

# Human Trafficking and U.S. Repatriation of Foreign Terrorist Fighters from Northeast Syrian ISIS Detention Camps

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**Abstract:** *Since its creation in 2014, the Islamic State of Iraq and Syria (ISIS) has been proven to participate in the human trafficking of minority women. Through use of government sources on human trafficking and on terrorism, primary sources as published by ISIS, and victim testimony, this research serves as an expansion on the previously understood uses of human trafficking by ISIS. As the definition of human trafficking is better understood, the recruitment practices of ISIS are considered human trafficking when the recruits are exploited after joining and are persuaded to join through deception or coercion. This article seeks to analyze how ISIS's use of human trafficking is ignored in the U.S.'s decision to repatriate Foreign Terrorist Fighters from Northeast Syria. The negligence of the U.S. government in the investigation of human rights violations by ISIS contributes to the trauma of human trafficking victims and subverts the UN Principle of Non-punishment. This article will not minimize legitimate fears of ISIS but introduces a new dimension to prosecution; the implications of victims of ISIS being treated as the abusers that counterterrorism policies seek to punish is an under examined and increasingly relevant issue.*

**Keywords:** *ISIS, Human Trafficking, Repatriation, Syria, al-Hol, Roj*

## Introduction

The Islamic State of Iraq and Syria (ISIS) is a jihadist terrorist group that rose from the “ashes of Al-Qaeda” in Iraq after U.S. troops left the region in 2011.<sup>1</sup> Their raison d'être is to

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<sup>1</sup> Martin Smith and Linda Hirsch, “The Rise of ISIS,” FRONTLINE, 2015, <https://www.pbs.org/wgbh/frontline/documentary/rise-of-isis/>.

wage a war against non-believers, or other “infidels,” around the world.<sup>2</sup> ISIS is classified as a hierarchical organized crime network that is “characterized by strong internal lines of control and discipline,” making them more of a highly organized and lethal business than a typical radical violence movement.<sup>3</sup> Known for abduction, human trafficking, publicized beheadings, and asymmetrical warfare attacks on the sovereign territory of western states, the global response to ISIS is considered a top priority for security by many states, including the U.S.

As ISIS gained more traction in 2014 in their pursuit to achieve a caliphate, a state under sharia law, the jihadist terrorist group attracted more than 40,000 foreign terrorist fighters (FTFs) from approximately 110 countries.<sup>4</sup> The United Nations Security Council Resolution 2178 from 2014 defined FTFs as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.”<sup>5</sup> As will be argued in this paper, a portion of FTFs in ISIS may be victims of human trafficking if they were recruited to ISIS with deception, coercion, or force, and subsequently suffer exploitation upon arrival. While recruitment as trafficking is an emerging field of study, ISIS has conducted overt human trafficking in the past. In 2014, ISIS held an auction of girls and women who were either abducted or coerced, listing Christian and Yazidi girls aged 1-9 for \$172, girls aged 10-20 for

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<sup>2</sup> Sarah Myers Raben, “The ISIS Eradication of Christians and Yazidis: Human Trafficking, Genocide, and the Missing International Efforts to Stop It,” *Revista de Direito Internacional* 15, no. 1 (April 27, 2018), <https://doi.org/10.5102/rdi.v15i1.5191>.

<sup>3</sup> United Nations Office on Drugs and Crime, “Chapter 4 United Nations Office on Drugs and Crime (UNODC) Trafficking in Persons Global Patterns,” 2006, [https://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006-04.pdf](https://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf).

<sup>4</sup> Julie Coleman and Teuta Avdimetaj, “Kosovo’s Experience in Repatriating Former Foreign Fighters,” International Centre for Counter-Terrorism - ICCT, May 2020, <https://www.icct.nl/publication/kosovos-experience-repatriating-former-foreign-fighters>.

<sup>5</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605>.

\$129, women aged 20-30 for \$86, women aged 30-40 for \$75, and women aged 40-50 for \$43.<sup>6</sup>

After the territorial defeat of ISIS in 2017 and the mass apprehension and detention of ISIS affiliates in Northeast Syria, it is possible that all of these women and girls and hundreds of others like them, are detained alongside violent ISIS fighters and prosecuted in the same fashion of those guilty of heinous crimes. Trafficking victims are automatic rights holders and require long-term support, not prosecution.

This article seeks to analyze how ISIS's use of human trafficking is ignored in the U.S.' decision to repatriate FTFs from Northeast Syria. The negligence of the U.S. government in the investigation of human rights violations by ISIS contributes to the trauma of human trafficking victims and subverts the UN Principle of Non-Punishment. This article will not minimize legitimate fears of ISIS, but introduce a new dimension to prosecution, as the implications of victims being treated the same in the justice system as their jihadist abusers is an underexamined and increasingly relevant issue.

What follows is an analysis of ISIS's use of human trafficking and how the recruitment of FTFs by ISIS may be considered human trafficking. To understand the U.S.'s decision to repatriate FTFs, it is necessary to investigate the U.S. government's role as the decision maker for repatriation, the possible courses of action it may take to respond to the crises of Northeast Syria, the repatriation decision the U.S. government made, and why they made this decision. To summarize, the U.S. government's decision to repatriate FTFs from ISIS was informed from the government's understanding of the threat of either repatriating FTFs or not, external pressure from the international community, and the possibility of gaining credibility and influence after

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<sup>6</sup> János Besenyő, "The Islamic State and Its Human Trafficking Practice," ProQuest, no. 60 (2016): 15–21, <https://www.proquest.com/docview/1861258226?parentSessionId=Jg2aJkg93FCFI8E2tv9cOSx%2B0JV4da45UWjJ6sV%2F9EM%3D>.

repatriation. This paper will show that there is no consideration of human trafficking in the decision to repatriate.

