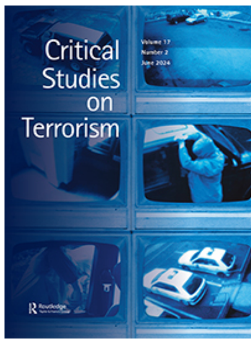

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Future security threats arising from the UK's deprivation of citizenship: a model to understand the human rights-security risk landscape

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ABSTRACT

Following the collapse of the Islamic State, the issue of "Returning Foreign Fighters" became a dominant global problem. The securitised response adopted by many states is a cause for concern, particularly in relation to human rights. Men, women and children with a range of physical and psychological trauma are now situated in camps across northeastern Syria, posing a complex security threat. The situation in these camps is far from secure, and the risk of radicalisation and indoctrination (among the children in particular) is high. Through the development of a model of risk analysis which emphasises both security risks and human rights risks, this paper presents an innovative exploration of the phenomenon of women and children associated with ISIS in north-east Syria. The impact of this study is wide-reaching and is intended to provide a foundation for resolving the heightened security threat these individuals pose in the medium and long terms.

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Introduction

The issue of Foreign Fighters (FFs) and their return to their home countries is by no means a new one (Moore and Tumelty 2008), probably best evoked by the Mujahideen who travelled to Afghanistan in the 1980s to help the Muslim population repel the invasion of the Soviet Union. The more recent classification of Foreign Terrorist Fighters (FTFs) (Arielli 2020; Babanoski 2020; Baker-Beall 2023; Bilkova 2018) adds a level of criminality not previously applied and has become a concern for those states whose citizens travelled to Afghanistan and Pakistan to train with Al Qaeda since the 1990s and returned to carry out terror attacks in their home countries. FFs, a highly complex term (Arielli 2020), were seen as potentially legitimate. Indeed, "[b]eing a foreign fighter is not a crime under international law; nor is it per se criminal under the domestic law of most States to fight with an armed group in a foreign conflict" (Ip 2019). The broad focus in the literature on FFs tends to be on the motivations and actions of these individuals rather than the analysis of their return and the state response to that return. However, the addition of the term "terrorist" in 2014 following UN Resolution 2178 has resulted in the increased

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application of a new term – Foreign Terrorist Fighters (FTFs) (Bilkova 2018). This shift in terminology has changed the analytical and practical parameters of the concept, as the membership of, or association with, a proscribed group is often considered to be a criminal act. Further, through Resolution 2178, states are called on to act in response to this threat, an international call to pursue and stop this new dynamic of global terroristic violence. In furtherance of this, the current nationalist and far-right political climate which has been on the increase among a wide number of states, along with more readily accessible information through social media, has given the specific wave of returning FTFs associated with the Islamic State[1] a new and perhaps alarming dynamic (Bakowski and Puccio 2016; Li 2010). Once ISIS began its attacks on the West in 2015, the world's attention was caught up by the brutality of the group and the sweeping territorial gains it made, first in Iraq and then Syria. However, by 2019, the so-called Islamic State seemed finally territorially defeated in that region and the world's attention shifted to the approximately 40,000 FTFs (RAN 2017) who had joined ISIS from more than 80 countries. Where would they now go and what was to be done with them?

The multifarious issues around these individuals are challenging to understand (Ip 2019; Rigotti and Barboza 2021). This paper addresses some of these issues, providing analysis through the lenses of terrorism studies, security, politics, law and human rights. To say that this paper simply explores FTFs is not accurate. Instead, it focuses on those who were part of the Islamic State, but not necessarily as fighters: women and children.[2] These two groups cannot often be proved to have been involved in any military fighting or criminal activity and yet the wider literature often considers them within the FTF categorisation (Spencer 2016; Cook and Vale 2019; Rigotti and Barboza 2021). To say it looks at victims of violence in a spread of under-resourced and brutal detention camps and centres across north-eastern Syria also misrepresents the challenge of the research. Many women in the camps still adhere to ISIS' teachings and brutalise other women who they deem as not upholding Sharia Law (Saleh 2021). The conflicting notions of victim versus perpetrator and agency versus innocence are not as straightforward as might be supposed. A wide range of studies have observed this in a variety of disciplines (Mason and Stubbs 2010; Morrissey 2003; Stringer 2014), but the case of women in the camps of Northern Syria certainly brings this issue to the fore. Additionally, looking at the response to these individuals either through the lens of human rights or security undermines the complex issues at the centre of the phenomenon of returnees from conflict zones.

This paper seeks instead to look at the confluences of these issues, both in terms of how we understand these individuals and how states respond to their return. It emphasises that while there are inherent and diverse security risks in accepting these people back to their home countries (Hoffman and Furlan 2020), the breach of human rights, and in particular the deprivation of citizenship, in itself is likely to result in long-term security risks. The research was carried out through the application of a content analysis methodology prior to the development of a model to quantitatively assess the security risk which arises from the return of women and children from the detention camps of Syria. Using both security and human rights lenses in equal measure, the paper presents the findings of this model, providing a basis through which to explore the responses of states which fall into two categories: repatriation and deprivation of citizenship.

To achieve a better understanding of these issues, the paper has been divided into four sections. The first section explores the context of the issue of returning foreigners[3] to their

home countries. It will explore the camps and centres where these people are being held as well as the variety of state responses to the issue. The second section presents the human rights, security and legal framework within which the analysis was carried out, including the problematisation of the terminology associated with these individuals. Following this, a closer look will be taken at the case of the UK, focusing on the available data and the government response to these UK citizens. The case of Shamima Begum in particular will be briefly explored as a specific example of a prominent and highly problematic case in the UK. The challenge of categorising Begum in terms of the categories mentioned above has had and will continue to have implications for political, legal, security and human rights actors. The final section will look at the security threat these individuals pose and whether the response of the UK is addressing this threat. Central to this section is the consideration of international law and human rights obligations which must play a part in the decision-making of governments and state leaders in the response to this issue. This paper argues for a fundamental shift in the current UK policy towards accepting citizens associated with terrorist organisations back to their home countries. It proposes that this should be done swiftly to facilitate a fair and transparent judicial process which enables justice to be done and appropriate action to be taken through robust existing domestic criminal justice structures. By doing this, the UK will also offset future security risks which the apparent undermining of human rights through the deprivation of their citizenship raises. To facilitate this argument, a normative model is developed which provides a framework for understanding the complex risk in this case. The paper will finally conclude and provide some recommendations for consideration.

This paper provides an opportunity to explore a highly complex problem that sits at the confluence of a number of disciplines. Through the development of a model of risk analysis, which emphasises both security risk and human rights risk, an innovative exploration of the phenomenon of women and children associated with ISIS and residing in the camps of north-east Syria is facilitated. The impact of this study is wide-reaching and is intended to provide a foundation for resolving the heightened security threat these individuals may pose in the medium and long terms. The equal consideration of security and human rights provides a unique framework within which to explore the challenging issue of returning women and children from Syrian detention camps. Providing an equally weighted balance between these two significant issues allows for better opportunities to look at the future impacts of government decisions made in this regard.

This paper, in particular, seeks to respond to the challenge set to enhance the application and exploration of numbers in the field of Critical Terrorism Studies (Jarvis 2023). However, rather than simply organising and interpreting statistical data, the research carried out for this paper develops an innovative model through which to measure the risk of certain responses to citizens who travelled to Syria to join the Islamic State. Problematising the intersection between security and human rights, this research provides insights into the heightened risk over time of neglecting human rights obligations, with a focus in this case on the UK. This in turn establishes a basis for future inter-disciplinary understanding of the complexity of the challenge regarding FTFs. The research responds to dominant securitisation themes in counter-terrorism literature which fail to engage with the future scope of security crisis through the potential for radicalisation which arises from the current acknowledged breaches in human rights law.

