



House of Lords
House of Commons

Joint Committee on Human Rights

Accountability For Daesh Crimes: Government Response

Second Special Report of Session 2024–25

HC 1211

Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders. The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Publication

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Second Special Report

The Joint Committee on Human Rights published its Second Report of Session 2024–25, [Accountability for Daesh crimes](#) (HC 612 / HL Paper 121), on 13 May 2025. The Government response was received on 4 July 2025 and is appended below.

Appendix: Government Response

The Government welcomes the Committee's report of 7 May 2025 on Accountability for Daesh Crimes and is grateful to the Committee and those who have provided evidence.

The Government has considered the evidence, findings and recommendations carefully and its responses to the issues raised in the report are set out below.

Investigations of international crimes and challenges to accountability

We welcome the Government's commitment to achieve justice for survivors of Daesh crimes. However, not a single Daesh fighter has been successfully prosecuted in the UK for committing international crimes, such as genocide. (Conclusion, Paragraph 36)

Terrorism charges do not capture the nature and scale of crimes committed against victims. Where there is sufficient evidence to provide a realistic prospect of conviction for international crimes, individuals should be prosecuted for such crimes. (Recommendation, Paragraph 37)

1. Agree. The UK approach to holding perpetrators of serious crimes accountable is to pursue justice wherever possible and in conformity with the rule of law. Perpetrators of international crimes must similarly face justice, in accordance with the principle that investigations should take place close to where crimes occur, allowing for better access to robust evidence and witnesses. It is vital that those suspected or accused of serious crimes are investigated, charged, and tried impartially at every stage.
2. Everyone who returns to the UK and is suspected of taking part in the conflict in Syria or Iraq must be investigated by the police to determine if they have committed criminal offences, and to ensure that they do not pose a threat to our national security.
3. There are a wide range of criminal offences that can be used to prosecute returning foreign fighters. CPS charging decisions are led by the evidence and the most appropriate charges selected based upon the evidence. Prosecutors are required by the Code for Crown Prosecutors to select charges which: reflect the seriousness and extent of the offence supported by the evidence; give the court adequate powers to sentence and impose appropriate post-conviction orders; and enable the case to be presented in a clear and simple way.
4. In any prosecution, when deciding whether there is enough evidence to charge, Crown Prosecutors must consider whether evidence is admissible, reliable and credible, and there is no other material that might affect the sufficiency of evidence. These standards do not differ in a Core International Crime (CIC) prosecution, and prosecuting terrorism or CIC are not mutually exclusive and can be combined where the evidence presents itself.

The Government has told us that the most appropriate forums for prosecuting individuals are the jurisdictions where the crimes were committed. Given the concerns with regard to fair trial rights, capacity, and resources, we must not rely on other countries to investigate and prosecute individuals for international crimes. Where the UK has jurisdiction over international crimes, the UK should seek to investigate and prosecute such crimes. (Conclusion, Paragraph 44)

Where the UK has jurisdiction over international crimes, the UK should seek to investigate and prosecute such crimes. (Recommendation, Paragraph 44)

5. Agree. The UK Government supports accountability in appropriate jurisdiction in our national laws and upholding our international obligations under the Geneva Conventions. This includes UK court jurisdiction under the International Criminal Court Act (ICCA) 2001 where the offence has been committed by a UK national or resident or the perpetrator is subject to UK

service jurisdiction. The UK also exercises universal jurisdiction for torture under the Criminal Justice Act 1988 and grave breaches of the Geneva Conventions under the Geneva Conventions Act 1957. The Government supports the investigation and prosecution of international crimes under these conditions. It reaffirms the powers of relevant authorities to investigate international crimes, for the CPS to make independent charging decisions under the CPS Code, and for the MOJ to support fair trials and system-wide capability.