### **ISIS's Use of Human Trafficking**

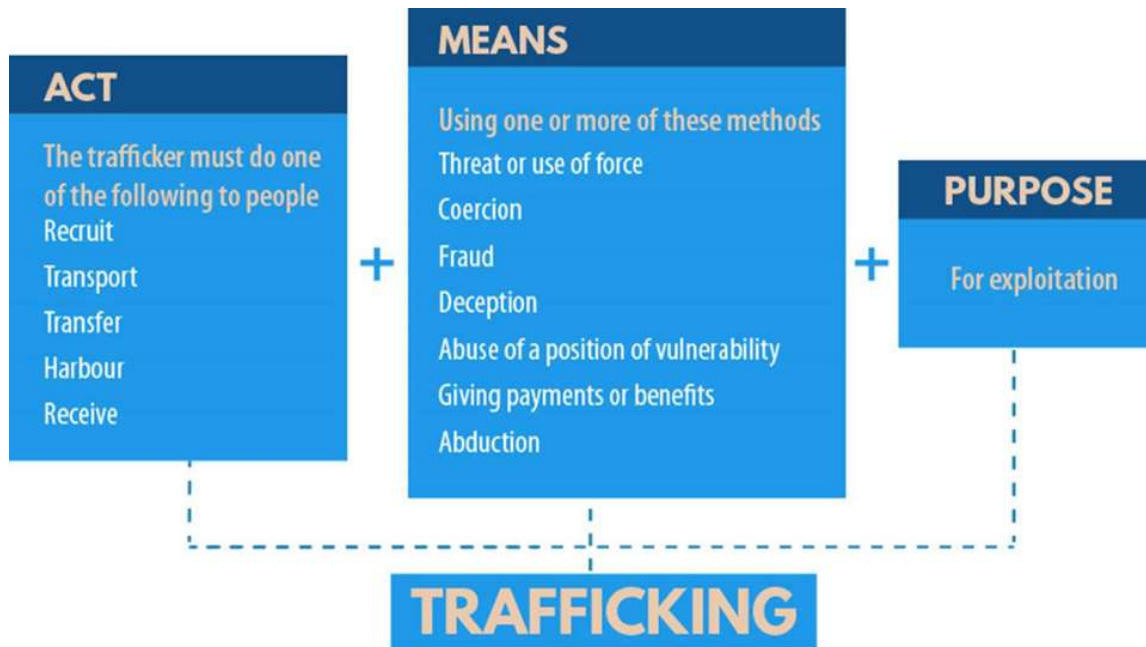
ISIS has strategically used human trafficking to advance their positionality and retention of fighters. ISIS considers trafficking to be a necessary contribution to the psychological destruction of “the enemy” through the “[decimation of] communities,” which destroys their ability to fight back, thus leaving their victims vulnerable to radicalization.<sup>7</sup> The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children (“UN Trafficking Protocol”) defines human trafficking as the “recruitment, or receipt of persons, by means of the threat or use of force or fraud, deception, the abuse of power or of a position of vulnerability for the purpose of exploitation,” which includes sexual exploitation, slavery, or servitude. For any child under the age of eighteen, there need not be coercion or force for exploitation to be considered trafficking as children cannot consent.<sup>8</sup> Put simply, trafficking of adults requires three components to be internationally categorized as a crime: the “act” of trafficking, the “means,” and the “intent/purpose,” to exploit.<sup>9</sup>

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<sup>7</sup> Ashley Binetti, “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West,” 2015, <https://giwps.georgetown.edu/wp-content/uploads/2017/10/Human-Trafficking-and-ISISs-Recruitment-of-Women-from-the-West.pdf>; János Besenyő, “The Islamic State and Its Human Trafficking Practice,” *ProQuest*, no. 60 (2016): 15–21, <https://www.proquest.com/docview/1861258226?parentSessionId=Jg2aJkg93FCFI8E2tv9cOSx%2B0JV4da45UWjJ6sV%2F9EM%3D>.

<sup>8</sup> Binetti, “A New Frontier,”

<sup>9</sup> Jayne Huckerby, “When Terrorists Traffic Their Recruits,” *Just Security*, March 15, 2021, <https://www.justsecurity.org/75343/when-terrorists-traffic-their-recruits/>.



**Figure 1: From *The United Nations Office of Drugs and Crimes***

In *al-Dabiq*, the propaganda magazine distributed by ISIS, trafficking is justified in that “Before Shayṭān reveals his doubts to the weak-minded and weak hearted, one should remember that enslaving the families of the [infidels] and taking their women as concubines is a firmly established aspect of Sharī‘ah that if one were to deny or mock, he would be denying or mocking the verses of the Qur’ān and the narrations of the Prophet ... and thereby apostatizing from Islam.”<sup>10</sup> More than just using trafficking to create income or incentives, ISIS believes that trafficking is central to their ideology, and thus operates four different types of trafficking models.

The first type of trafficking is of women, often Yazidis or Christians, who they kidnap and sell as “jihadist brides,” or sex slaves. The women are distributed to incentivize the

<sup>10</sup> Da'esh, *Dabiq*, *Internet Archive*, 11th ed., 2015, <https://archive.org/details/dabiq11-into-thareeqalhaq/page/n56/mode/1up>.

recruitment and retention of male FTFs, as a reward for successful fighters.<sup>11</sup> The second type of trafficking is of younger boys, typically for forced criminality, and the third type is the generation of profit through the sales of prisoners. The last type of trafficking, and the focus of this paper, is the recruitment of FTFs. Under the UN definition of trafficking, the recruitment of FTFs to ISIS may be considered trafficking in some cases when the recruiters use force, coercion, or deception in the recruitment process, and if there is an intention to exploit the FTF once they are in ISIS. This is most common with women who believe that they are joining ISIS to be a fighting force, only to be sold into sexual slavery upon arrival.

### **Recruitment as Human Trafficking**

ISIS's online recruitment since 2014 has mainly targeted women. They have recruited approximately 550 women from the West, but, the number of FTFs from online recruiting means are likely much higher.<sup>12</sup> The effects of their recruitment methods are implicit in the discussion of human rights and have challenged the norms asserted by the international community in reference to counterterrorism policies.<sup>13</sup> Further, as the definition of human trafficking is better understood, should any FTFs that were recruited by ISIS have been radicalized under false pretenses or with the intention by ISIS to exploit them, then the prosecution and repatriation of terrorists requires a reexamination. It is because of the "techniques used to lure these young women and how they are exploited upon arrival in ISIS-held territory," that recruitment may constitute human trafficking.<sup>14</sup>

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<sup>11</sup> Binetti, "A New Frontier,"

<sup>12</sup> *Ibid.*

<sup>13</sup> United Nations Security Council Counter-Terrorism Committee Executive, "Gender Dimensions of the Response to Returning Foreign Terrorist Fighters: Research Perspectives," 2019, [https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/feb\\_2019\\_cted\\_trends\\_report\\_0.pdf](https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/feb_2019_cted_trends_report_0.pdf).

<sup>14</sup> Binetti, "A New Frontier,"

Under the UN Principle of Non-Punishment, victims of human trafficking should not be prosecuted for any crimes or unlawful activities that they committed while they were subjected to their traffickers' will.<sup>15</sup> While this is a guideline of the UN, it falls to domestic authorities to enforce it. In 2000, the U.S. adopted the Trafficking Victims Protection Act, which states that "Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked..."<sup>16</sup> To summarize, trafficking victims cannot consent to any forms of exploitation or criminality because they do not have the ability to exercise free will, and therefore should not be prosecuted for what they do while trafficked. In theory, this would extend to suspects of terrorist activity, just as it would extend to those being tried for crimes of prostitution. It is this caveat that is central to this analysis.

Returning to the recruitment of ISIS members, ISIS recruiters describe the "the glory and honor of being the wife of a jihadi living in utopia," often to women around the age of eighteen, who are then sold into sexual slavery as the "jihadi brides."<sup>17</sup> Mia Bloom, professor of crime and terrorism of the University of Massachusetts Lowell, argues that ISIS recruiters mirror online predators that coerce children, and that women who are recruited to ISIS will, within a few weeks of arrival, "be married and pregnant and...that's not the life that they're anticipating in terms of their contribution to the cause," and as such should be treated as "victims rather than

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<sup>15</sup> Maria Giammarinaro, "The Importance of Implementing the Non-Punishment Provision: The Obligation to Protect Victims 1," n.d., <https://www.ohchr.org/sites/default/files/Documents/Issues/Trafficking/Non-Punishment-Paper.pdf>.

