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Dealing with Foreign Terrorist Fighters and Family Members

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Legacies of the Islamic State: Dealing with Foreign Terrorist Fighters and Family Members

SINCE THE FALL of Raqqa in 2017 and the final collapse of the Islamic State's territorial caliphate in 2019, much of the group's membership – an assortment of administrators, porters, propagandists, fighters (international and local) and families – has been detained across Iraq and northeast Syria, with an estimated 100,000 confined in the latter alone.¹ Nevertheless, there is a lack of strategic clarity, infrastructure, resources and inclination to deal with this population among international stakeholders, Western governments and (certain) Muslim-majority countries, which continue to outsource day-to-day custodial responsibilities to Iraq's federal authorities and non-state armed groups such as the Syrian Democratic Forces (SDF) – an amalgam of Kurdish, Arab and Assyrian militias. In this context, deteriorating conditions within both displacement camps and detention centres, food shortages, and the impact of the coronavirus pandemic are contributing to a dire security and humanitarian situation. Concerns over human rights abuses have likewise engendered urgent legal and moral questions and raised the real prospect of an Islamic State revival, or of some derivative offshoot exploiting unresolved grievances and a latent supply of manpower.

Against this backdrop, RUSI convened a series of multidisciplinary, expert-led workshops in October, November and December 2020 to discuss the problem of foreign terrorist fighters (FTFs) and family members. Specifically, these sessions examined 'best practice' in relation to deradicalisation, disengagement and reintegration (DDR); approaches for strengthening international legal mechanisms and ensuring the delivery of justice and accountability; and developments to improve the collection and use of battlefield and witness evidence in securing prosecutions.

While they involved a range of stakeholders – from civil servants, prosecutors and legal specialists to current and former members of law enforcement, military personnel, academics, P/CVE practitioners, UN and EU officials, and NGOs – views have been anonymised as the workshops were held under the Chatham House Rule.²

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1. Human Rights Watch, 'Syria: Events of 2020', <www.hrw.org/world-report/2021/country-chapters/syria/>, accessed 29 March 2021.
 2. The workshops have also fed into an Occasional Paper. See Sabin Khan and Imogen Parsons, 'Resolving the Stalemate: Foreign Fighters and Family Members in Syria', *RUSI Occasional Papers* (December 2021).

Given the inevitable overlap and intersection between different sessions, the narrative of this report is not chronological but reflects and summarises key debates, analysis and conclusions.

Current Challenges and Options

A key topic of discussion was the arrangements available for processing and, where necessary, prosecuting FTFs and/or their family members.

In this context, the feasibility and utility of engaging the International Criminal Court (ICC) was generally dismissed by participants. Not only has the former prosecutor ruled out a role for the Court, but several experts raised concerns regarding its track record, describing past outputs as incommensurate with their financial expense, and citing a lack of appetite or political backing for such a process. Others also flagged the ‘gravity thresholds’ that frame ICC activity, arguing the Court exercises the mandate and resources to prosecute ‘high-level’ cases but has little capacity to deal with thousands of ‘rank-and-file’ members incarcerated across Iraq and northeast Syria.

Perceptions of renewed opportunities for US engagement were likewise mixed. Compared to the emphasis on domestic prosecutions of foreign fighters advocated by President Donald Trump – a preference reflecting the relatively small number of US FTFs – the Biden administration was generally seen as receptive to multilateral solutions. However, participants warned any push for greater leadership at the international level may be tempered by competing priority areas, limited diplomatic bandwidth, and the appropriacy and costs of US commitment over what is often interpreted as a ‘European problem’. Clear parameters of engagement would therefore need to be established: any US involvement would require careful balancing and management of political sensitivities in Iraq, given Washington’s ongoing security interests and military presence.

