

HUMAN TRAFFICKING POLICY AND
RETURNING FOREIGN TERRORIST
FIGHTERS: EXAMINING THE
APPLICABILITY OF AN ALTERNATIVE
APPROACH.

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Abstract:

This research assesses the applicability of a Human Trafficking policy approach to the phenomenon of returning Foreign Terrorist Fighters after the demise of the Islamic State (IS) in late 2017. It further tests its viability as an alternative approach to current Dutch and European Union Counterterrorism interventions. Current policy approaches addressing returning Foreign Terrorist Fighters are highly geared towards retributive approaches to justice. This research posits that an alternative and human rights centred approach to returning individuals may further acknowledge their possible victimization and reflect the reality that most Foreign Terrorist Fighters were manipulated or coerced into joining IS. The results suggest that the current political landscape (of both Dutch and EU politics) creates a system where paradigm shifts and innovation towards dealing with Foreign Terrorist Fighters are increasingly difficult. A radical departure from the status quo would make acceptance and viability unlikely. While, the acceptance of a Human Trafficking victim orientated approach could be challenging in the short term, applying a Human Trafficking framework going forward could help to realign Counterterrorism responses to address the root causes of radicalization rather than merely the consequences. Furthermore, the very nature of terrorism is to instigate fear. Policy aimed at Counterterrorism needs to respond to the fears of the populus. Future developments need to alleviate the grievances of individuals susceptible to radicalization.

Keywords: Foreign Terrorist Fighters, Counterterrorism, Human Trafficking, Netherlands, European Union, Comparative Policy, Islamic State, Policy Innovation, Securitization.

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List of Abbreviations:

AIVD – General Intelligence and Security Services
APOV – Abuse of Position of Vulnerability
ATb – Counterterrorism Alert System
ATC – Anti-Trafficking Coordinator
CoMensha – Coordination Centre for Human Trafficking
CT – Counterterrorism
CTC – Counterterrorism Coordinator
CT-Infobox – Counterterrorism Infobox
CVE – Countering Violent Extremism
DCC – Dutch Criminal Code
ECHR – European Convention on Human Rights
EU – European Union
EU ATC – European Union Anti-Trafficking Coordinator
FF – Foreign Fighter
FTF – Foreign Terrorist Fighter
HT – Human Trafficking
ILO – International Labour Organization
IS – Islamic State
MS – Member State
NATO – North-Atlantic Treaty Organization
NCTV – National Coordinator for Counterterrorism and Security
NGO – Non-Governmental Organization
OCGs – Organized Crime Groups
RAN – Radicalization Awareness Network
THB – Trafficking in Human Beings
TVPA – Trafficking Victims Protection Act
UN – United Nations
UNODC – United Nations Office of Drugs and Crime
VE – Violent Extremism
VOT – Victims of Trafficking

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Introduction

“It is in the very nature of things human that every act that has once made its appearance and has been recorded in the history of mankind stays with mankind as a potentiality long after its actuality has become a thing of the past. No punishment has ever possessed enough power of deterrence to prevent the commission of crimes.”

– Hannah Arendt¹

Since early 2014, the world has seen the rise to the global stage of a terrorist organization known as the Islamic State (IS). In this short period, IS has developed into a well-organized transnational organization, with global reach and numerous followers. According to Briggs and Feve, IS support network has been built up through a highly developed and well-oiled propaganda machine.² IS disseminates videos, writings, lectures, images and blogs that build up a romanticized image of daily life in IS.³ This propaganda puts emphasis on aspects of heroism and adventure that Foreign Terrorist Fighters (FTFs) will experience.⁴ Schmid and Tinnes found that these strategies seem to have been successful, with tens of thousands of individuals responding to the call from hundreds of countries across the globe.⁵ This phenomenon characterized by a large flux of FTFs towards Iraq and Syria has created the need for domestic and international laws and regulations to be adapted and updated.⁶ Furthermore, the characteristics and uniqueness of these FTFS has created a strain on domestic policy. Questions arise with regards to how to best deal with, pursue and prosecute these individuals.

The issue of FTFs is one that is difficult to assess and contextualise; varying estimates place the number of foreign fighters from European Union (EU) countries anywhere between

¹ Arendt, H. *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006): 273.

² Briggs, R. and S. Feve. *Policy briefing: Countering the Appeal of Extremism Online* (London: Institute for Strategic Dialogue, 2014).

³ Saltman, E.M. and M. Smith. “Till Martyrdom Do Us Part.” In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogue & ICSR, 2015): 47-50.

⁴ Fernandez, A.M. *Here to stay and growing: Combating ISIS propaganda networks*, U.S.-Islamic World Forum Papers (Brookings: The Brookings Project on U.S. Relations with the Islamic World, 2015): 8-10.

⁵ Schmid, A.P. and J. Tinnes. *Foreign (Terrorist) Fighters with IS: A European Perspective* (The Hague: ICCT, 2015): 3.

⁶ United Nations Security Council. *Security Council resolution 2178 (2014) on threats to international peace and security caused by foreign terrorist fighters*, S/RES/2178 (24 September 2014): 4-5.

3922 and 4294 individuals.⁷ A majority of these FTFs come from four countries: Belgium, France, Germany and the United Kingdom. Specifically, this research will take a look at Dutch returning FTFs, as well as the Dutch policy approach to the phenomenon. The Netherlands has identified 240 Dutch citizens who have travelled to Iraq and Syria for the purpose of joining IS.⁸ In 2015, according to the De Roy van Zuijdewijn, the rate of returnees had stalled to almost zero, which may “[...] have been caused by the Islamic State’s reluctance to let people return to their home countries.”⁹ Further stating that national and international measures that “affect both the possibility and attractiveness of returning to the Netherlands” may have impacted this flow.¹⁰ While this rate of returnees has previously been negligible, current events in Syria and the failure of IS may suggest a future increase in returnees. Moreover, while the Netherlands does not account for the highest rate of FTFs among EU countries, it does lie within the top half of the list.¹¹ Despite the fact that a lesser number of FTFs may be seen as a limitation of using the Netherlands as a case study, Dutch Counterterrorism (CT) policy is both thorough and openly accessible. Specifically, the Netherlands is used as a case study as it has both established comprehensive policies addressing both returning FTFs and HT.¹² Additionally, the sheer amount of governmental, non-governmental, and academic data and research produced within the Netherlands makes it an ideal case study for a comparative policy analysis of the phenomenon. Finally, not only does the Netherlands have a thorough CT policy framework, it also has a comprehensive HT legal framework that is highly effective in curbing trafficking rates both intra- and inter-state.¹³

⁷ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016).

⁸ National Coordinator Terrorismebestrijding en Veiligheid. *Dreigingbeeld Terrorisme Nederland*, 41 (April 2016).

⁹ De Roy van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 3.

¹⁰ Ibid.

¹¹ Ibid., 3-4.

¹² National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016); and United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017).

¹³ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017).

As of 2016, an average of 30 per cent of FTFs had returned to their countries of departure.¹⁴ It has been proposed that four general aspects of the FTF phenomenon pose a threat:¹⁵

- “1) Persons travelling from the EU to Syria/Iraq seeking to become a FF;
- 2) the threat posed to EU countries by returned FF who had acquired basic military training and battle field experience;
- 3) the impact of the FF phenomenon and related terrorist activity on social cohesion within the EU; and
- 4) the threat posed by would-be FF, who, having been prevented from travelling to Syria/Iraq, may carry out attacks within the EU instead.”¹⁶

Europol cautions that returning FTFs may use “their training, combat experience, knowledge, and contacts” to carry out terrorist acts in the EU.¹⁷ Additionally, researchers, such as Boutin, stated that FTFs may pose “[...] psychological and social problems [...] to themselves and their direct environments.”¹⁸ The current threat assessment of returning FTFs and the possible security hazards connected to them has largely been founded upon the several attacks that have been linked to these foreign fighters.¹⁹

Historically, and in current times, it is apparent that an overwhelming effort is focused at representing and skewing the perception of these ‘compatriots’ as perpetrators: “[...] they travelled to Syria in order to join the cruel war IS is fighting and sympathize with the inhumane demeanour and acts”.²⁰ The reality, however, may be very different. When taking a closer look at the processes of recruitment, harbouring and reception of the FTFs in question several indicators suggest that the experience is tainted with shades of grey, rather than the mediated

¹⁴ Ibid., 3.

¹⁵ Specifically identified within EU Member States.

¹⁶ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 4.

¹⁷ Europol. *TE-SAT 2013 – EU Terrorism Situation and Trend Report* (25 April 2013): 22.

¹⁸ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 9.

¹⁹ Most notably the Charlie Hebdo attack of January 2015, the Paris attacks of November 2015, and the Brussels attack of March 2016, among others, have all been connected to or involving returnees from Syria or Iraq.

²⁰ Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016): 3.

black and white. For example, according to Da Silva and Crilley, mainstream media outlets and political addresses have a tendency to paint these individuals with a thick brush of evil, threatening and unworthy citizens.²¹ This discourse is one of securitization and politicization of the issue and will be discussed in depth in Chapter 5 of this research. Moreover, due to a continued and maintained status quo of policy orientated at prosecution and imprisonment of returning FTFs other possible methods and approaches seem to have been systematically overlooked.²² While it may be true that returning FTFs represent a continued threat to national security and have (to the most part) committed acts of terrorism or supported through various means the goals of a terrorist organization, it is argued that certain key elements of this complex problem are disregarded.²³

According to the Dutch National Coordinator for Security and Counterterrorism (NCTV), the collapse of the ‘Caliphate’ could “[...] herald the return of a significant number of trained and experienced foreign terrorist fighters to Europe”, increasing the likelihood of terrorist attacks.²⁴ The children of jihadists, who were likely to have been exposed from an early age to indoctrination and violence, may also pose a threat and a new challenge for CT initiatives.²⁵ Finally, the NCTV asserted that the threat of extremist terrorism and global jihadism may increase in the upcoming years, posing threats both at a national and international level.²⁶ The skills and strategies of jihadists, and jihadist recruitment, are becoming increasingly professional leading to accurate targeting of digital databases and the digital domain itself. This increase in knowledge creates new threats of attacks on the digital infrastructure and the possibility of cyberattacks in the future.²⁷

Both international and national measures aimed at FTFs and CT efforts have worked under the guise and assumption that these individuals are mainly to be regarded as unredeeming perpetrators. However, several studies, such as Neumann’s *Victims, Perpetrators, Assets: The*

²¹ Da Silva, R. and R. Crilley. “Talk about terror in our back gardens’: an analysis of online comments about British foreign fighters in Syria.” In *Critical Studies on Terrorism*, Vol. 10, No. 1 (2017); and Altheide, D.L. “The mass media and terrorism.” In *Discourse & Communication*, Vol. 1, No. 3 (2007).

²² See Chapter 5.

²³ General Intelligence and Security Services. *The transformation of jihadism in the Netherlands. Swarm dynamics and new strength* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2014): 6 and 46-49.

²⁴ National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016): 25.

²⁵ Ibid.

²⁶ Ibid., 3.

²⁷ Ibid., 26.

Narratives of Islamic State Defectors, have presented varying views that question this underlying assumption.²⁸ The deception that is pervasive within IS propaganda raises question as to whether these FTFs might be considered as victims.²⁹ The reality of the situation, and the phenomenon of FTFs may be considerably different to the situation which current policy and law has been designed to cope with. Several research papers have touched upon the link between HT and FTFs recruitment. For example, the paper of Hoyle, Bradford and Frenett has highlighted that IS undertakes the recruitment, harbouring and facilitating the transportation of Western FTFs.³⁰ Furthermore, reports by the Dutch General Intelligence and Security Services (AIVD) and Binetti, reveal that IS restricts Western FTFs freedom of movement and ability to leave controlled territory by threat or use of force, and removal of travel documents.³¹ Finally, Neumann reported that Western IS FTFs were being systematically exploited within the armed groups of IS, reportedly forced to undertake criminal acts against their will.³²

A study by Reed, Pohl and Jegerings forwards that current approaches to the phenomenon of returning FTFs overwhelmingly and ubiquitously cope with the problem as one of law, order and security.³³ Domestic laws and regulations have been called upon and instructed to ensure the prosecution and penalisation of FTFs, and individuals who support in one way or another the activities of terrorist organizations.³⁴ The imposition of punishment upon wrongdoers, retributivism, justified through moral and philosophical entitlement has long been present within the very fabric of our societal makeup.³⁵ Weiler states that, “[...] this imperative flows from a view of the very nature of man as a responsible moral agent to whom rewards or punishment should be assessed according to the morality of his choice of

²⁸ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015).

²⁹ Ibid.

³⁰ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 19-20.

³¹ General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 13; and Binetti, A. *A New Frontier: Human Trafficking and ISIS's Recruitment of Women from the West* (Washington: Information2action, Georgetown Institute for Women, Peace and Security, 2015): 3-4.

³² Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 11.

³³ Reed, A., J. Pohl and M. Jegerings. “The Four Dimensions of the Foreign Fighter Threat: Making Sense of an Evolving Threat.” In *ICCT Policy Brief* (The Hague: ICCT, 2017).

³⁴ United Nations Security Council. *Security Council resolution 2178 (2014) on threats to international peace and security caused by foreign terrorist fighters*, S/RES/2178 (24 September 2014): 4-5.

³⁵ Materni, M.C. “Criminal Punishment and the Pursuit of Justice.” In *British Journal of American Legal Studies*, Vol.2 (2013).

behaviour.”³⁶ Retributivist ideals and ideas play an even greater role in the way we think about and construct crime and punishment within the modern criminal justice system today.³⁷ Wenzel and Feather state that retributive based approaches, “[...] essentially refer[s] to the repair of justice through unilateral imposition of punishment”, focusing on justice disseminated from state to perpetrator through the means of penalty.³⁸ The extent and form of punishment has varied over the centuries, from Damien’s “supplice” in Foucault’s *Discipline & Punish* (a graphic description of cruel and violent forms of punishment),³⁹ towards increasingly liberal and so-called humane form of punishment initiated by Cesare Beccaria.⁴⁰ (Foucault, however, does further depict the transition towards more ‘humane’ forms of punishment.)⁴¹ Materni argues that, while the extent of infliction has varied, the premise of crime and punishment remains unscathed, we continue to exert retributive justice through the imposition of top-down punishment in most areas of today’s criminal justice systems.⁴² The tendency to advocate for prosecutions stems from the perceived necessity of adherence to and maintenance of the rule of law and the ensuing deterrence factor it promotes.⁴³ Along these lines, Weggemans, Bakker and Grol forward that FTFs have been labelled as perpetrators, wrongdoers and violators of crime, and are treated accordingly through the imposition of proportionate top-down punishment.⁴⁴ Dutch and European policy measures and legal frameworks are no exception to this retributivist stance. With both measures at international and national levels aimed at preventing and

³⁶ Weiler, J.M.P. “Why Do We Punish?: The Case for Retributive Justice.” In *University of British Columbia Law Review*, Vol. 12, No. 2 (1978): 296.