The model enhances the qualitative analysis which is also presented in this paper, and seeks to improve the debate around mixed methods as a powerful tool for understanding conceptual issues within the real-world policy landscape that is counter-terrorism.

The context

Key concepts

The conflict in Syria, which was precipitated by the region-wide upheaval referred to as The Arab Spring in 2011, resulted in a wave of foreign citizens volunteering to fight the Assad regime, a relatively limited and focused civil conflict. However, with the invasion of what would become known as the Islamic State in the territories of Iraq and Syria, the concept of terrorism began to dominate the narrative. While that early wave of foreign volunteers were considered as being within their rights to travel to Syria to fight the repressive regime, certainly from a legal perspective (Ip 2019), it was a different matter when individuals went to join what was considered by most states globally as a proscribed terrorist group. This transition of opinion resulted in the increasingly common addition of the term "terrorism" to the classification of foreign fighters. FTFs are generally categorised in two waves of returnees from the Islamic State (Babanoski 2020; Rigotti and Barboza 2021). Some exceptional research has been carried out on how these waves have informed the response to returning FTFs (see Bergema and van San 2019; Tezcur and Besaw 2020). However, the focus of this paper precludes significant further analysis of this area. The first wave took place around 2015, when disillusionment with ISIS prompted many to return to their home countries (El-Said and Barrett 2017). This group of returnees, primarily men, had no targeted legislation applied to them, and they have either been prosecuted through existing legislation or are being monitored in different ways by different states, as domestic laws allow (as an example see Hoffman and Furlan 2020). This group is generally considered to be less problematic as they are understood to have left when they became disillusioned with the barbarity of the group and unfulfilled promises of the Caliphate. The second wave of returnees took place as the Islamic State was collapsing around 2019. The individuals seeking to flee the Islamic State in this wave are considered far more problematic (Babanoski 2020) as they "decided" to stay with the group throughout the brutality of beheadings, public punishments and other criminal acts. Most of these individuals were captured and are currently being held in either detention camps, rehabilitation centres or prisons across north-eastern Syria.

The camps

Following the collapse of the territorial Islamic State in 2019, a number of detention camps, rehabilitation centres and prisons were established across the north of Syria to hold the populations from territories controlled by the terrorist group (Human Rights Watch 2022; International Crisis Group 2019; Ni Aolain 2021). The most prominent of the camps in terms of population and media coverage are the Al Roj and Al Hawl camps.[4] It is believed that approximately 120,000 people reside in these camps, of which 30,000 are children under the age of 12 (UN 2022). The camps are run by the Syrian Democratic Forces (SDF), a Kurdish sub-state group which provided substantial support to the US and

its allies in the final push against ISIS. Itself a target of the Turkish military who believe it to be part of a terrorist Kurdish group, the SDF is under-resourced and over-stretched. As a result, it has consistently asked states to repatriate their citizens and relieve the burden on the camps (Ni Aolain and Charbord 2023; Rights and Security International 2021). Corruption, abuse, deprivation, violence and safety issues are among the many pressing issues which are not appropriately dealt with (Brown 2021; Human Rights Watch 2022, 2023). Much has been written about these camps by humanitarian agencies who work there or have visited (Human Rights Watch 2023; Rights and Security International 2021; Savage 2022) and an important position paper was published by Fionnuala Ni Aolain, UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism in May 2021 (Ni Aolain 2021). This document was damning in its condemnation of states who refuse to repatriate their citizens.

The men have largely been kept in the prison system, and so the majority of the populations of the two camps comprise women and children. Intended to be temporary, some of these individuals have been there for 4 years or longer. Children have been born in the camps and indeed, some children have died from preventable diseases and accidents (Rights and Security International 2021). Fires are known to spread quickly through the over-crowded tents, and open sewage canals are an ongoing issue. Foreign citizens are kept in separate areas of the camps behind barbed wire fencing and security presence, restricting their movement and denying their right to freedom (Rights and Security International 2021). A number of charities and human rights groups are established there, but getting resources for education for the children and medical care is very challenging. The descriptions of these places are bleak, and for many who live there, there is no timeline to leave. This, it is argued, is tantamount to torture (Rights and Security International 2021). Further, Human Rights Watch states that "Neither the children nor the adults detained in northeast Syria have been brought before a judicial authority to determine the necessity and legality of their detention, making their detention arbitrary and unlawful" (2023).

State responses globally

The problem of former ISIS members (or current members as the case may be) in these camps has not gone unnoticed, and a range of responses have been implemented or discussed by states for their. Four main categories of response emerge from the research: supporting local prosecutions in Syria and Iraq; the establishment of Hybrid Tribunals; the unconditional prevention of returning foreign fighters; and the repatriation of foreign fighters and their families (Rigotti and Barboza 2021). Additionally, Stenger provides the following categories, which are more or less aligned with those outlined above: "Unconditional Repatriation, Conditional Repatriation, Allow Return, and Deny Repatriation" (2022). These responses can be broadly encapsulated in two categories: security (hard response) and repatriation (soft response). While a number of interesting studies have looked at the various responses of the states and explored these in overarching analyses (Fangen and Kolas 2016; International Crisis Group 2019; Stenger 2022; Rigotti and Barboza 2021), this paper will focus on the security response and in particular the deprivation of citizenship.

In terms of those states which lean towards the hard security response, their citizens in the camps (or former citizens) remain in a kind of limbo. For these individuals, their home countries no longer want them as they are considered a security threat (see Baker-Beall 2019), and so they reside indefinitely in these temporary camps. Some remain avid members of ISIS and support the notion of the Caliphate that was the Islamic State, and they enforce the rules of that organisation on the camp populations. Women can be particularly brutal with other women who they deem to be wavering in their faith and they try to enforce the wearing of the hijab etc. (International Crisis Group 2019). Yet many others no longer adhere to the rules and teachings of ISIS and wish to return to their home countries (International Crisis Group 2019). However, in terms of those states who respond with hard security policies, this distinction is simply not understood or explored, and some countries have made the decision to remove passports or citizenship or otherwise block these people's return.

The situation in terms of children is even more complicated (Nyamutata 2020). Even if these security-driven governments started to accept the children back to their home countries, they would likely deny the mothers' return under current security policies. Mothers in the camp are reportedly in constant fear that their children will be removed from them, and in any case, separating children from their mothers is potentially in breach of the UN Convention on the Rights of the Child (The Convention) (Rights and Security International 2021), unless it is in the best interest of the child to do so. So, while orphans have started to be repatriated to their home countries (BBC 2019), those children who have mothers are a far bigger problem.

The apparent view taken by these governments is that the ascribed "security threat" these individuals pose is, in the short term, being addressed by simply preventing them from coming back to their own countries (Hansard 2019a). The narrative that any apparent human rights abuses are mitigated by the exceptionally high threat these individuals pose prevails. However, there are a range of issues arising from this decision: the security threat is enhanced in the "host" country (Syria) while the governments of the "home" countries are abdicating their own responsibility; at some point in time, a resolution will need to be made. The potential for radicalisation in these camps is only going to make the security threat worse, and children are in a state of perpetual punishment for doing nothing wrong.

