

# How Jordan Can Deal with Jordanian ISIS Fighters Still in Syria

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## ABOUT THE AUTHORS

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Dr. Saud Al-Sharafat is a former Brig. Gen in the Jordanian General Intelligence Directorate, as well as founder and chairman of the Shorufat Center for the Study of Globalization and Terrorism. His writings mainly focus on issues pertinent to globalization and international terrorism.



Brief Analysis

Interest in the issue of terrorist repatriation has returned to the forefront of media coverage in recent weeks, especially after Iraq tried and sentenced to death [eleven](https://www.channelnewsasia.com/news/world/iraq-sentences-all-11-french-is-suspects-to-death-11592652) [French nationals who had joined ISIS, causing an eruption of angry official and popular reactions](https://www.channelnewsasia.com/news/world/iraq-sentences-all-11-french-is-suspects-to-death-11592652) [in France](https://www.france24.com/en/20190528-syria-isis-france-nationals-detained-hundreds-kurds-le-drian-idlib-terrorism-death-row). The legal challenges of repatriation and trials for foreign fighters who fought with ISIS has become an international debate. However, this issue also impacts the countries surrounding former ISIS territory, including Jordan.

The official public position in Jordan—according to statements of officials and civil society institutions in local media—can be summarized as the assertion that dealing with these “terrorists” and their families is entirely a security and military matter, not a humanitarian one. There is near-consensus in Jordan, on both the official and the popular level, that the return of terrorist fighters from Syria is not welcome. This is driven by strong convictions—rooted in Jordan’s previous experiences with terrorist groups—that the rebirth of such groups would be inevitable were these fighters to return. Experience has demonstrated that these individuals have been influenced by takfiri ideologies and have gained fighting and organizational experience over their years on the battlefield, making them a particularly dangerous element.

This reasoning has led Jordan to oppose the repatriation of any terrorists or members of their family who left the kingdom, whether members of ISIS, Jabhat al-Nusra, or other militias. A statement by the Minister of State for Media Affairs, Jumana Ghunaimat, in July 2018 indicated that Jordan was receiving all Jordanians, but only through airports and official border crossings—with the Jordanian-Syrian border itself being closed. According to this statement, the Jordanians who were smuggled into Syria in recent years could only return through specific legal channels—meaning being handed over to the General Intelligence Directorate—and then they would be transferred to the courts to deal with the crimes they committed. Any Jordanians returning from Syria would be tried by the State Security Court, which deals with both internal and external national security issues. Ultimately, these Jordanians after sentencing would be brought [to reform and rehabilitation centers](#)

<http://www.lawjo.net/vb/showthread.php?36786-%D9%86%D8%B5-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%85%D9%86%D8%B9-%D8%A7%D9%84%D8%A7%D8%B1%D9%87%D8%A7%D8%A8-%D9%85%D8%B9-%D8%A7%D8%AE%D8%B1-%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%D8%A7%D8%AA%D9%87-%D9%84%D8%B3%D9%86%D8%A9-2014>), in accordance with Counter-Terrorism Law No. 18 of 2014.

However, this approach does not have a clear framework for the families associated with terrorist fighters, and its implementation poses a number of challenges. The first step to framing and identifying the problem requires determining the true number of those Jordanians in Syria: this includes number of men, women, children, and orphans; the number of prisoners in Iraq and Syria, the places they are being held, the nature of their participation, and the charges against them.

However, there is uncertainty regarding the official number of Jordanian terrorists and families in Syria. According to Jordanian officials' statements, the (semi-official) number of [Jordanian terrorists in Syria](http://www.jordantimes.com/news/local/his-majesty-meets-us-military-chief-over-boosting-cooperation) (<http://www.jordantimes.com/news/local/his-majesty-meets-us-military-chief-over-boosting-cooperation>) is 1,250. Yet the [commander of the northern military](http://www.jordantimes.com/news/local/his-majesty-meets-us-military-chief-over-boosting-cooperation) (<http://www.jordantimes.com/news/local/his-majesty-meets-us-military-chief-over-boosting-cooperation>) area on the border with Syria and Iraq in the Jordanian Armed Forces, Brig Gen Khaled Masaeed, said in statements published in the media in mid-July 2018 that there were about 3,000 fighters of Jordanian origin deployed in southern Syria. Some unofficial sources indicate that about 300 terrorists have returned to Jordan since the start of the crisis in 2011, with most of them now serving prison terms with temporary hard labor in the Al-Muwaqqar Reform and Rehabilitation Center 1 and 2 for prisoners from terrorist groups.