Nevertheless, devolving responsibility to siloed, national-level jurisdictions was also deemed problematic, particularly as many states still lack sufficient access to evidence or are unable to satisfy provenance due to opaque, ad hoc or unregulated chains of custody. Several participants referenced broader challenges: although UN Security Council Resolution 2178 (2014) offers a *prima facie* case for prosecuting FTFs in their home countries, there is often a lack of political will to assume the risk of facilitating the return and possible acquittal of Islamic State suspects. Even successful convictions could create longer-term fallout given the susceptibility of prison populations to radicalisation and recruitment. Despite advocacy for repatriation at the international level, and by senior security officials, think tanks, prosecutors and academics across countries such as Belgium, France, Germany and the Netherlands, governments seemingly prefer to insulate themselves from public backlash by subcontracting the vast majority of these litigation processes to the Autonomous Administration of Northeast Syria (AANES)/SDF and Baghdad. However, such choices could have deleterious consequences due to the inadequate capacity of Iraq’s judicial system, the lack of international recognition of the AANES, a dearth of legislation enabling local detainees to be charged with international crimes, the continued use

of the death penalty,³ and the potential exposure of vulnerable individuals, including minors, to abuse and neglect in makeshift refugee and detention sites. The complicity of President Bashar al-Assad's regime in war crimes and mass atrocities, and the limited resources and administrative capability of Kurdish authorities to screen thousands of alleged Islamic State members, raise further difficulties, even though the latter have imposed a moratorium on capital punishment.

Of course, participants conceded that certain countries have already recognised their obligations, at least to a degree, acknowledging the proactive stance of various Central Asian republics, and a concerted push by Balkan states to return women and children on the basis they should be treated as 'victims' (while recognising some may be highly indoctrinated).⁴ However, there remains widespread reluctance to deal with older male suspects: cases in the Balkans were frequently only being pursued under heavy pressure from the US, culminating in plea deals and short sentences bereft of follow-on programming to support disengagement or rehabilitation. This not only reveals the practical challenges associated with soliciting government action but captures the resilience and ubiquity of gender-based assumptions that often colour counterterrorism policy and programming.⁵ Consequently, several participants emphasised the importance of individualised risk assessments to both ensure accurate triaging and reflect the diverse experiences, motivations and capacities for change that characterise detainees.

Additional complications stem from 'stateless' detainees/refugees (for instance, individuals stripped of their nationality by their home countries),⁶ and there are moral, legal, practical and ethical considerations related to children who may either have been brought to Syria when they were very young or were born in refugee camps or territory formerly controlled by the Islamic State.⁷

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3. This issue is not confined to Iraq: several P5 members apply capital punishment. Similar tensions surfaced in relation to the extradition of former British citizens Alexandra Kotey and El Shafee Elsheikh – both accused of membership in a quartet of Islamic State guards known as the 'Beatles' – to the US, with the UK government resisting the transfer until they received confirmation that prosecutors would not seek the death penalty.
 4. Participants also acknowledged the power of cognitive linguistics, describing the propensity of language to have a measurable effect on policies and public perceptions.
 5. These include casting women as 'victims' rather than applying a gender-sensitive lens to questions of radicalisation and recruitment that acknowledges female agency and perpetration. Failure to do so is not only unethical and inaccurate but risks negative externalities that could directly impact national security, for example, granting suspended sentences to women even if they return highly indoctrinated.
 6. 'Dozens' of people had their British citizenship revoked by the UK government and similar positions have been adopted in Germany and the Netherlands, which amended their laws to allow the deprivation of nationality under certain circumstances. See Bel Trew, 'Abandoned in Syria: The British Mother Whose Citizenship Was Stripped Without Warning', *The Independent*, 18 November 2021.
 7. Participants acknowledged and signposted ongoing analysis around issue of statelessness, including work published by the Institute on Statelessness and Inclusion based in the Netherlands.

As most participants agreed, there is no ‘silver bullet’, but inaction or prosecution via regional proxies would likely be the worst of all outcomes, especially as this may translate into either indefinite incarceration and the suspension of due process – conditions conducive for a possible Islamic State revival (in facilities akin to a ‘Camp Bucca 2.0’) – or the mass, unvetted release of detainees, a possibility demonstrated by a 25,000-strong amnesty announced by the Syrian Democratic Council. With respect to this second scenario, one participant warned FTFs may be ‘coming home whether you like it or not’.