³⁷ Ibid.; Tonry, M. “Can Twenty-first Century Punishment be Justified in Principle?” In *Retributivism Has a Past: Has it a Future?* (Oxford University Press, 2012); and Carlsmith, K.M. et al. “Why do we punish? Deterrence and just deserts as motives for punishment.” In *Journal of Personality & Social Psychology*, Vol. 83 (2002).

³⁸ Wenzel, M. and N.T. Feather. “Retributive and Restorative Justice.” In *Law and Human Behaviour*, No. 32 (Washington: American Psychology-Law Society, 2008): 375; and Darley, J.M. and T.S. Pittman. “The Psychology of Compensatory and Retributive Justice.” In *Personality and Social Psychology Review*, Vol. 7, No. 4 (SAGE, 2003).

³⁹ Foucault, M. *Discipline and Punish. The Birth of Prison* (Paris: Editions Gallimard, 1975): 3-5.

⁴⁰ Beccaria, C. *On Crimes and Punishments* (Indianapolis: Hackett Pub. Co., 1986).

⁴¹ Foucault, M. *Discipline and Punish. The Birth of Prison* (Paris: Editions Gallimard, 1975).

⁴² Materni, M.C. “Criminal Punishment and the Pursuit of Justice.” In *British Journal of American Legal Studies*, Vol.2 (2013).

⁴³ Owen, D. “Justice and reconciliation: The contribution of war crimes tribunals and truth and reconciliation.” In *Human Security for All: A Tribute to Sergio Vieira de Mello* (New York: Fordham University Press, 2004).

⁴⁴ Weggemans, D., E. Bakker and P. Grol. “Who Are They and Why Do They Go? The Radicalization and Preparatory Processes of Dutch Jihadist Foreign Fighters.” In *Perspectives on Terrorism*, Vol. 8, No. 4 (2014): 100; and District Court The Hague. ECLI:NL:RBDHA:2014:14652, Maler, H. (1 Dec. 2014).

prosecuting FTFs to the full extent of the law.⁴⁵ Retributivist approaches tend to offer a multitude of advantages and drawbacks. On the one hand, it is argued that hardline punishment both creates circumstances of deterrence and justice, as well as prevention and reparation. Ultimately, as suggested by Bass as well as Vidmar and Miler, justice through prosecution is seen as essential in fulfilling a victim's need for punishment and compensation for harm done, as well as create circumstances for possible behavioral change within the perpetrator.⁴⁶ On the other hand, Wenzel et al. state that the retributivist approach has been brought in to question, in recent years, with regards to its effectiveness at fulfilling the goals it sets out to achieve.⁴⁷ Wenzel et al., and Walgrave further argued that retributivist approaches and measures have a tendency to not adequately restore justice, nor reconcile the wrongdoings inflicted upon the victim and their relatives.⁴⁸ Neither have they adequately created a system of deterrence and reduced recidivism.⁴⁹ Finally, Rosielle forwards that there is a general difficulty with regards to uncovering and presenting evidence, in such cases, that can without a shadow of a doubt prove an individuals' willingness and participation in acts of terrorism: "[...] jihadi-cases show the difficulties that arise regarding evidence."⁵⁰

Both Adams and Neumann argued that retributive approaches to the issue of FTFs has led to counterproductive results, essentially creating a process of re-victimization of (potential) trafficking victims.⁵¹ Indeed, current approaches tend to oversimplify the issues at hand,

⁴⁵ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 8.

⁴⁶ Bass, G. "Managing Amnesty." Paper presented at the 'Transitional Justice and Civil War Settlements' Workshop in Bogotá, Colombia 18-19 October 2005 (Colombia, 2005); and Vidmar, N. and D.T. Miller. "Socialpsychological processes underlying attitudes toward legal punishment." In *Law and Society Review*, Vol. 14 (1980).

⁴⁷ Wenzel, M. et al. "Retributive and Restorative Justice." In *Law and Human Behaviour*, Vol. 32, No. 5 (2005): 375-389.

⁴⁸ Ibid., and Walgrave, L. "Restorative Justice for Juveniles: Just a technique or fully fledged alternative?" In *The Howard Journal of Criminal Justice*, Vol. 34 (1995).

⁴⁹ Brehm, S.S. and J.W. Brehm. *Psychological Reactance: A Theory of Freedom and Control* (New York: Academic Press, 1981); and Braithwaite, V. "Values and Restorative Justice in Schools." In *Restorative Justice: Philosophy to Practice* (Aldershot: Ashgate, 1989).

⁵⁰ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 29; and District Court The Hague. ECLI:NL:RBDHA:2014:14648, Shukri, F. (1 Dec. 2014); and District Court Gelderland. ECLI:NL:RBGEL:2015:756, Mohamed, el A. (9 Feb. 2015).

⁵¹ Adams, C. "Re-Trafficked victims: How a human rights approach can stop the cycle of re-victimization of sex trafficking victims." In *George Washington International Law Review*, vol. 43, no.1 (2011); Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015); and Rosielle, L.C.

painting the world in black and white.⁵² Returning FTFs are, thus, labelled as perpetrators of heinous crimes and treated accordingly hence disregarding fundamental aspects that govern our current human rights regime.⁵³ Thus, gaining insight into the profiles and motives of these individuals is vital in planning timely and effective interventions, which may prevent individuals from leaving and joining IS. This insight is essential in constructing an understanding based on HT indicators.⁵⁴

Alternative approaches, however, have also surfaced but have thus far failed to break through onto the main stage of today's political landscape. This failure to surface and gain ground within the policy framework and political considerations is due to a multiplicity of reasons that will be discussed throughout this research. Hocking and Tsoukala argue that the securitization and politicization of the debate surrounding terrorism and returning FTFs, particularly the perceived security threat of these individuals, has led to less hard-line non-punitive approaches to the issue.⁵⁵ I put forward for consideration the viability of applying an already existing HT framework to the growing phenomenon of returning Western FTFs. This alternative approach is one that stems from a growing body of literature that researches and advocates for a shift from current punitive centred policy towards increasingly restorative centred policy.⁵⁶ According to Uprimny and Saffon, restorative justice “[...] refers to an alternative model for facing crime, which is based on the social importance of reconciliation [...] [turning] its attention towards the victim and the harm she suffered.”⁵⁷ It is essential to understand that from a restorative standpoint, “[...] punishment is contradictory to the objective

“Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016).

⁵² Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016).

⁵³ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015).

⁵⁴ Bakker, E. and P. Grol. “Motives and Considerations of Potential Foreign Fighters from the Netherlands.” In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 1.

⁵⁵ Hocking, J. “Orthodox Theories of ‘Terrorism’: The Power of Politicised Terminology.” In *Australian Journal of Political Science*, Vol. 19, No. 2 (2007); and Tsoukala, A. “Democracy in the Light of Security: British and French Political Discourses on Domestic Counter-Terrorism Policies.” In *Political Studies*, Vol. 54 (2006). See also Jackson, R. *Writing the War on Terrorism: Language, Politics and Counter-terrorism* (Manchester University Press, 2005).

⁵⁶ See: Johnstone, G. *Restorative Justice: Ideas, Values, Debates* (London and New York: Routledge, 2011); and Roach, K. “Changing punishment at the turn of the century: Restorative justice on the rise.” In *Canadian Journal of Criminology*, Vol. 45, No. 249 (2000).

⁵⁷ Uprimny, R and M.P. Saffon. *Transitional justice, restorative justice and reconciliation. Some insights from the Colombian case* (Bogota: National University of Colombia, 2006): 4.

of reconciliation.”⁵⁸ The, considered, HT framework suggests both a transformation in the way we view FTFs, as well as in the way we deal with and exact justice upon them. Rosielle forwards that the levels of deception and manipulation that are exercised through IS propaganda and recruitment strategies suggest the need to reconsider the level of agency and responsibility of individuals who decide to join IS.⁵⁹ This human rights-based framework would create a shift from a predominantly perpetrator view of FTFs, towards considering these individuals as potential victims of severe human rights abuse and HT. Through this process of reassessing the factors that push and pull individuals towards joining extremist terrorist groups, participating in and/or supporting acts of terrorism, we would increase the understanding and knowledge pertaining to the complexity of the phenomenon. This approach may better reflect the intricate reality of recruitment and radicalization strategies enacted by IS.⁶⁰ These strategies, when evaluated, reveal several elements that resonate with indicators used to establish HT practices. Indicators such as: deception, targeting and abusing individuals in a position of vulnerability, coercion, fraudulent promises, theft of documents, threat of or use of force, and harbouring among others (see Chapter 4).⁶¹ This framework, therefore, offers a human rights approach that may adequately address the underlying reasons that led individuals to extremism and radicalization by creating programs that promote rehabilitation and de-radicalization.⁶² Poucki and Bryan assert that rather than placing radicalized individuals into prisons, spaces of social isolation and seclusion from a myriad of ideological influences, a HT framework would

⁵⁸ Ibid., 9.

⁵⁹ Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016).

⁶⁰ General Intelligence and Security Services. *The transformation of jihadism in the Netherlands. Swarm dynamics and new strength* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2014).

⁶¹ Jowett, G.S. and V. O’Donnell. *Propaganda & Persuasion* (Los Angeles: SAGE, 2015); Saltman, E.M. and M. Smith. *Till Martyrdom Do Us Part’. Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015); Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015); Bakker, E. and P. Grol. *Motives and Considerations of Potential Foreign Fighters from the Netherlands* (The Hague: ICCT, 2015); Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015); and Weenink, A.W. “Behavioural Problems and Disorders among Radicals in Police Files.” In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23-28.

⁶² Pease, K. and A. Tseloni. *Using Modelling to Predict and Prevent Victimization* (Leicestershire, UK: Springer, 2014); Kratcoski, P.C. “Terrorist Victimization: Prevention, Control, and Recovery.” In *Studies in Conflict & Terrorism*, Vol. 24, No. 6 (2011); Fattah, E.A. “The vital role of victimology in the rehabilitation of offenders and their reintegration onto society.” In *Resource Material Series*, No. 56 (2000); and Schmid, A.P. “Magnitudes of Terrorist Victimization.” In *Meeting the Challenges of Global Terrorism: Prevention, Control, and Recovery*, edited by Dilip K. Das and Peter C. Kratcoski (Oxford, UK: Lexington Books, 2003).

promote re-integration and an opportunity to experience increased social inclusion diminishing the factors of vulnerability of these individuals.⁶³

The general threat posed by jihadism, and specifically returning FTFs, requires increasingly precise and effective approaches to CT. Such an approach not only needs to eliminate the immediate threat but also attempt to create long-term sustainable change within the radicalization cycle.⁶⁴ A HT framework may not only provide the tools necessary to accurately reflect the reality of the situation at hand, but would also create a system where an increased focus is dedicated to addressing the conditions that led to radicalization, rather than merely focusing on exerting justice through punishment.⁶⁵ This shift in method is essential in attempting to address the pitfalls of current approaches. Through increased focus on rehabilitation and reintegration these individuals gain a fighting chance.⁶⁶ On the other hand, Gabbay, among others, criticizes this approach due to its lenient nature, as well as not exerting any degree of deterrence nor traditional punishment upon potential perpetrators of, sometimes heinous, crime.⁶⁷ The approach and application of a HT framework to the considered phenomenon, however, does not imply a rejection of the more traditional and imbedded system of retributive justice. Rather, it considers the viability of applying a new human rights-based approach in conjunction with the current policy framework. It offers an additional layer of understanding, and potentially relevant factors, that may better reflect the reality of certain

⁶³ Poucki, S. and N. Bryan. "Vulnerability to Human Trafficking among the Roma Population in Serbia: The Role of Social Exclusion and Marginalization." In *Journal of Intercultural Studies*, Vol. 35, No. 2 (2014); and Institut Europeu de la Mediterrania. "Exclusion and Trafficking in Human Beings." In *Rethinking Migration Policies: Ideas, Proposals and Experiences from the World Congress Human Movements and Immigrations* (2005); Hornqvist, M. and J. Flyghed. "Exclusion or Culture? The rise and the ambiguity of the radicalisation debate." In *Critical Studies on Terrorism*, Vol. 5, No. 3 (2012); and Paulussen, C., J. Nijman and K. Lismont. "Mental Health and the Foreign Fighter Phenomenon: A Case Study from the Netherlands." In *ICCT Report* (The Hague: ICCT, 2017).

⁶⁴ Pereira, A. "Preventing or repairing the rupture: A restorative justice approach to individual radicalisation." Paper presented at the International Institute for Restorative Practices, Europe Conference 2017 (Dublin: IIRP, 2017).

⁶⁵ United Nations Office on Drugs and Crime. *International Framework for Action – To Implement the Trafficking in Persons Protocol* (Vienna: UNODC, 2009); and European Commission. *Study on prevention initiatives on trafficking in human beings – Final report* (Luxembourg: Publications Office of the European Union, 2015).

⁶⁶ Veldhuis, T. "Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach." In *ICCT Research Paper* (The Hague: ICCT, 2012).

⁶⁷ Gabbay, Z.D. "Justifying Restorative Justice: A Theoretical Justification for the Use of Restorative Justice Practices." In *Journal of Dispute Resolution*, Vol. 2 (2005).

FTFs. Hopefully it shall in effect curb the potential revictimization of certain individuals, as well as all the consequences that are ensued.⁶⁸

This research sets out to assess and understand the relevance of applying a HT framework to the increasingly prominent phenomenon of returning Western IS FTFs. More specifically, this research attempts to examine the possibility and the extent to which a human rights-based and restorative led approach can be applied to the issue of returning FTFs. Specifically, this thesis will take into account the governing principles of THB and apply them to Western Dutch IS FTFs, in an attempt to offer a new approach to the realm of terrorism, CT and deradicalization. This research, thus, aims to answer the following research question:

Is the application of a human trafficking framework to the growing phenomenon of returning Western Islamic State Foreign Terrorist Fighters in the Netherlands, since the decline of the Caliphate in late 2017, a viable alternative to current Counterterrorism interventions and policy approaches?

