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Challenges to Repatriation and Rehabilitation of Minors of Islamic State

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The article talks about the implications of the disintegration of the Islamic state, particularly on the lives of minors associated with the organization. Although it is a legitimate area of concern for countries to examine the risks of the returning of Islamic State-affiliated minors, the price of this passivity is high. It lists the challenges and hindrances involved in their repatriation to their respective countries, rehabilitation as an active psychological process, and reintegration as a member of the civil society. It also suggests some of the techniques and programs that can be incorporated into the rehabilitation process of such children.

Keywords: *ISIS, Islamic state, disintegration, repatriation, rehabilitation, reintegration, fighters.*

INTRODUCTION

With the Islamic State's territorial caliphate falling apart and the international community grappling with the aftermath of the fight, the future of thousands of Islamic State affiliates is still in the dark. Despite the fact that a small number of foreigners have returned home, thousands of fighters remain in Syria and Iraq. Out of them, there are nearly 49,000 children in Syria's Al-Hol refugee camp, out of whom 95 percent are under the age of 12, who have been

rejected by their home communities and are living in deplorable conditions¹. Foreign and local minors linked with the Islamic State have been found in different types of detention institutions and jails in the Syria-Iraq region, in addition to the camps. It's still difficult to say how many children are in prisons because of the lack of available data. A report suggests that hundreds of foreign infants have been born in a single Baghdad prison alone.²As countries evaluate their roles and duties in countering the refugee, detention, and humanitarian crisis in the region; minors, both accompanied and unaccompanied, continue to live in unpredictable and dangerous conditions. Foreign babies and toddlers are increasingly being reared in overcrowding and filthy conditions in detention sites.³ Children have limited access to medical treatment and face challenges such as severe temperatures, hunger, and scabies infestations.⁴Many countries are debating whether this population can be successfully brought back, rehabilitated, and reintegrated. Iraqi authorities consider children as young as nine years old to be legally held accountable for their engagement in the Islamic State, in accordance with the country's minimal age of criminal culpability. This is in violation of international standards, which declare that minors recruited by non-state armed organisations are 'primarily victims' who should be helped with rehabilitation and reintegration.⁵ The charges and convictions ranging from illegal entry into Iraq to fighting for and participating in the Islamic State, and consequently, 108 foreign boys and 77 foreign girls have been sentenced to juvenile jail for periods ranging from a few months to up to 15 years.⁶ Accounts of arbitrary

¹ Liz Sly, 'New suffering for the children of the ISIS caliphate as hunger and sickness spread' (*Washington Post*, 19 June 2019) <https://www.washingtonpost.com/world/new-suffering-for-the-children-of-the-isis-caliphate-as-hunger-and-sickness-spread/2019/06/18/3824fe6c-87a2-11e9-9d73-e2ba6bbf1b9b_story.html> accessed 19 March 2022

² Bel Trew, 'Human timebomb': 45,000 children may soon become stateless in post-Isis Iraq, warns rights group' (*Independent*, 30 April 2019) <<https://www.independent.co.uk/news/world/middle-east/iraq-children-isis-human-timebomb-islamic-state-nrc-a8893306.html>> accessed 19 March 2022

³ Raya Jalabi, 'Forgotten Victims: The children of Islamic State' (*Reuters*, 21 March 2019) <<https://www.reuters.com/investigates/special-report/iraq-islamicstate-children/>> accessed 19 March 2022

⁴ *Ibid*

⁵ Jo Becker, 'Everyone Must Confess': Abuses against Children Suspected of ISIS Affiliation in Iraq' (*Human Rights Watch*, 6 March 2019) <<https://www.hrw.org/report/2019/03/06/everyone-must-confess/abuses-against-children-suspected-isis-affiliation-iraq>> accessed 19 March 2022

⁶ Jalabi, Jo Becker, 'Some Child Soldiers Get Rehabilitation, Others Get Prison' (*Atlantic Council*, 4 March 2019) <<https://www.atlanticcouncil.org/blogs/new-atlanticist/some-child-soldiers-get-rehabilitation-others-get-prison/>> accessed 19 March 2022

arrests, coerced confessions, and mistreatment of young Islamic State suspects in Iraqi and Kurdish custody are even more worrisome.⁷

