



From Joanna Cherry KC MP

The Rt Hon James Cleverly MP

Secretary of State for the Home Department

28 May 2024

As you will be aware, the Joint Committee on Human Rights (JCHR) has been undertaking, since November 2023, an inquiry into the extent to which Daesh fighters and members are being held accountable in the UK for their international crimes committed abroad. The Committee has received evidence about the various ways in which the UK Government has responded to returned Daesh fighters and members as well as the Government's treatment of those who remain outside of the UK's territorial jurisdiction. In particular, we have considered the extent to which the UK is complying with its human rights obligations to prevent and punish acts of genocide and torture, as well as its obligations towards persons who may have been trafficked to Syria and Iraq to join Daesh.

We are grateful for the engagement of stakeholders, officials, and the Government with this inquiry, which has included an oral evidence session with the Crown Prosecution Service and the Metropolitan Police, and a private meeting with Lord Ahmad of Wimbledon, Minister of State for Middle East, North Africa, South Asia, United Nations and the Commonwealth.

The evidence we have received for this inquiry [shows](#) that there have been no prosecutions in England and Wales of returned Daesh fighters for international crimes, such as genocide and crimes against humanity. Expert witnesses, such as Jonathan Hall KC, Independent Reviewer of Terrorism Legislation, [told](#) us about concerns regarding lack of coordination between relevant departments and issues with evidence sharing. The point about difficulties in evidence sharing was also made by Dr Ewelina Ochab, from the International Bar Association's Human Rights Institute (IBAHRI), who [highlighted](#) differences in treatment between offences related to terrorism and those related to international crimes, and a lack of accountability for the latter. Additionally, we [heard](#) from Ms. Amal Clooney, from Doughty Street Chambers, that "UK law limits prosecutions for some international crimes such as genocide to UK citizens and residents, while allowing prosecutions for torture and some war crimes on the broader basis of a suspect's presence in the UK", which, according to her, creates a "key barrier to the exercise of universal jurisdiction in the UK". Significant [concerns](#) were also expressed to us by Reprieve and Every Child Protected Against Trafficking (ECPAT UK) about the repatriation of Britons in Syria and Iraq and the use of deprivation of citizenship orders.



Joint Committee on Human Rights

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Given that Parliament will shortly be dissolved in preparation for a general election on 4 July 2024, we will be unable to produce a report for this inquiry. However, we would urge the next Government and our successors on the Joint Committee on Human Rights to look at the ample written and oral evidence heard by this Committee, and to consider how the UK can satisfactorily comply with its human rights obligations and ensure accountability for Daesh crimes.

As we approach the 10th Anniversary of the Yazidi genocide, we must continue to press for justice for victims and survivors. The strength and resilience of those targeted by Daesh cannot be met with inaction by those responsible for ensuring accountability. We hope that our work in this inquiry, as well as the invaluable contribution made to us by experts, will be helpful in ensuring the UK plays its part in holding Daesh members and fighters accountable for international crimes.

Please note that given the cross-cutting nature of this inquiry, we are also sending copies of this letter to the Minister of State for Middle East, North Africa, South Asia, United Nations and the Commonwealth and to the Lord Chancellor and Secretary of State for Justice.

Yours sincerely,

Joanna Cherry KC MP

Chair, Joint Committee on Human Rights