In order to address the above research question, this research will proceed by first of all addressing the current understanding of terrorism and Western IS FTFs, such as their profiles and motives as well as life under IS in Chapter 2. Answering questions such as, what is terrorism? What are FTFs? What are the underlying motivations of these individuals? What is life like under IS rule? Furthermore, this chapter will examine and explore IS recruitment and propaganda strategies in order to further understand how IS recruits and convinces individuals to join its ranks. How does IS use propaganda tools to recruit individuals? What recruitment strategy is put in place by IS? What narratives are employed and resonate with target individuals? Second of all, Chapter 3 explores and assesses both Dutch and EU CT policy with regards to its approach to returning IS FTFs. How does current policy regard and address these individuals? What are the current results, pitfalls and critiques on the application of this framework to the FTFs phenomenon? How does securitization play a role in the application of this framework? Third of all, Chapter 4 addresses and evaluates the alternative proposed HT framework, first discussing what is HT and the international governing principles of HT, then discussing both EU and Dutch HT policy, and finally applying the HT to the case of returning IS FTFs. To what extent is the HT framework applicable to the discussed phenomenon? What

⁶⁸ Lister, C. *Returning Foreign Fighters: Criminalization or Reintegration?* (Washington, D.C.: Brookings, 2015); and Reed, A., J. de Roy van Zuijdewijn, and E. Bakker. "Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences." In *ICCT Policy Brief* (The Hague: ICCT, 2015).

are the current EU and Dutch approaches to HT? What HT indicators resonate when applying such a framework to IS FTFs? Chapter 5 will discuss the theory behind innovation within politics, both the motivating factors for innovation and the roadblocks that impede innovation. This chapter will further incorporate and analyse the interviews undertaken during the course of this research, interviews that provide insight into the realm of CT policy and FTFs. What can be expected in the future with regards to CT? What are the underlying policy motivations that have led to our current responses? How can we better innovate the field of CT and CVE? Finally, this research will offer certain policy recommendations, insights and directions, as well as concluding remarks.

Chapter 1: Research Methodology

A. Aims

Following the research question presented in the introduction, it is important to consider the relevance and importance of such questions in the current sphere of international relations and affairs that dictate state policy. It is of grave importance in today's political climate to understand the complexity and multidimensional facets of the issues of returning FTFs. Most of all, with the current, yet still contentious, dissolution/defeat of the IS which will inevitably result in an increase and influx of returning FTFs.⁶⁹ Thus, it is imperative for a more effective and long term sustainable solution to be devised in order to better deal with and address the ethical issues relating to these returning FTFs.

This research thus tackles and assesses the varying policy frameworks relating to returning Western FTFs in the Netherlands, positing the applicability of a HT framework to the phenomenon as an alternative approach to current CT interventions by assessing its viability. The assessment of viability will be achieved through evaluating both CT and HT frameworks in light of several key components, such as social resonance, legal conformity, and political saleability among others. These salient components are broken down into conceptual and guiding questions set out below:

- What does human trafficking consist of and how is it assessed?
- What are the mechanisms through which foreign fighters are recruited, transported and harboured?
- What factors and salient features of human trafficking are distinguishable within the phases of recruitment, transportation and harbouring of foreign fighters by IS?
- What is the extent to which factors of vulnerability of targeted individuals are exploited within the recruitment process? Do these factors of vulnerability amount to deliberate targeting of individuals for the purpose of recruitment through deceit?
- Can the propaganda of IS and its recruitment process be classified as deceptive? How does this play into a human trafficking framework?

⁶⁹ Burke, J. "Rise and Fall of Isis: its dream of a caliphate is over, so what now?" In *The Guardian*, October 21st 2017. Retrieved 5 February 2018. <https://www.theguardian.com/world/2017/oct/21/isis-caliphate-islamic-state-raqqa-iraq-islamist>; and Lockie, A. "ISIS has been militarily defeated in Iraq and Syria." In *Business Insider*, 21 November 2017. Retrieved 5 February 2018. <https://www.businessinsider.nl/isis-military-defeat-iraq-syria-2017-11/?international=true&r=US>

- What are the current focuses and structures of Dutch policy with regards to counter-terrorism and returning foreign fighters? How is this approach being framed by the Dutch government?
- Why is this approach being prioritised over other approaches? What are the underlying motivations and agendas of policy makers?
- What domestic human trafficking policies exist in the Netherlands? What role do they play and what mechanisms are in place?
- How can a human trafficking framework be applied to returning foreign fighters and what are its advantages and limitations?
- How can this approach better reflect the reality of returning foreign fighters and curve the possible negative outcomes of current approaches?

In order to answer the central research question and the guiding questions, several salient topics and features that compose the overarching theme of this research will be addressed in the following chapters. This research will discuss the HT framework, the CT policy as well as touch upon the relevant features of politicization and innovation within the realm of terrorism related policy. First of all, however, the following section will discuss the methodology used in this research, as well as the limitations and implications of the research at hand.

The primary aim of this research is to assess whether a HT framework and policy approach to the phenomenon of returning Western FTFs is viable. First, I will assess current policy frameworks and CT interventions, both at a national and multinational level, through a comparative policy approach to the topic. Subsequently, I will assess the HT framework as an alternative policy approach, applying it to the phenomenon of IS Western FTFs and testing its viability. Both the opposing frameworks will be evaluated in terms of their shortcomings and positive attributes, increasing the understanding of each frameworks' limitations, implications, and constructive elements. This understanding will furthermore fuel the underlying knowledge of the political dynamics and climate which make certain policies more attractive and sellable, and the political resistance that lead to other approaches being side-lined. This research, thus, provides a comparative assessment of two very different policy-orientations, and furthermore tries to find complementarities across these variances. The secondary aim of this research is to offer policy recommendations that alter the current approach towards returning FTFs away from the politically motivated retributive approach, towards a HT approach.

As touched upon in the introduction of this thesis, several researchers such as Neumann and Rosielle have previously touched upon intertwining the topics of terrorism and HT, specifically the question of whether FTFs are possible HT victims.⁷⁰ However, previous research has limited its assessment to the possible consideration of FTFs as victims of HT and have not considered the viability of applying a HT framework to these individuals. In this sense, the research undertaken here contributes to the body of literature pertaining to the exploration of non-repressive approaches to CT. The contributions of this research are important as they assess current policy frameworks and assess the viability of applying a HT framework to returning IS FTFs, providing insight into the possible pitfalls and positive attributes of such an approach. I argue that this approach provides for the possibility of moving CT approaches away from the securitized realm towards increasingly non-repressive approaches. Removing the topic from the securitized mind-field of current CT politics would further free up discussion on root-causes of radicalization and societal factors that lead to violent extremism, rather than merely addressing the consequences of it.

B. Methodology

The methodology will be based on comparative policy research. This method will aim at applying an existing legal and human rights framework to the growing phenomenon of returning western FTFs. In an attempt to understand what value this approach may bring in comparison to current approaches and interventions. The research will be primarily based on content analysis data collection techniques, and comparative policy research. Essentially, this research will assess both existing policy frameworks, and a human rights-based framework, with relation to their actual and possible applicability to the existing phenomenon. This will be achieved through measuring both internal and external validity; what is intended by the distinct policy frameworks and what is achieved.⁷¹

Policy research, in and of itself, is designed to seek both theoretical and practical knowledge regarding the nature and origins of problems that policy aims to solve, as well as

⁷⁰ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015); and Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016).

⁷¹ Pennings, P., H. Keman and J. Kleinnijenhuis. "The Comparative Approach: Theory and Method." In *Doing Research in Political Science* (London: SAGE Publications, 2006); and Collier, D. "The Comparative Method." In *Political Science of the Discipline II*, ed. A.W. Finifter (Washington D.C.: American Political Science Association, 1993).

the policy itself.⁷² In essence, policy research “[...] involves using evidence to understand the causes and consequences of problems and the advantages, disadvantages, and risks of different ways of dealing with problems.”⁷³ This evidence includes both primary and secondary data collection, while data plays a central role in policy research, theories help inform and interpret this data.

In addition to readily available policy documents, interviews and data related to FTFs will be used as sources. Data is already readily available within academic literature and thus interviews with returning FTFs will not be essential to this research. Interviews with prominent politicians and policy makers in the field of terrorism and CT, however, will be of great importance in understanding the motivations and ideology behind current approaches to the phenomenon (see **Annex 1** for list of interviewees). These interviews will be of a semi-structured nature, taking a general interview guide approach. This way of collecting information from interviewees allows for greater freedom and adaptability while touching upon pre-determined areas of interest. Interviews, in general, are particularly useful in collecting and understanding a participant’s experience with regards to a given topic.⁷⁴ Thus, interviews with selected figures and leading voices within the field of both CT and HT, at both a political and academic level, have been performed. These interviews provide valuable insight into the policy and political motivations of applying certain frameworks over others. Furthermore, these interviews provide the research with substance in regards to real world applicability of a HT framework as a viable alternative to current approaches.

It is important to make clear at the outset of this research that data and estimates with regards to FTFs in IS and returnees is highly unreliable and generally lacking. It has been stated that “There is currently no comprehensive global database of foreign fighter names [...] countries including the U.S. rely on a weak, patchwork system for swapping individual extremist identities.”⁷⁵ Furthermore, the UN Monitoring Team, set-out in UN Resolution 1267, reported that it was near impossible to obtain “accurate and reliable data” on the FTF

⁷² Mead, L.M. *Policy Research: The Field Dimension* (New York: New York University, 2004).

⁷³ Majchrzak, A. and M.L. Markus. *Methods for Policy Research: Talking Socially Responsible Action* (SAGE Publications, 2014).

⁷⁴ McNamara, C. *General Guidelines for Conducting Interviews* (Minnesota, 1999).

⁷⁵ Schmitt, E. and S. Sengupta. “Thousands Enter Syria to Join ISIS Despite Global Efforts.” In *New York Times* (26 September 2015).

phenomenon, with estimates varying enormously between countries.⁷⁶ Data representation on this phenomenon in general is thus deemed unreliable due to the very nature of the issue at hand, the background/underground process that this phenomenon takes means that a lot of data becomes mere speculation rather than an accurate depiction of the problem. Therefore, this research provides secondary data and governmental figures in a complementary manner rather than relying heavily on them.

The research undertaken in this thesis follows an inter-disciplinary approach to analysis and understanding. In other words, an inter-disciplinary approach enables sensitivity when assessing policy, taking into account complexities that go beyond the policy arena. The research undertaken in this thesis is performed under the guise of the interwoven mesh of our society and political system. Policy, and the politics from which it is derived, is not an isolated nor standalone system, it is shaped and shapes the world around it. Specifically, when discussing intricate subject matters such as terrorism and CT policy, it is important to not focus merely on the policy, but also the motivations and essence from which they stem. Thus, when a comparative policy assessment is made of the Dutch CT framework it is not performed in a vacuum, nor does it treat politics as an isolated bubble. Rather, this research, considers the phenomenon as multi-faceted problem that draws upon and fuels different areas of policy and society. Thus, this thesis draws upon a wide variety of academic disciplines that both complement and strengthen each other, as well increase the understanding of the phenomenon. This research draws upon areas such as law, political science, social science, and humanities. The understanding of human rights law, particularly HT, as well as judiciary policy aimed at returning FTFs is necessary in informing and contributing to the outcome of this research. Furthermore, knowledge with regards to policy innovation, securitization issues, and societal root causes of radicalization are all of fundamental importance in understanding the discussed phenomenon.

⁷⁶ Mullins, S. "Foreign Fighters in Syria." In *per Concordiam*, Vol. 5, No. 3 (2014): 36; UN Meetings Coverage and Press Releases. *Action Against Threat of Foreign Fighters Must be Ramped Up, Security Council Urges in High-Level Meeting* (29 May 2015); and Schmid, A.P. "Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues." In *ICCT Policy Brief* (2015): 6.

Chapter 2: Background – Foreign Terrorist Fighters and Terrorism

“Some vivid terms serve political and normative ends admirably despite hindering description and explanation of the social phenomena at which they point.”

– Charles Tilly⁷⁷

A. Western Foreign Terrorist Fighters

1. The Phenomenon Explained: Terror, Terrorism and Foreign Terrorist Fighters

It is necessary to comprehend the concepts of terrorism and FTFs as they are fundamental in this research. Problems arise, however, when attempting to define and delimit the concept of terrorism as there is a lack, at an international level, of a universally accepted definition. Furthermore, Suter states that the concept of terrorism is fluid, taking its foundation depending on the varying perspective of the actors; “The practical problem is that one government’s ‘terrorist’ is another’s ‘freedom fighter’”.⁷⁸ However, according to Alex P. Schmid, “Terrorism is usually an instrument for the attempted realization of a political or religious project that perpetrators lacking mass support are seeking, that it generally involves a series of punctuated acts of demonstrative violence, followed by threats of more in order to impress, intimidate and/or coerce target audiences”.⁷⁹ While this definition offers a means to describe the concept of terrorism, it lacks the necessary workability and authority of a legal definition. Thus, the Convention for the Suppression of the Financing of Terrorism (1999) provides us with a more succinct and robust definition of terrorism, Article 2(1)(a) refers to acts previously prohibited under prior counterterrorism conventions, Article 2(1)(b) expands this scope by referring to “[...] any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”.⁸⁰

⁷⁷ Tilly, C. “Terror, Terrorism, Terrorists.” In *Sociological Theory*, Vol. 22, No. 1 (March 2004): 5.

⁷⁸ Suter, K. “Terrorism and international law.” In *Contemporary Review*, Vol. 287, No. 1677 (2005): 216.

⁷⁹ Schmid, A.P. “The Definition of Terrorism.” In *The Routledge Handbook of Terrorism Research* (New York: Routledge, 2011): 39.

⁸⁰ United Nations General Assembly. *International Convention for the Suppression of the Financing of Terrorism*, No. 38349 (1999): Article 2(1)(b).

The general premise of the concept of terrorism takes its roots within the notion of *terror*. According to research by Tilly, this notion first entered the lexicon of Western political vocabulary during the French Revolution “[...] as a name for French revolutionaries’ actions against their domestic enemies in 1793 and 1794.”⁸¹ Referring to “[...] governmental repression, most directly in the form of executions.”⁸² In essence, this politically coloured terminology was born in connection to state action. Since then, the term has expanded in scope and depth. It has continued to be used in instances of “[...] governmental intimidation of citizens,” such as in connection to the Soviet Union.⁸³ However, the term has also been used ever so frequently to “[...] designate clandestine attacks on governmental targets by domestic opponents,” such as in the case of Basque separatists and Sri Lanka’s Liberation Tigers of Tamil Eelam among others.⁸⁴ Furthermore, the term has been used loosely to designate “[...] civil war practices [such] as ethnic cleansing and genocide.”⁸⁵ Thus, according to Tilly, it is apparent that the term applies loosely and spans widely across a range of varying human cruelties.⁸⁶ While this may be so, Tilly further argues that the term *terror* points to “[...] widely recurrent but imprecisely bounded political strategy.”⁸⁷ Furthermore, stating that we can “reasonably define that strategy as asymmetrical deployment of threats and violence against enemies using means that fall outside the forms of political struggle routinely operating within some current regime.”⁸⁸ In other words, while a definition of *terror* and *terrorism* is dangerous due to its classification of inseparable concepts and coherent entities, creating a distinction of us versus them. Certain strategies and systems can reasonably and efficiently describe and refine the concepts at hand. Definitions of *terrorism*, on the other hand, such as the U.S. State Department’s definition which defines *terrorism* as “[...] politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually

⁸¹ Tilly, C. “*Terror, Terrorism, Terrorists.*” In *Sociological Theory*, Vol. 22, No. 1 (March 2004): 8.