Repatriation of the most vulnerable Islamic State-affiliated group- the minors has been viewed as a politically palatable compromise by some countries. Norway's repatriation of five orphans, out of a total of 40 children in the conflict zone⁸, is a good example. This approach though might result in a 'hierarchy of victimization,' in which the weakest and non-threatening victims are favored. While the UN does encourage countries to repatriate ISIS children, there are a number of obstacles attached. For example, many ISIS wives have children from multiple men, which means that their children may claim citizenship that their mother might not. Furthermore, determining the identity of kids involved with the Islamic State is a logistical process that bears ramifications for their rehabilitation and reintegration. Children who are not registered at birth or who do not have identification documents that identify their date of birth are likely to face a variety of difficulties, such as encountering hindrances in obtaining their travel applications documents. Taking the children back to their home countries also requires separating them from their mothers, as well as their incarcerated fathers, if they're alive. This is typically seen as not being in the best interests of the children, and it could also open the door for adult ISIS members to subsequently demand repatriation under a particular country's family reunification laws. Many countries have vehemently refused to repatriate adult ISIS members, fearing that they will be unable to indict them once they come back due to a lack of available and reliable battlefield evidence, inadequate laws regarding terrorism, and, in the context of women, the need to show complicity and participation in supporting a terrorist group. Governments are particularly concerned about the potentially severe political ramifications for government officials who opt to repatriate despite a strong public backlash and apprehension of repatriation. They also fear that without the ability to prosecute, country authorities will be unable to properly safeguard the public from a battle-hardened returned terrorist launching an attack on home turf.

⁷ Jo Becker (n 5)

⁸ 'Norway to repatriate 5 orphan children of ISIS adherents from Syria' (*The Defense Post*, 3 June 2019) <<https://www.thedefensepost.com/2019/06/03/norway-repatriates-orphan-children-isis-woman-syria/>> accessed 19 March 2022

Other concerns are that such children if repatriated will have the potential to become perpetrators of violent acts and crimes, which necessitates a strategy that looks beyond the perspective of the victims. Some officials have even referred to these children as a "ticking time bomb,"⁹ which could turn out to be counterproductive in the attempt toward rehabilitation. Notwithstanding a shift in the impetus and trend towards repatriation and rehabilitation, some countries have taken a security-first strategy, putting extra obstacles in the way of minors' return. Recent legislation in Australia allows Islamic State-affiliated youngsters, starting at the age of 14, to have their citizenship withdrawn. Children of suspected terrorists are also within the purview of this order.¹⁰ Denmark has passed laws prohibiting the automatic grant of citizenship to children born to Islamic State-affiliated parents, as a response to growing public concern about the security risks such kids could pose upon their return.¹¹

Regardless, of whether the ultimate purpose of any government endeavors is to rehabilitate and reintegrate these minors into society; it would be prudent that they are founded on a clear security and law enforcement framework. Minors associated with the Islamic State are likely to face stigma and persecution both before and after returning to their home countries. These issues could emerge in a variety of ways in the short, medium, and long term, ranging from unequal treatment by security forces within detention institutions to trouble obtaining work once an adult. This risks alienating and stigmatizing them even more and strengthening their 'Islamic State-affiliated' identity. The public's support for repatriating, rehabilitating, and reintegrating juveniles linked with the Islamic State is low, which appears to influence how this demographic is treated in the courts and in society. Members of a society may consider kids as lost causes, possible terrorists, traitors, or war criminals when they are returned, regardless of the results of a risk assessment. This setting is not particularly helpful to

⁹Tom Kington, '45,000 children of Isis 'are ticking time bomb' (*The Times*, 8 May 2019) <<https://www.thetimes.co.uk/article/45-000-children-of-isis-are-ticking-time-bomb-lp0nq9q2m>> accessed 19 March 2022

¹⁰Michael Safi, 'Isis members can now be stripped of Australian citizenship' (*The Guardian*, 5 May 2016) <<https://www.theguardian.com/australia-news/2016/may/05/isis-members-can-now-be-stripped-of-australian-citizenship>> accessed 19 March 2022

¹¹'Danish government reaches agreement to revoke passports of Isis fighters' (*The Local*, 28 March 2019) <<https://www.thelocal.dk/20190328/danish-government-reaches-agreement-to-revoke-passports-of-isis-fighters/>> accessed 19 March 2022

rehabilitation or reintegration, as members of the community may retaliate or isolate them. These situations may also reduce the quantity and quality of social contacts, support services, and developmental opportunities available to the minor, reducing the child's chances of reintegrating as a part of society.

