From bad to worse: The fate of European foreign fighters and families detained in Syria, one year after the Turkish offensive

Thomas Renard and Rik Coolsaet

Hundreds of European “foreign fighters” are still being held by Kurdish authorities, in Syria. Their fate remains uncertain, as European governments are unwilling to repatriate their citizens. Meanwhile, security and humanitarian conditions in the camps and detention facilities have significantly deteriorated over the past year, a trend further exacerbated by the COVID-19 pandemic. This policy brief offers a summary of the main developments regarding Europeans detained in Syria, since the Turkish military offensive of October 2019. It offers a new compilation of figures for European adults and children detained, escaped or deported over the past year, before discussing the main policy options considered among European governments.

On 9 October 2019, the Turkish armed forces launched a military offensive in Northern Syria, following a partial withdrawal of the US military forces in the region. The “Operation Peace Spring” intended to create a “buffer zone” between the Turkey-Syria border and the area controlled by the Kurdish autonomous administration. After days of clashes between the Turkish and Kurdish forces, a status quo settled in following mediation efforts by the US and Russia.

(IN)SECURITY IN ISIS PRISONS

Many governments, notably in Europe, were particularly concerned that the Turkish offensive would further destabilise the region and undermine the efforts of the global coalition against ISIS, and that it would potentially facilitate the resurgence of jihadi groups still active in Idlib province. Furthermore, European governments feared that the incursion could result in a massive jailbreak of thousands of ISIS fighters detained by Kurdish forces in the area.

These fears were quickly confirmed. About 750 foreign ISIS-linked women and children were allowed to leave from the Kurdish camp of Ain Issa on 13 October, amidst reported shelling of the camp and riots against the guards. This group
included a number of Europeans, notably: an Irish woman and her daughter, at least one British woman and her two children, at least nine French women and about 25 children, at least three Belgian women and their children, and at least one German woman and one Swedish woman with their respective children. Some of these families managed to return to their home countries in the following months, via Turkey, while others are still unaccounted for.

Except for the Ain Issa incident, however, the worst-case scenario of massive escapes from the detention facilities located near the Turkish border did not materialise. Given the context, this is nearly a small miracle. Indeed, following the Turkish offensive, Kurdish forces had redeployed part of their guards and staff away from securing detention facilities to defend the Kurdish territory, while insecurity was simultaneously rising in the camps and prisons as a result of internal revolts. Furthermore, ISIS pledges to free jihadi detainees had already increased the pressure on the Kurdish authorities. Concern among European intelligence services was very high in October 2019.

If the worst could be avoided, the situation further deteriorated nonetheless. Over the past year, several mutinies have occurred in Kurdish detention facilities. For instance, on 29 March 2020, ISIS detainees managed to take control of part of the al-Sinaa prison, in northeast Syria’s town of Hasakah, where 5,000 ISIS male fighters are held, including a number of Europeans. The riot was quelled within 24 hours, but more riots broke out in the same prison in early May, in June and twice in September 2020, as well as a number of jailbreaks attempted. No European male fighter has reportedly escaped from Kurdish prisons, but according to a report from the global coalition against ISIS, the “risk of a mass breakout cannot be discounted”.

Similarly, in camps for women and children, the security conditions have significantly deteriorated. This is notably the case in the infamous camp of al-Hol, where 65,000 women and children are being held, mostly Syrians and Iraqis – although that number will soon be drastically reduced as a result of the recent announcement by the Kurdish authorities that most of the 28,000 Syrian women and children in al-Hol would be released. Security conditions have particularly worsened in the “annex” of the camp, where 10,000 “foreigners” from around 60 different nationalities are still being held. Cases of organised rebellion, violence among ISIS women and children, or power grab by extremist women trying to impose ISIS-style sharia law in the camp have been repeatedly reported. Similar incidents were already at play in 2019, but the situation clearly “became worse since the Turkish incursion”.

A number of escapes of ISIS women and children have been reported in al-Hol. According to the Kurdish forces, more than 700 attempted escapes were prevented between March 2019 and September 2020, noting that these attempts have increased since October 2019. This significant number of (attempted) getaways highlight the growing importance of financing and smuggling networks that allow these women to raise funding and get support for their exfiltration, whose cost is estimated between $10,000 and $35,000. A number of Europeans have managed to escape al-Hol under these conditions since October 2019, including: at least 4 Finnish women with children, at least 10 Dutch women with children, at least 10 French women with children, about 6-10 Swedish women with children, at least 4 Belgian women with children, at least 2 German women with...
children, and at least one British woman. This list is most likely incomplete, however, given the fuzzy situation on the ground and the fact that not even Kurdish forces or Western intelligence services seem to have a full picture.

