

# The Stateless Jihadist Children

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Islamic Theology of Counter Terrorism

اسلام کے تھیولوجی آف کاونٹر ٹیرورزم

Western media is bereft of news of returning Jihadist fighters and their families from previously held ISIL territories. Much attention has been given to the fate of its male foreign fighters, in particular the security concerns regarding their return. Less attention has been given, however, to the children of these fighters—both those born in Iraq and Syria and those brought by their parents to the region.

In 2019, a group of 27 Russian children whose mothers are being held in Iraq for bearing links to the Islamic State of Iraq and the Levant have been repatriated back to Russia. In Sweden too, according to terrorism researcher Magnus Ranstorp, the country has taken in 65 women who spent time in ISIS-held area, and bear one child or more. 27 of the Russian children were aged from four to 13 and hailed from 10 different regions in Russia. The French government wouldn't confirm how many people may be repatriated, but French media reports, citing government sources, have placed the figure between 120 and 130 in coming months, although it has been confirmed that as many as 75 percent of those coming back would likely be younger than age 7.

Deciding how to handle citizens who try to return has been a concern for countries throughout Europe. Multiple attacks in Paris, Brussels and elsewhere in 2015 and 2016 were connected to people suspected of having fought for the Islamic State. In France alone, more than 230 people have been killed in Islamic State-linked attacks since 2015. However, the fate of returning children – those born in ISIL territory, those who did engage in coerced violence, and the legal status and domicile of those with at least one parent with foreign nationality – has created significant challenges for law-enforcement agencies in the West.

According to dictates of international law, although there is no universal age threshold for criminal responsibility, the UN Committee on the Rights of the Child has recommended that this age not be less than 12 years old. The absence of any set universal threshold has allowed states to apply a rather broad approach in detaining and prosecuting these minors. While experts have called for the return and reintegration of the children of foreign fighters and the need to address their specific needs, the impact of these calls has been challenged by the fact that the main responsibility lies first and foremost with states, in line with their duty of care and responsibility to protect children and their own citizens from any residual violence that the returning former fighters may bring with them.

Terrorism analyst Ranstorp's findings concluded that the returning children tend to have experienced "horrific things", including stress, violence, violent military training and intense ideological indoctrination. A study of IS radicalization methodology has shown that ISIS uses children as informants against their parents, creating an immense sense of insecurity within the children, in attempts to detach them from traditional social values. According to media reports, boys as young as nine had been recruited as soldiers, while young girls, the same age or younger, were forced into marriage with them.

Further, there are also the cases of children who left to join ISIS on their own. Minors, defined by the Convention on the Rights of the Child (CRC) as individuals below the age of eighteen, are often considered part of the category of returnees that are "hardest to quantify, assess and address" and who require special focus. While the involvement and recruitment of children in armed conflict is not a new trend, their association with terrorist and violent extremist groups is a rather recent phenomenon.

### **It is alarming to note that when these children return to their home countries**

There are no national guidelines on how to care for them. In Sweden, for instance, among five social services only in five child care facilities in the capital city was reported to have a strategy for these kinds of cases. These heavily indoctrinated children then are left at the mercy of being treated as regular,

individual cases without much attempt to address their peculiar trauma, beliefs or grievances. Any reintegration initiatives must take into account gender and age sensitivities. According to research data available, older children, for example, are more likely to have been exposed to violence and indoctrination. Similarly, the experience of trauma for boys and girls will likely have been different, e.g., their experience with sexual exploitation and abuse.

At a state policy level, the return and reintegration of these children in particular is seen in opposition to national security priorities and counter-terrorism efforts. The repatriation of children has thus been rather slow and carried out on a case by case basis by most states.

Thus, the fate of these young Jihadists and their parents who are still in ISIL territory opens up a grey area for states wishing to deal with their nationals and their criminal actions abroad. The Kremlin announced in early January that 115 Russian children aged under 10, along with eight aged between 11 and 17, were still in Iraq, while around 2000 widows and children were still situated in neighboring ex-ISIL regions. Iraqi law allows detainees to be held with their offspring until the age of three, but older children must be put in the care of living relatives. There is the obvious caveat that the majority of IS fighters' children have none and are completely oblivious of any life outside of the confines of the so-called Islamic State that they experienced.

The recent decision of U.S. withdrawal from Syria has exacerbated the anxieties of handling the issue of foreign fighters for Western states even more— since it also increases the risk that former fighters could potentially escape from detention in Iraq or Syria, or that spouses and children could be killed in renewed fighting or traded to the government of Bashar al-Assad to serve effectively as hostages.

French security analysts have suggested that future trials would conceivably continue for those detained in Iraq. More than 300 people, including 100 foreign women, have been sentenced to death in Iraq for belonging to ISIL, while others have been sentenced to life in prison. However, what makes Syria different, is the mounting political instability.

But Syria, still in the midst of the aftermath of a grueling war, neither has the judicial institutions nor a justice system adhering to international laws to formally put these individuals on trial, at least in a proper way. A portion of the country's territory is still at war, in the northeast, and the announcement of the American withdrawal may well result in the dispersion of these terrorists.

If brought back home, the issue of repatriation puts national institutions within the EU under equal criticism. Children are being seen as potential security threats and “ticking time-bombs.”

At the same time, while there are not enough civil deradicalization cells to cater to returning children, the returning adult fighters not only pose a bigger threat to civil society of their hometowns but Gilles Kepel, a French scholar of radicalization, underscored the difficulties of repatriation— especially if put in prisons because French prisons in recent years have often functioned as laboratories of radicalization.

“Today, we already have several hundred jihadists in prison, and we do not really know what to do about it,” Kepel has admitted.

Yet, returning and reintegrating these people – especially the children of foreign fighters – is integral to national security. Leaving them isolated in formerly ISIS-controlled territories with very limited access to basic needs, a lack of a sense of belonging, unaddressed trauma, frustration, and with an uncertain

future presents the risk of creating a generation of violent, state-less children who will pose a long-term security threat for decades to come.

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