

FORUM: General Assembly Sixth Committee

QUESTION OF: Legal status for returning jihadists and their families

SUBMITTED BY: Brunei Darussalam

CO-SUBMITTERS: UNODC, Turkey, Namibia, Burkina Faso, Amnesty International, Bosnia & Herzegovina, Kazakhstan, France, WHO, Lao PDR, Seychelles, Belize, Trinidad & Tobago, Sudan, Jamaica, Peru, Portugal, Uganda, Saint Kitts & Nevis, Australia

THE GENERAL ASSEMBLY,

Recalling the UN definition of foreign terrorist fighters (FTFs) as “individuals who travel to a State other than their State 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, including in connection with armed conflict,”

Recognizing that over 42 000 foreigners joined terrorist movements including the Islamic State in Iraq and the Levant (ISIL) between 2011 and 2016,

Identifying the human rights violations against former ISIL jihadists detained by the Syrian Democratic Forces (SDF) and the Iraqi government,

Acknowledging the risks associated with the fleeing of detainees in SDF detention camps to their own countries with false identity documents,

Reaffirming the importance of ensuring the “international minimum treatment standard” for detainees as outlined in the Vienna Convention on Diplomatic Relations (VCDR) and the Vienna Convention on Consular Relations (VCCR),

Keeping in mind the human rights guaranteed to all by the Universal Declaration of Human Rights (UDHR) and numerous international agreements,

1. Calls upon all relevant member states to uphold the human rights of former jihadist citizens by permitting them, along with their families, to be repatriated and tried domestically in lieu of facing statelessness or detention in Iraq or Syria;
2. Asks countries, with financial aid from UNODC as needed, to promote the reintegration of the FTFs who have faced appropriate punishment according to their national judicial systems into society by means such as but not limited to:
 - a) Community-led and government-sponsored cultural and religious initiatives focused on diversity and respect, including:
 - i. Regional multicultural and interfaith festivals
 - ii. Museum exhibits on diverse cultures, religions and nationalities
 - iii. The promotion of celebrations of national holidays
 - b) The establishment of compulsory education programs for repatriated fighters, providing training on social cooperation and different religious beliefs
 - c) The promotion of advertising campaigns focused on cultural and religious diversity
 - d) “Buddy” systems wherein returning FTF families are matched with volunteer citizens, as well as relevant NGOs such as Amnesty International to reaccustom themselves to national culture
 - e) Psychiatric support for former jihadists and jihadist families struggling to reintegrate;
3. Encourages the home countries of returning FTFs to guarantee for each citizen the right to a fair trial according to domestic laws given case-by-case circumstances involving factors such as but not limited to:
 - a) Duration of involvement in a jihadist group

- b) Role in the said jihadist group, whose severity can vary between:
 - i. That of a family member or uninvolved resident of an area controlled by said group
 - ii. One of strategic or logistical support for terrorist operations
 - iii. One involving active fighting and potentially official registration as a group member
 - c) Reason for involvement, with particular consideration being given to children brought up by jihadist parents and women groomed as jihadi brides;
4. Urges states not to punish members of jihadist movements or former residents of areas controlled by terrorist groups such as the ISIL who cannot be proven beyond reasonable doubt to have been actively involved in militant activities beyond jihadi brides offering domestic or logistical aid;
 5. Requests the creation of a UN sub-body called the United Nations Commission of Foreign Terrorist Fighters Re-integration (UNCFTFR), whose responsibilities will include but are not limited to:
 - a) Identifying nations with the greatest number of FTF recruits and:
 - i. Providing each of the identified nations with a UNCFTFR team
 - ii. Offering to send UN peacekeeping forces trained by the UNCFTFR to supervise and fortify their borders
 - b) Establishing a psychiatric team tasked with setting national standards for the evaluation of returning jihadists and helping governments create custom routes for reintegration based on variables including:
 - i. Extent of radicalization
 - ii. Crimes committed
 - iii. Reason for radicalization;
 6. Further asks that the UNCFTFR establishes an interview procedure separate to national judicial proceedings to be put into place immediately after the return of FTFs to their home countries prior to their repatriation in safe environments with acceptable time delays in order to safely:
 - a) Isolate still-dedicated jihadists by assessing the degree of their commitment to the jihadist cause and the history of this commitment
 - b) Conduct a preliminary assessment of the available incriminating evidence for home governments to prosecute said individuals
 - c) Gather evidence for intelligence on terrorist groups and their recruitment methods, as well as mindsets and subculture, which will not be used against the testifying former FTFs
 - d) Share this evidence and intelligence gained among all nations and organisations involved;
 7. Recommends that known former jihadists be prohibited from owning weapons or materials that may be used domestically for terrorist activity and assessed by monitoring national security services:
 - a) Every week for the first month following repatriation
 - b) Every month for the first year following repatriation
 - c) Every quarter for the first five years following repatriation
 - d) Biannually for the first ten years following repatriation or until the government sees fit to stop monitoring;
 8. Further encourages interfaith cooperation between national governments and religious organizations for the formation of a United Nations Global Interreligious Council (UNGIC), whose responsibilities will include:
 - a) The direct monitoring and appointment of religious leaders in vulnerable communities identified by UNCFTFR
 - b) Consistent approval of sermons in areas vulnerable to radicalization or heavily populated by repatriated FTFs
 - c) Sharing different strategies to combat radicalization and re-radicalization;

9. Suggests the UN support for further investigation by the International Center for the Study of Violent Extremism (ICSVE) of the conditions in which captured ISIL fighters live in Syria and Iraq prior to their repatriation, monitoring human rights factors such as but not limited to:
 - a) The right to a fair trial
 - b) The right to adequate nutrition, water, and shelter for survival
 - c) The right of non-jihadist family members not to be arbitrarily detained alongside FTFs
 - d) The right to freedom from torture;

10. Further urges national governments to work with the UN to negotiate bilateral or multilateral agreements with countries that have hosted jihadist groups to:
 - a) Determine reasonable conditions for the extradition of former FTFs so that they can face fair trials in their home countries to be respected by the states in which they have committed their crimes
 - b) Offer UN reparations decided by UNCFTFR to states that have housed terrorist groups if they agree to have FTFs tried in their home countries, based on conditions including:
 - i. Degree of destruction to national land and infrastructure
 - ii. Duration of the existence of involved terrorist states
 - iii. Possibility of the WTO assisting with negotiating trade deals between foreign nations included within the multilateral or bilateral agreements;

11. Invites all relevant member states to remain actively involved in the UNCFTFR and UNGIC, as well as national efforts for the protection and reintegration of former FTFs into their home societies.