Next to the security conditions in the Kurdish camps and prisons, the humanitarian situation too has worsened. Hot summers and cold winters have continued to take a toll on a vulnerable population, suffering from malnutrition and poor sanitary conditions. In this context, some children have been reported deceased, including a British woman. Conditions were dire before the Turkish offensive, but they further deteriorated, not least as a result of decreasing Kurdish staff available in the camps. In al-Hol, for instance, humanitarian access to the “annex” for foreign women and children has become extremely difficult, with a clear impact on that population in terms of medical support or schooling, notably. The COVID-19 pandemic has only worsened the situation: in addition to the risk of infection within prisons and camps (only a few cases have been reported so far), the crisis has hampered the capacity of humanitarian actors to travel to the area and conduct their mission. There are also concerns that measures to prevent the spreading of COVID-19, such as less physical contacts between guards and prisoners, might facilitate informal power grab by ISIS-linked groups and exacerbate a permissive environment for criminal activities in the camps, including those aiming at planning exfiltrations.

In total, according to our count, more than 53 European women with an even higher number of children would have managed to vanish from the camps of al-Hol and Ain Issa since October 2019. The whereabouts of some of them are unknown. Most allegedly travelled to Idlib province, in northwest Syria. While some of them may have re-joined a jihadi group still active in that region, others have reached Turkey clandestinely, or Turkish-controlled territories in Syria, from where they could be deported to their countries of origin, particularly since Turkey’s Interior Minister declared in November 2019 that his country was “not a hotel for foreign terrorists” and pledged to accelerate the deportation of European foreign fighters.

Since October 2019, at least four European men as well as 73 women and children were deported back to their countries of citizenship by the Turkish authorities, but possibly more as there is no official figure available (Finland:15, Germany:20, UK:1, Netherlands:7, France:13, Sweden:1, Denmark:1, Belgium:19). Many of them were escapees from Ain Issa and al-Hol, but not all. Some had been unaccounted for until they managed to exfiltrate themselves into Turkey, whereas others had been in Turkish custody for some time already. Only in very exceptional circumstances have European governments proactively repatriated European citizens directly from Syria. These repatriations concerned almost exclusively (unaccompanied) children or children in very dire health conditions. Since October 2019, European governments have brought home 29 children from Syria, mostly from al-Hol (Finland:2, Germany:7, UK:4, Italy:4, France:11, Denmark:1), whereas Germany and Italy both repatriated a mother along with their kids, which is highly exceptional given European governments’ reluctance to see ISIS members return (see below). Prior to the Turkish offensive, 34 European children had already been repatriated in 2019 (Austria:2, Netherlands:2, France:17, Sweden:7, Belgium:6), whereas Italy is the only European country to have repatriated a male fighter, Samir Bougana, in June 2019.
Kurdish measures

In view of the deteriorating security and humanitarian conditions in the camps and detention facilities, Kurdish authorities have taken some measures in the past months. Isolated units were created to deal with COVID19 cases, for instance, whereas other measures were taken to improve general security in all facilities, notably plans to renovate existing infrastructure and building new facilities, with the financial support of the USA. The US government announced earlier this year that it had doubled the budget foreseen for detention facilities in Northern Syria ($20 million), in addition to the continued funding allocated for Kurdish guards. Additional funds ($2 million) were allocated in the aftermath of riots in Hasakah to reinforce security in detention facilities (e.g. install cameras, secure doors…).51

The transfer of a number of foreign women and children, from the “annex” in al-Hol to the camp of al-Roj, is another decision aiming to improve security. A number of European citizens have been allegedly transferred since August. The camp of al-Roj is less populated and has better infrastructures, thus allowing a better control of detainees. Furthermore, this transfer operation was part of a broader effort of the Kurdish administration to improve its records on foreign ISIS members, through a screening process and the recording of biometric data in a database that can be used by foreign intelligence services.52 Until now, the administrative records on ISIS members under Kurdish custody were largely incomplete (not accounting for dual nationality, e.g.), hence limiting the capacity to properly identify ISIS members, either in a perspective of repatriation or of intelligence-gathering.

