



Recommendation 2244 (2023)¹

Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2475 \(2023\)](#) “Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe”.
2. The Assembly recalls its support for the Council of Europe Counter-Terrorism Strategy (2018-2022), which has covered issues such as the gathering of evidence from conflict zones for the purpose of criminal prosecution, the prosecution of foreign terrorist fighters, deradicalisation, disengagement and social reintegration and the role of women and children in terrorism.
3. The Assembly welcomes the adoption of Recommendation CM/Rec(2022)8 of the Committee of Ministers to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences.
4. The Assembly invites the Committee of Ministers to:
 - 4.1. draft a recommendation on deradicalisation, disengagement and social reintegration of those involved in terrorist offences, on the basis of the ongoing collection of good practices from member States by the Council of Europe Committee on Counter-Terrorism (CDCT);
 - 4.2. consider inviting the CDCT to examine the issue of cumulative prosecution of foreign terrorist fighters, for terrorism and other crimes under international criminal law and international humanitarian law, and consider the interaction between anti-terrorism legislation and these branches of international law, and draft guidelines in this field;
 - 4.3. encourage all member States to participate in setting up a special international tribunal or hybrid tribunal with jurisdiction over international crimes committed by Daesh foreign fighters, on condition that this tribunal may not impose the death penalty, and examine ways and means for the Council of Europe as a whole to play an active role in setting up and operating such a tribunal;
 - 4.4. make it incumbent on the States to guarantee that children who are nationals of those States are not deprived of their nationality and may return with at least one of their parents. The conditions of reception, including in the context of criminal justice, must as far as possible keep separation of child and parent(s) to a minimum where this is in the child’s best interest, and they must be applied on a “case-by-case” basis.

1. *Assembly debate* on 23 January 2023 (2nd sitting) (see [Doc. 15591](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pieter Omtzigt; and [Doc. 15672](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 23 January 2023 (2nd sitting).