This leads us to the other element of the response – those states that subscribe to repatriation policies. Several countries have taken this route and repatriated their citizens such as Kazakhstan, Serbia, the US (Al Yafal 2022; Brown and Mohamed 2022; International Crisis Group 2019) as national policy. Other countries who had previously aligned with the security response, such as France, have more recently been forced to bring their citizens home through the decisions of international courts such as the European Court of Human Rights (see also Aguettant 2021; Mehra 2019; Ni Aolain and Charbord 2023). It is yet to be established whether repatriation and the subsequent implementation of deradicalisation programmes is an effective approach to meet the potential security threat posed by these individuals, and it is beyond the scope of this paper to explore specific cases in detail.

The longer these people are trapped in these camps, the greater the chance that they will turn back to the Islamic State through lack of alternative recourse. This in turn makes it a distinct possibility that a new generation of indoctrinated children will mature as ISIS

fighters and radicalisers. The short-term security strategy simply puts off necessary action and aside from the clear breaches in human rights obligations, clearly creates the strong potential for a security threat in the years to come (Savage 2022). A number of experts have presented their views on this in terms of the children's predicament (Benton and Banulescu-Bogdan 2019; DeGroot et al. 2021; Franssen 2020). This then impacts on the intersection of security and human rights law.

Responding to the challenges

Human rights, security and the law

It is important to give appropriate consideration to the two key issues at the heart of repatriating citizens who left their home countries to join ISIS: that of security and that of human rights. Often considered at opposite ends of the response spectrum, this paper argues that these issues should rather be considered in a more holistic way. It is conceivable that depriving these individuals of their human rights will actually negatively impact the security of the state in the long term, whereas upholding their human rights, whilst carrying risks, might mitigate the security concerns in play. Particularly in terms of the children in these camps, this balance needs to be urgently addressed and putting off repatriating these children (or even patriating them for the first time) seems a particularly poor security strategy.

To take the issue of human rights first, it is important at this juncture to elaborate on what is meant by this in relation to this topic. The literature discusses a range of human rights including the right to liberty and security; the right to be equal before the law; the right to be born free; the right to protection from discrimination; the right not to be tortured; the right to not be unlawfully detained; the right to a fair trial; right to education; and the right to not be discriminated against. It is argued that all of these human rights are being breached to some extent by government actions to not repatriate citizens.

Secondly, the specific risk which is often connected to these individuals is that of terrorism. The understanding that the individuals who chose to join ISIS have been radicalised and, as members of the organisation, may intend to carry out terror attacks in countries globally certainly makes them a high risk. Some research had been carried out which explores the connections between population flows and terrorism, including the issue of those coming from refugee (or detention) camps – there is no doubt that returning FTFs have carried out terror attacks in their home countries (see Homeland Security Committee 2016; Schmid 2016; Judiciary of England and Wales 2018). And yet, while the connection between acts of terror in Europe and the returning FTFs is clear, that threat should not be overblown.

In response to this threat narrative, some countries have enacted a policy to deprive individuals of their passports or citizenship. This is a very serious action, and according to international law can only be done if that person also holds citizenship, or is entitled to hold citizenship, of another country (through parents, for example). It is illegal to make someone effectively stateless, and yet this has been occurring over the past few years in relation to those individuals who joined ISIS. While citizenship through parents ostensibly enables someone to become a citizen of another country, that country is by no means obliged to provide that citizenship, and some countries

apply the death sentence to those associated with terrorism (Weaver and Gardham 2022). Of course, there is also a counter-argument to this. The deprivation of citizenship is also a potential legal route for a state if the individual obtained their citizenship through fraud or is deemed to be sufficiently dangerous. In the UK, this power falls under the 1914 British Nationality and Status of Aliens Act and was incorporated into the British Nationality Act 1981. There is international case law to support the decision to deprive someone of their citizenship in specific circumstances. For example, the European Court of Human Rights (ECtHR) upheld the UK's decision to deprive an individual of his citizenship in 2017 in the case of K2 v the United Kingdom (application no. 42387/13) (European Court of Human Rights 2022). However, this case related to someone who had Sudanese citizenship and so would not be rendered stateless. Other circumstances of the case were also quite different as they dealt with someone who had engaged in terrorist activities and there was evidence of this. The same cannot be said of the women and children in the camps of Syria. Without a doubt, there is controversy over this action, and concern has been raised about the undermining of "human rights norms" (Fargues 2017; Nyamutata 2020) and the trend of changing circumstances domestically (including the introduction of favourable legislation) which facilitates such extreme actions as citizenship deprivation (Fargues 2017) while circumventing previously established domestic law. The apparent equation of every individual in the camps of northeast Syria as examples of extreme criminality and a significant security threat is highly problematic, and it can be argued that it undermines the value of the domestic criminal justice system in dealing with such individuals.

There is a legal framework for domestic prosecution, however, as many countries have made joining a terrorist organisation a criminal offence (RAN 2017). This domestic law has developed within the context of international developments in the post-9/11 world (Scheppele 2004, 2010). The criminal implications of these legislative examples mean that anyone who travelled to the Islamic State can be arrested on their return to their home country and potentially prosecuted through domestic criminal justice systems. This blanket approach has been widely criticised as it does not effectively address the range of crimes which may have been committed whilst living with the Islamic State. Indeed, understanding the push and pull factors for individuals' decision to join ISIS is essential to dealing with the issues now that they want to return (Brady and Marsden 2021; Peresin 2018). Theoretically, someone who has been an active fighter would be charged with an equal crime to someone who simply travelled to the Islamic State and opened a shop there or married someone. However, it does somewhat address the challenge of obtaining evidence – it is very challenging to obtain evidence for crimes committed in Syria or Iraq, but joining a terrorist group is already a clear criminal action (depending on the state and its domestic legislation). Several studies have looked at this thorny problem, but states continue to follow their own domestic guidance in these cases (RAN 2017).

Again, in terms of children, there is an even more challenging problem. While some will have had passports from their home countries and/or birth certificates, thereby making them citizens of that country, many others will have been born in the Islamic State, often to parents from different nationalities. Further, a large number of children have been born in the camps themselves, and their births have not been registered. Given the security focus of many countries, much of the laws and decision-making in terms of those

returning from Syrian detention camps fail to address the issue of what to do with children (RAN 2017). And for this reason, it is believed a new label is needed to adequately describe the categories of people we are dealing with.

The issue with labels

The categorisation of women and children who were part of the Islamic State seems to confound researchers (Capone 2019). While they might be explored in terms of gender, human trafficking and human rights, they tend to be invisible entities within the FTF phenomenon (RAN 2017) not specifically mentioned, but considered within the category nonetheless. This paper posits that women and children can be considered in the context of the Islamic State, but not necessarily under the label of FTFs. Li carried out an internet search of the term “foreign fighter” and found that “[t]he foreign fighter represents a globetrotting fusion of intolerant piety, political violence, patriarchy, hatred of ‘the West,’ and sheer ruthlessness” (2010). It seems unlikely that this highly problematised interpretation of the term cannot apply in any conceivable way to children or even young adults. On a very basic level, the lowest common denominator for all of the individuals who joined ISIS is that they committed a crime by joining a proscribed terrorist organisation. There are challenges with this classification, especially in the case of young children who did not choose to join the group, but for the purposes of the point being made here, this consideration is a valid one. With this in mind, it is proposed that a new term is best applied to this phenomenon – that of Returning Associates of Terrorist Groups (RATGs). It is proposed that this term better describes the phenomenon and allows researchers to explore the various categorisations of individuals connected with ISIS, while not assuming they were all FTFs.