<sup>16</sup> OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, "Protecting Victims of Trafficking: The Non-Punishment Principle," May 6, 2024, <https://www.state.gov/wp-content/uploads/2023/12/Protecting-Victims-of-Trafficking-The-Non-Punishment-Principle.pdf>.

<sup>17</sup> Reprieve, "Trafficked to ISIS," 2021, [https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021\\_04\\_30\\_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf](https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf).

traitors.”<sup>18</sup> Victims may appear willing to join ISIS but could have been subjected to psychological coercion including fraud, deception, grooming tactics, or at times Stockholm Syndrome.<sup>19</sup> Expert Sara Khan, the Director of Inspire International, a human trafficking prevention group, writes that “... [the girls are] befriended online, told they’re loved, [and] showered with praise and flattery. These girls, like victims of child sexual exploitation, don’t see themselves as victims. They see themselves as girls going to be with men who genuinely love them.”<sup>20</sup> In the cases of minors, again it is important to note that any sort of coercion or force is not necessary for them to be considered victims of human trafficking should they be exploited upon arrival. In the case of U.K. national Shamima Begum who left for ISIS when she was fifteen, she was later denied return to the U.K. and had her citizenship revoked on the grounds of her terrorist involvement.<sup>21</sup>

As demonstrated from the 2019 Begum case, domestic courts often do not take into consideration the potential for terrorists to have been trafficked in their application of the law. It is necessary to assume an informed understanding of recruitment circumstances in order to fully prosecute recruits and to interpret the law under the specific circumstances of a suspected terrorist as a criminal defendant.<sup>22</sup> Put expertly by Jane Huckerby, the leading scholar on trafficking in recruitment, “To rightfully address such a situation requires considering when the legal definition of human trafficking applies to ISIS foreign recruits, the implications of trafficking in such recruitment cases, and why authorities often ignore this phenomenon.”<sup>23</sup> What

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<sup>18</sup> Tim Molloy, “How ISIS Uses Sexual Predators’ Techniques to Lure Western Women (Podcast),” FRONTLINE, November 12, 2014, <https://www.pbs.org/wgbh/frontline/article/how-isis-uses-sexual-predators-techniques-to-lure-western-women-podcast/>.

<sup>19</sup> Reprieve, “Trafficked to ISIS,”

<sup>20</sup> Binetti, “A New Frontier,”

<sup>21</sup> Huckerby, “When Terrorists Traffic Their Recruits,”

<sup>22</sup> Binetti, “A New Frontier,”

<sup>23</sup> Huckerby, “When Terrorists Traffic Their Recruits,”



will follow is an analysis of current U.S. repatriation policies, an investigation into the primary decision maker behind repatriation of FTFs from Northeast Syria, and a discussion of the degree of consideration of human trafficking given to FTFs.

### **Detention of ISIS Fighters**

After the fall of territorial ISIS in 2017, the Syrian Democratic Forces (SDF), which is the Kurdish militia in Northeast Syria, apprehended tens of thousands of FTFs and their families and detained them in the al-Hol and Roj camps in Northeast Syria, with some additional persons detained in Iraq. The camps are run by the Autonomous Administration of North and East Syria, a non-sovereign entity, which further complicates issues of governance and jurisdiction.<sup>24</sup> The members of ISIS not detained are reportedly coalescing and reestablishing itself in the “Syrian shadows,” and are planning increasingly complex attacks on prisons and other detainment centers containing ISIS members.<sup>25</sup> As such, al-Hol and Roj are highly vulnerable to an attack by ISIS, which is increasingly likely as ISIS members within the camps further take control over blocs. Syrian and Kurdish forces ask that states repatriate all FTFs to their home country to reduce the threat of radicalization and the burden of defending the over-populated camps.

Repatriation is the process of returning foreign nationals to their state. Regarding FTFs, repatriation has been contentious within the international community, with many states, primarily Western European states, decidedly unwilling to repatriate any citizens suspected of ISIS involvement. One of the primary reasons for this can be the legitimate fear that returning former ISIS members to the state will be a threat to society, even if they are prosecuted and

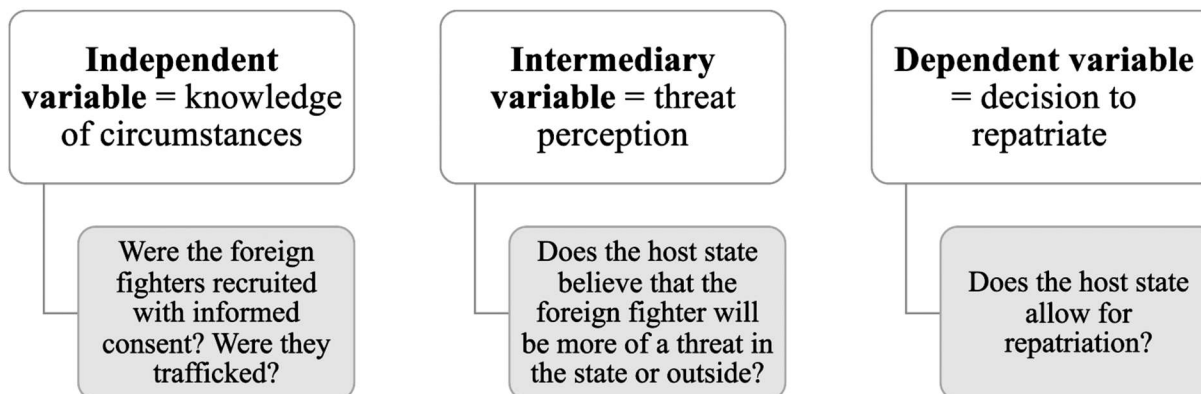
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<sup>24</sup> Helen Stenger, “Victim versus Villain: Repatriation Policies for Foreign Fighters and the Construction of Gendered and Racialised ‘Threat Narratives,’” *European Journal of International Security* 8, no. 1 (November 16, 2022): 1–24, <https://doi.org/10.1017/eis.2022.28>.

<sup>25</sup> Louisa Loveluck, “How the Islamic State Used Bullying and Bribes to Rebuild in Syria,” *Washington Post*, February 24, 2022, <https://www.washingtonpost.com/world/2022/02/24/islamic-state-syria-attacks/>.

imprisoned. After heavy external pressure from the UN and the international community to repatriate to mitigate human rights violations in the camps and reduce the chance of radicalization, many states began repatriating in some capacity between 2018 and 2020. The U.S. slowly began repatriating the 300 Americans held in detention in 2020.<sup>26</sup> Most recently on September 12, 2023, the U.S. repatriated a mother and nine of her children who were born in the U.S. and taken to Syria to join ISIS by her husband. This was the largest repatriation at once in the U.S. since 2020 and brought the total number of repatriated U.S. citizens from Northeast Syria to 40.<sup>27</sup>

To evaluate the decision of the U.S. to repatriate FTFs from Northeast Syria, and to understand the impact of human trafficking on this decision, I utilized process tracing between a system of the following variables:



To determine whether FTFs were recruited with informed consent, I researched human trafficking in ISIS to determine theoretical bases for recruitment as individual cases are not publicized. I synthesized information published in the Global Report on Trafficking in Persons

<sup>26</sup> Felicia Sonmez and Michael Brice-Saddler, "Trump Says Alabama Woman Who Joined ISIS Will Not Be Allowed Back into U.S.," *Washington Post*, February 21, 2019, [https://www.washingtonpost.com/politics/trump-says-alabama-woman-who-joined-isis-will-not-be-allowed-back-into-us/2019/02/20/64be9b48-3556-11e9-a400-e481bf264fdc\\_story.html?noredirect=on](https://www.washingtonpost.com/politics/trump-says-alabama-woman-who-joined-isis-will-not-be-allowed-back-into-us/2019/02/20/64be9b48-3556-11e9-a400-e481bf264fdc_story.html?noredirect=on).