Another major development was the gradual release of Syrian ISIS members, started in spring 2020 as part of an amnesty programme in cooperation with tribal leaders in Northern Syria.53 While most Syrian women and children are expected to be released from al-Hol, a number of male Syrian ISIS fighters that had been convicted by Kurdish courts saw their sentences halved. As a result of this initiative, Kurdish authorities intend to significantly lighten their humanitarian and security burden, while reinforcing their ties with the tribes that live in Northern Syria under Kurdish administration.

European ISIS detainees

The number of European foreign fighters and families that remain under Kurdish custody in October 2020 is unclear. It is generally estimated that 13,500 “foreign” women and children (i.e. non-Syrians or Iraqis) are held by Kurdish forces in various camps, mainly in al-Hol, in addition to about 1,000 to 2,000 male foreign fighters detained in makeshift prisons, mainly in Hasakah. As mentioned above, the Kurdish authorities themselves were long unable to provide comprehensive figures based on nationalities, due to their limited administrative capacities (not recording dual citizenships, mistakes in recording, inability to verify the information given by individuals…), as well as the likelihood that a number of ISIS members lied about their nationality, for a whole series of possible reasons (e.g. unwillingness to be repatriated, no longer identifying with their homeland…).

European governments are not always able to provide clear figures either, given their limited capacity to collect information themselves directly in the camps and prisons. They often have little more than estimates, based on the information provided by the Kurds and US intelligence services, as well as information collected from families and open sources or shared by international organisations active in the camps. Furthermore, most European governments have systematically avoided
communicating any number on their nationals detained in Syria and Iraq, preferring to treat this sensitive matter with discretion.

It should also be noted that the counting method differs from one country (or even administration, often) to another. It is not always clear whether figures available refer to national citizens only or to national “FTFs”, which include individuals who resided (legally or illegally) in the country but do not hold citizenship and would therefore likely not benefit from a repatriation programme. It is not always clear either whether figures include children or not, all adults or only women, those in Iraq or in Syria only. This means that official figures, when available, are not always comparable. It also creates a risk of double-counting for individuals who resided in one country with the citizenship of another European country (e.g. a French citizen residing in Belgium would likely be listed in both French and Belgian FTF lists), and even more so for children born of two European parents with a different nationality. Adding to the difficulty, some FTFs have been stripped of their nationality, but it is never clear whether they remain part of the circulated figures, not least since such decisions

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<th>Adults (gender breakdown)</th>
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<td><strong>Syria</strong></td>
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<td>Austria</td>
<td>4+ (4w)</td>
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<td>Belgium</td>
<td>35 (14m/21w)</td>
<td>38+</td>
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<td>Denmark</td>
<td>9 (2m/7w)</td>
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<td>Finland</td>
<td>7+ (2m/5w)</td>
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<td>France</td>
<td>~150-200 (~60m/~80w)</td>
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<td>Germany</td>
<td>~80-100 (~30m/~50w)</td>
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<td>Italy</td>
<td>1+ (1w)</td>
<td>2+</td>
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<tr>
<td>Netherlands</td>
<td>~40 (15m/25w)</td>
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<td>Spain</td>
<td>5 (2m/3w)</td>
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<td>Sweden</td>
<td>~30-35 (10m/~20w)</td>
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<td>UK</td>
<td>24 (9m/15w)</td>
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<td><strong>TOTAL SYRIA</strong></td>
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<td><strong>TOTAL SYR/IRAQ</strong></td>
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Notes: “+” indicates that the number refers to known individual cases, usually in the absence of an official estimate. It suggests more cases are possible.

“~” indicates an approximate number, often reflected in a rounded figure or range, which can be an “official” estimate (as in the case of the Netherlands, provided by intelligence services) or “unofficial” estimate (as in the case of France, provided by families, lawyers and journalists).
are often being challenged in court and are thus pending.

In the table above we have compiled the figures for the “most affected” European countries, which accounted together for more than 95 percent of the European foreign fighters in Syria and Iraq. To collect these figures, we have contacted experts in each country with a short questionnaire, and we cross-checked their responses with open-source documents and press articles, as well as with officials from international NGOs active in the Kurdish camps. To the extent possible, we limited our figures to European “nationals” (thus with citizenship), thus eligible for repatriation. Indeed, most European countries monitor a large number of FTFs that have “links” with their homeland, but do not have a European citizenship (e.g. legal or illegal residents). While the figures above should be treated with caution, they offer the best EU-wide estimate available to our knowledge.