It has become easy for the public to simply associate women and children with their male counterparts and dismisses the complexities of their circumstances. The fact that the public considers these issues predominantly within the particular state’s framing of the issue means that little sympathy is evoked for men, women or children associated with ISIS (Hall 2023). This state narrative plays significantly into the variety of public opinions globally and is arguably created to fulfil a specific policy agenda and security strategy in the first place. The issue of how to deal with those returning from Syria is explored in a study by Limbada and Davies, where public education on the issue and contextual issues of rights is suggested as one of three approaches to achieve best practice in the area (2016).

It cannot be denied that people who left their home countries to join ISIS pose a security risk. It would be naïve to think otherwise. But some context is needed, particularly in relation to women and children. The role of women within the Islamic State is challenging to pin down and has been debated extensively (Spencer 2016; Speckhard 2020, Saleh 2021; Stenger 2022), but while military training, roles within the police force and other violence was certainly carried out by some women at various times of need, many argue that their roles within the Islamic State were predominantly as wives of ISIS fighters and mothers of a new generation of ISIS members (Peresin and Cervone 2015), a form of state building as opposed to fighting. As a sub-group of RATGs, many of them cannot really be considered “foreign fighters” and any crimes they committed are not easily evidenced, meaning

prosecutions in home countries would be more challenging. Other scholars have different views on women's contribution to the cause of ISIS (Ingram 2022; Stenger 2022).

There is a debate about how to categorise or understand the women of these camps, or indeed their lives within the Caliphate (General Intelligence and Security Service 2016; Peresin and Cervone 2015). One side considers them to be a security threat and is wholly unsympathetic to any suffering they may now be going through. They gave up the right for citizenship, for example, by turning their back on the morals and values of the home country. As the former Independent Reviewer of Terrorism Legislation (IRTL) in the UK put it: "They tap into the feeling, which may well be widespread in the population, that a person who has betrayed the interests of his or her state of citizenship should no longer be entitled to benefit from that citizenship ... More specifically, they are one way of recognising the notion that those who have travelled abroad to fight for terrorist organisations inimical to the UK should forfeit the right to return" (Anderson 2016). The other side considers them to be potential victims of trafficking, forced participants who have been through horrifying experiences and now wish to return home. This group comprises the UN and a range of human rights groups and commentators (Brown 2021; Rights and Security International 2021). The problem is that, as is so often the case, elements of both are true, and it is not pragmatic to look at the issue from one lens or the other.

The other group which is arguably the most problematic in terms of the research carried out is that of children. Depending on the age (and indeed there is some controversy over when a child passes the threshold to being an adult (Rights and Security International 2021)), these children either were taken by parents or family to the Islamic State and were therefore deprived of the choice to join the group or were born in the Islamic State.

The thorny problem of children and what to do with them is complicated further by the process of indoctrination they will have gone through whilst in the Islamic State in addition to concerns about young children and girls who are not receiving appropriate education and medical facilities whilst in the detention camps of north Syria. None of the state responses that focus on security provide appropriate attention to the circumstances of the children, although there are non-government studies on the topic (Brooks, Honnavalli, and Jacobson-Lang 2022; Luquerna 2020). Additionally, the treatment of children in the camps has been heavily criticised by human rights groups, who declare that "Detention based solely on family ties is a form of collective punishment, which is a war crime" (Human Rights Watch 2023). Even more could be said about those boys who, at the age of nine are taken by ISIS members in the camps to become the "Cubs of the Caliphate" and start a process of indoctrination, or those boys who, when they reach a certain age (usually around 14 years old) are removed (forcibly if necessary) from their families by the SDF and placed in rehabilitation centres to counter their perceived rising threat (Saleh 2021). Resolving the issue of how to deal with children seems a long way away, although the need to resolve the issue through human rights and the law has been highlighted. This has prompted the suggestion that the children who are a part of ISIS be considered as "child soldiers" (Nyamutata 2020). While Nyamutata's case is well made, the established legal argument that this term captures an "array of activities: boys, and girls, used as fighters, cooks, porters, messengers, spies, or for sexual purposes" again overlooks the nuance – why should we classify non-combatants as soldiers? It mislabels the nuance

and can prohibit a range of support mechanisms, or indeed the threat level, these children may or may not pose. Again, the issue is problematic and multi-faceted.

Case study on the UK

Data and the UK government's response

The UK is an interesting case to explore in more detail. The number of British citizens who left the UK to join ISIS is estimated to be between 850 and 900 (Hall 2020; Loft, Sturge, and Kirk-Wade 2022). Women and children are invisible in the data – it is unclear if dependants are included in the numbers. It is believed about half of these people have returned to the UK and are being monitored in a range of ways as appropriate to the individuals and the risks they pose. It is also believed that, of those who have not returned, many have died and only a small number reside in the detention camps of north-eastern Syria. According to Hall "There are no official figures, but estimates are of about 60 UK-linked children, with a fewer number of women and an unknown number of men. The pace of repatriation by other European countries has picked up and UK's policy of strategic distance has fallen under the spotlight" (Hall 2023).

The UK's policy towards RATGs is an example of the hard security approach. In 2019, International Crisis Group stated that the "UK has taken the hardest line . . . they have stripped dozens of nationals of British citizenship on the basis that they enjoy dual citizenship or even a theoretical right to a second nationality. The citizenship deprivation approach also places hurdles in the way of repatriating British children whose parents have been stripped of their nationality . . . " (International Crisis Group 2019), and a number of organisations have criticised the approach (Liberty 2019, 2020). The UK's response in regard to children specifically is outlined in an important study by Cook and Vale (2019) and noted in other publications (see Child Justice Advocacy Group 2019).

It would be remiss to discuss the UK's response to this issue without understanding the global context within which it is set. Two significant UN Security Council Resolutions (2178 and 2396) ensured that the issue of FTF was placed at the forefront of state security, having been introduced as a term in 2014 at the Global Counter-Terrorism Forum (GCTF) (see Baker-Beall 2023; de Londras 2022). The framework developed as a result of the "Foreign Terrorist Fighter Initiative" provided a structure within which to respond to the issue of returning foreign fighters from a security approach. This framework provides states with justification for what some consider heavy-handed responses to the issue. Indeed, the lack of limiting language included in Resolution 2178 has resulted, it is argued by some, in an erosion of "international human rights and rule of law" (Tayler 2016).

According to the Transparency Report that the UK government publishes, it has issued 35 Temporary Exclusion Orders[5] since 2016 and removed the citizenship of 184 individuals in that same timeframe, as can be seen in Table 1 (Home Office 2022). In explaining the context of the power, which came into force through the Immigration Act 2014, it states: "In practice, this power means the Secretary of State may deprive and leave a person stateless (if the vital interest test is met and they are British due to naturalising as such), if that person is able to acquire (or reacquire) the citizenship of another country and is able to avoid remaining stateless" (Home Office 2022). Generally, UK domestic law does not allow the Government to render a person stateless (British Nationality Act 1981).

Table 1. Created by researcher based on UK government data (Home Office 2022).

Year	Temporary Exclusion Orders (TEOs)	Deprivation of Citizenship
2016	0	14
2017	9	104
2018	16	21
2019	4 (3 applied to one individual)	27
2020	1	10
2021	5	8
Total	**35**	**184**

There is, therefore, a high bar to this action, in that it must be "conducive to the public good" to do so. However, this system does not, in reality, take into consideration whether or not that "third" state is willing to provide that citizenship.

Table 2 describes the available data in relation to repatriations in the UK. A total of 11 people have been repatriated to the UK since November 2019, 10 of whom were children and one woman (Sabbagh 2022). No men have been repatriated in this timeframe (this data does not indicate repatriations which may have taken place before this time frame and prior to the collapse of the Islamic State). When both sets of data are compared over the common years (2019 to 2021), eight people received TEOs, 45 people had their citizenship removed and seven children were repatriated. These data indicate a clear emphasis on the security-focused category of response to RATGs.

The UK Government has stated that where … individuals pose any threat to this country, it will do "everything in [its] power to prevent their return" (Hall 2020) and the Home Secretary ultimately makes the final decision, based on information provided by the security services. However, it could be argued that no decision which impacts an individual's life should be considered from the perspective of security alone, and a wide-ranging consideration of the circumstances in which the individual may have travelled to Syria, the familial and community support mechanisms and the psychological factors should all feed into whether that security risk truly is best mitigated by simply removing citizenship and exiling the person without hope of return and without any justice to the victims of any crimes they may have committed, especially in the case of women (Brown 2021).

In the Independent Reviewer of Terrorism Legislation's (IRTL) report on the Terrorism Acts 2018, it was recommended that " … the Independent Reviewer be given statutory authority to review any immigration power used by the Home Secretary to the extent that it is used in counter-terrorism" (Hall 2020). This view was based on the fact that "the power to deprive a dual national of their British citizenship was used 104 times in 2017 but there

Table 2. Created by researcher based on UK government data (Home Office 2022).

Date	Children	Women	Men	Total
2019 November	3	0	0	3
2020 September	1	0	0	1
2021 October	3	0	0	3
2022 April	2	0	0	2
2022 October	1	1	0	2
	10	**1**	**0**	**11**

does not appear to be any sufficient form of independent review of its use for suspected terrorists" (Hall 2020). This issue had also been raised by Lord Anderson KC, a former Independent Reviewer of Terrorism Legislation, in his report on the Terrorism Acts 2015 where he stated " . . . that the Independent Reviewer should be given statutory authority to review (a) the exercise of the Royal Prerogative power to cancel or refuse to issue a British passport; and (b) any other law or power to the extent that it is used in relation to counter-terrorism" (Anderson 2016). However, at that time, the Home Secretary "declined to support this" (Hall 2020) and this continues to be the case.

Interestingly, the IRTL goes on to say "The Crown Prosecution Service guidance on Syria, Iraq and Libya also addresses the public interest test. The starting point is that if individuals decide to travel to Syria to take part in fighting, otherwise than in accordance with a properly authorised United Kingdom government operation, then it is likely that the public interest would favour prosecution . . . For minors, the general point is made that the younger the suspect, the less likely it is that prosecution is required. The guidance does not deal with the position of 'jihadi brides' or the position of those who travelled to fight against Da'esh" (Hall 2020). Some of the advantages and disadvantages of allowing RATGs to return to the UK are outlined in this report. On the one hand, Hall notes "The overall effectiveness of domestic criminal law in addressing the risk posed by those who return is still difficult to gauge. Counter-terrorism officials will say that it depends on the likelihood of conviction and the length of sentence" (2018). On the other hand, Hall adds "But the wider benefits of domestic prosecution include maintaining public confidence, which is undermined if individuals are seen to act with impunity, preventing false-counter narratives, and enabling the facts to emerge in a trial forum commanding wide public acceptance" (Hall 2020). This is what seems to be missing from the wider narrative; however, where one route can be chosen or another. This balance, however, of addressing the issues in the system while considering the benefits of allowing RATGs to return is a proposition not apparently sought by the UK government.

The UK Government holds to its decisions, even when those in the role of Home Secretary have changed several times since 2019. Nonetheless, it faces expert pushback on the efficacy of the removal of citizenship and has been forced through the judicial route to have decisions regarding the removal of citizenship overturned (Barton and Townsend 2023).

The case of Shamima Begum

The case of Shamima Begum stands out when looking at the response of the UK government and public opinion to the issue of RATGs. At the age of 15, in 2015, Begum and two school friends from Bethnal Green in London travelled to Syria to join the Islamic State. It should be noted that 15-year-olds are still considered children in the UK; however, the age of criminal responsibility is 10 in the UK, and the law (evidenced in the judgements against her) considers her responsible for the actions that she took at the time. Begum was located alive and 9-month pregnant in 2019 in the Al Hawl Refugee Camp. She was later moved to a different camp amid fears for her safety. A few days after she was located she gave birth to a baby boy, who died not long after.

The sympathy for Begum seems almost completely absent from public perception of the case. Polling indicates a consistently high percentage of the respondents do not

believe that she should be allowed to return to the UK (Kirk 2022). This same poll indicates that the public also supports the Home Secretary's ability to deprive an individual of citizenship in certain circumstances, although the percentage who believe this is 57%, just over half the population surveyed. When specifically asked about Begum, an interesting finding presents itself. While 40% believed that citizenship should be removed from those who hold citizenship elsewhere if they posed a threat to UK security, 68% believed that Begum should have her citizenship removed (YouGov 2022). This is an interesting point to explore – why is it so different with Begum? The faceless numbers of women and children are apparently deemed less of a risk to British public security than this one individual, at least according to public opinion. It is certainly conceivable that her treatment in the media, as well as the reporting of the courts' decisions regarding her attempts to return to the UK, have coloured the public's perception of the issue. It provokes the question as to what is different about Begum's case and one potential answer, arguably, is that hers is the story and the face we know.

Hall notes "One side of the debate avers that former UK residents are our problem, that they are riskier left where they are, that the bad ones can easily be prosecuted, and the rest can be managed by the UK's respected counter-terrorism system. This side points to the age and naivety of some of those who travelled out, and to the position of young children taken or born in theatre" (Hall 2023). However, on the converse side, he also notes that "The other side contend that these people have got their just desserts, that they forfeited any right to sympathy when they went to join torturing murderers, and that at least some of them will carry out or inspire terrorist attacks if returned. They doubt that prosecution or constant monitoring is a feasible solution, are sceptical about claims of trafficking, and point out that very few countries have repatriated male fighters" (Hall 2023). da Silva and Crilley argue that it is a combination of "media and elite framing [which shapes] how the phenomena of terrorism and foreign fighters are understood and responded to" and the influences of these sources of information feed into the interpretation and commentary of these topics (2017).

Indeed, many in the UK remember the story of Begum travelling to Syria with her school friends from Bethnal Green back in 2015. At that time, there was little doubt that the girls were innocent victims (BBC 2015a). This view has apparently changed. In particular, comments she made when first located in 2019 have been held against her in the court of public opinion (Humphrys 2019; ITV News 2019; Twomey 2022). Begum came across as an uncaring and an avid supporter of ISIS who only wanted to return to the UK for the sake of her (at the time) unborn child. However, a number of potentially mitigating issues were not considered by the public: the complex nature of her case; the notion that she was still potentially under the control of, or at least scrutiny of, ISIS in 2019, when she said she had "no regrets" about joining the group and that she was "unfazed by seeing a head in a bin following a beheading"; that she was not a public figure by choice and had no public speaking training and was potentially intimidated by journalists and media scrutiny; was under watch from the SDF camp guards; and was 9-month pregnant. The public seems to have little sympathy for Begum, even considering the loss of three children (two children died while she lived in the Islamic State). Further, the UK Government holds that as a 15-year-old, at which she is over the age of criminal responsibility in the UK, she should have known what she was doing (Begum v The Secretary of State for the Home Department 2023), and if she did not like what was

there when she arrived, she should have left. By staying in the Islamic State for 4 years, the narrative is that she is radicalised and so dangerous to the British public that she will never be allowed to return. Deradicalisation programmes are not an option on the table. Begum's case, since her discovery in 2019 in the camps, has been played out in the media, and so a large part of the understanding of her case needs to take into account these views, problematic as they may be. Regardless of any potential softening in stance against her in the media, the dominant view in the UK remains that the UK is better off if Begum remains in the camp.