6. Where the CPS has jurisdiction to act, and there is potential evidence of offending, the CPS will work with the police to build a case to a point where there is admissible, reliable and credible evidence satisfying the Code for Crown Prosecutors. This principle applies to all offences, including CIC.
7. The Counter Terrorism Division of the CPS and the War Crimes Team, (WCT) of the Metropolitan Police Counter Terrorism Command (SO15), have agreed processes in place for the referral and investigation of CIC and these guidelines have been published on the CPS website. The guidelines enable the process for investigations, arrests, and prosecutions to be conducted in an orderly and transparent way. The guidance covers roles and responsibilities, the referral process and how the WCT and CPS review such referrals, including the Scoping Exercise, legal advice and duties of disclosure.

The UK legal framework applicable to international crimes is inconsistent. Whilst it is possible to prosecute individuals for torture and grave breaches of the Geneva Conventions committed abroad, it is not possible to prosecute individuals for genocide, crimes against humanity, or other war crimes committed abroad, unless the individuals are UK nationals, UK residents, or subject to service personnel laws. This creates a key barrier to the exercise of the principle of universal jurisdiction in the UK. (Conclusion, Paragraph 50)

The Government should amend the International Criminal Court Act 2001 to remove the requirements of UK nationality and residency. The relevant guidelines should also be amended to ensure that presence in the UK is not a prerequisite to initiating an investigation. This would help to close the impunity gap by ensuring that the UK can exercise universal jurisdiction over the international crimes of genocide, crimes against humanity, and war crimes. To achieve this, the Committee proposes an amendment to the Crime and Policing Bill, which in turn amends the International Criminal Court Act 2001 (see Annex). (Recommendation, Paragraph 51)

8. The UK's policy on Universal Jurisdiction is based on the principle that investigations and prosecutions should take place close to where crimes occur, allowing for better access to robust evidence and witnesses. The

UK has also consistently adopted the position that the question of whether universal jurisdiction should apply to a particular crime is best approached collaboratively between states through treaties, with a focus on what would make an effective contribution to address the crimes in question.

9. The most serious international crimes not covered by our universal jurisdiction policy are generally already subject to the jurisdiction of international courts or tribunals which are better placed to prosecute such offences where they are not being dealt with by the relevant domestic authorities, particularly the ICC. The ICC is the primary international institution for investigating and prosecuting the most serious crimes of international concern, holding perpetrators to account and achieving justice for victims. The UK is a strong supporter of the ICC and its mission to end impunity. As such, we do not feel that an amendment to the ICC Act 2001 is warranted at this time.

There is a lack of cooperation between UK investigative and prosecuting bodies, such as the War Crimes Unit of the Metropolitan Police, and the Crown Prosecution Service. (Conclusion, Paragraph 60)

The Government should prioritise the establishment of a clear framework to allow for greater cooperation between UK's relevant national bodies and between the UK and other mechanisms involved in the gathering and preserving of evidence. It should also identify the barriers to undertaking structural investigations and identify how this could be changed and improved. (Recommendation, Paragraph 60)

10. The Government does not accept the Committee's assessment that there is a lack of cooperation between UK investigative and prosecuting bodies, such as the War Crimes Unit of the Metropolitan Police, and the Crown Prosecution Service.
11. As the Home Secretary set out in her letter to the Committee, the War Crimes Team (WCT) is a unit within Counter Terrorism Policing (CTP) London (SO15), which is part of the Counter Terrorism Policing Network. The WCT has a network of Single Point of Contacts (SPOCs) in each of the CTP regions and has delivered training to CTP regions to raise awareness of core international crime legislation and its link with foreign terrorist fighters specifically. The WCT is part of the UK War Crimes Network, which was set up in late 2019 to bring together Government departments and civil society to deliver the UK's 'no safe haven' policy for perpetrators of international crimes. That network includes Crown Prosecution Service (CPS), Home Office, Attorney General Office (AGO), Foreign, Commonwealth & Development Office (FCDO), Ministry of Defence (MOD) and Non-Governmental Organisations (NGOs).