<sup>27</sup> Charlie Savage, "U.S. Seeks to Repatriate Family of 10 Americans from Camps in Syria," *The New York Times*, September 12, 2023, sec. U.S., <https://www.nytimes.com/2023/09/12/us/politics/syria-family-repatriate.html>.

2022, the 2022 Trafficking in Persons Report, CENTCOM – Year in Review 2022: The Fight against ISIS, the United Nations Office on Drugs and Crime (UNODC) Trafficking in Persons Global Patterns, and the Sixteenth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat. To determine the threat perception of the U.S. I analyzed the U.S. government as the decision maker and outlined the thought processes behind the decision to repatriate FTFs from Syria.

### **U.S. Policy on Repatriation of FTFs**

The U.S. government is the primary decision maker for all repatriation policies of the U.S. This is because there is not one person who can make the decision to repatriate, but rather there is a collective deliberation on the U.S. foreign policy stance between the most prominent agencies in the Executive Branch. While President Trump and Biden made clear their position on repatriation, the final decision comes down to the joint capabilities of the State Department, Department of Defense, and Department of Justice. The State Department is the primary actor for deciding who, when, and why to repatriate, as demonstrated by the agency's role of media communication. The Department of Defense works with the SDF to coordinate transfer of FTFs, which is more so execution, but the Department can limit the decision to repatriate if they do not have the needed resources.<sup>28</sup> Finally, the Department of Justice is responsible for investigating individuals who are detained to determine if they are likely to be prosecuted upon arrival, which is a driving motivation for repatriation. Note here that the non-punishment principle would exempt FTFs from being prosecuted if they were found to be victims of human trafficking. The

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<sup>28</sup> International Centre for Counter-Terrorism, "Trends in the Return and Prosecution of ISIS Foreign Terrorist Fighters in the United States," International Centre for Counter-Terrorism - ICCT, August 2023, <https://www.icct.nl/publication/trends-return-and-prosecution-isis-foreign-terrorist-fighters-united-states>.

more likely the FTF is to be prosecuted, the more the Department of Justice will work for repatriation.

### **How Does the U.S. Understand the Issue?**

The U.S. government understands the state of the world, in reference to this issue, to be dominated by four considerations. First, the U.S. maintains that their national priority is combatting terrorism. Second, the U.S. government interprets, and contributes to, mounting international pressure on states to repatriate FTFs from Northeast Syria. Third, the U.S. understands the deteriorating conditions of al-Hol and Roj as grave humanitarian concerns. Fourth, the U.S. considers the threat posed by either leaving the FTF in the camps or repatriating them, ultimately deciding that repatriation poses the lesser threat. As I will emphasize below, the U.S. government does not consider whether an FTF was trafficked in their consideration of repatriation.

It is important to note the challenge of repatriating those detained in al-Hol and Roj. There is inconsistency in reported numbers of detainees, causing there to be inaccurate information guiding the decision of state actors. As an example: at the beginning of 2020, the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights estimated that al-Hol held 74,000 people (it was only designed for 10,000);<sup>29</sup> in February 2021, United Nations experts reported that 64,000 were detained;<sup>30</sup> in Summer 2022, an independent

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<sup>29</sup> “Summary Report of the Side Event Held by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) at the Margins of the Joint Regional High-Level Conference on ‘Foreign Terrorist Fighters - Addressing Current Challenges,’” February 2020, <https://www.osce.org/files/f/documents/9/0/453048.pdf>.

<sup>30</sup> United Nations Experts, “Syria: UN Experts Urge 57 States to Repatriate Women and Children from Squalid Camps,” OHCHR, February 2021, <https://www.ohchr.org/en/press-releases/2021/02/syria-un-experts-urge-57-states-repatriate-women-and-children-squalid-camps?LangID=E&NewsID=26730>.

source reported that there remained 41,000;<sup>31</sup> in August 2023, the International Centre for Counterterrorism reported that there were 65,000 FTFs and their families being held;<sup>32</sup> in September 2023, the *New York Times* reported that there were 60,000 detained, notably with half the population under 12 years old;<sup>33</sup> in October 2023, Fionnuala Ní Aoláin, the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism estimated that there remains 70,000 still held in Syria.<sup>34</sup> The large variance in these numbers muddies the deciding factors of states to repatriate or not repatriate.

### **Combating terrorism**

John Brown, FBI Executive Assistant Director for National Security in 2020, asserted that “Preventing terrorism remains the FBI’s top priority. Through the hard work and dedication of countless men and women across the FBI and the U.S. government, nearly a dozen citizens have been repatriated from Iraq and Syria over the past several years to face the American justice system.” Brown further emphasizes that repatriation, and the resulting force of the Department of Justice, “should serve as a warning to those who travel, or attempt to travel, to join and fight with ISIS.”<sup>35</sup> This further demonstrates that the Department of Justice’s advocacy for repatriation is

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<sup>31</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605.e>

<sup>32</sup> International Centre for Counter-Terrorism, “Trends in the Return and Prosecution of ISIS Foreign Terrorist Fighters in the United States,” International Centre for Counter-Terrorism - ICCT, August 2023, <https://www.icct.nl/publication/trends-return-and-prosecution-isis-foreign-terrorist-fighters-united-states>.

<sup>33</sup> Charlie Savage, “U.S. Seeks to Repatriate Family of 10 Americans from Camps in Syria,” *The New York Times*, September 12, 2023, sec. U.S., <https://www.nytimes.com/2023/09/12/us/politics/syria-family-repatriate.html>.

<sup>34</sup> Fionnuala Ní Aoláin, “Non-Refoulement and the Obligations of States to Persons Arbitrarily Detained in North-East Syria Position Paper of the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism \*,” October 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/non-refoulement-in-context-repatriation-from-northeast-syria-oct2023.pdf>.

<sup>35</sup> U.S. Department of Justice, “The United States Has Repatriated 27 Americans from Syria and Iraq Including Ten Charged with Terrorism-Related Offenses for Their Support to ISIS,” [www.justice.gov](http://www.justice.gov), October 1,

based on if they expect the case to result in prosecution, and thus may not be inclined to research forced criminality as an effect of trafficking. As such, repatriation is aligned with the U.S.'s goal to combat terrorism as it acts as a deterrent to future radicals who consider leaving the state to join a terrorist group.