Possible Alternatives

Hybrid tribunals and customary frameworks offer potential advantages, including: a tailor-made mandate that satisfies the necessary management and funding of provisions; space for triage and wider issues of compensation, reparation and rehabilitation; inclusive parameters to empower national and international stakeholders; local ownership; and opportunities to strengthen judicial standards and accommodate discrete, multi-layered solutions at different levels to better manage volume. Crucially, these arrangements are also amenable to bespoke statutes, meaning a tribunal’s coverage can reflect the breadth or specificity of criminal activity as needed, in this case ranging from genocide, war crimes and crimes against humanity to sexual and gender-based violence and various terrorism offences. While some participants warned this last set of charges do not usually feature in customary law, there is scope to incorporate many of their key ingredients or prosecute sequentially following an initial focus on war crimes.

Likewise, there may be advantages in relation to judicial quality: few domestic judges have experience tackling war crimes, requiring the formation of specialised benches at the international level.⁸ In contrast to national legal systems, hybrid tribunals featuring transnationalised components can leverage this technical expertise to improve the efficacy and efficiency of proceedings. They also reduce the reliance on local juries, magistrates and court officials who could be susceptible to political pressure or face significant security risks in a context like Iraq, and ensure the consistency and admissibility of forensic evidence – content that may otherwise be dismissed as ‘hearsay’ by regional stakeholders.

More broadly, such provisions have offered a useful platform for amplifying victims’ stories, or specific crimes/cases that contribute towards international jurisprudence. For instance, following the Rwandan genocide in 1994, the role of hate media in mobilising mob violence and encouraging ethnic cleansing received special attention from the UN International Criminal Tribunal for Rwanda, leading to the successful prosecution of two senior Radio Télévision des Mille Coulines members and the chief editor of Kangura – the ‘first convictions of their kind’ since the Nuremburg Trials.⁹ In the context of Syria and Iraq, participants acknowledged the

8. Several participants qualified these claims, referencing an increase in the number of states successfully prosecuting war crimes. Germany was specifically praised for its experience in this context.

9. *UN News*, ‘UN Tribunal Convicts 3 Rwandan Media Executives for Their Role in 1994 Genocide’, 3 December 2003, <<https://news.un.org/en/story/2003/12/87282-un-tribunal-convicts-3->

value of highlighting the plight of the Yazidis, including their continued displacement and persecution, to encourage a greater push for support and eventual reparations. Notably, they also flagged the resonance these stories have in P/CVE work and counter-messaging to expose the brutal realities of, and atrocities conducted under, Islamic State rule.

Importantly, this hybridised structure can help navigate the practical, ethical and political constraints of collaborating with non-state groups. For example, several participants suggested that potential court cases convened in the AANES could plausibly be tied to a wider tribunal if Kurdish paramilitaries, as an ‘occupying force’, adhered to certain obligations, including the humane treatment of prisoners and legal processes that meet the standards prescribed under international human rights law. Of course, ensuring security and due process in Kurdish-held territory remains difficult, and there is substantial disagreement over the extent of non-state participation – some, such as the Dutch government, draw a hard line against any formal partnership or support – and a lack of clear precedence for guidance. Nevertheless, participants concluded the involvement of such stakeholders was ‘legally possible’.

Moreover, several experts emphasised the benefits of streamlining inherently complex legal dynamics within a single framework. As testimony and evidence often cut across cases, there is value from a practical and ethical perspective in shortening chains of custody to help preserve evidentiary provenance and minimise witness engagement to reduce inertia, inconsistencies and psychological, physical and financial harm. Participants noted previous cases of victims and witnesses testifying over 60 times in Rwanda, with excessive demand contributing to stress, exhaustion and re-traumatisation. This is routinely compounded by logistical challenges, with delays in gathering witness statements and relevant evidence leading to their inadmissibility in European trials. Others suggested that improvements in technology and the increasing normalisation of video conferencing in court could help alleviate the strain on vulnerable individuals, but this would not necessarily mitigate the need for repeated testimony if prosecutions were spread over separate jurisdictions.

Limitations and Challenges

Participants acknowledged that any hybridised approach would be susceptible to various limitations requiring some form of mitigation. First, deconflicting legal systems and procedures and ensuring universal agreement across all stakeholders is immensely difficult, especially as countries apply heterogeneous standards for evidentiary admissibility and there is little shared language across different jurisdictions.¹⁰ The time required for constructing a new transnational architecture may also be high, although this could be expedited by building on

[rwandan-media-executives-their-role-1994-genocide>](#), accessed 25 March 2021.