During and after their time in the caliphate, minors linked with the Islamic State may have experienced or witnessed a number of traumatic events, including murder, abduction, torture, sexual assault, domestic violence, coercion, neglect, abandonment, and separation from or loss of a loved one. The characteristics of each occurrence, such as the duration, proximity, and identities of the persons involved, can have a variety of effects on a child. While it is difficult to eliminate all elements of a minor's exposure to dangerous situations, their physical and psychological well-being can have an impact on their growth into adulthood as well. Thus, evidence of earlier work with children who have been exposed to trauma and adversity should be used to develop rehabilitation and reintegration programs. It is important to take cognizance of the fact that the concept of statehood has had been central to the Islamic State's strategy, and had been frequently combined with religious ideas to justify the group's existence and the necessity to have continued building their state. Thus, one of the most critical topics to consider while putting together a deradicalization plan for the minors ought to include addressing the indoctrination and countering the Islamic State's theology and historical instruction. Numerous minors took on duties above their years while in or after the Islamic State or developed a level of power and authority that the lifestyle after these times cannot naturally replace. Besides, the objectionable viewpoints advanced by the Islamic State including its treatment and conduct towards enemy groups and minorities, and its gender role teachings may be incongruous with the cultures into which the minors are expected to reintegrate. As a result, after the Islamic State, returning children may find it challenging to blend in and build a sense of their own identity and self. Some of them may continue to embrace their identity and association with the Islamic State after officials separate them from their predicament in the caliphate or detention institutions. Some, on the other hand, may reject, question, or struggle to understand their relationship with the community. If these concerns are not well addressed, the children's growth will be stunted, and they will develop

more detrimental and delinquent behaviors as they get older. Building and growing resilience to violent extremism must also form a part of rehabilitation and reintegration programs, which should include activities that improve wellness, access, family resilience, education, partnership, participation, and safety. This strategy should also incorporate additional dangers, risks, and resources that the community identifies

One other concern is that children recruited and exploited by terrorist and violent extremist groups are highly sensitive to punitive strategies because they are primary victims of violence, rejection, and dangers. They might eventually risk ending up being shoved into the formal justice system, which can lead to secondary victimisation. Secondary victimisation is defined as victimisation that occurs as a result of attitudes and behaviors of people and institutions toward the victim rather than as a direct outcome of a criminal act that induces suffering to the victim.¹² These minors are already more vulnerable to the physiological and psychosocial impacts of excessive violence and at a higher risk of being retaliated against. As a result, while their right to participate in criminal proceedings should be respected, practitioners must take steps to ensure that they are not subjected to more violence during the course of the procedures. It might be possible that the minors might not always be accompanied by any guardians and might include unaccompanied or separated children or even orphans. Irrespective of the position, practitioners should try their best to locate, record, verify and reunify children with competent caregivers. In the opinion of the author, advanced multidisciplinary research is required to further gauge the complexities in a number of pertinent domains, including developmental difficulties of children, family custody, faith, and religion, and the evaluation and mitigation of radical extremism. The rehabilitation and reintegration of children should be viewed as a multifaceted process that includes health and psychosocial care, educational and vocational opportunities, and the restoration of family and community links. It must take place in a social framework that recognises both the community's collective trauma and the child's particular trauma as well. Furthermore, in

¹² 'Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings' (*Global Counter Terrorism Forum*, 13 September 2019) <https://www.thegctf.org/documents/10162/72352/13Sep19_Madrid+Memorandum.pdf> accessed 19 March 2022

many cases, it should be kept in mind that 'reintegration' may not be possible or desired because the communities have had been drastically altered by war, and the child may have been strongly influenced by his or her experiences making it very difficult to alter the prevailing status quo. Justice and rehabilitation for Islamic State victims is a multigenerational task that necessitates a comprehensive and long-term strategy. It takes willpower to make a conscious effort towards retribution, as well as flexibility and teamwork to work across national jurisdictions and patience to execute customized and long-term solutions.