Furthermore, Ian Moss, the State Department's Deputy Counterterrorism Coordinator, expressed the need to repatriate across the international community as a “collective action program” that is meant to “reduce the risk of an ISIS resurgence that threatens us all.”<sup>36</sup> The U.S. government therefore understands itself to be situated in a state of the world where terrorism, and the threat of ISIS, remain at large. U.S. concerns were tragically validated during the March 2024 ISIS affiliate group, ISIS-K, attack on Moscow, which was the first ISIS-K attack outside of South Asian territories.<sup>37</sup> Thus, the decision to repatriate will be made under considerations of the priority to combat terrorism.

### **External Pressures**

The U.S., and other states, have been publicly pressured to repatriate FTFs, and this public pressure has thus influenced the U.S.'s decision to repatriate. Notably, the UN has maintained a strong presence in outlining states' responsibilities in the global war on terror. For example, Security Council Resolutions 2178 and 2396 “impose a legal obligation on States to bring terrorists to justice and to develop and implement appropriate prosecution, rehabilitation

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2020, <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>.

<sup>36</sup> Ian Moss, “Repatriation from Northeast Syria and the Effort to Counter Violent Extremism,” The Washington Institute, April 19, 2023, <https://www.washingtoninstitute.org/policy-analysis/repatriation-northeast-syria-and-effort-counter-violent-extremism>.

<sup>37</sup> U. S. Mission OSCE, “On the Terrorist Attack at the Crocus City Hall in Moscow,” U.S. Mission to the OSCE, April 11, 2024, <https://osce.usmission.gov/on-the-terrorist-attack-at-the-crocus-city-hall-in-moscow/#:~:text=The%20March%2022nd%20ISIS%2DK>.

and reintegration strategies for returning foreign terrorist fighters.”<sup>38</sup> The UN additionally published guidelines in April 2019 that “made clear that states have the primary responsibility for their own nationals,” in reference to the detainees in Syria.<sup>39</sup> While it is painfully obvious that states will violate these UN guidelines and resolutions, the presence of these regulations at all will contribute to states' decision to repatriate; even if that contribution is minimal, it is still a positive effect. Whether repatriation would be impacted in a significant way if the UN introduced the subject of human trafficking is yet to be determined.

In 2019, the International Centre for Counterterrorism stated that repatriation “is the only correct and viable option from both a legal, moral, and (long-term) security perspective.”<sup>40</sup> Repatriation is also recommended by AANES, UNICEF, and the International Red Cross on the grounds of preventing human rights violations within the detention camps.<sup>41</sup> Further, the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights asserted in February 2020 that states “Ignoring shared responsibilities will not create security but exacerbate the long-term risks of camps providing fertile ground for recruitment by terrorist and criminal organizations alike.”<sup>42</sup> The risks of these camps include

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<sup>38</sup> Tanya Mehra and Christophe Paulussen, “The Repatriation of Foreign Fighters and Their Families: Options, Obligations, Morality and Long-Term Thinking,” International Centre for Counter-Terrorism - ICCT, March 2019, <https://www.icct.nl/publication/repatriation-foreign-fighters-and-their-families-options-obligations-morality-and-long>.

<sup>39</sup> Julie Coleman and Teuta Avdimetaj, “Kosovo’s Experience in Repatriating Former Foreign Fighters,” International Centre for Counter-Terrorism - ICCT, May 2020, <https://www.icct.nl/publication/kosovos-experience-repatriating-former-foreign-fighters>.

<sup>40</sup> Tanya Mehra and Christophe Paulussen, “The Repatriation of Foreign Fighters and Their Families: Options, Obligations, Morality and Long-Term Thinking,” International Centre for Counter-Terrorism - ICCT, March 2019, <https://www.icct.nl/publication/repatriation-foreign-fighters-and-their-families-options-obligations-morality-and-long>.

<sup>41</sup> Helen Stenger, “Victim versus Villain: Repatriation Policies for Foreign Fighters and the Construction of Gendered and Racialised ‘Threat Narratives,’” *European Journal of International Security* 8, no. 1 (November 16, 2022): 1–24, <https://doi.org/10.1017/eis.2022.28>.

<sup>42</sup> “Summary Report of the Side Event Held by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) at the Margins of the Joint Regional High-Level Conference on ‘Foreign Terrorist Fighters - Addressing Current Challenges,’” February 2020, <https://www.osce.org/files/f/documents/9/0/453048.pdf>.

dramatic radicalization of detained children, risk of human trafficking, and humanitarian crises posed by the camps inhumane conditions.

The U.S. recognized this international pressure to repatriate, and decided, in part, to repatriate to corroborate their own urgings for other states to do the same. In 2023, Ian Moss contributed to this international voice saying that mitigating the situations in Northeast Syria requires the support of the international community.<sup>43</sup> Repatriation is a way for states to gain credibility as human rights practitioners and as defendants of national security. This promotion of human rights protections *could* extend to victims of human trafficking, but it is not presented in the public narrative as a driving force to repatriation. As such, the U.S. exists in this state of the world wherein international approval, which the U.S. is desperately in need of at any point in time, results from repatriation.

### **The Deteriorating State of the Camps**

The Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism found in October 2023 that the detention in al-Hol and Roj meets the threshold of torture or cruel, inhuman or degrading treatment or punishment under customary and treaty based international law. In these camps, there is limited healthcare and food access, arbitrary violence, risk of trafficking and radicalization, limited to no access to outside information, enforced disappearances by camp authorities, and no due process.<sup>44</sup> As such, the Special Rapporteurs of the United Nations Human Rights Special

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<sup>43</sup> Ian Moss, “Repatriation from Northeast Syria and the Effort to Counter Violent Extremism,” The Washington Institute, April 19, 2023, <https://www.washingtoninstitute.org/policy-analysis/repatriation-northeast-syria-and-effort-counter-violent-extremism>.

<sup>44</sup> Fionnuala Ní Aoláin, “Non-Refoulement and the Obligations of States to Persons Arbitrarily Detained in North-East Syria Position Paper of the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism \*,” October 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/non-refoulement-in-context-repatriation-from-northeast-syria-oct2023.pdf>.



Procedures “recalls that the urgent return and repatriation of foreign fighters and their families from conflict zones is the only international law-compliant response to the increasingly complex and precarious human rights, humanitarian and security situation faced by those women, men and children who are detained in inhumane conditions.”<sup>45</sup> Additionally, the camps are run by Kurdish authorities who have reported to the Special Rapporteurs their “inability to manage the humanitarian catastrophe they face,” further corroborating the UN’s assessment of conditions in the camp.<sup>46</sup>

There is also a prominent rhetoric that the women and children detained in these camps, through their relation to FTFs (or in the case of some women, their experience as an FTF), are more vulnerable to violence and human rights violations during and prior to their detention, and thus should be repatriated for their safety and treatment immediately.<sup>47</sup> Repatriation is often only extended to women and children as they are more so seen as victims, and not to men who are interpreted as threats. When the U.S. government understands that they are in a state of the world wherein the camps in which these persons are detained do not meet international humanitarian standards, they may be more inclined to repatriate some, if not all, of the detainees there.

It is important to note that reports estimate that at least 63% of British women that are detained in al-Hol are victims of human trafficking.<sup>48</sup> Many were transported to Syria as

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<sup>45</sup> United Nations Human Rights Special Procedures Special Rapporteurs, “Extra-Territorial Jurisdiction of States over Children and Their Guardians in Camps, Prisons, or Elsewhere in the Northern Syrian Arab Republic: Legal Analysis,” accessed December 17, 2023, <https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/UNSRsPublicJurisdictionAnalysis2020.pdf>.