10. For instance, one participant described ‘completely different dynamics’ characterising case preparation in Roman law compared to Common law (for example, UK and Commonwealth) jurisdictions. Similarly, some states consider forensic evidence ‘hearsay’ and inadmissible, in contrast to its routine use in the British legal system. However, efforts have already been made to develop common approaches, including protocols for human rights investigations championed

existing institutional arrangements and integrating key stakeholders such as UNITAD¹¹ and the International, Impartial and Independent Mechanism (IIIM), which have already processed significant tranches of data (discussed below), alongside supplementary support from the likes of EUROPOL and the Genocide Network. Additionally, any tribunal would require buy-in from Baghdad, even if the platform itself was hosted by a third party – a big ask given the scale of crimes committed in Iraq. Crucially, such approaches risk becoming Islamic State-centric and a vehicle for ‘victor’s justice’, an outcome that overlooks the atrocities of other actors including the Assad regime and a slew government-affiliated militias.

Past experiments raised further concerns for participants. In contrast to the relative efficacy, high standards and accountability of the Sierra Leonean–UN model used to try members of the Revolutionary United Front, Civil Defence Forces, Armed Forces Revolutionary Council and former President of Liberia Charles Taylor, analogous structures proved problematic in Bosnia, where hybrid configurations introduced protocols incongruent with the domestic legal system, creating inconsistencies, delays and confusion even among experienced local jurists. There were also disparities in scope and capacity: Sierra Leone’s template focused almost exclusively on a narrow set of high-profile cases, while Bosnia’s approach was far more extensive, involving hundreds of prosecutions. These mixed results therefore reflect the pernicious trade-offs and opportunity costs that would need to be negotiated before a tribunal could be launched. Against this backdrop, experts stressed the difficult, sub-optimal choices that would inevitably have to be made for practical, legal and political reasons.

Furthermore, the prospective leadership of any multilateral, international or hybrid response remains unclear. Participants described a constellation of working groups and institutional bodies contributing to both counterterrorism and P/CVE, but many have ‘lapsed into abeyance’ while others may not be suitable for directing or convening a tribunal process. For example, the Global Counterterrorism Forum helps develop doctrinal approaches to counterterrorism challenges and organises capacity-building schemes, yet it has no legal personality and lacks the mandate or internal capabilities necessary for assuming a management role in this specific context. Despite the operational faculties originally intended, the Global Coalition Against Daesh likewise functions more as a hub for policy coordination, providing input across responses related to repatriation, assessment, rehabilitation and deradicalisation without the remit to make corporate decisions. The EU’s role is similarly questionable given its explicit preference for national-level solutions to resolve FTF questions. Some participants proposed the UN as a possible leader (if sanctioned by the Security Council), but this would likely involve ‘huge’ investment and may not resolve disagreement over the use of capital punishment. Crucially, it also leaves the question of where to prosecute and incarcerate unanswered.

by the University of California, Berkeley, which proposed a set of universal standards for digital evidence used by courts with particular reference to international crimes.

11. UNITAD has been operational since 2018, integrating five field investigation units that examine a variety of Islamic State activities including the role and recruitment of female fighters, financial crimes and atrocities perpetrated against local Sunni communities in Iraq.

Additionally, these approaches do not solve the problem of accessing and processing battlefield evidence. The quality of such information is relatively high, with mobile phones, sim cards, fingerprints on IEDs, administrative records and documentation, passports and photographs offering insights into the Islamic State's activities – a benefit in part of the group's bureaucratic propensities and the lack of organised effort to conceal its crimes. However, the sheer quantity of material to document, clean, digitise and export creates a huge challenge, an issue only compounded by the operational context and sensitivities in northeast Syria. As previously noted, a string of custodian structures and organisations dedicated to data curation like the Global Coalition Against Daesh, UNITAD and IIIM is making significant headway.¹² UNITAD, for instance, has adopted innovative solutions to both proactively and reactively navigate logistical and political restrictions: facilitating consultations via video link for third parties, gathering specific material at the request of national jurists, creating secondment positions to accelerate information sharing, and developing resilient, trust-based relationships with Iraqi authorities that external prosecutors would otherwise not have the resources, time or access to build. This is complemented by efforts under Operation *Gallant Phoenix* (based in Jordan) to exchange intelligence between civilian and military stakeholders; the circulation of guidance and good practice by NATO and the UN; and the use of transnational agencies like EUROPOL as repositories and 'clearance houses'. One participant went as far as to suggest that evidence collection could be completed by the end of 2021 if the coronavirus pandemic does not generate further delays.