⁸² *Ibid.*

⁸³ *Ibid.*, 9; and Mayer, A.J. *The Furies. Violence and Terror in the French and Russian Revolutions* (Princeton, NJ: Princeton University Press, 2000).

⁸⁴ Tilly, C. “*Terror, Terrorism, Terrorists.*” In *Sociological Theory*, Vol. 22, No. 1 (March 2004): 9; and Schmid, A.P. *Countering Terrorism through International Cooperation* (Milan, Italy: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme, 2001).

⁸⁵ Tilly, C. “*Terror, Terrorism, Terrorists.*” In *Sociological Theory*, Vol. 22, No. 1 (March 2004): 9; and Taylor, C.C. *Sacrifice as Terror. The Rwandan Genocide of 1994* (Oxford, UK: Berg, 1999).

⁸⁶ Tilly, C. “*Terror, Terrorism, Terrorists.*” In *Sociological Theory*, Vol. 22, No. 1 (March 2004).

⁸⁷ *Ibid.*, 5.

⁸⁸ *Ibid.*

intended to influence an audience.”⁸⁹ These tend to create concepts that merely serve political and normative ends, and thus hinder the pursuit of a true understanding of the phenomenon at hand.⁹⁰

Thus, it is important to note the complexities that are first encountered when addressing the concept of terrorism and its constituent parts. While it is apparent that a single concrete definition is inexistent, a closer look also reveals that formulating such a legal working definition may be impossible due to the very essence of the phenomenon. In other words, as the concept of terrorism remains based on perception of threat, as well as point of view and political landscape, the sheer fluidity and abstractness of the concept makes it problematic to delimitate.⁹¹ While distinct working definitions have proven to be political mine fields, identifiable indicators and strategies have proven valuable in recognising instances of terrorism, terror and terrorists. Finally, as Suter acknowledges, it is important to note that the label ‘terrorism’ is usually only applied to non-state actors and therefore, by definition, rules out the possibility of ‘state terrorism’: “Terrorism is what is done to a government – and not by it”.⁹² This common political narrative creates a state-centred account of terrorism, giving state exclusive power over the dominant narrative of what may be deemed terrorism and what may not. While this discussion goes beyond the scope of this research, it is important to stress the political dynamic and elements fundamental to the today’s understanding of terrorism, its’ vagueness, as well as its’ complexity. These dynamics fuel current approaches and responses to the perceived and/or real threat posed by terrorism and terrorists. This will further be elaborated on in Chapter 5 of this thesis, where we enter into a discussion on the politicization and securitization of the policy responses to returning FTFs, and the current side-lining of human rights-based approaches. That being said, it is significant to state and understand the Dutch NCTV definition of terrorism, which is as follows: “[...] terrorism is defined as the perpetration of ideologically inspired acts of violence against people or of acts intended to cause

⁸⁹ Ruby, C.L. “The Definition of Terrorism.” In *Analyses of Social Issues and Public Policy*, Vol. 2, No. 1 (2002): 10.

⁹⁰ Tilly, C. “Terror, Terrorism, Terrorists.” In *Sociological Theory*, Vol. 22, No. 1 (March 2004).

⁹¹ See: Goodwin, R. “Terror Threat Perception and its Consequences in Contemporary Britain.” In *British Journal of Psychology*, Vol. 96, No. 5 (2005); Jackson, R. “Constructing Enemies: ‘Islamic Terrorism’ in Political and Academic Discourse.” In *Government and Opposition*, Vol. 42, No. 3 (2007); Kurtulus, E.N. “The ‘New Terrorism’ and its Critics.” In *Studies in Conflict & Terrorism*, Vol. 34, No. 6 (2011); and Byman D. and J. Shapiro. *Be Afraid. Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq*, Policy Paper No. 34 (Foreign Policy at Brookings, 2014).

⁹² Suter, K. “Terrorism and International Law.” In *Contemporary Review*, Vol. 287, No. 1677 (2005): 218.

property damage and calculated to result in social disruption, in order to undermine and destabilise society, create a climate of fear among the general public or influence political decision-making.”⁹³ The Dutch CT policy and framework takes is based upon this definition and understanding of terrorism, and thus shapes current and future policy.

Furthermore, the concept of FTF must be defined in order to further understand the scope of this research. What is a ‘Foreign Terrorist Fighter’? The Security Council of United Nations provides a well-rounded working definition of foreign terrorist fighters, a definition which is used by the NCTV:

“[...] nationals who travel or attempt to travel to a State other than their States of residence or nationality, and other individuals who travel or attempt to travel from their territories to a State other than their States 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.”⁹⁴

Furthermore, while most definitions merely address the phenomenon as one of FF, the UN definition goes further by describing these individuals as FTFs.⁹⁵ This differentiation carries increased ambiguity, however, due to the previously discussed concept of terrorism, and its vague nature. In other words, the concept of FF merely pertains and identifies “[...] individuals that have for a variety of reasons and with different (ideological) backgrounds joined an armed conflict abroad,” while FTFs brings the concept of terrorism into the mix.⁹⁶ This shift in focus away from FF towards FTFs is emblematic and mirrors current policy shift towards increased securitization.

A multitude of definitions exist and are in use with regards to the concept of FTFs, much like the issues raised with regards to the conceptual difficulties related to the terminology of

⁹³ National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016): 3.

⁹⁴ United Nations Security Council. *Security Council resolution 2178 (2014) on threats to international peace and security caused by foreign terrorist fighters*, S/RES/2178 (24 September 2014): 4-5.

⁹⁵ United Nations Security Council. *Security Council resolution 2178 (2014) on threats to international peace and security caused by foreign terrorist fighters*, S/RES/2178 (24 September 2014): 4-5.

⁹⁶ International Centre for Counter-Terrorism. “Foreign Fighters” <https://icct.nl/topic/foreign-fighters/> (Accessed 16 July 2018).

terrorism, these issues exist primarily due to the tainted political and securitized nature of these concepts. David Mallet defines these individuals as “[...] non-citizens of conflict states who join insurgencies during civil conflict.”⁹⁷ Such definitions, however, fail to grasp the complexities and motivations that lay behind the movement of FTFs, and that drives individuals to leave their homes and travel to conflict ridden areas. While the motivations and profiles of Dutch FTFs will be discussed in the following section of this thesis, we must first address and consider the conceptual issues that arise in connection to defining the phenomenon. First of all, the term foreign included in the concept is one that raises concerns, the motives to fight may not be so ‘foreign’ to these individuals.⁹⁸ There is a seemingly or perceived “Muslim religious duty” that binds these individuals to the ongoing armed conflict.⁹⁹ Second of all, a large majority of definitions that address the concept of FTFs tend to associate the phenomenon with religious motivations, in contrast to the above-mentioned Security Council definition. For example, the Geneva-based Academy of International Law and Human Rights defined a Foreign Fighter (FF) as an “[...] individual who leaves his or her country of origin or habitual residence to join a non-state armed group in an armed conflict abroad and who is primarily motivated by ideology, religion and/or kinship.”¹⁰⁰ Moreover, the Hague-based Europol defined the FTFs as “[...] individuals motivated by religion, who leave their country of origin in order to train, fight or perform extremist activities in war zones.”¹⁰¹ This divergence with the UN Security Council definition can be explained due to the treacherous and ambiguous waters that ideology can embark us upon.¹⁰²

A large majority of definitions exclude individuals who travel to the IS controlled territory in order to carry out acts that go beyond merely terrorist acts. Indeed, it has been noted that many individuals travel in order to perform supportive roles or assistance roles, more

⁹⁷ Malet, D. *Foreign Fighters: Transnational Identities in Foreign Conflicts* (Oxford: University Press, 2013): 9.

⁹⁸ Schmid, A.P. “Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues.” In *ICCT Policy Brief* (2015): 3.

⁹⁹ Arasli, J.E. *Archipelago SYRAQ. Jihadist Foreign Fighters from A to Z. 200 Essential Facts You Need to Know about Jihadist Expeditionary Warfare in the Middle East* (Baku: Teknur, 2015): 69.

¹⁰⁰ Geneva Academy of International Humanitarian Law and Human Rights. *Academy Briefing No. 7: Foreign Fighters Under International Law* (Geneva Academy of International Humanitarian Law and Human Rights, 2014): 7.

¹⁰¹ Azinovic, V. and M. Jusic. *The Lure of the Syrian War: The Foreign Fighters’ Bosnian Contingent* (Sarajevo: The Atlantic Initiative, 2015): 13.

¹⁰² Schmid, A.P. “Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues.” In *ICCT Policy Brief* (2015): 4.

specifically women tend not to physically participate in the armed conflict but carry out tasks that support the day to day life of IS.¹⁰³ Estimates of women and children living in territories controlled by IS put the number at no less than ten per cent of total foreign ‘fighters’, amounting to a total of around 2,500 individuals who do not directly participate in the conflict.¹⁰⁴ Finally, it must be noted that a significant number of Syrians from abroad, who fled the country, also return to Syria to participate in the insurgency against the Assad regime.¹⁰⁵ These returnees do not fall under the categorization of either ‘foreign’ nor ‘terrorist’.

2. Profiles and Motives of Dutch Foreign Terrorist Fighters

Understanding the motivations, as well as the push and pull factors, of Dutch FTFs helps construct a profile that enables both a deeper knowledge of the phenomenon and enhanced prevention mechanisms. Anti-Slavery International, in a report published in 2003, identifies push and pull factors that lead to international migration, driving reasons that individuals leave their country of origin (push factors) and the “pull” exerted by promises of a ‘better’ future.¹⁰⁶ The factors are summarized as followed:

“Push factors:

- Inadequate employment opportunities, combined with poor living conditions, including a lack of basic education and health provision.
- Political breakdown or economic dislocation which may be caused by conflict, environmental disaster, structural adjustment policies, mismanagement of the economy, etc. These may threaten an individual’s ability to sustain themselves and their family directly or indirectly as such crises usually lead to higher unemployment, rising cost of living and fewer public services.
- Discrimination (gender, ethnic or caste), nepotism and/or corruption which excludes people from employment or professional advancement.

¹⁰³ Briggs, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat* (London: Institute for Strategic Studies, 2014); and Schmid, A.P. and J. Tinnes. *Foreign (Terrorist) Fighters with IS: A European Perspective* (The Hague: ICCT, 2015): 13.

¹⁰⁴ Adam, K. “Report: Western Women Are Attracted to Islamic State for Complex Reasons.” In *Washington Post* (28 May 2015).

¹⁰⁵ Lister, C. “The West is Walking into the Abyss on Syria.” In *Brookings* (28 September 2015).

¹⁰⁶ Anti-Slavery International. *The Migration-Trafficking Nexus: Combatting trafficking through the protection of migrants’; human rights* (UK, November 2003).

- Family breakdown (particularly the sickness or death of one or both parents) which often compels remaining family members to send the children away from their homes to work and/or have better opportunities.

Pull factors:

- Fewer constraints on travel (eg. less restrictions on freedom of movement; cheaper and faster travel opportunities; easier access to passports, etc).
- Higher salaries and standard of living abroad; greater job mobility and opportunities for professional advancement; and more options for acquiring new skills and education.
- Established migration routes and communities in other countries and a demand for migrant workers, along with the active presence of recruitment agents or contacts willing to facilitate jobs and travel.
- High expectations of opportunities in other countries boosted by global media and internet access.”¹⁰⁷

While some of the above factors do not apply to Western IS FTFs, due to their countries of origin being high income and developed countries, certain push and pull factors can be applied to the case study.

Bakker and Grol’s study on the motives and consideration of potential foreign Dutch fighters provides insight into the factors, motives, and actions that leads to the decision to leave for Syria.¹⁰⁸ This study is “[...] based on semi-structured interviews with people who were close to the potential leaver during the period the latter toyed with the idea of going to Syria.”¹⁰⁹ While this study is limited, it does provide a number of common observations that offer insight into the motivations of certain individuals to travel to Syria and join IS.¹¹⁰ The pertinent observations that were extrapolated from these interviews are of particular interest, and are included below:

¹⁰⁷ Ibid., 11.

¹⁰⁸ Bakker, E. and P. Grol. “Motives and Considerations of Potential Foreign Fighters from the Netherlands.” In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 2.

¹⁰⁹ Ibid.

¹¹⁰ Ibid., 12.

“Characteristics of persons

- Most persons have limited chances on the labour market and of a social career. They have no diplomas or are (very) low-skilled, they are exposed to crime and drug abuse (in their immediate circle).
- Some persons no longer felt they had a future in the Netherlands, or no possibilities to improve their situation.
- Most of them have had intensive contact (via the Internet, social media) for longer or shorter periods of time with ideologically like-minded people who - most probably - managed to strongly influence the person in question and encouraged him or her to leave, people who were often referred to as inspiring figures or “recruiters” by the circle of that person.
- In a number of cases, there are close friendly, relational or family ties with people in Syria.
- There is a strong - often persistent - conviction that travelling to Syria is necessary or may become necessary again, now or in the future. This conviction can be based on ideals or on specific personal arguments and it is often a mixture of both.
- To some extent, a lot of the interviewees have a utopian or “romantic” idea of the caliphate and the jihadist battle. None of them mentioned martyrdom for that matter.
- Most persons have few friends and/or limited contact with their families. Some of them can be classified as loners or lonely.”¹¹¹

The above observations produce profiles and aspects of vulnerability that leave certain individuals susceptible to radicalization. Furthermore, it becomes apparent that certain societal factors, such as exclusion from both opportunities and group dynamics, places individuals at risk of radicalization. However, it has proven impossible to create and formulate a clear-cut profile of European foreign terrorist fighters, making it difficult to mount effective prevention programmes that target individuals at risk.¹¹² This being said, Boutin et al. noted that “[...] between 90 per cent and 100 per cent of foreign terrorist fighter originate from large metropolitan areas or peripheral suburbs [...] many originate from the same neighbourhood, which seems to indicate that there are pre-existing (extremist) networks operating in these

¹¹¹ Ibid., 13.