<sup>46</sup> United Nations Human Rights Special Procedures Special Rapporteurs, “Extra-Territorial Jurisdiction of States over Children and Their Guardians in Camps, Prisons, or Elsewhere in the Northern Syrian Arab Republic: Legal Analysis,” accessed December 17, 2023, <https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/UNSRsPublicJurisdictionAnalysis2020.pdf>.

<sup>47</sup> OHCHR, “OHCHR | Return and Repatriation of Foreign Fighters and Their Families,” Office of the High Commissioner for Human Rights, n.d., <https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>.

<sup>48</sup> Reprieve, “Trafficked to ISIS,”

children, coerced into traveling to Syria with a partner, or have been kept or transported within Syria against their will.<sup>49</sup> While ISIS recruitment tactics are demonstrative of human trafficking, the terrorist group maintains the standard model of trafficking women that scholars have previously noted. This type of trafficking should impact repatriation policies. Additionally, while the 63% estimate is specific to British women, the statistics alert the international community of the prevalence of trafficked women in the camps of other nationalities, but a lack of evidence and processing related to detainees skews the data of circumstances for those held in Northeast Syria.

### **Threat Assessment**

Finally, the U.S. understands the threat of repatriating FTFs to be less than the threat of leaving them in Northeast Syria. Currently, the concentration of ISIS fighters in al-Hol and Roj remains the largest concentration of detained terrorists anywhere in the world. In December 2022, Human Rights Watch reported that “At al-Hol, managers only allowed Human Rights Watch to enter two small areas, saying armed ISIS members controlled entire sections of the camp.”<sup>50</sup> Families within the camps must take extreme measures to hide their children from ISIS members who attempt to radicalize, or, if they fail to do so, kill them. A further threat to the area is the risk of external attacks by ISIS on detention facilities. Beginning in 2022, ISIS fighters who were not imprisoned began attempting jailbreaks to increase the numbers of ISIS fighters in their ranks, for example, the January 2022 attempted jailbreak of the Hasaka detention center.<sup>51</sup>

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<sup>49</sup> Reprieve, “Trafficked to ISIS,”

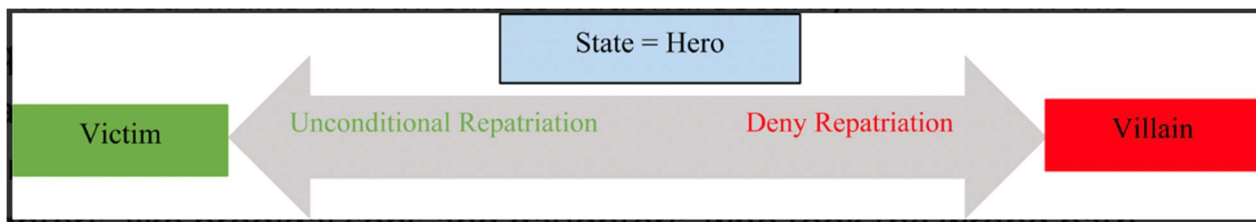
<sup>50</sup> Human Rights Watch, “Syria: Repatriations Lag for Foreigners with Alleged ISIS Ties | Human Rights Watch,” hrw.org, December 15, 2022, <https://www.hrw.org/news/2022/12/15/syria-repatriations-lag-foreigners-alleged-isis-ties#:~:text=Al%2DHol%20also%20suffered%20water>.

<sup>51</sup> Ian Moss, “Repatriation from Northeast Syria and the Effort to Counter Violent Extremism,” The Washington Institute, April 19, 2023, <https://www.washingtoninstitute.org/policy-analysis/repatriation-northeast-syria-and-effort-counter-violent-extremism>.

Kurdish officials said of this attempt that it was meant to free “jihadist prisoners before moving on to try to take control of nearby areas, including al-Hol.”<sup>52</sup> Thus, the al-Hol and Roj camps are vulnerable to attacks and would result in grave consequences should ISIS fighters succeed in breaking out the radicalized detainees. This, combined with the threat of radicalization within the camps because of current ISIS fighters recruiting young children, informs the U.S.’s decision to repatriate to avoid further violence.

**Possible Courses of Action**

For this analysis, I will consider the two possible courses of action: to repatriate or to not repatriate. Researcher Helen Stenger for her article in the *European Journal of International Security* developed the below model to illustrate the two courses of actions, wherein the state is the hero and whether they perceive the detainees as victims or villains informs their decision to repatriate.



**Figure 2: From the *European Journal of International Security***

While considering the U.S.’s perspective on themselves and the detainees, there are additional considerations to repatriation. These include consideration of the scope of the issue (meaning number of citizens, geographic proximity, and accessibility to conflict), the states’ existing legal bases for repatriation and reintegration, the instrumentalization for institution

<sup>52</sup> Constant Méheut, “Shifting Policy, France Brings Home French Wives of Jihadists,” *The New York Times*, July 5, 2022, <https://www.nytimes.com/2022/07/05/world/europe/france-isis-wives-children.html?action=click&module=RelatedLinks&pgtype=Article>.

building, and whether the state employs strategic versus ad hoc repatriation and reintegration programming.<sup>53</sup> These factors will be key determinants to the U.S.'s decision to repatriate. The following sections will first analyze the two possible courses of action of the U.S. government with a focus on the considerations and consequences for each possible decision.

### **Possible Decision to Repatriate**

Before proceeding with repatriation, the U.S. must identify and evaluate all individuals who are held in detention for individual threats and viability for human rights protections.<sup>54</sup> This is a great challenge as the camps are overcrowded and operate without proper documentation of the detainees. It is therefore challenging for states to be confident in who they are repatriating.<sup>55</sup>

In considering repatriation, the U.S. must also analyze their infrastructure system for the detainees after repatriation. This includes systems of rehabilitation, prosecution, and reintegration of the persons into society. To demonstrate, one of the reasons that Kosovo succeeded in repatriation is because the state has a “small, close-knit society” that is better able to reintegrate people.<sup>56</sup> It is generally easier to reacclimate returnees if they are immediately entrenched in the justice detainment system, rather than rehabilitation facilities.

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<sup>53</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605>.

<sup>54</sup> OHCHR, “OHCHR | Return and Repatriation of Foreign Fighters and Their Families,” Office of the High Commissioner for Human Rights, n.d., <https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>.

<sup>55</sup> United Nations Security Council Counter-Terrorism Committee Executive Directorate, “The Repatriation of ISIL-Affiliated Women,” n.d., [https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted-analytical-brief-repatriation-of-women\\_0.pdf](https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted-analytical-brief-repatriation-of-women_0.pdf).

<sup>56</sup> Julie Coleman and Teuta Avdimetaj, “Kosovo’s Experience in Repatriating Former Foreign Fighters,” International Centre for Counter-Terrorism - ICCT, May 2020, <https://www.icct.nl/publication/kosovos-experience-repatriating-former-foreign-fighters>.

