



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



From the Chair of the Joint Committee on Human Rights

The Rt Hon Yvette Cooper MP

Secretary of State for the Home Department

10 January 2025

Dear Home Secretary,

The Joint Committee on Human Rights (JCHR) is launching a new inquiry on the topic of Accountability for Daesh Crimes. This follows an inquiry into the same subject, which was being undertaken by our previous Committee before the General Election was called and Parliament was dissolved. This inquiry looks into the extent to which Daesh fighters and members are being held accountable in the UK for their international crimes committed abroad. Our previous Committee received evidence about the various ways in which the then UK Government responded to returned Daesh fighters and members as well as the then Government's treatment of those who remain outside of the UK's territorial jurisdiction. In particular, we are keen to consider 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.

The evidence that the JCHR received for the previous 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](#) the Committee 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, the Committee [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.

In May 2024, the JCHR sent a letter to the then Home Secretary to ask for clarifications related to this inquiry. Due to the dissolution of Parliament, we never received answers



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



From the Chair of the Joint Committee on Human Rights

to these questions. Could we please ask you to now provide us a response, by **29 January**, reflecting the views of the new Government on the issues below:

Repatriation

1. In terms of the Government's approach to repatriation of former or current Daesh-affiliated British nationals from Syria and Iraq:
 - a. Does the UK have a general policy position (e.g., not to repatriate such individuals unless there are exceptional circumstances)?
 - b. Is each case considered on a case-by-case basis?
 - c. Is the possibility of the individual being prosecuted in the UK for crimes such as genocide taken into account when deciding whether to repatriate them?
2. Given the serious concerns regarding the prevalence of trafficking through coercion or manipulation, can you describe the assessment approach to individuals returning from areas of conflict, particularly from Syria and Iraq?
3. How many returnees from Syria and Iraq have been referred to the NRM?

Citizenship Deprivations

2. The Independent Reviewer of Terrorism Legislation, Jonathan Hall, [said](#) that citizenship deprivation does not "fall within the reviewer's remit, because it is a national security power". Does any organisation or independent reviewer have a remit to review citizenship deprivation? If not, why?

Domestic Cooperation

3. Jonathan Hall also [highlighted](#) that it appeared that counterterrorism police "are not really familiar with war crimes", and that this was "a separate unit", "not part of the counterterrorism police". How is collaboration encouraged structurally across relevant agencies at the national level, including the Ministry of Justice, the Home Office, CPS, and the Metropolitan Police?

Data

4. The former Home Secretary said that "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." He also said "while assessments suggest c.400 individuals have returned from Syria, the vast majority have not been referred to the CPS for a charging decision". What assessments are undertaken when deciding whether or not to refer cases?



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



From the Chair of the Joint Committee on Human Rights

5. Could you please specify, out of the adults who departed the UK to relocate to Syria from 2012 onward, how many individuals have died, how many have returned, and how many are likely to still be in Syria?
6. Out of those who have returned, how many have been investigated, prosecuted, or convicted for either terrorism offences or international crimes?

Prosecutions

7. The former Home Secretary [set out](#) the offences for which individuals could be, and have potentially been, charged and prosecuted in the UK in relation to terrorism. Why is there such a disparity between prosecutions for terrorism offences and international crimes exist, particularly when other countries, such as Germany and France, are able to carry out successful prosecutions for international crimes?

Syria situation

8. Does the volatile situation in Syria following the change in administration affect the UK's policy on repatriation of British citizens, particularly women and children?
9. In your view, what impact will the change in administration have on the accountability of Daesh fighters for international crimes, particularly in relation to individuals still held in detention camps in Syria? Is any action being undertaken by the UK Government to ensure accountability?

Please note that given the cross-cutting nature of this inquiry, we are also sending letters to the Lord Chancellor and to the Secretary of State for Foreign, Commonwealth and Development Affairs. Copies of these letters are attached for reference.

Yours sincerely,

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights