

FOREIGN FIGHTERS AND THEIR RELATIVES (ALLEGEDLY) AFFILIATED WITH ISIS AND DETAINED IN NORTHEAST SYRIA

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In late March 2019, the so-called ‘Islamic State in Iraq and Syria’ (ISIS) surrendered its last territorial stronghold of Baghuz in eastern Syria. However, such apparent victory over the group should not make us forget the still-problematic reality on the ground.

In advancing against ISIS on the territory of Syria, the SDF – which was effectively leading the fight on the ground with aerial support of the international coalition – has indeed surrendered more than 12,000 individuals from over 70 nationalities. Attracted by ISIS’ ideology of ultra-radical Islam, these men (the so-called ‘foreign fighters’), women and children travelled to the Middle-East in order to join the group. They are now being held in and around 3 refugee camps – Roj, Ain Issa and al-Hol – in northeast Syria, which are administered by the SDF with the financial support of the United States. According to journalistic reports, the living conditions there are increasingly worrying because of lack of food, water, electricity and medical supplies. The International Committee of the Red Cross has conducted visits and confirmed these gruesome claims.

It goes without saying that the fate of those under SDF’s custody and (allegedly) affiliated with ISIS is beyond uncertain. The SDF has indeed repeatedly stated that, without meaningful support from the international community, it has neither the willingness nor the resources to hold them indefinitely – thus insisting that they be repatriated by their countries of nationality. With the notable exceptions of the United States, Russia, France, Kazakhstan and Indonesia, concerned States have so far overwhelmingly categorically refused that their nationals return home due to security concerns. In late May 2019, Sweden formulated the alternative suggestion of establishing, in Jordan, ‘a tribunal or some other legal mechanism’ to prosecute foreign

individuals (i.e. neither Syrian nor Iraqi nationals) who fought for ISIS.

Complementary to the closed expert-meeting recently organized with Fight for Humanity, this IHL Talk will address the humanitarian, policy and legal challenges related to the fate of foreign fighters and their relatives (allegedly) affiliated with ISIS and currently being detained by the SDF in northeast Syria.

Incidentally, Diakonia’s international humanitarian law resource desk in Lebanon is currently working on a legal brief focusing on the legal status of the women and children under the custody of the SDF. The document will soon be available to its partners.

MODERATION

- **Emilie Max**, Researcher at Geneva Academy of International Humanitarian Law and Human Rights

PANELISTS

- **Nadim Houry**, Executive Director, Arab Reform Initiative and Former Director of the Counterterrorism/Terrorism Program, Human Rights Watch
- **Sandra Krähenmann**, Thematic Legal Adviser, Geneva Call and Author of the Geneva Academy publication *Foreign Fighters under International Law*
- **Wanda Toso**, Child Protection Advisor, International Committee of the Red Cross

REGISTRATION

You need to register to attend this event via an online form on our website.

ABOUT IHL TALKS

The IHL Talks are a series of events, hosted by the Geneva Academy, on international humanitarian law and current humanitarian topics. Every two months, academic experts, practitioners, policymakers and journalists discuss burning humanitarian issues and their regulation under international law.