**EUROPE’S POLICY OPTIONS**

One year after the Turkish offensive, in spite of the deteriorating security and humanitarian conditions in the camps and detention facilities, all European governments remain hostile to the repatriation of their nationals from Syria. They consider a policy of repatriation as “political suicide”, and the issue has indeed triggered the fall of the government in Norway and political backlash against Finland’s pro-repatriation Foreign Minister. Although most governments emphasise the right of children to return, they have been mostly unwilling to repatriate the remaining 600+ children detained in Syria so far, except in the few cases mentioned above. In spite of some Court decisions (in Belgium, Netherlands or Germany, notably) demanding the repatriation of children, often along with their mothers, governments have categorically refused to repatriate adults – except on three occasions mentioned previously. Governments have usually argued that Kurdish authorities refuse to allow the repatriation of children without their mothers, hence leading to a deadlock. Meanwhile, in some countries, Court decisions have been overruled in Appeal, consolidating the governments’ position that there is no strict obligation to organise the repatriation of ISIS families. Some of these cases will still likely be taken to Supreme Court or to the European Court of Human Rights.

In quite a radical move, some countries have stripped some of their nationals in Syria of their citizenship, with the consequence of avoiding any obligation of repatriation, and with a potential impact on their children’s capacity to claim European citizenship (when born in Syria). The best-known case was that of Shamina Begum in the UK, whose citizenship was revoked in 2019, although the UK Court of Appeal eventually ruled in July 2020 that she should be allowed to return home in order to fully and effectively appeal against her citizenship deprivation. Other countries that have stripped some of their fighters of citizenship include Belgium, France, Denmark and the Netherlands.

If repatriation is excluded, at least for adults, the question remains as to what should be done with detained foreign fighters in Syria. Indeed, prolonged detention outside any legal framework (creating a sort of “European-sponsored Guantanamo”) cannot be considered an option. Most European governments have generally adopted the position that foreign fighters should be prosecuted “where they have committed their offences”, thus implying either in Syria or Iraq. The option of setting up an “international tribunal” was explored on several occasions since 2018, notably pushed by Sweden and the Netherlands, but it has been largely recognised as impractical. It would be costly and lengthy to set
up, most likely with only a limited ability to prosecute low-rank ISIS members.

There are currently two main options that are being considered by the seven “most affected” countries (France, Germany, UK, Belgium, Netherlands, Denmark and Sweden). First, the option of trials in Iraq, by Iraqi courts, has long been favoured by the French government. As a sovereign country, with a functioning justice system, Iraq could possibly prosecute European fighters. In fact, more than 20 Europeans have already been convicted in Iraq. Several challenges stand in the way of generalizing such option, however. Leaving aside concerns about the ability of Iraqi courts to conduct fair trials or their ability to gather evidence against individuals whose crimes might have been limited to the Syrian jurisdiction, the transfer of European fighters from Syria to Iraq (since 95 percent of the European adults are currently detained in Syria) would be deemed illegal according to international law, and ethically problematic since Iraq still practices death penalty.

Second, the option of trials in Syria by the Kurdish autonomous administration seems to be gathering increasing support from some governments, notably Sweden and the UK. This option would fit better with the argument of “prosecution where the crimes were committed”. The problem is, however, that the Kurdish autonomous administration is not a recognised legal entity internationally, raising serious questions about its legal right to prosecute European fighters (and the status of such judiciary decisions) as well as its ability to conduct such trials. Furthermore, a European support to such initiative would inevitably be interpreted as a form of political support to the Kurdish administration, which could further complicate relations with Turkey and Syria.

Either options have clear limitations, but they offer nonetheless viable alternatives to repatriation. They also have in common that European fighters would not only be judged in the region, but also detained there for years to come. This conveniently puts the issue off for governments in the short term, leaving it to their successors. However, it will not make the problem disappear. During their detention period, in Syria or Iraq, European fighters will continue to be at risk of further radicalisation and networking with other foreign ISIS inmates. It should be kept in mind that ISIS was partly a creation of the US clandestine prisons in Iraq (Abu Ghraib and Camp Bucca, notably). While many people beware of radicalisation in Europe’s prisons, it is hard to imagine a worse environment than prisons in Syria and Iraq, where some of the most dangerous terrorists in the world are packed together. Next, there is always the risk of prison breaks, which is unlikely to disappear in the unstable regional environment, with civil unrest and conflict ongoing, in addition to the risk of corruption or political instrumentalization of European prisoners. Again, it is hard to imagine a worse place in the world where Europe’s “most dangerous” individuals could be held.

