

CAGE's written evidence to the APPG's inquiry into trafficked Britons in Syria

1. Introduction - CAGE

- 1.1. CAGE is a UK based advocacy organisation set up in 2003, with the mission of advocating against state policies, as part of the War on Terror, that undermine the Rule of Law and Due Process. It works to empower communities impacted by these laws and assist individuals adversely affected by such policies and has, since its inception, assisted thousands of clients.
- 1.2. Through years of casework experience, CAGE has unique access to impacted communities, this coupled with our years of expertise in this field, enables us exclusive understanding into UK policy, its implementation, and implications for British families both abroad and in the UK.
- 1.3. The testimony provided is based on primary data including clients and their families
- 1.4. CAGE continues to assist several British families that remain stranded in the camps of Northeast Syria and is aware of several others.

2. Context/background

- 2.1. Since 2019 thousands of men, women and children have been captured by Kurdish forces in Northeast Syria following the collapse of ISIS in the region. Women and children were taken to the refugee camps while men were taken to undisclosed prisons and have been held incommunicado.
- 2.2. Whilst the women are held in what has been referred to as camps - Al Hol, Ain Issa and Al Roj, in actuality they are prison camps, those detained there were captured from the region but there has been no process of assessing their involvement with IS, nor has there been due process to establish cause for detention.
- 2.3. Reports suggest that 65,000 are being held in Al Hol, 10,000 of whom are foreign nationals¹. Human Rights Watch described their detention as unlawful, "in life-threatening conditions...while their governments look the other way"²
- 2.4. There have been increasing calls on countries to repatriate their nationals in order to end the humanitarian crisis across Northeast Syria and to end this legal black hole. Rights and Security International called these camps Europe's Guantanamo³, as those detained there are labelled as terrorists and the "worst of the worst," thus justifying the unlawful conditions they are being held under and indefinite detention without charge or trial.

3. Use of citizenship deprivation orders

- 3.1. The UK government position has been and remains that it will not repatriate its citizens currently detained in the camps of Northeast Syria or otherwise imprisoned.
- 3.2. An estimated 15 to 20⁴ British families (women and children) and an unknown number of men thus remain stranded, at the mercy of unofficial authorities in a

¹ <https://reliefweb.int/sites/reliefweb.int/files/resources/The%20Al%20Hol%20camp%20in%20Northeast%20Syria.pdf>

² <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria#>

³ https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf

⁴ <https://www.theguardian.com/world/2021/oct/13/uk-colluding-torture-leaving-women-children-syria-camps>

- volatile warzone. The majority of women and children are being held in these prison camps, whilst most men are being detained in unknown locations, incommunicado.
- 3.3. Through our casework experience, we have seen that as the women who were detained in Northeast Syria, contacted families and in turn they contacted the British consulate for support, the response has been to deprive those women of their British citizenship without due process.
 - 3.4. In an attempt to evade responsibilities for these women and children detained abroad, the UK has adopted a conscious and consistent policy of citizenship deprivation against those in the camps, those assessed to have travelled abroad to join IS in Syria, including those currently imprisoned or deceased.
 - 3.5. A worrying implication of this decision to deprive these individuals of their citizenship leaves any children born after the citizenship deprivation decision, by extension, born belonging to no state - effectively leaving them stateless.
 - 3.6. Furthermore, we have observed, through our casework, that whilst these women's citizenship is deprived, the UK government has offered to repatriate only their children, effectively enforcing a policy of forced separation of the children from their mother. This is a violation of their Article 12⁵ rights, protection from interference in family life under the Universal Declaration of Human Rights. Under the Convention on the Rights of the Child, to which the UK is a signatory, Article 9⁶ asserts the commitment to "ensure that a child shall not be separated from his or her parents against their will". Even Kurdish forces, who have directly suffered under IS, have not made it a policy to separate the children from the mothers.
 - 3.7. Not only does this policy of separation⁷ violate rights in relation to the child, but it also adds further trauma onto the child and the family, in enforcing the separation. We are aware of an increasing number of cases of children being separated from their mothers within the prison camps, without adequate steps taken to ensure families are kept together, there is a considerable risk of children being declared orphans whilst they still have living parents.
 - 3.8. The policy to deprive someone of their citizenship is one that is innately racist. As of the Immigration Act 2014, the law allows citizenship to be taken from someone who has the possibility of obtaining another citizenship elsewhere - effectively, through ancestral lineage in foreign countries. This means that if their great grandmother was of another heritage - their British citizenship can be deprived, even if they have no real connection to their grandmother's country of origin. Leaving the power to be used - from the statistics that have been released, the power has exclusively been used against Muslims and/or those of another ethnic background.
 - 3.9. Official figures of citizenship deprivations were last released for 2018, further indicating an upward trend over the past decade. It is not known how many further individuals have been stripped of their citizenships (and the rights and protections this affords) since. CAGE estimates, from its casework, that this is likely a significant number.
 - 3.10. By removing the substantive protections of the state, the policy of citizenship deprivation renders individuals exposed to the risk of torture, inhumane and degrading treatment, and death – whether through recapture by IS forces or transfer to

