and has been supporting the repatriation, disengagement and reintegration of several German women and children returning from camps in Northeastern Syria, as well as their relatives in Germany.¹²⁷ Grüner Vogel is also in contact with the family members of at least eight men (including Germans and non-German nationals) detained in Northeastern Syria. In summer 2023, a private meeting was organized by Grüner Vogel

19/19954, June 15, 2020, <https://dserver.bundestag.de/btd/19/199/1919954.pdf>.

118 German Parliament: “Kleine Anfrage. Umgang mit gefangenen IS-Mitgliedern in Nord- und Ostsyrien,” Drucksache 19/19704, June 2, 2024, <https://dserver.bundestag.de/btd/19/197/1919704.pdf>.

119 Röing 2021, p.36.

120 See for example Flade, F. & Pinkert, R.: “Islamistischer Gefährder soll zügig in den Irak abgeschoben werden,” NDR, December 14, 2023, <https://www.ndr.de/nachrichten/niedersachsen/Islamistischer-Gefaehrder-soll-zuegig-in-den-Irak-abgeschoben-werden,abschiebung992.html>.

121 <https://anfdeutsch.com/aktuelles/selbstverwaltung-fordert-rucknahme-von-is-verbrechern-35949>

122 The Levant Studies Unit: “Syria’s Autonomous Kurdish Administration Caught Between Two Projects”, February 1, 2023, <https://epc.ae/en/details/featured/syria-s-autonomous-kurdish-administration-caught-between-two-projects>.

123 Interview with a US Department of State official, May 14, 2024.

124 See for example <https://www.gesetze-im-internet.de/konsg/>.

125 Interview with Schoenian, May 6, 2024.

126 Interviews with Dantschke, April 5, 2024, and Ní Aoláin, March 27, 2024.

127 Ibid.

between several relatives of men detained in Northeastern Syria and AA representatives.¹²⁸ The objective was to call attention to the men's situation, present their families' perspectives, and demand that the Federal Foreign Office put pressure on Kurdish stakeholders to re-enable the access of the ICRC to the detainees and at least obtain a so-called "Safe & Well" message.¹²⁹ Since the AA has no official communication with AANES, it communicates directly with the ICRC on this issue and, according to Grüner Vogel, hopes that the ICRC will have access to the men to at least determine whether they are still alive.¹³⁰ While the process has reportedly been very slow, some progress has been made and the ICRC has apparently regained access to detention facilities.¹³¹ In spring 2024, several German women in the camps have reportedly received a message from their husbands in detention via the ICRC.¹³²

Legal Perspective

In the context of the aforementioned political inaction, legal processes have played a crucial role, at least regarding women and children. Several German women have won court cases that obliged the German government to repatriate them. German lawyer Dirk Schoenian estimates that he has successfully represented the majority of repatriated German women and minors in German courts.¹³³ However, the denial of access to lawyers by the detained men in Syria prevents them from asserting their rights and going to court to exert legal pressure on their government. The only exception was the case of German national Wahid Al F., who – after receiving death threats in detention – was able to confirm via voice message that Dirk Schoenian should represent him in court.¹³⁴ While the voice message was finally accepted in court as a power of attorney declaration, Al F. lost the proceeding in the court of first instance. In late 2021, an administrative court in Berlin argued in summary proceedings that Al F. had no right to be repatriated by the German government since there was no immediate danger to his life and or physical well-being. Shortly after this verdict, in January 2022, the Al-Sina'a detention facility where Al F. was being held was attacked by ISIS forces. Since then, Al F.'s family and Schoenian have not heard from Al F. His lawyer could initiate new proceedings, but would have to present the court with new information on the current situation in the detention facilities and Al F.'s current condition in particular.

Prosecution, Rehabilitation, Disengagement, and Social Reintegration in Germany

The necessity to prosecute alleged ISIS affiliates remains one of the key objectives that the international community can agree on. As of April 2024, 111 returnees have already been convicted in German courts, including for terrorist membership abroad (paragraphs 129a and b of the German criminal code (StGB)) as well as for preparation of a serious act of violence endangering the state (paragraph 89a StGB). 119 criminal proceedings are ongoing and 122 proceedings had been discontinued.¹³⁵ Hence, German prosecutors already have significant experience and expertise in prosecuting returnees, including several of the wives of German men detained in Northeastern Syria. However, challenges remain, such as the access to evidence for actual engagement in combat (beyond military training), as well as the question how the time spent in Kurdish detention facilities would be considered when deciding on a potential prison sentence in Germany.