The discussion in the section above touches on the reasons why Begum, as a woman, may not have left the Islamic State – the highly restrictive environment might not have enabled her to leave easily, especially not with children. There is much to unpick in terms of Begum's case as to why and how she left, whether she is or can be deradicalised, and what she poses as a future risk. Yet all of this needs to be explored from within the UK. Begum cannot be prosecuted as is appropriate within the criminal justice system from outside of the UK, as she needs to be able to defend herself and respond to the charges that would be laid against her. Not only that, but by depriving Begum of her citizenship and forbidding her return to the UK, she is being deprived of the right of every citizen in the world – the right to a fair hearing and to defend herself in a court of law (Cloots 2017; Hooper 2022; Liberty 2021; Rights and Security International 2021; Zedner 2016). Whether or not she could ever have a fair hearing is another question, but she is also deprived of the ability to argue her case. The view that Sajid Javid took as Home Secretary when he removed her citizenship in 2019 and that she has the potential for citizenship in Bangladesh through her parents is not held up by the statements made by Bangladesh itself. Indeed, Bangladesh's foreign minister has reportedly said they would not give her citizenship, and there are reports that it has said she would be given the death penalty (Weaver and Gardham 2022) through its "no-tolerance" policy for terrorism (US Department of State, n.d..). There is no doubt that Begum poses a potential risk to national security on several levels – she might plan an attack when she returns, she might start up a social media account and radicalise others, she might become a point of inspiration (see BBC 2015b as another example of this happening). It seems clear that all of these risks could also be carried out from where she is right now, albeit with more challenges. What makes these potential risks different to the risks posed by the 400 or so FTFs who are reported to have already returned to the UK and are being monitored or otherwise dealt with within the UK? The fairness element and proportionality are simply not present, and because Begum has lost the sympathy of the public, the Government seems emboldened to continue its current policy of citizenship deprivation despite growing opposition to this policy (Capone 2019; Roach and Forcese 2016).

Analysis

Risk

It would be naïve and unrealistic to say that there is no risk posed by individuals who left their countries to join the Islamic State. However, that risk is not the same for everyone (RAN 2017). Some individuals pose a greater risk to national security than others, and detailed and complex push-and-pull factors in terms of radicalisation mean that different

de-radicalisation, prosecutorial and security measures need to be applied. This is the same with any criminal activity. What is different in the cases being explored here is that these individuals who left their home countries are being treated all the same, despite the fact that some committed murder and others married someone and others were taken there by their families. All of these individuals are being denied their British citizenship, regardless of status and culpability. And while criminals are always given the opportunity to respond to their accusers, these individuals are not being given that right.

Risk, in its simplest form, can be defined as the possibility that something bad might happen (Cambridge Dictionary) and an assessment of risk needs to be made in the context of the options available. There have been both practitioner and academic explorations of risk assessment and when it comes to the threat assessment itself, the idea that "Risk = Likelihood × Impact" is a relevant place to start. States can engage in any of the four responses to their RATGs outlined above, and the consequences of doing so must be explored in the context of the risk. Yet that risk cannot be explored in immediate security terms alone, and so this paper takes a different approach to the issue. It argues that consideration to the radicalisation impact, as well as the moral authority impact, of breaching these individuals' human rights in the short-, medium- and long-term needs to be considered. This requires a balanced analysis which considers both security risk and the risk of circumventing human rights obligations. For example, while there might be a case to be made that those individuals in the camps should be left there as they cannot carry out a direct terror attack on UK soil and they are known and monitored, there is a counter-argument to be made given the poor security situation of the camps. A number of attempts have already been made by ISIS to free prisoners and detainees (support). Additionally, the SDF are a target for Turkish attacks, and their fighters might be called away from the camps in military deployment. This would leave the camps under-protected and could provide a perfect opportunity for ISIS to attempt a breach. While these FTFs and their families may be in one place for now, in the medium to long term it is quite possible that they could escape or otherwise be released and increase the threat they pose locally, regionally and globally (Mehra 2019). This need for balancing security and human rights, as well as short-term and long-term risks, is rarely discussed in media and government narratives and requires a robust mechanism for exploration, as is attempted in the model below.

Model for analysis

The model presented below seeks to better understand the multifaceted risk which arises from the UK's action to deprive individuals of their British citizenship. While applied to the UK in this case, it is believed that this model is suitable for the measurement of risk for any state response to RATGs. While a number of risk assessment models have been developed to understand the risk and radicalisation of individuals, such as RAN CoE Returnee 45, ERG22+, HCR-20 and VERA-2 (RAN 2017), no model has been created to better understand the response of the state in terms of the human rights *and* security nexus. It became clear throughout the analysis that many legal experts believe that this action has the potential to be in contravention of the essence if not the actual word of the law (see Roach and Forcese 2016). The model therefore seeks to explore the balance between maintaining national security across time and space while also upholding human rights and moral obligations inherent in what the UK Government likes to call British Values (a highly

pejorative term) but which are, essentially, "good global citizen" values. What resulted from this exploration was a model that presents a framework for risk consideration in terms of the UK Government's actions, compared across the soft approach to RATGs and the hard approach.

The model presented below (Figure 1) applied a comparative analytical process categorically as well as longitudinally. In terms of category, two overarching approaches were explored: the soft approach to RATGs, i.e. repatriation, and the hard approach to RATGs, i.e. the deprivation of citizenship. Within each of these categories, the model

Soft Approach: Repatriation			
	Short Term	**Medium Term**	**Long Term**
Security Risk/Threat			
Global	1	2	2
Regional/Middle Eastern	1	1	2
Host Country/Syria	1	1	2
Home Country/UK	1	2	2
Human Rights Obligations			
Adult Male RATGs	1	1	1
Adult Female RATGs	1	1	1
Children RATGs	1	1	1
Total (out of 21)	**7**	**9**	**11**
Hard Approach: Deprivation of Citizenship			
	Short Term	**Medium Term**	**Long Term**
Security Risk/Threat			
Global	1	2	3
Regional/Middle Eastern	2	3	3
Host Country/Syria	3	3	3
Home Country/UK	1	2	3
Human Rights Obligations			
Adult Male RATGs	3	3	3
Adult Female RATGs	3	3	3
Children RATGs	3	3	3
Total (out of 21)	**16**	**19**	**21**

Figure 1. Risk analysis model for RATGs.

explores two sub-categories of risk: that of security risk/threat and that of human rights obligations. Within each of these sub-categories, a final level is presented to enable an exploration of, in the case of the Security Risk, geographical implications such as global, regional/Middle Easter, host country/Syria and home country/UK. In the case of Human Rights Impact, the final level of category looks at men, women and children RATGs, in an acknowledgement that impacts on human rights deprivation can be nuanced across these groups. Through this multidimensional approach, an in-depth analysis can be carried out. In addition to the categorical analysis, the model explores anticipated risk over time, considering the short-, medium- and long-term risks which arise from the two primary categories of response to RATGs. A basic scoring system is developed which applies the values of 1 (low risk), 2 (moderate risk) and 3 (high risk).

The data presented in the model is further interpreted through the Traffic Light Analysis (Figure 2), a well-established mechanism for organising data into (usually) equal tiers or scales for better understanding. A key is provided below to understand the application of the traffic light system, and the traffic light coding of red, amber and green is applied throughout the model.

