



Home Office

Rt Hon James Cleverly MP
Secretary of State for the Home Department

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Rt Hon Harriet Harman MP
House of Commons
London
SW1A 0AA

14 December 2023

Dear Harriet,

Thank you for your letter of 13 October to my predecessor informing us of your inquiry into the accountability of British citizens and residents for crimes committed by ISIS in Syria and Iraq. I have responded to the Committee's questions that were enclosed in your letter.

1. To date, how many British citizens left the UK to travel to Syria or Iraq in order to affiliate themselves with ISIS?

Over 900 UK-linked individuals of national security concern have travelled to engage with the Syrian conflict, against the advice of the Foreign Office.

2. Of those British citizens affiliated with ISIS in Syria or Iraq:

a) How many have returned voluntarily to the UK?

Of the 900+ adults who departed the UK to relocate to Syria from 2012 onward, the majority have either returned or died during the conflict there. Up to a quarter of UK-linked extremist travellers may remain in Syria, although the status of many is unknown and it is likely that at least some of these will have also died.

b) How many have been repatriated with the assistance of the Government?

Where British unaccompanied minors and orphans are brought to our attention, we will seek to facilitate their return where feasible on a case-by-case basis, and subject to national security concerns. Safely facilitating the return of orphans or unaccompanied British children, where possible, is Government policy. In line with this policy, the Government has already facilitated the return of a number of orphaned and unaccompanied British children to the UK.

c) How many remain in Syria or Iraq? Of those who remain in Syria or Iraq, how many of these are women, and how many are children?

We are aware that British nationals, including children, are living in displaced persons camps in north-east Syria. We are not in a position to provide an accurate estimate of the number.

3. How many individuals affiliated with ISIS have been deprived of their citizenship, and for what reason, since 2010? Is data segregating individuals by sex and age available?

The Government releases the total number of deprivation decisions on 'conducive to the public good grounds' in HMG's annual Transparency reports. Disclosing the requested information could provide insight into the way that cases are handled or the extent of coverage or knowledge of particular family groups/units or types of individuals, which would affect the UK's ability to protect its national security. Therefore, breaking down this data any further is considered contrary to the public interest.

a) How many individuals who were affiliated with ISIS have been deprived of their citizenship?

As above, it is not appropriate to disclose any information that is considered contrary to the public interest. It may be possible for a motivated individual(s) to use this information to help piece together information that might allow individuals to be identified. This is very clearly sensitive personal information. The Home Office has obligations under data protection legislation and in law generally to protect personal data.

b) How many individuals affiliated with ISIS have challenged deprivation of citizenship orders? How many individuals have been successful in their challenges?

As explained above, providing the requested information could indicate the number of decisions relating to individuals affiliated with ISIS and as above, releasing this information is contrary to the public interest on national security grounds. However, the website of the Special Immigration Appeals Commission (SIAC) contains judgments pertaining to 10 individuals who are described in the judgments as being involved with ISIS/ISIL. Only three of these 10 cases have been finally concluded, one in favour of the appellant (with the appeal allowed on the preliminary matter of SIAC concluding that the deprivation decision had left the individual stateless) and with two of the appeals being dismissed and the deprivation decision upheld in favour of the Home Secretary.

Of the remaining seven cases, four await a substantive hearing before SIAC. Three have been heard by SIAC and the deprivation decision upheld in the Home Secretary's favour, however, they are subject to onward appeals to the higher Courts.

4. How many individuals who were suspected of ISIS crimes and returned to the UK have been prosecuted?

The CPS has secured several prosecutions in relation to returning foreign terrorist fighters. However, it is important to make a distinction between the number of individuals who have returned to the UK after taking part in conflicts overseas, and the number of individuals that are investigated or referred to the CPS for a charging

decision. While assessments suggest c.400 individuals have returned from Syria, the vast majority have not been referred to the CPS for a charging decision.

a) If there have been prosecutions, for what offences were individuals prosecuted? Of those who were prosecuted, how many were convicted and for what offences?

Of those convicted, this includes a ten-year custodial sentence for Mohammed Abdullah, a British national convicted in December 2017 of IS membership, after leaked documents from a defector revealed his role as a “specialist sniper”. The majority of those who have returned did so in the earlier stages of the conflict.

Even before the extensions of extra-territorial jurisdiction in the Counter-Terrorism & Border Security Act 2019, the UK courts already could try cases involving overseas terrorism offences relevant to foreign fighters, including:

- Preparation of Terrorism. Maximum sentence: life imprisonment.
- Encouragement of Terrorism. Maximum sentence extended from 7-15 years in the Counter-Terrorism and Border Security Act 2019.
- Training for Terrorism. Maximum sentence: life imprisonment.
- Membership of a Proscribed Organisation. Maximum sentence: 10 years.

In the Counter-Terrorism and Border Security Act 2019 we extended extra-territorial jurisdiction to the offences of:

- Inviting or Expressing Support for a Proscribed Organisation. Maximum sentence: ten years.
- Displaying an Article Associated with a Proscribed Organisation. Maximum sentence: six months.
- Dissemination of Terrorist Publications. Maximum sentence extended from 7 to 15 years in the Counter-Terrorism and Border Security Act 2019.
- Making or Possessing Explosives Under Suspicious Circumstances (where the offence is committed for terrorist purposes). Maximum sentence: life imprisonment.

b) Do you believe our current legislative framework is adequate to allow for the prosecution of individuals who were involved in ISIS crimes and returned to the UK?