In line with their non-repatriation policy, and to address the aforementioned concerns, European governments are exploring the possibility to improve detention conditions and to strengthen “deradicalization” programmes in detention facilities. But it is hard to imagine how “deradicalization”, which is already deemed an extremely challenging endeavour based upon questionable assumptions in Europe, could succeed in such environment. As to the improvement of detention conditions, it is certainly needed, but it will not fundamentally address all the security concerns mentioned above. Finally, it is also important to remind that many European fighters will likely be sentenced
to several years of prison, perhaps 5-10 years, thus not necessarily more than what they would get in Europe. As a result, it needs to be well understood that non-repatriation does not imply that these individuals will never be released or able to return to Europe. The only question we should ask ourselves then is whether we are willing to abandon any form of control on European foreign fighters, at the risk to see them come back in some years even more radicalised, or if we’d rather “take back control” as it is popular to say these days, to ensure the proper prosecution, detention and rehabilitation of foreign fighters in Europe.

Repatriation appears to us as the most sensible option, for security, legal and ethical reasons. A growing number of voices have publicly called for the repatriation of all European children and their mothers, and even of ISIS fighters. Since last year, some of these calls were unsurprisingly made by family members of individuals stranded in the region, or by child protection agencies. In some cases, notably in France and Belgium, these calls were joined by some victims of terrorism. Some key counter-terrorism practitioners have also argued publicly in favour of the repatriation of ISIS fighters and their families, such as French anti-terrorist magistrate David De Pas,73 the Federal Prosecutor Frédéric Van Leeuw and the former Head of the counter-terrorism fusion centre (CUTA) Paul Van Tigchelt in Belgium,74 or the former MI6 Counterterrorism Director Richard Barrett in the UK.75 Some politicians have also publicly called for the repatriation of children with their mothers, notably a group of 76 Parliamentarians and Senators in France,76 and a group of senior conservative MPs in the UK.77

The repatriation of children should never have been an issue. They are victims and protected under international law. The majority of them are below 5 years old, and they have every chance to fully resocialise in their home countries as the experience of previous repatriations demonstrate. In contrast, the more time they spend in the camps, the more traumatized they become, and the more difficult their resocialisation will be. As we argued more than two years ago, children are not “ticking time bombs”, but they could become ones if we do not bring them back.78 Moreover, children should be repatriated with their mothers, to avoid the traumatic separation of a child from his mother. The reported attempts of some governments to repatriate children without their mothers is morally reprehensible, and practically counter-productive. Furthermore, it should be remembered that many women are considered to be “deradicalised”, “disengaged” or “not a threat” by European intelligence services, and their repatriation should therefore not be a major concern.79 Some other women are considered a threat, but they could be properly prosecuted and detained in Europe, certainly in much more secure conditions than they would be in Syria or Iraq. Finally, it is arguably also safer to repatriate male fighters, as argued by the key counter-terrorism practitioners mentioned above. Many foreign fighters have already been convicted in absentia, and could even be prosecuted for more serious crimes (such as crimes against humanity) if European governments decided to prioritise this approach. European penitentiary administrations are now well experienced in managing terrorist offenders, as they have handled thousands of them over the past years, so they could very much deal with a few more returnees. The capacity and the expertise is there; it is the political will that is missing.

This said, it should be recognised that whereas some countries have been particularly successful at prosecuting returning foreign fighters, such as France or Belgium, other countries have been almost unable to bring charges against them, like
Sweden or the UK notably. Furthermore, some countries have still not prosecuted women yet, such as Finland, whereas other countries are now systematically prosecuting returning women. This discrepancy among European approaches to returnees could possibly impact the position of respective governments, and it will possibly lead to different responses across Europe. As a matter of fact, it is very much possible to envisage a combination of options for the whole population of ISIS detainees (local trials vs. repatriation), with a different equilibrium in each country. It is also possible to envisage a multi-step scenario, starting with the repatriation of the most vulnerable, notably the children, and leaving open the option of more repatriations at a later stage. As governments reflect on their options, however, they would be well advised to ponder the cost of their inaction against the words of this Danish grandfather in November 2019, after the repatriation of his grandson: “The Danish government has immensely helped us trace and bring him over,” he said. “I’m in debt to the Danish government”, he concluded.80

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