⁵ <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

⁶ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁷ <https://www.middleeasteye.net/big-story/separating-children-parents-sordid-modern-practice>

courts in Iraq, where they would be deprived of a fair trial and are at risk of the death penalty.

- 3.11. Notwithstanding the principle of deprivation itself, a lack of transparency, inherent in the policy's implementation, has meant very little is understood regarding the decision to revoke the citizenship of an individual. This is due to the use of "secret" evidence and parts of the proceedings taking place in closed hearings, not open to scrutiny by the accused or their legal representative. No adequate access to legal representation (given that those deprived are abroad, detained with many others in and often with guards present).
- 3.12. The notification requirements themselves are such that individuals are commonly wholly unaware of their deprivation. The obligation on the state is to merely send a letter to the last known address, there is no obligation on them to ensure the notification has reached the intended recipient. The ramifications of this on the appeals deadline, can in turn render them with no legal recourse.
- 3.13. We are concerned that the National and Border Bill, currently before Parliament, is seeking to define conditions under which the Home Secretary is exempted from issuing written notice (Section 9) - including national security grounds. This would provide free license for the government to wash their hands of individuals such as those in the camps in Syria and make legal recourse even more difficult to secure.
- 3.14. This deliberate policy - to remove the citizenship of individuals, only once they were outside of the UK - has caused major obstacles in instructing legal counsel and hinders mounting an effective legal challenge in almost all cases.
- 3.15. In the case of those in Syrian camps, this is fatal to the exercise of due process – the difficulties in communication, in what is a warzone, compounded by minimal notification requirements and the government's clear message that their return will be vehemently resisted, can often result in disillusionment and individuals resigning to their dire circumstances.

CASE STUDY 1 – CLIENT H⁸

- 3.16. CAGE was contacted by the family of H, wanting to enquire about available legal avenues for H's return to the UK.
- 3.17. H was in a Syrian camp with her four children. It was not known whether H's citizenship had been revoked.
- 3.18. H had lived in rented accommodation in the UK and that had been her last known address, however this property had since been rented out and H's family had no access to it.
- 3.19. In addition to the deprivation, H's ability to appeal hinged on confirming both where and when notification was served. H's family in turn had limited access to this.

CASE STUDY 2 – CLIENT X

- 3.20. Client X had travelled to Syria while a vulnerable teenager and in 2019 was in a Syrian camp with her young child. She expressed her desire to return to the UK and implored her family to assist her to do this. Shortly after holding meetings with the FCO - who provided assurances that they would do their best to assist - X's family received a letter informing them that her citizenship had now been revoked.

⁸ Names have been removed to maintain confidentiality

- 3.21. X was informed by her family that following her plea for help from her government, she was now no longer a citizen, and the UK had no obligation to assist her. The justification provided that she was potentially eligible for alternative citizenship – this was of a country from which X’s family fled due to civil war and where she would be at risk of death, should they grant her citizenship.
- 3.22. X remains in Syria, now effectively stateless and at risk of harm in the camp.

CASE STUDY 3 - CLIENT B

- 3.23. B travelled to Syria in 2015 after moving out of her family home. B's family had not had any contact with her in years and reported her missing.
- 3.24. They feared that she may no longer be alive but wondered whether there may be a child/children that may have survived her and who may be in the camps. They contacted CAGE for assistance in locating her.
- 3.25. Although B's citizenship had not been revoked, B's family feared that authorities may at any time implement this sanction, thus preventing her from returning home.
- 3.26. B has not yet been located.