Further, states must consider the logistical process for extraditing citizens out of Syria and moving them to the U.S. As the AANES is not a sovereign state, the Kurds are unable to enter extradition treaties with the U.S. and other states. Therefore, it is the U.S.'s individual responsibility to coordinate removal and must consider how to best protect the consular staff that oversees coordinating the removal of FTFs, as these people may still pose a threat due to their affiliations with ISIS.<sup>57</sup>

Additionally, the U.S. often considers the effects of repatriation on their international standing. Particularly because the population of al-Hol and Roj is overwhelmingly full of children and minors, Helen Stenger considers self-interested motivations as a possible incentive to repatriating children. She writes that “the repatriation of children could be a strategic, calculated decision by political leaders and institutions to demonstrate a country's awareness, if not record, of human rights.”<sup>58</sup> As with any foreign policy decision, there are challenges and rewards that must be considered before making such a decision.

Should the U.S. or other states repatriate the detainees, they must consider the consequences after they are transferred back to the states. First, there is the concern that the repatriated will pose a security risk once back home because of their terrorist affiliations. Second, the state may be concerned that they will be unable to prosecute FTFs due to a lack of evidence, and subsequently will need to release them into the general population.<sup>59</sup> The OHCHR

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<sup>57</sup> Tanya Mehra and Christophe Paulussen, “The Repatriation of Foreign Fighters and Their Families: Options, Obligations, Morality and Long-Term Thinking,” International Centre for Counter-Terrorism - ICCT, March 2019, <https://www.icct.nl/publication/repatriation-foreign-fighters-and-their-families-options-obligations-morality-and-long>.

<sup>58</sup> Helen Stenger, “Victim versus Villain: Repatriation Policies for Foreign Fighters and the Construction of Gendered and Racialised ‘Threat Narratives,’” *European Journal of International Security* 8, no. 1 (November 16, 2022): 1–24, <https://doi.org/10.1017/eis.2022.28>.

<sup>59</sup> Julie Coleman and Teuta Avdimetaj, “Kosovo’s Experience in Repatriating Former Foreign Fighters,” International Centre for Counter-Terrorism - ICCT, May 2020, <https://www.icct.nl/publication/kosovos-experience-repatriating-former-foreign-fighters>.

stressed the need to prosecute after repatriation, saying that “An effective return process includes holding individuals accountable for violations of national and international law for serious and systematic crimes.”<sup>60</sup> Without adequate evidence, the system of accountability may be compromised after repatriation. This lack of prosecution could be further compromised by a negative public opinion on repatriating and then reintegrating FTFs into society, and it is therefore the responsibility of the U.S. to prepare for and mitigate these consequences after the decision to repatriate is solidified.

### **Possible Decision Not to Repatriate**

It has been largely found that the decision not to repatriate is a political issue, not a technical one. As above, states must take into consideration the public’s reaction to repatriation policies, which is often cited as a reason not to repatriate. On this topic, Ian Moss said that “We hear time and time again leaders say their domestic publics are opposed to repatriation.”<sup>61</sup>

An additional consideration that results in the U.S. not repatriating nationals is their belief that there is inadequate evidence to prosecute them upon arrival in their home state’s justice system. Evidence from the conflict zones, like ISIS documents, are hard to authenticate. This so-called “battlefield evidence” may not be enough to prove charges related to terrorism.<sup>62</sup> As such, the U.S. may decide that with the possible failure of prosecuting them at home, there is

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<sup>60</sup> OHCHR, “OHCHR | Return and Repatriation of Foreign Fighters and Their Families,” Office of the High Commissioner for Human Rights, n.d., <https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>.

<sup>61</sup> Ian Moss, “Repatriation from Northeast Syria and the Effort to Counter Violent Extremism,” The Washington Institute, April 19, 2023, <https://www.washingtoninstitute.org/policy-analysis/repatriation-northeast-syria-and-effort-counter-violent-extremism>.

<sup>62</sup> International Centre for Counter-Terrorism, “Trends in the Return and Prosecution of ISIS Foreign Terrorist Fighters in the United States,” International Centre for Counter-Terrorism - ICCT, August 2023, <https://www.icct.nl/publication/trends-return-and-prosecution-isis-foreign-terrorist-fighters-united-states>.

no point in repatriating them. This shirking of state responsibility is largely frowned upon, but not unpracticed.

Additionally, when foreign nationals are not repatriated, states must contend with the possibility of further radicalization and marginalization that comes from being essentially abandoned by their home state. For children specifically, being left in these camps could result in indoctrination into ISIS.<sup>63</sup> In April 2021, U.S. CENTCOM Commander General Kenneth McKenzie acknowledged this fear, saying that “unless we find a way to repatriate them, reintegrate them and deradicalize them, we are giving ourselves the gift of fighters five to seven years down the road, and that is a profound problem.”<sup>64</sup> It was largely this reason that U.S. foreign policy under the Trump administration, and later the Biden administration, decided to repatriate foreign nationals from Northeast Syria.

### **U.S. Government’s Decision to Repatriate**

The International Centre for Counterterrorism summarized the U.S. decision to repatriate saying that “across two presidential administrations, the U.S. has actively promoted repatriating and returning its citizens from Syria and Iraq and held them accountable for joining ISIS when appropriate.”<sup>65</sup> Further, Ian Moss stated that his office has continually worked to repatriate all Americans since he met with American families in one of the camps in early 2020. He stated

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<sup>63</sup> Julie Coleman and Teuta Avdimetaj, “Kosovo’s Experience in Repatriating Former Foreign Fighters,” International Centre for Counter-Terrorism - ICCT, May 2020, <https://www.icct.nl/publication/kosovos-experience-repatriating-former-foreign-fighters>.

<sup>64</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605>.

<sup>65</sup> International Centre for Counter-Terrorism, “Trends in the Return and Prosecution of ISIS Foreign Terrorist Fighters in the United States,” International Centre for Counter-Terrorism - ICCT, August 2023, <https://www.icct.nl/publication/trends-return-and-prosecution-isis-foreign-terrorist-fighters-united-states>.

vehemently that “Whenever we find Americans, we work as fast as we can to get them out.”<sup>66</sup>

The State Department further corroborated the testimony of the above in an email to FRONTLINE, writing that “The United States believes that repatriation, prosecution as appropriate, and rehabilitation and reintegration is the best way to keep fighters off the battlefield and address the humanitarian crisis in detention centers and [internally displaced people] camps in [northeast] Syria.”<sup>67</sup> In line with their statements, the U.S. Government successfully repatriated 29 citizens, charged 12 of the adults, and denied citizenship to one in May 2022.<sup>68</sup> It is a testament to the U.S.’s legal and institutional infrastructure, as well as the comparatively light number of American FTFs (approximately 300) that enables the U.S. to successfully repatriate.

U.S. official policy under Trump was pro-repatriation, which was continued under the Biden administration.<sup>69</sup> To summarize, the U.S. government believed that repatriation and prosecution would be the best way to disincentive future fighters and additionally that repatriating them would pose a lesser threat to the U.S. than leaving them in Syria. Furthermore, the U.S. government considered the moral lens for repatriating, with John C. Demers, Assistant Attorney General for National Security saying that repatriation was “our moral responsibility to

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<sup>66</sup> Charlie Savage, “U.S. Seeks to Repatriate Family of 10 Americans from Camps in Syria,” *The New York Times*, September 12, 2023, sec. U.S., <https://www.nytimes.com/2023/09/12/us/politics/syria-family-repatriate.html>.