12. The CPS Counter Terrorism Division provides a national service, working with all police forces across England and Wales. They lead on all prosecutions relating to terrorism, core international crimes (CIC), national security and offences of stirring up hatred, and, where necessary, are supported by a network of liaison prosecutors stationed abroad working with CPS international partners. Close partnership working with the police and supporting early investigative advice are key features of their work.
13. The UK War Crimes Network, established in 2019 and jointly chaired by the Metropolitan Police War Crimes Team and the CPS, is a successful tool to achieve better information sharing, training and improved coordination between HMG departments. The War Crimes Network brings together policing, Government departments and civil society to deliver the UK's 'no safe haven' policy for perpetrators of international crimes. The Network ensures regular coordination and cooperation across the UK, in the investigation and prosecution of serious international crimes on a national and international level. The meetings allow partners to consult and inform each other on law, policy and practice, and exchange relevant, non-sensitive information such as country studies and topical reports. The network is a successful tool to achieve better information sharing, training and improved coordination between HMG departments.
14. The CPS also engage routinely with many of its international counterparts on casework as much of the work has cross-border dimensions and involves multiple states. The CPS have strong working relationships with many key countries and represents HMG at the Eurojust Genocide Network, which is a critical organisation to the coordination and sharing of best practice in investigations into genocide and CICs. Additionally, via Eurojust, the CPS are also parties to several Joint Investigative Teams in respect of relevant investigations.
15. The WCT holds regular meetings with the Home Office and CPS to discuss casework. In respect of engagement with independent mechanisms such as the International, Impartial and Independent Mechanism (IIIM), Independent Investigative Mechanism for Myanmar (IIMM), Commission for International Justice and Accountability (CJIA) and Iraq's National Centre for International Judicial Co-operation (NCIJC) under its Supreme Judicial Council, CTP has established MOUs with IIIM and CJIA, while HMG has an established MOU with IIMM and a recently updated MOU with the Iraqi Supreme Judicial Council. Continuing to work closely with national and international partners and strengthening the UK's networks will enable the better sharing and collection of evidence and information to bring about more robust prosecutions in the right forum.

**With the closure of UNITAD, it is imperative that the evidence gathered is not lost, and that new evidence can still be collected as needed.
(Conclusion, Paragraph 61)**

**We urge the Government to use its influence to ensure that such valuable evidence is not lost and that it is kept safe from both state and non- state actors who could put the lives of survivors at risk. The Government should also employ efforts to ensure that this evidence, as well as any future evidence collected of Daesh crimes, is effectively analysed and used to aid investigations and prosecutions globally.
(Recommendation, Paragraph 61)**

16. Agree. Following the end of UNITAD's mandate in September 2024, Iraq's Supreme Judicial Council established the National Centre for International Judicial Co-operation (NCIJC) in October 2024. The centre is Iraq's legally designated authority for international judicial cooperation and evidence-sharing on counter terrorism.
17. The NCIJC aspires to develop the scope of work previously undertaken by UNITAD, including gathering evidence and creating an enhanced and continually expanding archive of information, intelligence and evidence accessible to the international community. This will support the international community's ability to pursue those responsible for the crimes committed by Daesh. The NCIJC is in a process of engaging with the survivor community to build trust and confidence in their processes and raise awareness of their plans. The UK is committed to achieving justice for the survivors and victims of Daesh crimes and is working bilaterally with Iraq through this new centre. The UK is supporting the NCIJC to develop its processes for receiving and actioning requests for information, intelligence and evidence. This focuses on designing information and data management systems and understanding international requirements.
18. On Syria, in 2016, the UK co-sponsored the UNGA resolution which established the UN International Impartial and Independent Mechanism (IIIM), a UN body established to assist with the investigation and prosecution of individuals complicit in crimes during the Syria conflict, including Daesh. In March 2022, the UK signed an MOU with the IIIM, which enables UK law enforcement – including SO15 – to use IIIM information in investigations and prosecutions. It also allows the IIIM to request UK information to support prosecutions in other jurisdictions.
19. In addition, the FCDO directly funds evidence gathering programmes in Syria which has resulted in the conviction of several members of Daesh across Sweden, Germany and the Netherlands. We will continue to work with all parties, including UK law enforcement, the UN, Syrian civil society and other evidence gathering organisations to build a credible, fit-for-purpose evidence base for criminal prosecutions.