CASE STUDY 4 – CLIENT M

- 3.27. CAGE was contacted by a family member of M, enquiring about legal avenues for M’s return to the UK and support to provide medical aid for M.
- 3.28. M was in a Syrian camp with her two children. It was known M’s citizenship had been revoked and then restored in 2021.
- 3.29. After getting her citizenship restored, M is now waiting for assistance from the UK government to repatriate her and her kids.
- 3.30. M remains in Syria, needing medical help and at risk of harm for her and her kids in the camp.
- 3.31. M’s husband is currently missing, the status of his citizenship is unknown.

4. UK government refusal to repatriate

- 4.1. Despite multiple requests from family members and individuals abroad, the British government has refused to repatriate any of the women detained in these camps. Some individuals feel they are left with no choice but to use other means such as the media, as we saw in the case of Shamima Begum; her own government had abandoned her completely, by following her initial media appearance with a decision to deprive her of her citizenship.
- 4.2. Prior to the increased use of deprivation powers, the British government claimed that their lack of consular presence on the ground has meant that they are unable to provide support to any British nationals in Syria, and that they do not have the access or means to safely repatriate citizens out of these camps.
- 4.3. Yet in 2019, after months of the UK Government resisting calls to repatriate three orphaned British children from Al-Hol camp, its claims that the camps were too dangerous for SAS teams to enter⁹ were proved unfounded. Just a few months after these claims, an SAS mission was sent into Al-Hol camp to rescue and escort the

⁹ <https://www.express.co.uk/news/world/1164639/isis-news-isis-babies-syria-camps-warzone-british-foreign-fighters-sajid-javid>

children safely back to the UK. We are aware that in just October of this year, three British children were again repatriated back to the UK.

- 4.4. The success of the mission thus renders any claims of practical impossibility obsolete. That Russia, Germany, and the USA, among countless others, have now begun repatriating their citizens means it is imperative that the UK recognises its duty towards its citizens, however undesirable.
- 4.5. Should the government wish to do so, the UK is more than able to repatriate the few dozen citizens abandoned in the camps, bringing them back to face justice in the UK. The authorities in the UK have a plethora of measures and a robust criminal justice system which can surely be used to try those suspected of committing a crime. It chooses, instead, to evade all responsibility by depriving them of citizenship.

5. Repatriation efforts by other countries in the Northeast Syria context

- 5.1. This humanitarian crisis has been recognised by States across the world, with many foreign nationals detained in Northeast Syria.
- 5.2. Many of Britain's allies have been proactive in seeking the return of their citizens and have repatriated many of their citizens back to their home country. The US has repatriated many individuals¹⁰, not only does this include women and children¹¹ but men as well; of those 27 repatriated, 16 are children¹² and 10 of the adults have been charged for terrorism related offence. The US has urged all other countries to follow their position and arrange for repatriation of its citizens.
- 5.3. Belgium¹³ has recently repatriated ten children and six mothers out of the Al Roj camp. The Prime Minister there has stated that his priorities are the wellbeing and safety of the children, as well as monitoring the security risk¹⁴ - which they felt could be better achieved on Belgian soil.
- 5.4. Some countries have joined forces to arrange repatriation. Germany and Denmark¹⁵ repatriate 11 women and 37 children from Northeast Syria. France¹⁶, Sweden¹⁷ and the Netherlands¹⁸ have all repatriated citizens.
- 5.5. At the start of this humanitarian crisis, Uzbekistan was praised by the UN¹⁹ for its swift efforts in repatriating their citizens, over 400 were repatriated in the first half of 2019.
- 5.6. Non-Western European countries have preceded Western European nations in swift and sustained repatriation efforts. Bosnia-Herzegovina²⁰, Kazakhstan²¹, Russia²²,

¹⁰ <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>

¹¹ <https://abcnews.go.com/Politics/american-women-children-lived-isis-transferred-us-syria/story?id=63505693>

¹² <https://www.theguardian.com/world/2021/jun/28/us-pushes-france-and-uk-to-take-isis-fighters-back-from-iraq-and-syria>

¹³ <https://www.bbc.co.uk/news/world-europe-57870808>

¹⁴ <https://www.euronews.com/2021/07/17/belgium-repatriates-6-mothers-and-10-children-from-syria-jihadist-camps>

¹⁵ <https://www.bbc.co.uk/news/world-europe-58824546>

¹⁶ <https://www.hrw.org/news/2020/06/24/france-repatriates-more-children-northeast-syria>

¹⁷ <https://www.rudaw.net/english/middleeast/syria/22102021>

¹⁸ <https://www.aljazeera.com/news/2021/6/5/dutch-woman-and-three-children-repatriated-from-syria-isis-camp>

¹⁹ https://www.voanews.com/a/south-central-asia_us-un-officials-hail-uzbekistans-repatriation-families/6205999.html

²⁰ <https://www.rferl.org/a/us-syria-kazakhstan-fighters/30337170.html>

²¹ Ibid.