Yet, this content is still only 'trickling' episodically and inconsistently down to national jurisdictions, and it is often difficult, expensive and time-consuming to adapt into evidence admissible for a courtroom. Provenance continues to be hard to track and verify, particularly as UN entities cannot directly access northeast Syria and are therefore reliant on a cluster of local networks, civil society organisations (CSOs) and NGOs to retrieve and catalogue relevant material. Efforts to expand multilateral mechanisms and bolster data collation may also be constrained by non-compliance or resistance from various stakeholders such as Russia if this evidence is then used in a hybridised or internationally led tribunal. Consequently, participants acknowledged there may be greater appetite to resource this architecture if any outputs are relayed straight to national prosecutions.

Of course, there has been a concerted push for cross-border collaboration at an investigative and institutional level, including efforts by EUROPOL's Terrorist Identification Task Force¹³ and similar prosecutorial platforms within Eurojust. Multilateral bodies like the Genocide Network also 'speak a lingua franca' and help strengthen cooperation across EU and Five Eyes members. While it is notoriously difficult and time-consuming for countries to agree international procedures, participants emphasised the value of convening conferences between legal organisations from

12. The main source of battlefield evidence for EU member states was initially the Global Coalition, which collected and channelled material through Jordan to the FBI and eventually INTERPOL. These circuitries have subsequently expanded to include direct links between the EU and all mandated UN bodies, such as UNITAD and IIIM, alongside local NGO field offices.

13. Including relevant non-member states.

different jurisdictions to negotiate practical solutions as a way of avoiding at least some of the complexities associated with formal inter-state diplomacy.

Participants also distinguished between NGO categories, warning that those conducting human rights monitoring do not always produce content admissible in a courtroom because they generally lack the technical expertise to meet evidentiary thresholds. This disjuncture exposes a shortfall in the systems and stakeholders devoted to data collection and emphasises the value of collaboration with other actors working further upstream to help maximise comparative advantage. For example, the Genocide Network and a constellation of national offshoots, such as the UK War Crimes Network, offer a useful platform for trust building and information sharing between frontline organisations, legal specialists, prosecutors and law enforcement personnel. Rather than imposing filters or prescriptions, these forums raise awareness over jurisdictional issues and admissibility standards, help troubleshoot procedural queries and mitigate the tendency for national authorities to cut NGOs out of the process once trials are convened. Comparable methods have been adopted in Iraq to overcome the suspicions and frustrations of activists, CSOs and survivor groups. Between 2014 and 2016, UNITAD's competing mandates made it tough to sufficiently manage the expectations of local partners, particularly in relation to the delays and difficulties in delivering accountability for the Islamic State's atrocities. Subsequently, UN staff arranged monthly meetings with relevant stakeholders to rebuild trust, conduct skills-based training, raise awareness over vicarious trauma and witness protection, and encourage lateral networking and horizontal integration, particularly among marginalised populations such as Shabak, Christian and Yazidi communities. They also convene regular briefings with representatives from the Office of the Special Advisor and Office of National Engagement and Support, originally as a space for information sharing but increasingly as a participatory exercise based around the needs and concerns of Iraqi beneficiaries.

Greater attention should likewise be paid to the sustainability of structures, resources and relationships: many civil society and non-governmental outfits do not have the capacity or funding to maintain their commitments to protracted cases as they often have to shift priorities and deal with personnel turnover, or lose contact with witnesses – serious issues that emerged in previous ICC prosecutions. Wider networks and greater collaboration can provide at least some contingencies, but there continues to be a gap that needs urgent redress.