German actors have in the past ten years built up a comprehensive rehabilitation system incorporating concepts and regulations for dealing with Islamist extremism and returnees in particular, specialist training, increased cooperation with civil society and government-led exit counselling, as well as the establishment of returnee coordinators in several states.¹³⁶ Relevant actors find that they are overall well prepared to the challenge that returned fighters pose. Many of these stakeholders are in favor of repatriating the remaining German nationals, including adult men. At the same time, they do not underestimate the enormity of the task. As Claudia Dantschke from Grüner Vogel e.V. put it, the German fighters were "the big, powerful ones – now they are powerless and helpless prisoners (...) I expect that we will get real psychopaths back, [since] this will not pass anyone by without a trace."¹³⁷ Dantschke also explained that many of the female returnees have already separated from their partners, sometimes married also according to Islamic law, while others continue to wait for the return of their husbands. While marriages might

128 Interview with Dantschke, April 5, 2024.

129 See International Committee of the Red Cross: "ICRC Head of Delegation in Syria. Detention Work Remains Our Top Priority", December 23, 2024, <https://www.icrc.org/en/article/icrc-head-delegation-syria-detention-work-remains-our-top-priority>.

130 Interview with Dantschke, August 9, 2024.

131 Interview with Dantschke, April 5, 2024.

132 Ibid.

133 Interview on May 6, 2024.

134 Ibid.

135 Deutscher Bundestag: "Antwort der Bundesregierung. IS-Anhänger und deren Kinder im In- und Ausland – Stand: 31. Dezember 2023," Drucksache 20/11085, April 17, 2024, <https://dserver.bundestag.de/btd/20/110/2011085.pdf>.

136 Koller, S.: "The German Approach to Female Violent Extremist Offenders," in: Mehra, T., Renard, T. & Herbach, M. (Hrsg.): "Female Jihadis Facing Justice. Comparing Approaches in Europe," The Hague, ICCT Press 2024, <https://www.icct.nl/publication/female-jihadis-facing-justice-comparingapproaches-europe>, pp. 63-93.

137 Interview with Claudia Dantschke, April 5, 2024.

continue in only a few cases, some sort of relationship will in most cases be continued because of joint children. Dantschke compares the situation with that of German prisoners of war returning from Russian detention after ten years – following the first of joy of being reunited, the enormous challenges of living together with highly traumatized and physically harmed men will become apparent for the families and will require long-term and multi-agency support. Projects like ProKids from the NGO Grenzgänger have been set up to specifically support children in extremist families, including returned minors.¹³⁸

INTERNATIONAL PERSPECTIVES

Until the fall of the Assad regime in December 2024, the situation in Northeastern Syria and the question of the detained alleged ISIS members had disappeared from media headlines. International attention had turned to other conflicts, especially since the Russian reinvasion of Ukraine in February 2022 and the terrorist attack by Hamas on Israel in October 2023, as well as the consequent violent conflicts in the region. However, there have been ongoing efforts in favor of repatriation. For example, in summer 2022, the European Court of Human Rights (ECtHR) issued a verdict in a case about the French government's reluctance to repatriate the plaintiff's grandchildren and daughters from the camps, arguing that while there was no "general right to repatriation," the French government had to ensure that decisions on repatriation were safeguarded against arbitrariness.¹³⁹ Amidst mounting national and international pressure, the ECtHR's verdict contributed to an increase in repatriations of Western women and minors from the camps throughout 2022, including to France, the Netherlands, the United Kingdom, Australia, and Canada. In the past years, diplomatic efforts – notably by the US – seem to have again contributed to increased efforts by governments to repatriate women and minors. The US has for example "engaged intensively on the diplomatic front and as a result have seen significant progress [over the course of 2023]".¹⁴⁰ Hence, according to a US State Department official, the narrative around women and minors has begun to change, but regarding adult men, governments still "put their heads in the sand."¹⁴¹ At the same time, while there were indeed governments willing to repatriate foreign terrorist fighters, it was also the SDF who was effectively hindering such efforts. Indeed, relations between the former US administration and the SDF had "seemingly chilled [...], with legitimate criticism aimed at the group's use of funds and ability to guard detention facilities."¹⁴²