¹¹² Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 4.

areas”.¹¹³ Additionally, Weenink forwarded that many individuals targeted by IS recruitment, have a history of behavioural or psychological problems and disorders.¹¹⁴ This so-called ‘problem’ behaviour could, and tends to, lead to social isolation of individuals.¹¹⁵ McCauley and Moskalenko found that this isolation factor was the beginning of the radicalization process.¹¹⁶ So-called aspects of dissatisfaction and despair, economic deprivation and exclusion play an important role in an individual’s probability of joining IS.¹¹⁷ For example, Weenink found that FTFs overall tend to be low-educated, unemployed, or do not have a steady career nor potential for career growth.¹¹⁸ Schmid and Tinnes research found that FTFs from Europe were mainly second generation Muslims and recent converts to Islam.¹¹⁹ Conversely, Boutin et al. stated that factors such as prior criminal history, nationality, and family status proved to have an inconclusive effect on motivations to join IS.¹²⁰ While prior criminal history does not seem to play a role in the radicalization cycle, studies such as Bakker and Grol have linked exposure to crime and drug abuse to likelihood of radicalization.¹²¹

Besides the aforementioned push-factors discussed above, that play an important role in an individual’s radicalization process and decision, explicit pull-factors play a significant role in triggering an individual’s desire to join IS. Rosielle found that pull-factors create an inner

¹¹³ Ibid.

¹¹⁴ Weenink, A.W. “Behavioural Problems and Disorders among Radicals in Police Files.” In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23-28.

¹¹⁵ Ibid., 28.

¹¹⁶ McCauley, C. and S. Moskalenko. “Mechanisms of Political Radicalization: Pathways Toward Terrorism.” In *Terrorism and Political Violence*, No. 20 (2008): 415-433.

¹¹⁷ Egerton, F. *Jihad in the West. The Rise of Militant Salafism* (New York: Cambridge Press, 2011): 27-43; and Sageman, M. “The Stagnation in Terrorism Research.” In *Terrorism and Political Violence*, Vol. 26, No. 4 (2014): 97.

¹¹⁸ Weenink, A.W. “Behavioural Problems and Disorders among Radicals in Police Files.” In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23; and Bakker, E. and P. Grol. “Motives and Considerations of Potential Foreign Fighters from the Netherlands.” In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13.

¹¹⁹ Schmid, A.P. and J. Tinnes. *Foreign (Terrorist) Fighters with IS: A European Perspective* (The Hague: ICCT, 2015).

¹²⁰ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 4.

¹²¹ Algemene Inlichtingen en Veiligheidsdienst. *De gewelddadige jihad in Nederland. Actuele trends in de islamitisch-terroristische dreiging* (Den Haag: AIVD, 2003): 30-32; and Bakker, E. and P. Grol. “Motives and Considerations of Potential Foreign Fighters from the Netherlands.” In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13.

desire and inner-conviction that this decision has become a necessary thing to do.¹²² While propaganda and recruitment strategies of IS will be discussed in greater detail in the subsequent section of this research, greater insight into pull-factors is necessary to build a profile and understanding of Western FTFs. The constructed ideal of life within IS has a significant impact of an individual's perceived duty as a Muslim to join and fight for a 'true' IS.¹²³ Neumann found that the vision of what IS offers its fighters is often mis-leading, or idealized, these promises of perfect Muslim life, serving Islam tend to be nothing more than false.¹²⁴ Furthermore, Weenink puts forward that the individuals that join IS tend to be seeking belonging and inclusion, often escaping situations where they feel they have no place, nor purpose and are isolated from society.¹²⁵ IS propaganda offers these 'lost' individuals a new sense of purpose, and belonging with others who think and feel the same way, they offer hope of success and inclusion, and even identity to individuals that are uncertain of their own.¹²⁶ Furthermore, Bakker and de Leede ascertain that certain individuals see it as a way of protecting their way of life from the influence of Western liberal ideology, travelling to Syria insures the survival of traditions that they perceive as being under attack.¹²⁷ Specifically, they believe that women join IS both to ensure the survival of traditional family life, and to hopefully find love and romance within the arms of like-minded individuals.¹²⁸ Research undertaken by Rosielle demonstrates that the pull-factors that are portrayed by IS propaganda and its recruiters respond to the "psychological needs and desires of Western Muslims", IS is portrayed as a "solution to the problems Muslims face in their home countries."¹²⁹ The reality of these promises portrayed by IS propaganda may, however, be very different. Finally, FTFs have been, for the majority, in extensive contact with

¹²² Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 23.

¹²³ Bakker, E. and P. Grol. "Motives and Considerations of Potential Foreign Fighters from the Netherlands." In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13.

¹²⁴ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015).

¹²⁵ Weenink, A.W. "Behavioural Problems and Disorders among Radicals in Police Files." In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015).

¹²⁶ Bakker, E. and S. de Leede. *European Female Jihadists in Syria: Exploring and Under-Researched Topic* (The Hague: ICCT, 2015): 5; and Egerton, F. *Jihad in the West. The Rise of Militant Salafism* (New York: Cambridge Press, 2011).

¹²⁷ Bakker, E. and S. de Leede. *European Female Jihadists in Syria: Exploring and Under-Researched Topic* (The Hague: ICCT, 2015).

¹²⁸ *Ibid.*, 5-6.

¹²⁹ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 24.

both online and offline recruiters and ideologically like-minded people. Inter-personal connections with recruiters and radicalized individuals has been shown to play a very significant role on an individual's likelihood to join IS.¹³⁰ These recruiters and ideological figures have a strong influence on these individuals, their status often legitimizing their views and opinions. Furthermore, the inter-personal relations create a degree of trust between the recruiter and the recruit, the recruit thus being more likely to be swayed by the recruiter's views and encouragement to join IS.¹³¹

3. Life as a Foreign Terrorist Fighter

What do we know about roles actually fulfilled by these FTFs? What conditions do they live in? What really awaits these individuals? Research by Briggs and Silverman found that several roles are carried about by Western individuals who travel to Syria to join IS, while some join to fight on the frontline, others perform humanitarian and support roles.¹³² This section will consider and discuss what we currently know about the reality of life in the Caliphate and the duties performed by the Western individuals who travel to join IS.

While a significant percentage of women travel to IS controlled territory, it seems that mostly male FTFs are deployed on the frontlines and in armed combat.¹³³ Women have not been reported to participate in combat, however several reports have indicated that women have increasingly participated in terrorist attacks and suicide bombings.¹³⁴ The majority of male FTFs, however, seem to join armed groups upon arrival in IS.¹³⁵ Nevertheless, Neumann reported that Western FTFs, in particular, seem to undertake 'dull' and tedious tasks.¹³⁶ Due to

¹³⁰ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 23.

¹³¹ Algemene Inlichtingen en Veiligheidsdienst. *De gewelddadige jihad in Nederland. Actuele trends in de islamitisch-terroristische dreiging* (Den Haag: AIVD, 2003): 33-36; and Saltman, E.M. and M. Smith. "Till Martyrdom Do Us Part." In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015).

¹³² Briggs, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat* (London: Institute for Strategic Studies, 2014): 15.

¹³³ Saltman, E.M. and M. Smith. "Till Martyrdom Do Us Part." In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 6-7, 38 and 70.

¹³⁴ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015).

¹³⁵ General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 7.

¹³⁶ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 11.

language and cultural barriers presented by Western FTFs, they are often seen as amateurs within IS, and are mainly used as glorified ‘poster-boys’ for IS propaganda.¹³⁷ While the accuracy and scale of the reported phenomenon and utility of Western FTFs in IS is questionable, several reports by Neumann, as well as Briggs and Silverman, state that these individuals do not participate in direct combat in Syria due to their lack of combat-experience.¹³⁸ Furthermore, women mainly carry out domestic and supportive tasks, often living in isolated conditions, responsible for maintaining the household and strict adherence of others to militant Islamic ideology.¹³⁹ The restrictions on women present under the IS regime create a high dependency on men, often leaving them vulnerable to abuse.¹⁴⁰

While the above reports are few in number and are strongly based on media reports, they do call into question and begin to refute the romanticized image presented by IS propaganda.¹⁴¹ Some of the above reports, such as Saltman and Smith, do present a somewhat more realistic image of life within IS, and the roles that are undertaken by Western FTFs.¹⁴² Moreover, reports have emerged calling into question and assessing not only the roles but also the living conditions of these individuals. A report by the AIVD shows that living conditions have drastically altered and decreased since the occupation of territories by IS.¹⁴³ Basic needs and living conditions are barely maintained, with widespread shortages of clean water and access to sufficient medical care being prime examples.¹⁴⁴ In contrast to IS propaganda, the

¹³⁷ Koele, T. “Ze doesn’t klusjes, zoals lijken ruimen.” In *De Volkskrant* (26 March 2013).

¹³⁸ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 11; and Briggs, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat* (London: Institute for Strategic Studies, 2014): 15.

¹³⁹ Saltman, E.M. and M. Smith. “Till Martyrdom Do Us Part.” In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 9; and Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 22-23.

¹⁴⁰ Saltman, E.M. and M. Smith. “Till Martyrdom Do Us Part.” In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 38-39 and 70.

¹⁴¹ Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016): 26.

¹⁴² Saltman, E.M. and M. Smith. “Till Martyrdom Do Us Part.” In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 47-48.

¹⁴³ General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 8.

¹⁴⁴ Saltman, E.M. and M. Smith. “Till Martyrdom Do Us Part.” In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 49.

promised welcoming home is often nothing more than a violent and death ridden war zone.¹⁴⁵ The individuals who join IS are thus not welcomed into a place of safety and an organization that will give them purpose and identity, but rather are confronted with identity questioning practices and an unsafe environment.¹⁴⁶ These individuals who are attempting to escape vulnerability, social isolation, and precarity, often end up in a situation that is much worse than the one they left, and one that is very different to the one promised by their recruiters.¹⁴⁷

B. Propaganda and Recruitment Strategies of IS

Research on IS recruitment, such as Rosielle, Neumann or Weenink, reveal several elements that resonate with indicators used to establish HT practices.¹⁴⁸ For example, as discussed previously, the individuals targeted by IS recruitment, for the most part, present indicators of vulnerability such as a history of behavioural or psychological problems and disorders.¹⁴⁹ So-called aspects of dissatisfaction and despair, economic deprivation and exclusion play an important role in an individual's probability of joining IS.¹⁵⁰ When taking a deeper look into IS's recruitment and propaganda strategies it is important to assess whether IS exploits and targets these vulnerabilities through its propaganda. Research by Rosielle has demonstrated that "IS responds in its propaganda [...] to the physical needs and desires of Western Muslims [...]"

¹⁴⁵ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 25-25; and Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 11.

¹⁴⁶ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 25-26; Saltman, E.M. and M. Smith. "Till Martyrdom Do Us Part." In *Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015): 47-48; and General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 5.

¹⁴⁷ General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016); Bakker, E. and P. Grol. "Motives and Considerations of Potential Foreign Fighters from the Netherlands." In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13; and Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 15-27.

¹⁴⁸ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016); Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015); and Weenink, A.W. "Behavioural Problems and Disorders among Radicals in Police Files." In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015).

¹⁴⁹ Weenink, A.W. "Behavioural Problems and Disorders among Radicals in Police Files." In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23-28.

¹⁵⁰ Egerton, F. *Jihad in the West. The Rise of Militant Salafism* (New York: Cambridge Press, 2011): 27-43; and Sageman, M. "The Stagnation in Terrorism Research." In *Terrorism and Political Violence*, Vol. 26, No. 4 (2014): 97.

IS [portrayed] as a solution to the problems Muslims face in their home countries”.¹⁵¹ Moreover, “Jihad is presented as a solution for social problems, a cure for depression, the way to a perfect society, and as a great adventure”.¹⁵² Finally, IS propaganda has been shown to be deceptive in its very nature, presenting romanticized images of life in the Caliphate, luring through manipulation, and recruiting through means of idealistic imagery.¹⁵³

When discussing IS recruitment strategies it is of fundamental importance to understand the use of social media, and more widely the internet, as one of the most vital tools of IS.¹⁵⁴ Observations have previously focused on how both the quality and quantity of IS propaganda are the primary factor of success. Research by Berger shows that the continued proliferation of IS content and support through mediums such as Twitter have played an important role in radicalization and recruitment of individuals (ongoing monitoring suggests that a minimum of 40,000 accounts are currently active at any one time in support of IS, 2,000 of which are primarily in English).¹⁵⁵ However, these ‘passive’ or non-personal interventions only can take radicalization so far. Thus, interpersonal relations and tailored interventions are put into play in order to further gain the trust of individuals and encourage direct action.¹⁵⁶ IS has employed specific strategies to gain traction and recruit individuals, both online and in a face-to-face setting. The strategy employed can be generalised and simplified into the list below:

- “**F**irst contact
 - Islamic State seeks out target
 - Recruiters respond to targets who seek out Islamic State
- Create micro-community
 - Maintain constant contact

¹⁵¹ Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016): 24.

¹⁵² *Ibid.*, 47.

¹⁵³ Jowett, G.S. and V. O’Donnell. *Propaganda & Persuasion* (Los Angeles: SAGE, 2015); Saltman, E.M. and M. Smith. *‘Till Martyrdom Do Us Part’. Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015); Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015); Bakker, E. and P. Grol. *Motives and Considerations of Potential Foreign Fighters from the Netherlands* (The Hague: ICCT, 2015); and Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015).

¹⁵⁴ Berger, J.M. *Jihad Joe: Americans who go to war in the name of Islam* (Washington: Potomac Books Inc., 2011): 177-178.

¹⁵⁵ *Ibid.*

¹⁵⁶ Berger, J.M. “Tailored Online Interventions: The Islamic State’s Recruitment Strategy.” In *CTCSentinel*, Vol. 8, No. 10 (West Point: New York, October 2015).

- Encourage target to insulate against outside influences
- Shift to private communications
- Identify and encourage pro-Islamic State action suitable for target
 - Social media activism
 - Travel to Islamic State territories
 - Terrorism.”¹⁵⁷

Whether recruitment takes place online or offline strategies remain very similar, specific tailored tactics do, however, vary depending on geographical location and specific individuals. Often, in locations where face-to-face discussions about IS and extremist ideologies are difficult, if not dangerous, recruitment is significantly accomplished online.¹⁵⁸ Once first contact is made, either through specific targeting from IS or outreach from interested individuals, IS then focuses on isolating the individual by creating micro-communities. These micro-communities enable further radicalization through high volume bursts of propaganda, creating bubbles of content around the target, and encouraging reduced contact with non-Muslims or non-radicalized individuals.¹⁵⁹ Once a relationship has started to develop and trust has built overtime, interactions typically shift to private communications. This shift begins to shape interpersonal relations between the recruiter and the recruit. These private communications can both take place through encrypted online private messaging, or offline physical outreach.¹⁶⁰ Though increased contact the interpersonal relations between IS recruiters and recruits reach a tipping point where the individuals are convinced to take action, these actions are often identified by the recruiters as ones the individual will most likely be willing to undertake.¹⁶¹ The crucial transition point of IS’s recruitment strategy is when there is a shift to private communications. Not only does the interaction become increasingly difficulty for state agencies to monitor, but also the individual becomes increasingly isolated. An individual’s decision to transition to private messaging increases the likelihood of them taking action.¹⁶²

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid; and District Court for the Central District of California. *USA v. Nader Elhuzayel and Muhand Badawi*, Criminal Complaint (filed May 22 2015, Case SA14-275M).