Moreover, beyond the difficulties in sourcing and processing evidence, there are problems delineating between policy and practice, namely gauging to what extent specific crimes were the result of a systematic approach sanctioned by a centralised authority or the actions and discretion of particular individuals. For instance, the scope of the Islamic State's command chain remains ambiguous: theoretically, the group established clear hierarchies – a claim substantiated by its level of bureaucratisation and the sophisticated infrastructure available for governance, taxation and service provision – but local realities were often 'quite different', with vertical links sometimes becoming distorted or severed. Similarly, high attrition rates among both the senior leadership and wider rank and file make it difficult to determine culpability and lead to further ambiguity over the fate and whereabouts of potential suspects. While progress has been achieved in the collection of increasingly granular data by private organisations and NGOs,

there is still a gap in connecting specific personnel to operational units involved in incidents and atrocities, especially as lower-level members tended to accrue less of a paper trail. While most European prosecutions currently prioritise terrorism offences, this will become a significant issue if national, hybridised and/or international proceedings shift their focus to war crimes, crimes against humanity and crimes of genocide.

Technological advances may alleviate some of these constraints, with geolocation methods, good practice in digital analytics and video evidence, and inputs from citizen journalists improving both the quantity and quality of data. Participants also referenced the value of AI in synthesising extremist content and expediting the triangulation of evidence and suspect identification, particularly in tracking and comparing '*nom des guerres*' across discrete datasets, although this continues to face problems relating to access (and relies on the ongoing digitisation process in Iraq and northern Syria). In the field, UNITAD has launched a new app enabling NGOs and individuals to quickly compile and submit reports, supplementing the roll-out with community training in the hope of accelerating the collation of witness testimony and evidentiary insights.

In summary, a more strategic, integrated approach that has the capacity, resources and mandate to prosecute international crimes (rather than just terror offences) was considered optimal by most participants. This would likely involve establishing some form of hybrid tribunal or adopting 'hybrid methods' acceptable across different jurisdictions to streamline evidence collection, safeguard witnesses and maintain due diligence, accountability and consistent legal standards (or at least avoid contradictory protocols). Both of these options require varying degrees of multilateral cooperation. While the infrastructure and technology may be available, significant political and logistical questions are still outstanding.

Wider Considerations: Disengagement, Deradicalisation and Reintegration, Reparations, and Transitional Justice

Participants stressed the importance of nesting prosecutions and punitive measures within more holistic, multifaceted strategies that integrate DDR, alongside vectors for transitional justice such as reparations, victim-oriented memorialisation processes and truth/reconciliation commissions.

Unfortunately, these components may be difficult to put into practice as most existing DDR frameworks handle 'low-risk' participants and struggle to successfully reform hard-line ideologues, especially those who 'simply learn to say the right words' and maintain 'invisible malign intent'. While recidivism rates among violent extremists are relatively low compared to other forms of criminal activity, this is an imperfect metric for understanding efficacy given the rarity of terrorist events. History also reveals the risks accompanying poor programming. For example, following their return from conflicts in Bosnia, Afghanistan and Pakistan, various FTFs disengaged from directly committing violence but remained enmeshed in extremist networks, with some providing material, discursive and financial support, or becoming conduits for wider recruitment processes.

DDR activities often lean on a reductive logic, where stakeholders like frontline social workers do not know how to deal with individuals who have a 'jihadist mindset', or fixate on countering ideology while neglecting the wider ecology – from structural and enabling factors to individual incentives – that frames radicalisation and recruitment.¹⁴ Instead, these programmes require a comprehensive, forensic and scientific methodology, implemented by staff with the necessary experience, sensitivities and technical expertise. While improvements are being made to bolster intelligence gathering, safeguarding, risk assessment tools and rehabilitation schemes, many prisons still lack the capability to deliver projects in line with recognised 'good practice', especially when required at scale. One participant described the apparent resistance displayed by the US Bureau of Prisons to any integration of specialised DDR measures, with administrators claiming there was nothing unique about violent extremists and consequently assuming generic programmes would suffice. Regardless of a subsequent shift in thinking and approach, there continues to be an ad hoc, compartmentalised and heavily securitised pattern of interventions across the US penal system.