It is not yet clear whether the new Trump administration will continue this course or even, in the words of one counterterrorism expert, "seek to accelerate or force the repatriation of thousands of foreigners currently in places like al-Hol and al-Roj."¹⁴³ Still, the consensus among most Western and European states seems to remain that adult men are not likely to be repatriated. Concretely, a few Western countries, including Italy, Finland and Germany, have repatriated at least one adult man. The former US administration under President Biden had been actively calling for the repatriation of a broad group of individuals: "most countries have only considered their own nationals for repatriation and generally have not explored resettlement opportunities for non-citizens with ties to their country (...) but we must also repatriate male detainees."¹⁴⁴ In May 2024, the US repatriated eleven American nationals and one non-citizen, bringing the total number of Americans repatriated to 51, including at least three adult men.¹⁴⁵ In contrast, several non-Western countries have opted for a more active approach to repatriation of male adults, most notably Kazakhstan, which repatriated 37 adult men, as well as Bosnia and Herzegovina (8), Kosovo (4), and North Macedonia (4).¹⁴⁶

Finally, it is worth noting that, somewhat surprisingly, there is "not a large quantity of ISIS or unofficial pro-ISIS propaganda that

138 Grenzgänger: „Grenzgänger ProKids,“ IFAK e.V., <https://www.grenzgaenger.nrw/grenzgaenger-prokids/>.

139 Koller, Sallach & Schiele 2022.

140 Van Wilgenburg, W.: "Over 3,000 individuals have been repatriated from northeast Syria. US official," Kurdistan24, April 20, 2023, <https://www.kurdistan24.net/en/story/31254-Over-3,000-individuals-have-been-repatriated-from-northeast-Syria-US-official>.

141 Interview with a US Department of State official, May 14, 2024.

142 Margolin, Deborah: "U.S. Returnees from Syria Reveal Much About the Repatriation Challenge," Washington Institute, May 9, 2024, <https://www.washingtoninstitute.org/policy-analysis/us-returnees-syria-reveal-much-about-repatriation-challenge>.

143 Clarke, C. P.: "Counter-terrorism Implications of a Second Trump Presidency," International Centre for Counter-Terrorism, November 19, 2024, <https://icct.nl/publication/counter-terrorism-implications-second-trump-presidency>.

144 Moss, I.: "Intervention at the D-ISIS Coalition FTF Working Group," US Department of State, D-ISIS Coalition FTF Working Group, March 5, 2024, <https://www.state.gov/intervention-at-the-d-isis-coalition-ftf-working-group/>.

145 Margolin 2024.

146 Tajikistan, Kazakhstan, and Uzbekistan have also all adopted a very active approach to repatriating their nationals from Syria and Iraq; Najibullah, F. & Ahmadi, M.: "Tajikistan Prepares To Repatriate Families Of Islamic State Fighters From Camps In Syria," Radio Free Europe / Radio Liberty, December 10, 2020, <https://www.rferl.org/a/tajikistan-prepares-to-repatriate-is-families-from-camps-in-syria/30994273.html>.

focuses on the issue of adult male or male teenage prisoners”.¹⁴⁷ In a speech in August 2023, ISIS’s spokesperson Abu Hudhayfah Al-Ansari spoke to male and female prisoners, “advocating patience and stating that they had not been forgotten and that efforts would be conducted to free them.”¹⁴⁸ Overall, more ISIS propaganda is focusing on the plight of women and children in the camps and the necessity of ongoing support. Content that does include male prisoners rather focuses on specific acts or events, such as the attack on Al-Sina’a detention facility.

CONCLUSION & OUTLOOK

The detention of several thousand male alleged ISIS members, including at least 28 men from Germany in detention facilities in Northeastern Syria, has continued for more than six years. The difficult and, in some cases, potentially life-threatening detention conditions; lack of access to legal representation and humanitarian organizations; and unstable security environment have led and could lead again to hundreds of fighters rejoining the ranks of terrorist organizations in the region and beyond. This is an untenable situation. The very concrete risks for the region as well as the international community have been highlighted for years. At the same time, relevant actors – including the Kurdish-led administration and countries of origin such as Germany – have settled into a sort of political stalemate, shifting responsibility back and forth.

This paper aimed to draw attention to the situation of male prisoners in Northeastern Syria in general and of men and boys from Germany in particular. The three case studies of Ismail S., Martin L. and Shamil Ch. included in this report highlighted the different profiles and – in the case of the two adult men – the fact that most individuals had radicalized in Germany prior to their departure. The report also outlined German policy approaches, problematizing the ongoing inaction by the German government on this question, the potential of judicial measures and the important role that civil society organizations can play as brokers between detainees, their relatives and their governments. Finally, the paper summarized some international perspectives and approaches from other countries, such as the US and Kazakhstan, that have been more active in repatriating male adults.