²² <https://www.jpost.com/middle-east/russia-to-repatriate-106-children-from-eastern-syria-677660>

Albania²³ and Kosovo²⁴. Although these countries are not known for their commitment to various international obligations and treaties on human rights, they have been far better than many of the states, including the UK, who claim to champion human rights and the protection of children.

6. Situation of individuals who have successfully returned from Syria

- 6.1. Through our casework experience, we have dealt with several clients who have returned from Turkey and or Syria. Those who were able to leave Syria before the prison camps were set up, were able to return to the UK and faced some form of assessment and or sanction by the UK. Those who were unable to leave ended up being captured by Kurdish forces and have been left in this situation for the last 3 years with no real end in sight.
- 6.2. The last two decades have seen a plethora of policies, legislations and civil powers made available to the British government. Despite many of these laws and policies being problematic and lacking due process, these measures and powers are still available for use. These include but are not limited to:
 - 6.2.1. Detention and questioning under Schedule 7 at ports (Terrorism Act 2000)
 - 6.2.2. Temporary exclusion orders (TEO) (Counter-terrorism and Security Act 2015)
 - 6.2.3. Terrorism Prevention and Investigation Measures Act 2011, TPIM
 - 6.2.4. Criminal legislation - over 15 laws
- 6.3. The British government is not limited in its powers or ability to assess the risk posed, if any, by those returning from Syria. There have been reports suggesting over 450²⁵ of the approximately 900 who travelled to Syria, have returned, with only 14 convictions - the majority of those returned are not deemed a threat to national security and have integrated back into life in Britain without issue.

CASE STUDY 5 - CLIENT P

- 6.4. P was deported from Turkey in 2017 - she had overstayed her visa. P and her children were returned to the UK on emergency passports.
- 6.5. On arrival back in the UK, P was stopped under Schedule 7. There she was informed that she had been placed on a TEO (Temporary Exclusion Order).
- 6.6. P completed the term successfully, however, was then told that in order to receive her child's new passport, she would have to provide documentation related to the birth of her child.
- 6.7. P successfully obtained a passport for her child following lengthy communications with HMPO however continues to face disruption and questioning whenever travelling.

²³ <https://www.usnews.com/news/world/articles/2021-07-31/albania-repatriates-5-women-14-children-from-syria>

²⁴ <https://abcnews.go.com/International/wireStory/kosovo-repatriates-11-citizens-syria-78915694>

²⁵ <https://www.bbc.co.uk/news/uk-58012430>

7. Impact on Muslim and other minority communities in the UK

- 7.1. Families of those detained in these prison camps have been left to deal with this trauma largely alone, there is a stigma attached to these cases and the government's response to the individuals abroad and the families here in the UK has only compounded that resulting in a deep mistrust of the government.
- 7.2. These families are not supported by the state but instead criminalised and viewed as guilty by association, despite there being no allegations against their family members abroad, they are still viewed through the lens of criminality. Families' homes are raided, scrutinised by police and little to no support provided by the state in helping to bring their loved one's home.
- 7.3. Despite being born and raised in the UK, communities are acutely aware of the "right" to British citizenship that can be stripped from them without much evidence, merely because they are from another ethnic background, supporting the notion of tiered citizenship.

8. Conclusion

- 8.1. The UK's blanket use of citizenship deprivation has been used as a vehicle to evade accountability and strip individuals of rights that, when otherwise engaged, mandate state intervention.
- 8.2. The decision to not intervene or repatriate citizens is detrimental not only to the security of the state but also Britain's standing amongst its allies; the US and others have urged the UK to repatriate citizens and not let this situation deteriorate.
- 8.3. Just as Guantanamo became a stain on the United States, these prison camps will become a stain on the UK, as well as those states that are abandoning their citizens, are complicit in maintaining these prison camps and the harm endured by those detained there. Britain has obligations under international law to remove their citizens from harm and make every effort to repatriate their citizens to safety.
- 8.4. The UK must stop the use of citizenship deprivation, stop the policy of enforced separation of children from their parents and take steps to repatriate all citizens stuck in Northeast Syria back to safety.