Despite the importance of trust building, personal relationships and consistency, there is also little synchronicity between programmes in and outside of prison, risking disruption when inmates are released or transferred to different teams who have their own priorities and methods. In the absence of a coherent strategy and sufficient resourcing, the 'permanent' or long-term engagement often needed to help support and sustain intervention outcomes – especially in relation to reintegration – may be unavailable.¹⁵ The implications of such shortcomings are not always clear given the sparsity of longitudinal research,¹⁶ but the inadequacy of relocation and employment assistance, for instance, could increase the vulnerability of 'formers' to regressive influences. Across the Western Balkans, evidence has emerged of repatriated individuals re-establishing ties with local 'Islamist groups', in part due to a lack of viable alternatives, vocational opportunities or structured, sustained state support. Experts did flag the progress achieved in some countries such as Germany, which adopted multidisciplinary approaches from a very early stage and developed cooperative partnerships with local religious authorities. The integration of CSOs and psychologists to build relationships that extend beyond a custodial setting is also becoming relatively normalised, and stakeholders are starting to draw on evidence from

14. For example, in some cases radicalisation and ideological indoctrination may be retrospective, occurring after an individual joined the Islamic State (or another violent extremist group), or remain completely absent. For a typology of factors contributing to violent extremism, see Martine Zeuthen and James Khalil, 'Countering Violent Extremism and Risk Reduction: A Guide to Programme Design and Evaluation', *Whitehall Report*, 2-16 (June 2016).

15. This does not necessarily just involve a 'security footprint' but psychological support, training and welfare visits, among other activities.

16. There are, of course, exceptions. See, for instance, David Webber et al., 'Deradicalizing Detained Terrorists', *Political Psychology* (Vol. 39, No. 3, 2018), pp. 539–55. For a systematic appraisal of literature on disengagement and reintegration (in the context of violent extremism), see Martine Zeuthen, 'Reintegration: Disengaging Violent Extremisms: A Systematic Literature Review of Effectiveness of Counter-Terrorism and Preventing and Countering Violent Extremist Activities', Policy and Operations Evaluation Department of the Netherlands Ministry of Foreign Affairs, 2021.

analogous disciplines like criminology to supplement knowledge gaps. However, participants warned these experiences were not always synonymous with or relevant to violent extremism. Additionally, there is a persistent shortage of data in relation to the gendered dynamics of radicalisation, recruitment and DDR, with experts referencing rehabilitation schemes oriented towards women that have repeatedly relied on unsubstantiated assumptions and stereotypes and typically receive less financial backing, leading to lower efficiency and comparatively high recidivism rates. More broadly, insufficient funding and political will means learning is not consistently applied in practice.

Participants were more optimistic about the rehabilitation and re-socialisation of young children, suggesting that the right regimen of treatment and support could help control and, in some cases, reduce or resolve social misbehaviour and delinquency. Minors arguably pose more of a challenge, particularly when exposed to violence and continual or sustained trauma, introducing additional time pressures since approximately 75% of children detained in camps were under six years old in 2018.

A key element of the response must also be dealing with host communities and populations that sometimes consider these fighters 'heroes'. Membership in extremist or militant groups is often the product of socialisation and contextual variables tempered by a specific social or familial milieu, meaning the same motivations and systems conditioning an individual's radicalisation may still be present when they return. The problem is even more acute in relation to minors: participants referenced a series of demonstrations in Sarajevo demanding the children of 'martyrs' be brought home, raising concerns over the practicalities of delivering them back to families that share extremist sympathies. In other cases, mothers may still be highly radicalised, leading to the unpalatable prospect of separating parent and child. Alongside their pastoral circumstances, measures mitigating indirect stigmatisation and supporting long-term reintegration must be implemented, otherwise children risk further social marginalisation or recruitment into gangs and criminal networks.

Alongside punitive measures and DDR efforts, participants debated the value of transitional justice mechanisms as a complementary strand of activity. Several emphasised the symbolic value of truth/reconciliation commissions and their utility in raising international public awareness, although these would likely need to be conducted carefully and sequentially, ensuring they did not become a substitute for prosecutions or reparations. Importantly, they can also help offset the limitations of retributive justice as, realistically, it is doubtful every crime perpetrated by the Islamic State will be adequately addressed through judicial action, either at a national or international level. Participants therefore emphasised the need for a comprehensive menu of options to mitigate this 'yawning gap in accountability'.