¹⁶⁰ Cruickshank, P. “An Interview With: Usman Raja.” In *CTC Sentinel*, Vol. 8, No. 7 (West Point: New York, 2015).

¹⁶¹ Berger, J.M. “Tailored Online Interventions: The Islamic State’s Recruitment Strategy.” In *CTC Sentinel*, Vol. 8, No. 10 (West Point: New York, October 2015).

¹⁶² Ibid.

This is due to the increase in private interpersonal relations between the recruiter and recruit, creating bonds of trust and understanding, but also removing the individual from mainstream influences.¹⁶³

Briggs and Silverman identified three main types of narrative used by IS in appealing to individuals in the West.¹⁶⁴ First off, the humanitarian narrative is used in essence to convince individuals that their actions and commitment to IS has a positive moral impact in impeding upon the brutality of the current regime. This narrative responds to both the individuals need for purpose and sense of duty, by emphasizing the heroism of the proposed actions. Second of all, the ideological narrative resonates through the appeal to faith and the need to protect the integrity of Islam. And finally, the narrative of identity providing individuals that are disenfranchised an escape and possibility to find belonging within IS. This narrative suggests an ideal love of camaraderie and purpose through taking action against those that threaten the Islamic Caliphate. The above identified narrative takes shape in a variety of ways in IS propaganda videos and content. Often these videos depict the gentle and calm daily life within the IS.¹⁶⁵ IS, furthermore, depends greatly on so-called positive brand image, defending its 'good reputation' by rectifying negative imagery portrayed online.¹⁶⁶ In other words, IS seemingly invests a great deal in 'marketing' its positive and romanticized vision of life as a FTFs. Dismissing negative Western portrayal as simply an attempt to attack and undermine Islam.¹⁶⁷

As previously touched upon, recruitment activities do not merely take place online. Research by the AIVD showed that offline recruitments strategies employed by IS can often be more effective in radicalizing and swaying young individuals.¹⁶⁸ The effectiveness of these activities is largely dependent upon recruiters that are often leadership figures within local

¹⁶³ Ibid.

¹⁶⁴ Briggs, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat* (London: Institute for Strategic Studies, 2014).

¹⁶⁵ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016): 18; and Fernandez, A.M. *Here to stay and growing: Combating ISIS propaganda networks*, U.S.-Islamic World Forum Papers (Brookings: The Brookings Project on U.S. Relations with the Islamic World, 2015): 11-12.

¹⁶⁶ Charlton, C. 'We Made A Big Mistake.' In *The Daily Mail* (10 October 2014).

¹⁶⁷ Briggs, R. and T. Silverman. *Western Foreign Fighters: Innovations in Responding to the Threat* (London: Institute for Strategic Studies, 2014).

¹⁶⁸ Algemene Inlichtingen en Veiligheidsdienst. *Rekrutering in Nederland voor de jihad van incident naar trend* (Den Haag: AIVD, 2002): 14-15.

Muslim communities, these recruiters are both perceived as wise and as individuals of outstanding religious faith.¹⁶⁹ The positions of power held by these recruiters is of key importance, the admiration held by young individuals for these leaders is used as an entry point and leverage. Young Muslims within the communities are identified as vulnerable targets by the recruiters, who then use their position of strength to lure them towards joining IS.¹⁷⁰

It is of grave importance to consider the above strategies and recruitment tactics used by IS when attempting to deal with and respond to the phenomenon of returning FTFs. Increased understanding of IS propaganda and recruitment based on vulnerability will further increase both effectiveness and long-term viability of CT policies. The above understanding of FTFs, the reality of life under IS, as well as how these individuals become recruits, reveal several indicators of coercion and deception that may point towards the existence of HT like practices. The next chapter will, thus, further delve into explaining and understanding the CT framework and how it deals with the phenomenon of returning IS FTFs.

¹⁶⁹ Ibid.

¹⁷⁰ General Intelligence and Security Services. *The transformation of jihadism in the Netherlands. Swarm dynamics and new strength* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2014).

Chapter 3: Counterterrorism Framework

A. Dutch Counterterrorism Policy

Dutch CT evolved as of the early 1970s, with events such as 1977 Dutch train hijacking by South-Moluccans, and later attacks by such organizations as the Irish Republican Army and the Japanese Red Army.¹⁷¹ Since the attacks on 9/11 a major of CT policy has been at the national and international level. Dutch, EU and international policy, has been directed at countering the jihadist threat and Violent Extremism (VE).¹⁷² The Dutch CT framework and strategy is underpinned by what is called the ‘Broad-Based Approach’ to CT.¹⁷³ This approach regards terrorism as a process through which individuals undergo radicalization, rather than a state under which individuals are born.¹⁷⁴ In other words, the Netherlands not only addresses the acts or manifestations of VE, but also attempts to address the chain of events that precedes them.¹⁷⁵ The trigger for rapid change in CT policy, in both the Netherlands and Europe, occurred after the March 2004 Madrid Attacks.¹⁷⁶ The threat of VE and terrorism had now manifested itself on the European continent, the threat felt closer to home than it had ever felt before. This event gave urgency to the development of CT policy, initiating the introduction of a multitude of new instruments and institutions in the Netherlands and across Europe.¹⁷⁷ Within the Netherlands, this wave of policy creation led to the establishment of the Counterterrorism Alert System (ATb), the Counterterrorism Infobox (CT-infobox), the enactment of new legislation with

¹⁷¹ De Roy Van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 7.

¹⁷² Akerboom, E.S. *Ten years of Dutch Counterterrorism Policy* (National Coordinator for Security and Counterterrorism, 2011).

¹⁷³ Bakker, E. and J. de Roy van Zuijdewijn. *Threat Barometer: Ten Years of Terrorist Threat Assessment Netherlands 2005-2015* (The Hague: National Coordinator for Security and Counterterrorism, 2015).

¹⁷⁴ Akerboom, E.S. *Ten years of Dutch Counterterrorism Policy* (National Coordinator for Security and Counterterrorism, 2011): 9-11; and National Coordinator for Security and Counterterrorism. *The Broad-Based Approach to Counterterrorism: Origin, Development, and State of Affairs* (The Hague: NCTV, 3 January 2012).

¹⁷⁵ Committee of Experts on Terrorism (CODEXTER). *Profiles on Counter-Terrorist Capacity: Netherlands* (Brussels: Council of Europe, November 2008): 1.

¹⁷⁶ National Coordinator for Security and Counterterrorism. *The Broad-Based Approach to Counterterrorism: Origin, Development, and State of Affairs* (The Hague: NCTV, 3 January 2012): 2.

¹⁷⁷ De Roy Van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 7; and National Coordinator for Security and Counterterrorism. *The Broad-Based Approach to Counterterrorism: Origin, Development, and State of Affairs* (The Hague: NCTV, 3 January 2012): 2.

regards to terrorist crimes, and the NCTV.¹⁷⁸ The NCTV was charged with “[...] coordinating the activities of the police, judiciary, security services and other relevant counterterrorism organisations.”¹⁷⁹ Soon after the above policy enactments, the Netherlands was faced with the murder of Theo van Gogh in November 2004, shifting Dutch policy focus and priorities towards ‘homegrown terrorism’.¹⁸⁰ Since then, new policy has been introduced focusing on improving “[...] cohesion, coordination and effectiveness of Dutch counterterrorism policy.”¹⁸¹ In 2011 these measures and strategies culminated in the implementation of the National Counterterrorism Strategy for 2011-2015.¹⁸²

Under the DCC, the Netherlands implemented the Crimes of Terrorism Act in August 2004 associating stiffer penalties for crimes committed with terrorist intent.¹⁸³ The key provisions of this legislative change in the DCC are as listed:

- “The presence of terrorist intent in the commission of an existing offence made the offence a crime of terrorism which – where possible – became subject to a heavier penalty. Heavier penalties were also imposed for offences committed with the objective of preparing or facilitating a terrorist offence.
- Jurisdiction over terrorist offences was expanded.
- Membership of terrorist organisations was made a criminal offence.
- Conspiracy to commit a number of serious terrorist offences was defined as a separate criminal offence.
- Recruiting someone for jihad was brought into the realm of criminal law.”¹⁸⁴

¹⁷⁸ De Roy Van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 7.

¹⁷⁹ Bakker, E. and J. de Roy van Zuijdewijn. *Threat Barometer: Ten Years of Terrorist Threat Assessment Netherlands 2005-2015* (The Hague: National Coordinator for Security and Counterterrorism, 2015).

¹⁸⁰ De Roy Van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 7-8.

¹⁸¹ *Ibid.*, 8; and National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2011-2015* (The Hague: 2011).

¹⁸² *Ibid.*

¹⁸³ Dutch House of Representatives. *Act of 24 June 2004 to amend and supplement the Penal Code and some other laws in connection with terrorist crimes (Crimes of Terrorism Act)* (Bulletin of Acts and Decrees of the Kingdom of the Netherlands 290, August 2004).

¹⁸⁴ Committee of Experts on Terrorism (CODEXTER). *Profiles on Counter-Terrorist Capacity: Netherlands* (Brussels: Council of Europe, November 2008): 1.

The Crimes of Terrorism Act institutionalised at a national level the definition of terrorist crimes. Article 83 of the Act, defines acts of terrorism as crimes committed with a terrorist aim “[...] to seriously intimidate the population or part of the population of a country, and/or to unlawfully force a government or international organization into acting, to refrain from acting or to tolerate, and/or to seriously destroy or disrupt the political, constitutional, economic or social structure of a country or international organization.”¹⁸⁵ The Crimes of Terrorism Act was supplemented, in March 2017, with three additional laws under the auspices of the “Integrated Approach to Combatting Jihadism”.¹⁸⁶ First of all, the Counter-Terrorism (Interim Administrative Measures) Act of 2017 provided new tools for law enforcement to counter individuals engaged, in some form or another, in terrorist or extremist activities (such as travel bans on individuals suspected of planning to travel to conflict zones or participate in the commission of terrorist activities).¹⁸⁷ Second of all, the Passport Act Amendment Act ensured that both passports and national identity cards would become automatically invalid if the holder became banned under the previous Act, making travel through transit states increasingly difficult.¹⁸⁸ Finally, the Netherlands Nationality Act provides for the revocation of Dutch nationality for individuals who join terrorist organizations abroad. Dutch nationality can only be revoked if the individual in question would not become stateless due to this action, as provided for under EU law.¹⁸⁹

¹⁸⁵ Dutch House of Representatives. *Act of 24 June 2004 to amend and supplement the Penal Code and some other laws in connection with terrorist crimes (Crimes of Terrorism Act)* (Bulletin of Acts and Decrees of the Kingdom of the Netherlands 290, August 2004): Article 83; and Talsma, L. and S. Ouchan. *Terrorism, Counter-Terrorism Measures and Human Rights in the Netherlands: Background briefing on the occasion of the ICJ Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights* (Brussels: Dutch Section of the International Section of Jurists, 2-4 July 2007): 4.

¹⁸⁶ Burke, P. “CT Overview: Netherlands.” In *Counter Terrorism Ethics* http://counterterrorismethics.com/counter-terrorism-in-the-netherlands/#_Toc494978669 (Accessed 18 May 2018).

¹⁸⁷ Ibid.; and National Coordinator for Security and Counterterrorism. “New Powers for Dealing with Terrorism.” Ministry of Justice and Security https://english.nctv.nl/current_topics/news/2017/New%20powers%20for%20dealing%20with%20terrorism%20.aspx (Accessed 18 May 2018).

¹⁸⁸ Ibid.; and Burke, P. “CT Overview: Netherlands.” In *Counter Terrorism Ethics* http://counterterrorismethics.com/counter-terrorism-in-the-netherlands/#_Toc494978669 (Accessed 18 May 2018).

¹⁸⁹ Ibid.; and National Coordinator for Security and Counterterrorism. “New Powers for Dealing with Terrorism.” Ministry of Justice and Security https://english.nctv.nl/current_topics/news/2017/New%20powers%20for%20dealing%20with%20terrorism%20.aspx (Accessed 18 May 2018).

The Dutch Counterterrorism Strategy has recently been evaluated and updated and spans from 2016 to 2020.¹⁹⁰ It is constituted of 5 pillars: Procure, Prevent, Protect, Prepare, and Pursue. As this thesis focuses on returning FTFs, a particular look will be taken at the ‘Pursue’ pillar of the strategy. This pillar advocates that “Enforcing criminal law is a vital part of combating extremism and terrorism. Criminal investigation, prosecution and trial can have both a preventive and repressive effect.”¹⁹¹ This strategy focuses on criminal-law measures as a deterrent to future individuals, as well as a means to reduce threats potentially posed by these returning FTFs.¹⁹²

A Comprehensive Action Plan to Combat Jihadism was released in 2014 highlighting three main objectives of the Dutch government with regards to the external threat of jihadism.¹⁹³ The objectives are; “[...] to protect democracy and the rule of law, to combat and weaken the jihadist movement in the Netherlands, and to remove the breeding ground for radicalisation.”¹⁹⁴ The development of this national action plan was a direct reaction to events that transpired in the Netherlands between 2012 and 2014. During this period, the Netherlands saw a significant increase in individuals leaving to fight in Syria and Iraq, as well as growth in manifestations of pro-IS networks on Dutch soil.¹⁹⁵ These emerging networks were not only presenting pro-IS views, but also inciting individuals to join and fight for IS. Thus, the government realigned its policy to respond to internal threats and increase prevention of radicalization through dismantling IS networks.¹⁹⁶ This response is centred around creating “[...] conditions for social participation and ensure that even vulnerable groups enjoy society’s benefits.”¹⁹⁷ As well as, “[...] boosting immunity to subversive influences and counteracting the potential appeal of extremism and possible intimidation by radicals and their sympathisers.”¹⁹⁸

¹⁹⁰ National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016).

¹⁹¹ *Ibid.*, 20.