The model presented in Figure 2 above is a basic quantitative exploration of the risk in terms of deprivation of citizenship and repatriation based on content analysis of a wide range of documents including UN reports, media articles and academic articles. It forms the basis of a normative unpacking of the state responses to RATGs, analysing the issue in an innovative way to provoke further exploration and discussion. Future research could enhance this analysis through in-depth coding across a range of disciplines and would be a further worthwhile exercise. However, this model is a visual starting point for understanding the balance between two highly important concepts that have been explored to date as opposite ends of a linear spectrum: the issue of RATGs has been considered either as a security issue or a human rights issue.

Some caveats arise for the analysis of the model. The low total scores for the Repatriation Approach cannot be considered on a moral or humanitarian standing

Traffic Light Analysis - Key			
	3	2	1
Security	High Risk	Medium Risk	Low Risk
Human Rights (Legal Obligations)	Breached	Can be challenged	Reasonably Met
Human Rights (Moral Obligations)	Undermined	At risk	In good standing
Total Score	15-21	8-14	1-7
	Risk from approach is not mitigated	Risk from the approach is somewhat mitigated	Risk from the approach is reasonably mitigated

Figure 2. Traffic light analysis key for the risk analysis model for RATGs.

alone. An in-depth understanding of the state's legislation, policies and programmes for rehabilitation, deradicalisation, safeguarding and support networks are essential to keep this security risk low. At the same time, the high scores for the Deprivation of Citizenship approach, while needing additional data and understanding, do largely reflect the views of a wide range of experts. It is widely considered that all groups under the RATG classification are experiencing human rights breaches now (in the short term) and unless repatriation is implemented, these rights will continue to be breached into the future (medium and long terms). Even the UK Government might agree with this assessment, but argues that the cost of breaching the human rights of these individuals is worth it given the security risk and harm they pose (Hansard 2019). As already noted, this is problematic given adult men are essentially placed in the same category as young boys and girls. It is acknowledged by this researcher that the longer-term considerations hold less certainty of security risk – there is not an easy way to see how actions taken now will impact the security of the UK in five or 10 years' time. Nonetheless, this paper argues that the security risk of Deprivation of Citizenship will grow over time to an unacceptable level and the longer children in particular are held in the camps, the greater the risk for radicalisation and harm to UK citizens.

Are there systems in place to support RATGs?

As mentioned, should repatriation be applied to British (or former) British citizens, due consideration is needed to the support systems in place within the relevant state. The UK has a much-lauded counter-terrorism strategy called CONTEST,[6] and some research has been undertaken to explore its effectiveness (Brady 2021). In particular, the Prevent strategy addresses the issues of radicalisation and de-radicalisation. This particular work-stream is highly controversial, but over the two decades since its initial inception, it has improved and grown into a robust, community and local authority-level strategy that has apparently succeeded more often than not in supporting people away from radicalisation. This is important to acknowledge as it indicates that there is a wide spread of Prevent practitioners and local community groups in place to support those who are at risk, or have been involved, in terrorist activity (Spalek 2016).

In addition to deradicalisation programmes, a robust collection of activities comprises the Pursue strategy which focuses on stopping terror attacks from taking place. Primarily driven by the police and security services, effective monitoring of those who have committed crimes is routinely undertaken through Terrorism Preventing and Investigation Measures (TPIMs). While this is a controversial measure, in place since 2011 and designed to replace the more controversial Control Orders (see Anderson 2013), it does effectively restrict and prevent an individual's engagement with terrorist activity through a variety of restrictions such as internet restrictions, curfews, reporting at local police stations and even relocation. Human rights actors are avidly opposed to this action (Grierson; "Statewatch n.d" 2020), but in terms of the risk, and the alternative of removing citizenship and leaving these individuals to radicalise in the camps of northern Syria, it seems like a legitimate option.

The final element of the existing system which is in place and could potentially mitigate the return of RATGs (and indeed has mitigated the return of these individuals

prior to deprivation of citizenship being implemented) is the existing criminal justice system.

It would seem clear, therefore, that there is a "start to finish" system in place in the UK which should be able to deal with RATGs (see also Dawson 2019). In the first instance, a TEO could be applied, where the UK Government could control the return of the individual and set the conditions for their initial period back in the country, designed as appropriate in relation to the risk each individual poses. The UK's robust prosecutorial system would then take over, and ensure appropriate convictions, as befits the case and the available evidence, are meted out. It bears reminding that many of the individuals who would return might not have been the hardened criminals they are portrayed as in the usual blanket consideration of returning FTFs. This process ensures proportionate punishment for any crimes committed and justice for any victims. Incarceration, should that be the result, would temporarily remove the security threat from the individual, as is the case with others convicted of terrorism offences. Throughout the prison sentence, rehabilitation and deradicalisation programmes can be implemented and once released, a TPIM could be applied to monitor and restrict while de-radicalisation continues.

The counter-terrorism mechanisms in place in the UK are complex and flawed as is any public policy operating at this level. The strategy was designed as a holistic infrastructure for addressing terrorism, both in the lead up to individuals carrying out an attack and in the aftermath of an attack. In the light of this, a complex analysis needs to be carried out to see what is working, when and why (Brady 2021). However, in the balance, it could be considered a far better approach to RATGs in terms of both security and human rights responsibilities. What is most important about this process, however, is that it is designed in a bespoke way to meet the risk, human rights and other needs of the individual, particularly in the case of women (Cook and Vale 2019; Brady and Marsden 2021; Brown 2021; Peresin 2015; Stenger 2022) and children.

Findings

Some key findings of the research paint a stark picture of the UK's actions in relation to its former citizens. Firstly, the return of RATGs cannot be considered from the perspective of short-term security alone. The deprivation of citizenship as well as the abdication of responsibility for its citizens poses a medium- and long-term risk of radicalisation, a threat created by poorly contextualised and short-term policy making. In fact, deprivation of citizenship has the potential to serve the purpose of ISIS and other terrorist groups, feeding directly into recruitment through indoctrination and radicalisation and therefore increasing security risks globally over time. Secondly, the UK is not meeting its obligations under Pursue – which aims to catch and prosecute terrorists/criminals – and Prevent – which seeks to prevent radicalisation and people becoming terrorists. Radicalisation is currently taking place through social media influencers and in-camp radicalisation and indoctrination programmes. There is an emphasis in the CONTEST strategy that it applies to the UK and "its citizens and interests overseas" (Home Office 2018). To fully meet its own goals, the UK needs to return these citizens in line with its own strategy. Finally, the UK is not meeting its human rights obligations on a range of areas as identified throughout the literature and explored above, and by not accepting its citizens back is contributing to a long-term security threat as a new generation of vulnerable individuals

potentially aligns with ISIS through lack of choice or indoctrination. This approach to the issue is a result, it can be argued, of an insidious depoliticisation of the issue, as proposed by de Londras. She proposes that, while depoliticisation of terrorism does not always occur and is by no means inevitable, her research on foreign terrorist fighters "does establish [] that, through shifting counter-terrorism decision-, policy-, and lawmaking activities into the transnational space, states have created for themselves the capacity to depoliticise, to reduce contestation, to shut out rights-based perspectives, and to evade accountability" (de Londras 2018).