It is worth noting that the only official documentation of the number of prisoners is with the General Intelligence Directorate the State Security Court, and the administration of the Reform and Rehabilitation Center—specifically the one in Al-Muwaqqar, east of the capital Amman—as these are the institutions that review terrorist cases. Under the pretext of confidentiality, these institutions have refused to provide detailed numbers to researchers, scholars, or the media.

In addition to some confusion about how many Jordanian terrorists exist, there is also no clear public approach in Jordan for how to deal with the issue of those who are still fighting with ISIS and al-Nusra in Syria in case they do return to Jordan with their wives and children. This is not a problem specific to Jordan: many countries are struggling to map a clearly defined approach among the countries that have fighters with terrorist organizations in Syria, especially those with ISIS, and there are widespread divisions on how to deal with this thorny issue.

Although the United Nations High Commissioner for Human Rights, [Michelle Bachelet](https://www.npr.org/2019/06/24/735379854/thousands-of-isis-fighters-must-be-tried-or-let-go-u-n-rights-chief-says) (<https://www.npr.org/2019/06/24/735379854/thousands-of-isis-fighters-must-be-tried-or-let-go-u-n-rights-chief-says>) urged countries to recover their citizens from family members of ISIS fighters killed or detained in Syria and Iraq, [Jordan](http://www.jordantimes.com/opinion/michael-jansen/governments-still-refuse-take-responsibility-deluded-violent-people-unleashed) (<http://www.jordantimes.com/opinion/michael-jansen/governments-still-refuse-take-responsibility-deluded-violent-people-unleashed>) has not been subject to real official international or UN pressure to resolve this matter. Neither is it likely that the Syrian regime will exert pressure on Jordan, given the country's continuing instability.

These factors have caused the discussion around this issue to proceed slowly and on a small scale. Jordan's government and the general public alike have not focused on returning Jordanian fighters as a pressing issue as both are currently preoccupied with other domestic and regional matters, such as Jordan's ongoing economic difficulties and Trump's "Deal of the Century."

Moreover, the matter of terrorism in general and of counter-terrorism historically are among the most important

competences of the Jordanian General Intelligence Directorate. As a result, the issue of terrorist fighters in Syria will remain captive to the secretive and sensitive directorate.

There is also no official data, information or precise statistics for the total number of Jordanian terrorist fighters in Syria and Iraq, nor the number of women and children or the number of prisoners in Syria, Iraq or held by the Syrian Democratic Forces (SDF), which is currently holding many prisoners. Therefore, following up on this issue in Jordan and abroad is to deal with a closed box of taboos.

### **Potential scenarios for resolution:**

There are three likely three scenarios for managing the complicated issue of return fighters to Jordan. The first scenario would reject the human element in particular of those families of ISIS fighters but the easiest to implement, and it is the one currently at play. This would leave the fate of Jordanian fighters in Syria and their families to be managed by very narrow circles within the Jordanian government, without broader public follow-up, interest, or clear-cut official policy. This scenario takes advantage of the highly negative public view of terrorism and terrorists, which peaked after the burning of the Jordanian pilot Muath al-Kasasbeh in 2015 ([http://www.europarl.europa.eu/doceo/document/E-8-2015-002205\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/E-8-2015-002205_EN.html?redirect)) and the latest terror attacks in al-Fuheis and al-Salt in August of 2018 (<https://jo.usembassy.gov/a-statement-on-the-terrorist-attacks-on-salt-and-fuheis/>).

The second scenario would allow these fighters to return. This would come with all the potential consequences in terms of security and logistical measures—no matter how strenuous, complicated or financially costly—and would depend on the State Security Court to make the decisions regarding the fate of the terrorists. In order to implement this scenario, Jordan would require assistance from the international community and the United Nations in particular to help with the financial costs and the skills that Jordan could need, specifically in the field of social welfare, healthcare, and psychological counseling, to deal with the most vulnerable class of women, children, and orphans expected to return from Syria.

The third scenario would be that Jordan could—as an alternative to repatriation—officially adopt an approach of calling and pushing for all Jordanian terrorists to be tried by the criminal courts in the places where they are currently held. On this basis, the Jordanians held by Syria and by the Syrian Democratic Forces—whose numbers are still unknown—could be tried in Syria, in a similar vein to the current trials occurring in Iraq of European nationals. There is perhaps a stronger possibility for this scenario due to the fact that there are already calls across Europe to use this approach, mainly in Britain, France, and Germany, despite resistance from Iraqi authorities.

Regardless of the scenario adopted, the problem of returning Jordanian terrorists is likely to float to the surface in Jordan sooner or later. It is therefore better for Jordan to get its ducks in a row as soon as it is possible—before unauthorized or uncontrolled reentries forces it to do so in a way that endangers its national security, civil peace, and international relations. ❖

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