¹⁹² *Ibid.*

¹⁹³ National Coordinator for Security and Counterterrorism. *The Netherlands Comprehensive Action Plan to Combat Jihadism* (Ministry of Security and Justice, 2014).

¹⁹⁴ *Ibid.*, 2; and De Roy Van Zuijdewijn, J. “The Foreign Fighter Phenomenon: Case Study of the Netherlands.” In *Not Only Syria? The Phenomenon of Foreign Fighters in a Comparative Perspective*, Vol. 134 (NATO Science for Peace and Security Series, May 2017): 8.

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ Committee of Experts on Terrorism (CODEXTER). *Profiles on Counter-Terrorist Capacity: Netherlands* (Brussels: Council of Europe, November 2008): 3.

¹⁹⁸ *Ibid.*

B. EU Counter-Terrorism Policy

In terms of policy responses to the rising phenomenon, the EU has taken an overarching role in driving and supporting CT related policy change, while leaving space for MSs to develop national action plans.¹⁹⁹ The EU Counter-Terrorism Strategy adopted in December 2005 is the first comprehensive EU strategy that focused on the countering rather than the combatting of terrorism.²⁰⁰ The Strategy commits “[...] to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice.”²⁰¹ The Strategy revolves around four main pillars: prevent, protect, pursue, and respond (PPPR). These four pillars are described in the diagram below (**Figure 1**).

¹⁹⁹ European Council and Council of the European Union. *Response to foreign terrorist fighters and recent terrorist attacks in Europe* (2015).

²⁰⁰ Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005); and Policy Department for Citizens’ Rights and Constitutional Affairs. *The European Union’s Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness* (Brussels: Directorate General for Internal Policies, January 2017): 45.

²⁰¹ Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005): 6.

Figure 1 – Four Pillars of the EU Counter-Terrorism Strategy²⁰²

The EU's Counter-Terrorism Strategy covers four strands of work, fitting under its strategic commitment:



The above pillars set out and delimit the agenda of the EU and its MSs, the third pillar prioritizes the pursuance through the investigation and prosecution of FTFs. This falls in line with UN Security Council Resolution 2178, which requires the criminalisation of actions connected to FTFs and terrorism.²⁰³ EU MSs have subsequently updated or are in the process of updating their legal frameworks in order to fall in line with increased prosecutorial standards and investigation of FTFs before departure or upon their return.²⁰⁴ ‘Prevent’ concerns how policies can better adapt to anticipating and thwarting individuals from “[...] from turning to terrorism and to stop the next generation of terrorists from emerging.”²⁰⁵ Through this pillar, the EU attempts to support MSs in countering the radicalization cycle of VE through addressing

²⁰² Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005): 3.

²⁰³ United Nations Security Council. *Security Council resolution 2178 [on threats to international peace and security caused by foreign terrorist fighters]*, S/RES/2178 (24 September 2014).

²⁰⁴ Council of the European Union. *Factsheet: The Challenge of foreign fighters and the EU's response* (9 October 2014): 2.

²⁰⁵ *Ibid.*, 7.

possible root causes of terrorism, as well as averting terrorist recruitment.²⁰⁶ ‘Protect’ aims at strengthening “[...] the defences of key targets, by reducing their vulnerabilities to attack, and also by reducing the resulting impact of an attack.”²⁰⁷ This pillar attempts to protect EU assets (citizens and infrastructure) from potential terrorist attacks through security provisions and improvement.²⁰⁸ ‘Pursue’ aims at impeding “[...] terrorists’ planning, disrupt their networks and the activities of recruiters to terrorism, cut off terrorists’ funding and access to attack materials, and bring them to justice, while continuing to respect human rights and international law.”²⁰⁹ This is achieved through enhancing national capabilities to combat terrorism, and ensuring the implementation of current legislation regarding CT.²¹⁰ Finally, ‘Respond’ aims at improving the ability “to deal with attacks when they occur, recognising that attacks can have effects across borders.”²¹¹ Furthermore, this pillar addresses the need to assist victims, and increase the effectiveness of the crisis responses to terrorist attacks.²¹²

The Strategy defines the EU’s role as supportive, meaning that MSs are the primary actors and those responsible for CT. The diagram below (**Figure 2**) illustrates the varying role of the EU with regards to CT efforts and policy.

²⁰⁶ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 12.

²⁰⁷ Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005): 10.

²⁰⁸ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 12.

²⁰⁹ Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005): 11.

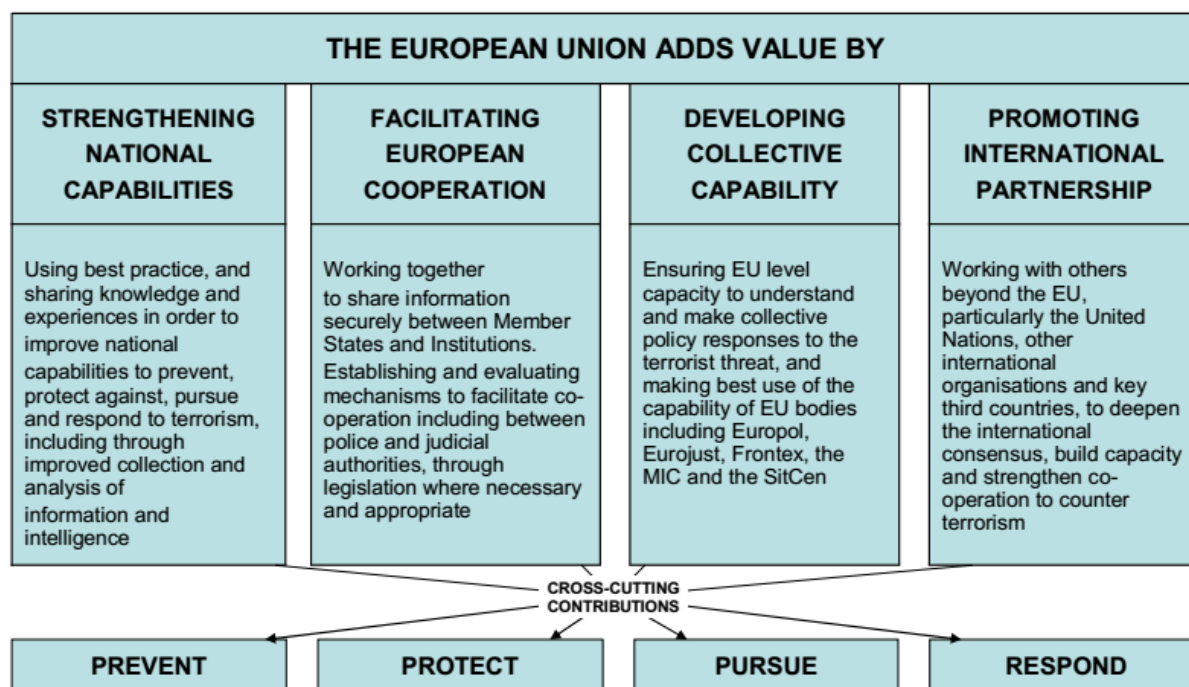
²¹⁰ *Ibid.*, 14.

²¹¹ *Ibid.*, 15.

²¹² Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 12.

Figure 2 – European Union Role in Combatting and Counteracting Terrorism²¹³

Member States have the primary responsibility for combating terrorism, and the EU can add value in four main ways:



A comprehensive assessment of the EU Counter-Terrorism Strategy, among other EU Security Policy, was undertaken in mid-2017.²¹⁴ This recent assessment has shown that the Strategy remains valid overall, with several developments having been implemented in the meantime. The recent adoption of EU Directive 2017/541, has brought up to date the EU's definition of terrorism and terrorist-related offences.²¹⁵ This Directive “[...] aims to prevent terrorist attacks by criminalising acts such as undertaking training or travelling for terrorist purposes, as well as organising or facilitating such travel.”²¹⁶ Overall, the result of the assessment of the EU Counter-Terrorism Strategy, and its subsequent Directive, demonstrates that the EU would benefit from increased and regular monitoring of MSs application of the

²¹³ Council of the European Union. *The European Union Counter-Terrorism Strategy* (Brussels: Council of the European Union, 2005): 4.

²¹⁴ European Commission. *Comprehensive Assessment of EU Security Policy*, Commission Staff Working Document (Brussels: European Commission, July 2017).

²¹⁵ Council of the European Union and European Parliament. *Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA* (Brussels: Council of the EU, March 2017).

²¹⁶ European Commission. *Comprehensive Assessment of EU Security Policy*, Commission Staff Working Document (Brussels: European Commission, July 2017): 13.

frameworks.²¹⁷ Furthermore, future efforts “[...] will focus on consolidating the progress made in the field of information sharing and operational support,” as well as increased cooperation with key third parties, will attempt to ensure the sustained protection of MSs.²¹⁸

The EU has, furthermore, implemented the EU Strategy for Combating Radicalisation and Recruitment to Terrorism of 2005.²¹⁹ This Strategy provides an outline as to how both the EU and its MSs should address and combat the phenomenon.²²⁰ The European Commission identifies three main goals within its Strategy to respond to the challenge of radicalisation and recruitment:

- “**D**isrupt the activities of the networks and individuals who draw people into terrorism;
- Ensure that voices of mainstream opinion prevail over those of extremism;
- Promote yet more vigorously security, justice, democracy and opportunity for all.”²²¹

The first goal of this Strategy pertains to disrupting engagement with terrorist networks and limiting the activities (both online and offline) of those playing a role in recruitment and the spread of extremist propaganda. The Strategy recognises the role of the internet in facilitating the ease of radicalization and recruitment, insisting on the necessity for putting in place a “[...] legal framework to prevent individuals from inciting and legitimising violence.”²²² The second goal aims at specifically countering extremist propaganda, by countering claims that “[...] give individuals both an explanation for grievances and an outlet for their anger.”²²³ This would be achieved through increased cooperation with Muslim communities in order to harness and empower moderate Islamic voices, as well as enhancing the perception of EU policy among

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Council of the European Union. *The European Union Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, November 2005).

²²⁰ Bakker, E. “EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?” In *Intelligence and National Security*, Vol. 30, Iss. 2-3 (2015).

²²¹ Council of the European Union. *The European Union Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, November 2005): 3.

²²² Ibid.

²²³ Bakker, E. “EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?” In *Intelligence and National Security*, Vol. 30, Iss. 2-3 (2015): 292.

Muslim communities.²²⁴ The third goal aims at addressing the “[...] range of conditions in society which may create an environment in which people can more easily be radicalised.”²²⁵ These conditions include: “[...] poor or autocratic governance; states moving from autocratic control via inadequate reform to partial democracy; rapid but unmanaged modernisation; and lack of political and economic prospects, unresolved international and domestic strife; and inadequate education or cultural opportunities for young people.”²²⁶ It is noted that these conditions may be particularly present within immigrant and marginalised communities. In order to address these issues, the Strategy suggests to eliminate these aforementioned factors by increase inter-cultural dialogue and understanding, debate and long-term integration.²²⁷ Finally, the overall strategy focuses on increasing the understanding of radicalization across the EU, including “[...] listening to Muslims, and others, comparing national situations and establishing a European picture.”²²⁸ Essentially, it is necessary to create dialogue and common understanding through increased cooperation with MSs and non-governmental groups in both countering extremist rhetoric and translating the understanding of radicalization into a strategy with the continued support of the EU Commission.²²⁹ In May 2014 and then in June 2017, the Council of the EU revised the EU Strategy for Combating Radicalisation and Recruitment to Terrorism.²³⁰ The 2014 revised Strategy expanded the scope of the goals due to the ongoing change in nature of the threat of terrorism and radicalization.²³¹ This 2014 revision significantly expanded the goals and responses to radicalisation and terrorist recruitment, the Council resolved to:

²²⁴ Ibid.; and Council of the European Union. *The European Union Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, November 2005): 4.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Bakker, E. “EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?” In *Intelligence and National Security*, Vol. 30, Iss. 2-3 (2015): 293.

²²⁸ Council of the European Union. *The European Union Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, November 2005): 5.

²²⁹ Bakker, E. “EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?” In *Intelligence and National Security*, Vol. 30, Iss. 2-3 (2015): 293.

²³⁰ Council of the European Union. *Revised EU Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, May 2014); and Council of the European Union. *Revised Guidelines for the EU Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, July 2017).

²³¹ Council of the European Union. *Revised EU Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, May 2014).

- “Promote security, justice, and equal opportunities for all;
- Ensure that voices of mainstream opinion prevail over those of extremism;
- Enhance government communications;
- Support messages countering terrorism;
- Counter online radicalisation and recruitment to terrorism;
- Train, build capacity and engage first line practitioners across relevant sectors;
- Support individuals and civil society to build resilience;
- Support disengagement initiatives;
- Support further research into the trends and challenges of radicalisation and recruitment to terrorism;
- Align internal and external counter-radicalisation work.”²³²

This expansion of the Strategy was deemed necessary due to a substantial increase in our understanding of both radicalization and terrorist recruitment.²³³ Specifically, the Strategy acknowledged the “[...] mobilisation and communication potential of the Internet and social media” as tools of both recruitment and radicalization.²³⁴ It, furthermore, reinforced the overarching and umbrella role of the EU in responding and combating the threat, stating that “EU efforts may nevertheless add value to national and local efforts and provide an important framework for cooperation on appropriate responses to be prompted across the EU and to share good practices on the ways to effectively respond to radicalisation at both local, national, European and international level.”²³⁵ More importantly, the Strategy affirmed the necessity and requirement to take a balance approach to CT, “[...] between security-related measures and efforts to tackle those factors that may create an environment conducive to radicalisation and recruitment to terrorism.”²³⁶

As mentioned above, the Strategy was reassessed and revised yet again in 2017.²³⁷ The revised Strategy built upon the 2014 revision, further stressing the importance of addressing the issue of radicalization, VE, and recruitment at a European level. Increasing cross EU

²³² Ibid., 5.

²³³ Ibid., 3.

