# More than 400 UK Isis returnees have avoided prosecution despite serious crimes



More than 400 jihadis who returned to the UK have yet to face justice for their crimes, despite their involvement in horrific acts committed while fighting for ISIS in Syria and Iraq. A recent report from Parliament's Joint Committee on Human Rights (JCHR) underscores a grim reality: of the estimated 850 UK nationals who participated in the group, nearly half have returned with no prosecution initiated against them. This alarming situation prompts serious questions about the UK’s approach toward dealing with those who volunteered to be part of such a notorious and brutal organisation.

ISIS, also known as IS, Daesh, and ISIL, has left a profound scar on the Middle East. During its reign of terror, around 5,000 Yazidis were killed, while more than 200,000 individuals fled for their lives. The consequences of ISIS’s actions extend beyond mere fatalities; thousands of women and children were abducted, with many still missing. Despite these stark statistics and the UK Government’s formal recognition of the group's genocidal actions, prosecutions in the UK for international crimes have been glaringly absent. Lord David Alton, Chair of the JCHR, voiced the need for action, stating, “This is not something the UK can simply wash its hands of because it happened overseas.” He emphasised that the UK has a moral obligation to confront these crimes, reinforcing that “no Daesh fighters have been successfully prosecuted for international crimes in the UK” is unacceptable.

Bethan David from the Counter Terrorism Division of the Crown Prosecution Service (CPS) confirmed that, given the number of returning fighters, the cases referred for a charging decision are strikingly low. The committee called for a robust government response not just to identify these individuals—some of whom may still be detained in camps in Syria—but also to address the troubling conditions faced by British children in these camps. Lord Alton articulated this urgency: “It is in the UK’s interest to ensure they do not become a new generation of the radicalised.”

The complexities surrounding the prosecution of returnees are further complicated by a history of the UK exploring leniency for some fighters with a controversial de-radicalisation policy. Back in 2015, it was reported that certain returning fighters could potentially avoid prosecution if they helped counter extremist narratives, a strategy aimed at undermining ISIS’s appeal among young people in Britain. While well-intentioned, such policies have raised concerns regarding the risks associated with allowing militants to remain free and the overall effectiveness of de-radicalisation efforts.

Recent statements from Jonathan Hall KC, the UK’s independent reviewer of terrorism legislation, indicate a shift in perspective. He has suggested that repatriation of British citizens detained in Syrian camps merits serious consideration. Hall pointed out that repatriating these individuals does not equate to moral absolution; rather, it opens the door for potential prosecution while also averting the risk of escape if these individuals remain in volatile overseas conditions.

Analysis indicates a disturbing trend: only about one in ten returnees from conflict zones in Syria and Iraq has faced prosecution. With legal hurdles such as the difficulty in gathering evidence from conflict areas and challenges stemming from legal principles prohibiting prosecution for actions already addressed in foreign jurisdictions, the UK's judicial responses have proven inadequate. These obstacles are compounded by governmental strategies focused on hindering returnees' re-entry, including citizenship revocations and Temporary Exclusion Orders, primarily intended to keep potential threats from entering the UK.

As the UK grapples with these intertwined challenges of justice, security, and human rights, the need for a clear and effective strategy to address the repatriation and prosecution of ISIS fighters has become increasingly urgent. The nation's security and the principle of justice hinge upon finding a balanced approach, one that can bring accountability for past actions while navigating the complexities of legal, ethical, and social implications associated with these returnees.

### Reference Map

1. Article 1 informed the core focus and context regarding the return and prosecution of ISIS fighters.
2. Article 2 contributed background on de-radicalisation policies and their implications.
3. Article 3 provided insights into expert opinions on repatriation and related security concerns.
4. Article 4 added context regarding prosecution statistics and challenges faced by law enforcement.
5. Article 5 highlighted the legal difficulties in prosecuting returnees.
6. Article 6 elaborated on the low prosecution rates and the evolving stance of the CPS.
7. Article 7 underscored the broader concerns around repatriation and national security considerations.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.express.co.uk/news/uk/2054395/isis-fighters-return-to-uk-without-justice> - Please view link - unable to able to access data
2. <https://www.standard.co.uk/news/uk/returning-isis-fighters-freed-if-they-help-combat-radicalism-10284240.html> - In May 2015, the London Evening Standard reported that returning ISIS fighters could avoid prosecution if they assisted in de-radicalizing others. This approach aimed to leverage their experiences to counteract extremist propaganda and deter potential recruits. The strategy was considered to undermine ISIS's 'strong brand' and 'cool' image, potentially reducing the appeal of the group among young Britons. However, this policy raised concerns about the risks of allowing militants to remain at liberty and the effectiveness of such de-radicalization efforts.
3. <https://www.bbc.com/news/articles/c8d9plerrrqo> - In January 2025, BBC News reported that Jonathan Hall KC, the UK's independent terrorism legislation reviewer, suggested the government should consider repatriating British members of the Islamic State group detained in Syrian camps. He emphasized that repatriation wouldn't equate to moral absolution and that individuals could still face prosecution for their actions. Hall highlighted the national security benefits of bringing individuals back, noting that leaving them in Syria could pose greater risks if they escaped and returned to the UK.
4. <https://www.the-independent.com/news/uk/home-news/shamima-begum-isis-return-uk-syria-jihadis-terror-threat-prosecute-nationality-a8790991.html> - The Independent reported that only one in ten jihadis returning from Syria to the UK had been prosecuted. Police officials expressed concerns about the challenges in gathering evidence of activities conducted abroad, especially in regions lacking a functioning criminal justice system. The difficulty in proving what individuals did in conflict zones made prosecution a complex task, leading to debates over the effectiveness of current policies and the need for more robust measures to address returning foreign fighters.
5. <https://www.independent.co.uk/news/uk/crime/isis-fighters-syria-turkey-return-prosecution-b1895798.html> - The Independent highlighted concerns over the UK's ability to prosecute returning ISIS fighters, especially with impending deportations from Turkey. Under one in ten returnees from Syria had been prosecuted, with legal and practical challenges hindering effective action. Issues included difficulties in obtaining evidence of activities in conflict zones and legal principles preventing prosecution for the same crime if individuals had already been convicted abroad. The government focused on preventing returnees from entering the UK through measures like citizenship deprivation and Temporary Exclusion Orders.
6. <https://www.the-independent.com/news/uk/home-news/only-1-in-8-british-jihadists-returning-to-uk-from-iraq-and-syria-prosecuted-a7042306.html> - The Independent reported that only one in eight British jihadists returning from Iraq and Syria had been prosecuted. Approximately 400 British Muslims had traveled abroad to join terrorist groups like ISIS and then returned to the UK since 2012. The Crown Prosecution Service had successfully prosecuted 35 cases involving 54 defendants, with 13 prosecutions involving 30 defendants ongoing. The low prosecution rate raised concerns about the effectiveness of current policies and the challenges in addressing returning foreign fighters.
7. <https://www.pbs.org/wgbh/frontline/article/repatriating-isis-foreign-fighters-key-to-stemming-radicalization-experts-say-but-many-countries-dont-want-citizens-back/> - PBS Frontline discussed the reluctance of many countries, including the UK, to repatriate their citizens who joined ISIS. Experts argued that repatriating terrorists could be key to stemming radicalization, but political considerations and concerns over due process and human rights violations in countries like Iraq complicated the decision. The article highlighted the dilemma faced by nations in balancing national security interests with human rights obligations and the challenges in prosecuting individuals for actions taken in conflict zones.