The significant political and security challenges that the repatriation of ISIS fighters presents should not be underestimated. However, there is a growing consensus among civil society and government experts that the “alternative to repatriation (....) is a possible resurgence of ISIS.”¹⁴⁹ The fall of the Assad regime and the rise of a transitional government in 2024 has further complicated the issue. Turkey and Gulf states are pressuring the new administration to transfer control of detention camps and facilities from the SDF, arguing that the SDF’s affiliation with the Kurdistan Workers’ Party (PKK) undermines regional stability.¹⁵⁰ However, experts are once more warning that should the SDF lose control, foreign fighters would be able to flee and potentially support ISIS structures in Syria, the broader region and even Europe.¹⁵¹

Beyond the obvious security concerns, Germany and the members of the Global Coalition to Defeat ISIS are already in jeopardy for the potential human rights violations that are taking place in some of the detention facilities, including potential war crimes and crimes against humanity being committed against male detainees. From a national perspective, many actors in Germany have expressed their preparedness to deal with the cases of male returnees. International experts highlight that “we are still talking about relatively small numbers that [actors in Germany] are perfectly capable to handle” and call to “de-exceptionalize” male returnees in terms of the threat they represent.¹⁵²

Germany should learn from countries who have already repatriated male adults and adequately strengthen its capacities to prosecute, rehabilitate and disengage returnees. In addition, a contact interviewed for this report highlighted that the report on the joint thematic visit to Germany and North Macedonia published by the UN’s special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in March 2024 was quite positive and leaves

147 Interview with Joshua Fisher-Birch, April 16, 2024.

148 Quote of Abu Hudhayfah Al-Ansari from his speech broadcasted via Al-Furqan Foundation, August 2023.

149 Asetta, C.: “Progress in Repatriations: How Foreign Assistance Is Addressing the Humanitarian and Security Crises in Northeast Syria: Part 1 of 2,” US Department of State, Bureau of Counterterrorism, December 4, 2023, <https://www.state.gov/progress-in-repatriations-how-foreign-assistance-is-addressing-the-humanitarian-and-security-crises-in-northeast-syria-part-1-of-2/>.

150 Pierini, M.: “The Europeans Return to Syria. For the EU, the new leaders in Damascus’ stated aims provide a basis for cooperation,” Malcolm H. Kerr Carnegie Middle East Center, February 3, 2025, <https://carnegieendowment.org/middle-east/diwan/2025/02/the-eu-returns-to-syria?lang=en>.

151 Neumann, P.: “Führt die Revolution in Syrien zu mehr Terrorismus?“, Die Terrorlage, December 12, 2024, [https://prneumann.substack.com/p/fuehrt-die-revolution-in-syrien-zu?utm_source=post-banner&utm_medium=web&utm_campaign=posts-open-in-app&triedRedirect=true](https://prneumann.substack.com/p/fuehrt-die-revolution-in-syrien-zu-utm_source=post-banner&utm_medium=web&utm_campaign=posts-open-in-app&triedRedirect=true).

152 Interview with Toros, March 6, 2024.

Germany in a good position. The German government could build on this momentum and make a political decision in favor of repatriation.¹⁵³ Indeed, experts stress that Germany has to take on its responsibility as a “big and powerful government” that has the ability to also lead other European governments on this issue by example.¹⁵⁴ Finally, there is even more urgency for affected countries like Germany to speed up repatriation processes. The Trump administration may not only cease US calls to repatriate foreign terrorist fighters and their families but also withdraw US forces from Syria, thus creating a security vacuum that the SDF is unlikely to be able to fill. The new volatile situation in Syria after the fall of the Assad regime when partly extremist Islamist former opposition forces took over power in Damascus and began to compete with the SDF (in addition to forces loyal to Turkey) is potentially further increasing the potential security threat emanating from the detention facilities and camps.¹⁵⁵ Germany’s active approach to returning minors and their mothers has already put pressure on other European countries to follow suit. Despite the challenges it would undoubtedly present, the new German government needs to urgently initiate a similar dynamic regarding the repatriation of alleged ISIS-linked men and boys detained in Northeastern Syria.

153 Interview with Professor Fionnuala Ní Aoláin KC (Hons), the Former UN Special Rapporteur on March 27, 2024; United Nations Human Rights Office of the High Commissioner: “Joint thematic visit to Germany and North Macedonia – Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin (Advance edited version)”, A/HRC/55/48/Add.2, March 8, 2024, <https://www.ohchr.org/en/documents/country-reports/ahrc5548add2-joint-thematic-visit-germany-and-north-macedonia-report>.

154 Interview with a US Department of State official, May 14, 2024.

155 Schindler, Hans Jakob, “The Fall of the Assad Regime: Terrorism Challenges”, Counter Extremism Project, CounterPoint Blog, December 17, 2024, <https://www.counterextremism.com/blog/fall-assad-regime-terrorism-challenges>.

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