<sup>67</sup> Lila Hassan, “Repatriating ISIS Foreign Fighters Is Key to Stemming Radicalization, Experts Say, but Many Countries Don’t Want Their Citizens Back,” FRONTLINE, April 6, 2021, <https://www.pbs.org/wgbh/frontline/article/repatriating-isis-foreign-fighters-key-to-stemming-radicalization-experts-say-but-many-countries-dont-want-citizens-back/>.

<sup>68</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605>.

<sup>69</sup> Lila Hassan, “Repatriating ISIS Foreign Fighters Is Key to Stemming Radicalization, Experts Say, but Many Countries Don’t Want Their Citizens Back,” FRONTLINE, April 6, 2021, <https://www.pbs.org/wgbh/frontline/article/repatriating-isis-foreign-fighters-key-to-stemming-radicalization-experts-say-but-many-countries-dont-want-citizens-back/>.



the American people and to the people of the countries to which these terrorists traveled.”<sup>70</sup> This is in part due to considering FTFs victims, considering them as “Americans first,” and considering the state of Iraq and Syria after ISIS annihilated them. Moss further asserts that because of the repatriation efforts of the U.S. government, hundreds of children have the possibility for a better future.<sup>71</sup> The appeal to pathos from the last two statements illustrates part of the reason that the U.S. repatriated their citizens outside of concerns for security, although this is a marginal motivation in the repatriation process. Should Moss’s “Americans first” sentiment be true, then I would argue that the U.S. policy of innocent until proven guilty should also apply to the investigation of FTFs’ involvement with ISIS, and to what degree they were coerced or forced into any acts of criminality.

It is my argument that the U.S. government also committed to repatriation to “apply international pressure on other states.”<sup>72</sup> The State Department has not only publicly encouraged other states to repatriate their nationals from Syria but has more specifically aided other states in the process. By extending diplomatic aid to other states, the U.S. can acquire more credibility, power, and influence over other states. Ambassador Nathan Sales, the State Department Coordinator for Counterterrorism, attests that the U.S. government is “leading by example by working with the [SDF] to repatriate American Citizens.”<sup>73</sup> Modeling diplomatic relations with

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<sup>70</sup> U.S. Department of Justice, “The United States Has Repatriated 27 Americans from Syria and Iraq Including Ten Charged with Terrorism-Related Offenses for Their Support to ISIS,” [www.justice.gov](http://www.justice.gov), October 1, 2020, <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>.

<sup>71</sup> Ian Moss, “Repatriation from Northeast Syria and the Effort to Counter Violent Extremism,” The Washington Institute, April 19, 2023, <https://www.washingtoninstitute.org/policy-analysis/repatriation-northeast-syria-and-effort-counter-violent-extremism>.

<sup>72</sup> Ingram Haroro J. et al., “The Repatriation & Reintegration Dilemma: How States Manage the Return of Foreign Terrorist Fighters & Their Families,” *Journal for Deradicalization*, no. 31 (June 24, 2022): 119–63, <https://journals.sfu.ca/jd/index.php/jd/article/view/605>.

<sup>73</sup> U.S. Department of Justice, “The United States Has Repatriated 27 Americans from Syria and Iraq Including Ten Charged with Terrorism-Related Offenses for Their Support to ISIS,” [www.justice.gov](http://www.justice.gov), October 1, 2020, <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>.

the SDF also advances the U.S.'s position with the Kurdish authority as this coordination communicates respect for the Kurdish leadership.

In August 2023, the U.S. flew 95 women and children from Syria to Kyrgyzstan for repatriation.<sup>74</sup> A few years prior, the U.S. government offered to “facilitate” the removal of Australian nationals and their children from Syria to assuage Australia’s concerns that FTFs would harm personnel during the extradition process.<sup>75</sup> While Australia rejected the offer, this sacrifice by the U.S. could be interpreted as the U.S. not only encouraging repatriation, but also offering to assist in repatriation to gain greater credibility in the security and human rights international field. This is therefore a consideration for why the U.S. government decided to repatriate foreign nationals, as it would be hypocritical if the U.S. publicly helped other states to repatriate nationals but did not repatriate their own. In conclusion, the U.S. often makes foreign policy decisions in the reflection of the hero narrative, defined by Stenger, to assert their hegemony. While this motivation for repatriation needs further analysis, it is evident that the U.S.’s decision to repatriate American citizens from Syria is informed by the government’s understanding of the threat of either repatriating FTFs or not, external pressure from the international community, and the possibility of gaining credibility and influence after repatriation.

## Conclusion

While this analysis has concluded that the U.S. government does not consider the possibility of human trafficking in their repatriation policies of FTFs, the discussion is only just

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<sup>74</sup> Charlie Savage, “U.S. Seeks to Repatriate Family of 10 Americans from Camps in Syria,” *The New York Times*, September 12, 2023, sec. U.S., <https://www.nytimes.com/2023/09/12/us/politics/syria-family-repatriate.html>.

<sup>75</sup> Stuart McLintock, “Foreign Fighters and the Trend towards Statelessness,” Australian Institute of International Affairs, November 2019, <https://www.internationalaffairs.org.au/australianoutlook/foreign-fighters-and-the-trend-towards-statelessness/#:~:text=Recent%20developments%20in%20Syria%20have.>

beginning. As demonstrated above, current metrics of threat perception understand all suspected terrorists or affiliates of ISIS as a monolith. In actuality, trafficked persons are recognized internationally as rights-holders, and it is domestic governments' responsibility to "exercise due diligence to prevent and investigate their being trafficked abroad to proscribed groups" which can identify victims of trafficking in this context of terrorism and "keep [victims'] rights as trafficked persons intact in situations of forced criminality."<sup>76</sup> Due diligence of investigation is an obligation on the parts of states, but "there can be a tendency to treat assistance to victims, such as Yazidi female victims of ISIS, as charity when it is instead legally required even if action on prosecuting the perpetrators themselves is stalled."<sup>77</sup> So, the ongoing prosecution of terrorists and the protection of victims of ISIS is not mutually exclusive and can coincide within a states' repatriation policies.

It is critical to the protection of human rights to uphold the principle of non-punishment in cases of human trafficking, which must be extended to all whose circumstances fit the UN definition of trafficking. The awareness that FTFs may be victims of human trafficking is not enough; it is criminal to further traumatize victims of human trafficking by subjecting them to illegal persecution. To proceed, the U.S. must conduct thorough investigations of all possible cases of repatriation to the best of their ability to ensure accurate, legal, and necessary prosecution of protection of all defendants. However, without due diligence, the state may fall into the over-victimization of FTFs, particularly those who are women, and not prosecute terrorists to the full extent necessary. Therefore, counterterrorism and repatriation policies must be enacted circumstantially when discussing human trafficking to balance the security of the state and the security of the individual.

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<sup>76</sup> Huckerby, "When Terrorists Traffic Their Recruits,"

<sup>77</sup> *Ibid.*