In the end, it is clear that the UK is prioritising security over human rights considerations. The Home Secretary is empowered to decide on the removal of citizenship based solely, it seems, on the word of national security advisors without any independent scrutiny. While within the remit of some of the laws which have been designed specifically for such a purpose, it is argued that it is certainly not in the spirit of the law or the interest of security (see Roach and Forcese 2016) in its longitudinal form and knowing that the security services alone are advising the decision is unconvincing to many. Certainly, the existing process is open to appeal and can be reviewed by domestic courts, the classified nature of much of the security recommendations deprives the courts of a balanced view of the Home Secretary's decision-making, and it seems that this is a significant flaw in the system. The model has demonstrated that the policy of citizen deprivation is more likely to lead to long-term security issues and human rights are being undermined as well. At the same time, the policy of repatriation is not without risk, but the research indicates that there is a great likelihood of mitigation of future risk through this approach. It is clear that the UK's response to this situation is untenable, and something more long-term needs to be done not only to protect British citizens, but global citizens as well and in that position, even those whose citizenship has been removed are entitled to appropriate support such as a fair trial and the right to belong to a state.

Conclusion

This paper sets out to explore a number of key issues in relation to those who have been classified specifically as returning FTFs from the Islamic State. It met this goal by exploring three key areas. It first sought to develop an understanding of the detention camps for ISIS members in northern Syria and the conditions being experienced there. It also looked at the different responses which states have taken in terms of their citizens in the camps. The section concluded with a recommendation for a new label that better describes the wide range of individuals previously misclassified as foreign fighters and allows a more nuanced understanding, and indeed security policies, to be developed: Returning Associates of Terrorist Groups (RATGs). Following this, a closer look at the case of the UK explored this state's particular response to the issue of RATGs. The section also looked in depth at the case of Shamima Begum, a UK citizen whose citizenship was removed when she was discovered in the camps in 2019. The final section conducted a risk assessment of two particular approaches to these individuals: that of repatriation and that of deprivation of citizenship. It proposes a normative risk model to better understand the balance between national security and human rights obligations of the state. While focused on the UK in this case, the model is intended to be applicable to other states' responses to RATGs as well. Central to this section is the consideration of international law

and human rights obligations which must play a part in the decision-making of governments and state leaders in the response to this issue.

Several important recommendations arise from the research undertaken. Given the innovative approach of applying a quantitative model of analysis to both security and human rights, there is little existing literature to support or enhance these recommendations. Nonetheless, the literature explored above supports a shift away from security-centric responses to the citizens of states. It also identifies the flaws with applying a label of FTF to women and children.

First of all, a shift in label is urgently required to better reflect the diverse groups of people that have traditionally been categorised as returning Foreign Terrorist Fighters. This research suggests that the term RATGs better addresses the phenomenon. Not only does this allow sub-categories to be explored within this arguably more accurate description of these individuals, but it stands the test of time both in terms of historical groups and future groups as they may emerge. It also allows for the analysis of those sub-groups who were not fighters to nonetheless be explored in respect to their interactions – both voluntary and involuntary – with terrorist organisations. Issues around culpability, rehabilitation and deradicalisation, criminality, human trafficking impact, child-related concerns, human rights and security risk can all be considered under this term. The potential controversy over the inclusion of the term "terrorist" is noted element to this term, but if it can be agreed that ISIS is a terrorist group, the value of the term remains intact, even in the case of children who grew up with ISIS' shadow.

The second recommendation is in regard to the application of a model, such as the one presented in this paper, to better understand the various approaches states take to RATGs. Consideration of the human rights impacts as well as the security threats, it is argued, allows for a more complete assessment of the short-, medium- and long-term risks posed by the actions and decisions of governments in this regard. This model should form the basis for wider scrutiny of state responses to RATGs, and is intended to provoke debate and innovation in the application of quantitative critical methodologies to the field.

The final recommendation is in relation to looking at the specific circumstances of the individual. Rather than simply taking a one-dimensional and opaque security stance in terms of these citizens (or former citizens) wider considerations in a legal and ethical context need to be made. How these individuals travelled to the Islamic State, what they did while there, what their views were and how these have changed over time, what their intentions are upon their return, what support systems are in place should they return (both familial and professional) and what are their ages and safeguarding or security needs all need to be an integrated part of the consideration of what to do with these individuals. Without these in-depth profiles, states run the risk of applying blanket policies inappropriately to vulnerable individuals with a high likelihood of increasing security risk over time.

The findings of this paper impact beyond the UK alone. The model assesses the risk of a wide spread of geographical locations and explores the two dominant state responses to RATGs: repatriation and deprivation of citizenship. The model exposes the flaws of a security-only approach to the issue, and highlights the need to consider human rights obligations, in respect to a variety of groups associated with ISIS. As the literature explored throughout this paper has identified, states who have adopted a security-

focused approach to the issue are failing to fulfil international legal obligations (Ip 2019). The moral obligations are a more difficult consequence to identify in any substantive way, but certainly within the literature on human rights, issues arise here as well. It would be naïve to say that repatriation does not result in any security risk, and this is not what is proposed here. However, the balanced approach of such a response, taking both existing counter-terrorism and criminal justice mechanisms into account while supporting human rights obligations and international soft power reputational factors, sufficiently mitigates, it is suggested, the long-term security risk of the alternatives.

In the search for ongoing academic excellence, the need to enhance interdisciplinary understandings of complex real-world phenomena through mixed methodologies, embracing the value of quantitative research to enhance the impact of qualitative analysis, is apparent. Critical Terrorism Studies seeks, or should seek, to engage in further research of this nature (Jarvis 2023) which can only enhance the narrative exploration which has more commonly taken place. Further, while the engagement of academia with the policy world is both laudable and necessary, there is a wider spread of benefactors from research of this kind. In the light of this, research of this kind can contribute to the wider societal education on such complex issues as RATGs, supporting narratives that are more complex than security alone can present. An interesting exploration of such inter-connectedness and the placement of Critical Terrorism Studies was carried out by Jackson (2016) and continues to fuel the future direction of the field.

In conclusion, this research had found that the deprivation of citizenship is a short-sighted security strategy which harms vulnerable individuals and increases the risk of radicalisation and therefore the threat from terrorism in the long term.

Notes

1. The organisation has been known by a variety of names as it evolved. This paper refers to the group as ISIS (the Islamic State in Iraq and Syria) and the territorial element as the Islamic State as an when appropriate. As other terms such as IS, ISIL and Daesh can also be applied throughout the sources, there are occasions where these names are included inside direct quotations.
2. Women and children are often described as one category. However, this prevents appropriate and deep analysis of the complexities of each group. The notion that women can only be considered as children in terms of vulnerability prevents accurate understanding of the agency women as adults command (Bloom and Lokmanoglu 2020). The fact that some women are vulnerable and are victims does not preclude the fact that some women perpetrate violence willingly and in full knowledge of their actions. Likewise, the idea that children are a homogenous group is not realistic, and gender and age have significant implications for issues such as vulnerability, agency and responsibility. However, as so many of the sources explored for this paper do refer to women and children as one category, the paper does at times also use this categorisation.
3. The term "foreigners" is used at times throughout this paper. It relates particularly to those individuals who are citizens of countries other than Iraq and Syria.
4. These camps were established sometime before the collapse of the Islamic State, but were formally used to house individuals associated with the group following its collapse. Thus the populations of both camps have swelled.
5. Temporary Exclusion Orders (TEOs) were introduced through the Counter-Terrorism and Security Act 2015 and allows the Home Secretary to "disrupt and control the return to the UK of a British citizen who has been involved in terrorism-related activity outside of the UK"

(Home Office 2022). Passports are withdrawn from the individual and will only be returned when certain conditions are met in agreement with the authorities.

6. While the UK response to terrorism is clearly the subject matter of the CONTEST Strategy, this paper does not seek to critique that strategy as to do so would take the problematisation of women and children RATGs in an unhelpful direction. This is not to say that discussion should not take place on the impact, both positive and negative, of this strategy on the issue of RATGs.

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