As with any case concerning specific conduct overseas, there are challenges to securing sufficient evidential material to meet the required threshold for a prosecution. Notably, collecting evidence in battlefields (collected exploitable material) is fundamentally challenging, considering the chaos attached to war zones and the obstacles in securing the area, and in preserving the crime scene and evidence. A lawful pathway and, wherever possible, an uninterrupted chain of custody of the evidence seized on the battlefield is required, as any defence advocate will challenge the lawfulness of the seizures and try to exclude anything inculpatory. Nevertheless, we have secured several convictions using collected exploitable material.

In addition, in determining appropriate terrorism offences, evidence may not necessarily be required from overseas, and an evidential footprint of criminal conduct can often be located on electronic devices and social media platforms. Prospects of an increasing number of returnees to the UK may also bolster opportunities for witness evidence from fellow returning foreign fighters.

In short, we assess these challenges are not insurmountable, and that UK legislation (detailed below) provides sufficient powers to bring offenders to justice, noting that all our casework decisions must take a case-by-case approach to reflect the complex and varying circumstances that these cases present.

5. In your view, why have there been no prosecutions in the UK for international crimes such as genocide and torture?

Decisions on prosecutions are taken independently by the police and Crown Prosecution Service (CPS) on a case-by-case basis.

6. What steps has the Government taken to protect individuals from being trafficked to join ISIS?

Since 2011, the FCDO has advised against all travel to Syria. Our Prevent strategy includes work to identify and support individuals at risk of radicalisation. Since 2015, over 780 people have been successfully provided with support through Channel, the voluntary and confidential programme for people who are vulnerable to being drawn into terrorism. The UK Government is committed to identifying genuine victims of modern slavery and trafficking in the UK.

7. Is there any strategy to support individuals who may have been victims of trafficking and exploitation by ISIS?

The UK Government is committed to identifying victims of modern slavery and trafficking in the UK. The UK does not make determinations on modern slavery for individuals outside of the UK. This is a longstanding policy and is in line with the UK's international obligations. Anyone returning to the UK from a conflict will have their needs assessed as parts of the reintegration process. Any concerns identified will be passed on to partners with statutory responsibilities to provide appropriate support. A range of specialised support will be offered to each individual child, tailored to their needs.

8. Do police and border patrol officers, as well as other relevant officials, receive specific training on investigations into international crimes committed outside the jurisdiction?

There is no bespoke training provided relating to the investigation of international crimes. Members of the War Crime Team attend the International Investigators, two-week course. Furthermore, to assist with interviewing victims of war crimes on deployment, officers can attend an enhanced cognitive interviewing course.

9. How do different Government departments work together to use and share relevant information and data about returned ISIS fighters?

Ensuring the enduring defeat of ISIS and countering the terrorist threat posed in Syria, Iraq and beyond is a core priority for the UK Government. We must continue to do all we can to counter the threat from ISIS in Iraq and Syria in whatever form it takes. Information sharing occurs between relevant government departments to manage the return of foreign terrorist fighters.

Local authorities and the police can use existing safeguarding powers to protect returning children, support their welfare and reintegration back into UK society, and minimise any threat they could pose within schools and to their local community.

10. How does the UK cooperate with other nations to use and share relevant information and data about individuals involved in ISIS atrocities?

The international community is united in its condemnation of the atrocities committed by those fighting in the name of ISIS and the need for those who perpetrate or support such terrorist activity to be brought to justice and prosecuted for their actions. The UK Government is clear that those individuals who have fought for, or supported ISIS, whatever their nationality, must face justice and be held to account for their action. That is why establishing a prosecution pathway for ISIS foreign fighters is a key priority for the UK. We will continue to pursue all available avenues with international partners in seeking justice and accountability for those who have fought alongside ISIS.

We continue to support the United Nations Investigative Team to Promote Accountability for Crimes Committed by ISIS/ISIL (UNITAD) to gather evidence of ISIS crimes in Iraq, and the work of the International, Impartial and Independent mechanism (IIIM) for their assistance on the investigation of the most serious crimes under international law committed in Syria.

The UK welcomes international efforts and will continue to work closely with partners in addressing the issues associated with Foreign Terrorist Fighters (FTFs). Any long-term solution for bringing the large number of detained FTFs to justice will need to be reliant on a justice mechanism that has broad based international support and built on consensus.

There are significant and complex legal issues in establishing justice mechanisms which include the availability of appropriate admissible evidence, as well as legally compliant pathways for detention and prosecution.

We recognise that there are no easy options to address these issues and we are operating in circumstances that are without precedent. Any prosecution mechanism will likely be novel, will require compromise and will not be straightforward to establish.

Despite this challenge, we must continue this work and we must collectively find a solution – the alternative would see those who pose the greatest risk to our national and global security either released or returned to pose a direct threat to the countries from which they came. The UK and likeminded partners will not countenance either of these alternatives and if the situation deteriorated without a solution, this would be beyond our collective control.

I trust that this answers your questions sufficiently and is helpful to you and the committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J Cleverly', written in a cursive style.

Rt Hon James Cleverly MP
Secretary of State for the Home Department