Deprivation of citizenship

The UK uses deprivation of citizenship orders more than almost any country in the world. At the same time that it is important for the Government to be able to take steps such as citizenship stripping in the interests of public safety, there is a serious lack of transparency and oversight when it comes to the use of this power. (Conclusion, Paragraph 76)

The Government must provide greater transparency as to the use of deprivation of citizenship powers, including by providing regularly updated data to the public. The Chief Inspector of Borders and Immigration, or the Independent Reviewer of Terrorism Legislation if his remit is expanded, should periodically review the use of deprivation of citizenship powers, including for national security reasons, and report to Parliament about his findings. (Recommendation, Paragraph 77)

- 20.** There is sufficient oversight and transparency of the use of the deprivation power. The Government publishes data in relation to deprivation of British citizenship on conducive grounds (section 40(2) of the BNA 1981) in publications of the Counter-terrorism disruptive powers report. Eight reports have been published by the Government to date providing the number of deprivations of citizenship orders made up until the end of 2023.
- 21.** There is also sufficient independent oversight. The Independent Chief Inspector of Borders and Immigration (ICIBI) has the remit to review the power. Sections 48–56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality, and customs by the Home Secretary and by any person exercising such functions on her behalf. The ICIBI has conducted independent reviews of the deprivation power, with reports published in 2018 and 2024.

Detention of British citizens in North East Syria (NES)

There is no official public data from the Government on the number of British individuals currently detained in camps and prisons in North East Syria (NES). (Conclusion, Paragraph 95)

The Government must publish updated data on the number of Britons estimated to be detained in NES, with information disaggregated by age and sex if available. If this data is not available or cannot be made public, the Government must explain the reasons for this. (Recommendation, Paragraph 95)

22. We are aware that there are British nationals, including minors, located in NES. We are not in a position to comment on exact numbers due to shifting circumstances on the ground, the lack of consular presence, and the range of sources from which information is taken.

We recognise that the Government may in some cases feel that national security considerations render repatriations difficult. We acknowledge this and recognise that keeping the public safe must be the Government's highest priority. We also acknowledge that conditions on the ground are volatile and dangerous, leading to a significant possibility of escape. (Conclusion, Paragraph 96)

The Government must adopt a proactive approach and seek to identify and locate minors and where feasible repatriate them as soon as practically possible. (Recommendation, Paragraph 97)

23. Consular support is not available from the UK Government from within Syria, as all British Embassy services in Damascus are suspended. This makes it extremely challenging to provide direct help to British nationals located there. The FCDO is nevertheless committed to considering every request for consular assistance, including repatriation, from Syria on a case-by-case basis, taking in to account all relevant circumstances. Where British unaccompanied minors and orphans are brought to our attention, it is Government policy to seek to repatriate them where feasible and subject to confirmation of identity and nationality, and any national security concerns. Where minors are accompanied by a parent in the camps, the parent must consent to their repatriation, whether repatriation is with or without the parent.

24. Additionally, as acknowledged by the Committee, the conditions in Syria continue to be difficult, particularly in the North East, where there remains a high threat from terrorism and widespread political instability. This increases the challenge the UK Government faces when facilitating these repatriations.

The Government should undertake every effort to prosecute British individuals held in camps in NES where there is evidence that they were involved in Daesh crimes. (Recommendation, Paragraph 98)

25. The responsibility for detention and camp facilities in North-East Syria and the welfare, detention, transfer or prosecution of detainees is ultimately a matter for authorities under whose jurisdiction the individuals are detained. The committee will also appreciate the significant practical and operational constraints UK law enforcement authorities would face in pursuing an investigation or gathering evidence in Syria.

26. With respect to prosecutions of British individuals who travelled to Syria and Iraq to align with Daesh but have since returned to the UK; the decision to prosecute is for the independent CPS, and where allegations have been reported to the police and the Full Code Test is met to prosecute, the appropriate charges will be applied. As we have made clear above, everyone who returns from taking part in the conflict in Syria or Iraq must expect to be investigated by the police to determine if they have committed criminal offences, and to ensure that they do not pose a threat to our national security.