Redress and reparations are central ingredients in this context, but there are still weaknesses in existing modalities for victim support. Access to domestic compensation schemes as a means of remediating extraterritorial offences is heavily contested and state-centric, neglecting marginalised populations in countries without the capacity or inclination to supply assistance. Even under amenable conditions, there may also be problematic optics if victims/witnesses

testifying in court proceedings appear to receive some sort of financial remuneration.¹⁷ Similarly, multilateral propositions like a global fund for victims were described as controversial: in theory, they could absorb and reallocate the frozen assets of Islamic State members, but the circumstances, scope and duration of such schemes remain opaque. Despite advocacy from the Canadian government (among others), it is unclear whether the UN can legally appropriate and redistribute these resources, or even disclose details regarding their origin and worth. There are additional questions over eligibility, as one participant warned the definition of victimhood can quickly become politicised in the context of international negotiations. The UN Security Council has also recommended the creation of a UN-administered voluntary trust fund to subsidise compensation efforts within states (rather than deliver for direct reparation), but this could just devolve the same ambiguity over beneficiary definitions to the national level, which may further disenfranchise minority/vulnerable groups in certain countries. A similar arrangement was floated by the EU but faced significant resistance from its membership as governments sought to preserve their own mechanisms for victim support.

Other resources flagged by participants included global compensation schemes, a useful set of alternatives that offers generalised assistance through rehabilitation, reconstruction and investment in education and economic infrastructure, although they regularly remain underfunded and unable to cater to the idiosyncrasies and financial needs of specific victims. Likewise, various NGOs are attempting to develop independent trust funds and pilot programmes to help fast-track reparation claims, but they are often hindered by cash shortages. Consequently, an incipient infrastructure is starting to address the challenge of redress and reparation, but participants cautioned such activities 'have not quite got going yet' and expose a significant gap in the current global counterterrorism strategy.

Several experts referenced sanctions regimes as 'the other side of this equation', claiming they could be a 'real money-maker' when penalising those suspected of enabling or cooperating with targeted individuals, especially banks and financial firms. In the US, for example, many organisations tend to settle cases rather than risk public litigation and money-laundering charges, generating substantial payments that could then be distributed as victim compensation. Of course, this is a somewhat context-specific approach that has not yet been directly applied to Islamic State-related cases, but it was deemed a plausible way of financing a share of reparation costs if the mechanics for prioritising and allocating funds were further developed.

Conclusion

While participants widely recognised the scale and complexity of the challenge posed by FTFs, they acknowledged workable solutions were possible. These will require comprehensive,

17. This is not to suggest those victims testifying in court proceedings should not receive due compensation but to emphasise the difficulty of providing reparations alongside ongoing criminal prosecutions. Conversely, the preparation for and conduct of a trial can often involve delays and lengthy timeframes, meaning it may be both impractical and unethical to postpone financial redress to victims until the relevant case(s) has been concluded.

multidisciplinary approaches, replete with governmental buy-in and the sustained investment of political capital – a significant ask but one commensurate with the Islamic State’s legacy of humanitarian, security and moral calamity.

RUSI has produced an Occasional Paper examining these issues in detail,¹⁸ but throughout the discussions, experts emphasised the importance of an integrated strategy, supported by the necessary capacities, resources and mandate to prosecute international crimes (rather than just terror offences). Some form of hybrid tribunal, or the development of hybrid methods acceptable across different jurisdictions, could help streamline evidence collection, protect witnesses and maintain due diligence, accountability and consistent legal standards. Both options demand multilateral cooperation, but the infrastructure, logistics and technology are largely available – the missing ingredient remains political will.

It should also be acknowledged that retributive justice alone is insufficient: stakeholders at a national and international level must explore a suite of complementary measures that include not only prosecutions but also reparations, reconciliation, memorialisation and the practicalities of DDR. Only by grappling with the problem holistically can the immediate crisis be successfully managed, and effective safeguards established to ensure it is not repeated.

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18. See Khan and Parsons, ‘Resolving the Stalemate’.