²³⁴ Ibid., 4.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Council of the European Union. *Revised Guidelines for the EU Strategy for Combating Radicalization and Recruitment to Terrorism* (Brussels: Council of the European Union, July 2017).

cooperation, in terms of data collection and cross-agency assistance, as well as increasing Europol's ability to establish internet referral capabilities.²³⁸ Moreover, the revised Strategy significantly develops the EU and MSs focus on root causes of radicalisation, developing "[...] initiatives regarding education, vocational training, job opportunities, social integration and rehabilitation in the judicial context to address factors contributing to radicalisation, including in prisons."²³⁹ The 2017 revision, finally, presented the main progress of the 2014 Guidelines such as the establishment of the Radicalisation Awareness Network (RAN), and certain initiatives in the judicial process (for example prison de-radicalisation, and justice responses to VE).²⁴⁰

C. Applying CT Framework to FTFs:

The next section will discuss some of the results, outcomes, pitfalls and critiques of current EU and Dutch approaches to CT and the application of this framework. Above all, the overarching EU response and perception of the threat posed by IS FTFs will be analysed and applied to the discussed phenomenon. The work of Boutin et al. provides a comprehensive charting of EU and MS CT responses, the report is aimed at mapping the phenomenon and facts surrounding FTFs, as well as the policy responses and threat assessment both at the EU and MS level.²⁴¹

At an EU level progress continues to be made with regards to the application of specific policy and commitments, guided by the overarching priorities of the EU and its MSs.²⁴² First of all, the EU has committed to strengthening prevention initiatives, primarily through online interventions and public-private partnerships in order to cooperate in the online domain.²⁴³ In this respect, the EU is responding adequately through so-called 'soft-measures' in the preventative space, in order to effectively curb radicalization. These measures explore ways to develop counternarratives, flag online radical and illegal content, as well counter IS outreach,

²³⁸ Ibid., 2.

²³⁹ Ibid.

²⁴⁰ Ibid., 30-31.

²⁴¹ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 3.

²⁴² European Parliament. *European Council Conclusions: A Rolling Check-List of Commitments to Date* (Brussels: European Union, March 2017).

²⁴³ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 18; and European Commission. *Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response* (Brussels: European Union, January 2014).

recruitment and propaganda.²⁴⁴ Above all, as touched upon above, the establishment of the RAN has created a platform that assists in the exchange of front-line experiences and expertise in the realm of CT and CVE.²⁴⁵ This platform is a concrete and practical step-forward in further understanding and innovating the EU response to FTFs.²⁴⁶ Furthermore, the establishment of the RAN – Centre of Excellence has complemented this initiative by “[...] act[ing] as an EU knowledge hub to consolidate expertise and foster the dissemination and exchange of experiences and cooperation on anti-radicalisation.”²⁴⁷ With regards to IS online presence and radicalisation attempts, the European Commission financed the Syria Strategic Communications Advisory Team (SSCAT), whose role is to support MSs in developing counter-narrative to IS propaganda.²⁴⁸ Secondly, increased EU cooperation has enabled information sharing on an unprecedented level among MSs, as well as with third party countries in the Middle-East, and Euro-Mediterranean Partnership countries.²⁴⁹ Thirdly, the EU and MSs have aimed to disrupt the suspicious travel of individuals through increased exchange of information via the Schengen Information System II, as well specific MS policy regarding travel bans and travel document removal.²⁵⁰ Fourthly, the EU has prioritised the investigation and prosecution of FTFs, such as the updating of the aforementioned policies and frameworks, such as the EU Framework Decision (FD) 2002/475/JHA.²⁵¹ MSs have undergone criminal justice reforms in order to increase the investigation and criminal prosecution of FTFs in accordance with both EU principles and the principles set-out in the UN SC Resolution 2178.²⁵² As Boutin et al. states, “[...] although perhaps initially slow in responding to the FF

²⁴⁴ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 18.

²⁴⁵ Ibid., 18-19.

²⁴⁶ See: Radicalisation Awareness Network. *The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration* (2013).

²⁴⁷ European Commission. *The European Agenda on Security* (Strasbourg: European Union, April 2015).

²⁴⁸ De Kerchove, G. and C. Höhn. “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU.” In *Foreign Fighters under International Law and Beyond*, eds. A. de Guttry, F. Capone and C. Paulussen (The Hague: Asser Press/Springer Verlag, 2016): 330.

²⁴⁹ Council of the EU Factsheet. *The Challenge of Foreign Fighters and the EU’s Response* (9 October 2014): 3.

²⁵⁰ European Commission. *Press Release: Schengen Information System (SIS II) goes live* (Brussels: European Union, 9 April 2013).

²⁵¹ De Kerchove, G. and C. Höhn. “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU.” In *Foreign Fighters under International Law and Beyond*, eds. A. de Guttry, F. Capone and C. Paulussen (The Hague: Asser Press/Springer Verlag, 2016).

²⁵² Ibid.; and Council of the EU Factsheet. *The Challenge of Foreign Fighters and the EU’s Response* (9 October 2014): 2.

phenomenon, the EU has achieved many concrete steps that have improved MS' ability to collectively approach" the threat potentially posed by FTFs.²⁵³

Bakker's analysis of EU CT policy shows that while the EU has a prominent presence at the level in which it shapes and constrains people's environment, it does not, on the other hand, play such an important role at the social level.²⁵⁴ "The individual level is not the level where the EU feels it can or must play a role, partly in light of individual human rights, in particular the right to privacy."²⁵⁵ Thus, so far, less importance is placed upon increasing understanding of causal factors, catalyst trigger events and psychological characteristics that lead to radicalisation. Rather, the EU has focused on countering radicalisation, specifically Islamic radicalization.²⁵⁶ Furthermore, "[...] there is relative little attention for the process of de-radicalization."²⁵⁷ Finally, while EU focus and development of CT strategies have been consistent and comprehensive, implementation by MSs has lagged behind and "has been at best uneven."²⁵⁸ This implementation is "[...] partly hampered by the lack of instruments at the EU level, a lack of political will of Member States and numerous practical and legal barriers."²⁵⁹ For Bakker, the way forward consists of increasing our knowledge of the processes underlying radicalization, as well as assessing the direct and indirect consequences of current CT approaches.²⁶⁰ The pitfalls of EU policy are thus ones relating to acknowledging the complexity and multi-faceted nature of terrorism, radicalisation and VE, as well as incorporating these complexities into CT policy and strategies. I argue, that the proposed alternative HT framework incorporates the complexities that are thus far overlooked by CT policy. However, we first need to assess the application of Dutch CT policy to returning IS FTFs.

²⁵³ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 22.

²⁵⁴ Bakker, E. "EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?" In *Intelligence and National Security*, Vol. 30, Iss. 2-3 (2015): 303.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid., 304.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

Every MS has developed its own national approach to CT, FTFs, and CVE.²⁶¹ The Netherlands is no exception, as discussed above the Dutch National Counterterrorism Strategy for 2016-2020 sets out the strategic framework for CT policy over a five-year period.²⁶² When evaluating the strategy little, to no, focus is paid with regards to potential restorative measures of justice. Nevertheless, the strategy does suggest “Preparing for the social reintegration of former suspects and offenders who have served their sentences by having them participate in deradicalization programmes, for instance as a special condition of their release.”²⁶³ This suggests a potential gap within the current Dutch National Counterterrorism Strategy that may be redressed by the recommendations posited by this thesis. Furthermore, the Strategy evaluated the 2011-2015 Strategy and found that:

- “1. The strategy’s broad outlook can unintentionally create the conditions for *selective attention*.
2. Social partners and security partners tend to *drift apart*, particularly at times when the threat is deemed a less urgent priority.
3. When the threat is less evident, the national partners’ *capabilities* fluctuate strongly.
4. The *integrated local approach* is a potentially powerful tool, but the capabilities of local partners are also prone to fluctuate.
5. The parties value the *coordinating role played by the NCTV*, but the need for the NCTV to mediate and sometimes choose between political and implementation interests is a recurring issue.”²⁶⁴

Thus, the evaluation highlighted the fact that intervention capabilities both fluctuated in terms of focus, as well as efficiency. Moreover, the broad approach of the Strategy has proven counter-productive in terms of its efficacy in transforming theory into practices due to its broad approach to CT, creating conditions for selective attention on the ground.²⁶⁵ The 2016-2020 Strategy, however, mainly focuses on the gathering of intelligence and information, rather than dealing with the phenomenon of FTFs distinctively. That being said particular focus is

²⁶¹ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016).

²⁶² National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016).

²⁶³ National Coordinator for Security and Counterterrorism. *National Counterterrorism Strategy for 2016-2020* (2016).

²⁶⁴ *Ibid.*, 21.

²⁶⁵ *Ibid.*

placed on preventing recruitment and prosecuting FTFs.²⁶⁶ Much like at the EU level, the Dutch approach fails to address root causes of radicalisation and violent extremism, and rather attempts to deal with the consequences of radicalisation through preventing online recruitment and intervening in radicalisation processes at an early stage.²⁶⁷ In other words, the Dutch approach also fails to acknowledge the complexity and multifaceted dimensions of the FTF phenomenon. I argue that applying an alternative HT framework the FTF phenomenon allows both the acknowledgment of underlying societal factors that need addressing and freeing up space by departing from the securitized space the topic now finds itself in. The next chapter will delve into explaining and understanding the process of HT and its relation to the phenomenon of FTFs.

²⁶⁶ Ibid., 13 and 20.

²⁶⁷ Ibid., 13.

Chapter 4: Human Trafficking Framework

A. Background: Human Trafficking as a Legal Framework

Human trafficking (HT) is an intricate multidimensional process that comprises not merely the exploitation, the transportation and abduction/recruitment of the victim, but also the means through which it is attained. The following criteria will be used to assess the applicability of a HT framework to this case study, each of these elements must be present for HT to transpire.

- “[...] 1. An action (recruitment, transportation, transfer, harbouring, or reception of persons);
2. Through means of (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim); and
3. Goals (for exploitation or the purpose of exploitation, which includes exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs)”²⁶⁸

Furthermore, it is deemed important to understand the concept of labour exploitation or forced labour within the context of this case study. This concept is more accurately defined, framed and specified within the International Labour Organizations’ (ILO) Forced Labour Convention of 1930 and the Abolition of Forced Labour Convention of 1957. The Forced Labour Convention defines forced labour under Article 2 as:

“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”²⁶⁹

However, exceptions to this definition exist and include, but are not limited to, compulsory military service and normal civic duties.²⁷⁰ The above concepts of forced labour and HT are closely linked and interwoven. Furthermore, these concepts are closely linked to processes of

²⁶⁸ Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Conn.: Praeger Publishers, 2009): 1.

²⁶⁹ International Labour Organization. *Forced Labour Convention, C29* (Geneva: International Labour Office, 28 June 1930): 2.

²⁷⁰ *Ibid.*

recruitment found within terrorism and terrorist organizations. Coercion and deception play major roles in all three of the elements described by Aronowitz. Victims of Trafficking (VOT) are often pressured through a multiplicity of means into work that they have not chosen freely and/or were deceived in the conditions that await them.²⁷¹

More extensive definitions of HT are available, including the UN Protocol to “Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (Palermo Protocol), the first universal instrument setup in order to address and redress HT as a process.²⁷² The definition is outlined under Article 3 of the convention:

“Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.²⁷³

Overall, the Palermo Protocol’s main purpose is to establish an internationally recognized and overarching framework that would help prevent HT and support VOT, and finally by encouraging states to address these issues.²⁷⁴

²⁷¹ Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Conn.: Praeger Publishers, 2009); and International Labour Organization. *Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement* (Geneva: International Labour Office, 2005).

²⁷² Brusca, Carol S. “Palermo Protocol: The First Ten Years after Adoption.” In *Global Security Studies*, Vol. 2, No. 3 (2011); and Shoaps, Laura L. “Room for Improvement: Palermo Protocol and the Trafficking Victims Protection Act.” In *Lewis & Clark Law Review*, Vol. 17, No. 3 (2013).

²⁷³ United Nations. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (Vienna, 2001): Article 3.

²⁷⁴ Ibid.

Figure 3 – Trafficking in Human Beings as a Process and Other Related Crimes²⁷⁵

Recruitment	Transportation and Entry	Exploitation	Criminal Proceeds
* <i>Fraudulent promises</i> * <i>Kidnapping</i> Document Forgery	* <i>Assault</i> * <i>False imprisonment</i> * <i>Rape</i> * <i>Forced Prostitution</i> Corruption of government officials Document forgery Abuse of immigration laws	* <i>Unlawful coercion</i> * <i>Threat</i> * <i>Extortion</i> * <i>Forced prostitution</i> * <i>False imprisonment</i> * <i>Theft of documents</i> * <i>Sexual assault</i> * <i>Aggravated assault</i> * <i>Rape</i> * <i>Manslaughter or murder</i> Corruption of government officials	Money laundering Tax evasion Corruption of government officials

The above table (**Figure 3**) depicts Trafficking in Human Beings (THB) as a process, from the recruitment phase to the criminal proceeds that result, as well as the variety of crimes that are committed throughout the process. In the next three sections below, the three specific elements of the HT process will be discussed; the acts, the means and the purpose. This depth of knowledge and understanding of HT is important in order to assess its viability in the realm of CT and returning FTFs.

1. Acts

As touched upon above, THB is viewed as a process rather than a single offense. It must therefore be comprised of an action by certain means for the purpose of exploitation. The acts or actions encompass a wide variety of activities such as recruitment, transportation, transfer and or harbouring and receipt of persons.²⁷⁶ The actions precede the exploitation phase of the process, as such the actions are deemed “[...] neutral actions, which become criminally relevant

²⁷⁵ Note: *Italics indicate offences perpetrated against individual victims. Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Conn.: Praeger Publishers, 2009).

²⁷⁶ Joint Council of Europe and United Nations. *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs* (Strasbourg: Council of Europe, 2009): 78.

if they are conducted with the intention of exploiting others.”²⁷⁷ First of all, recruitment is to be understood as “[...] any activity leading from the commitment or engagement of another individual to his or her exploitation.”²⁷⁸ This broad understanding of recruitment allows for the inclusion of both online recruitment activities and contact through third parties. Second of all, the act of transportation is merely to be understood as transporting an individual from one location to another, whether it be across state lines or confined within state border. Therefore, trafficking as is understood in this research does not have to be conducted on a transnational level, the act of transport alone comprises one of the criteria’s necessary to establish the presence of trafficking like practices. Third of all, the act of transfer “[...] includes any kind of handing over or transmission of a person to another person,” the scope of understanding extends to the sheer offer of transfer of a person rather than necessarily the transfer to take place.²⁷⁹ Finally, the harbouring of persons is understood as “[...] accommodating or housing persons in whatever way, whether during their journey to their final destination or at the place of exploitation.”²⁸⁰

The above understanding of the act of THB not only comprises the process, but also the end situation the individual finds themselves in. Thus, individuals complicit within any stage of the process from recruitment to harbouring may be held accountable for facilitating or participating in the process of HT.

2. Means

The means criterium of THB includes threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.²⁸¹ In essence, for THB to take place, the above acts need to be performed by any of these means. The breadth of the means criterium of HT reifies the complexity and multidimensional aspect of the process. Not only does the means encompass harm within the physical realm (use of force) but also expands to include the psychological pressure that can be exerted upon an individual (threat of force, coercion and deception).²⁸² The concept of coercion

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

²⁸¹ Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Conn.: Praeger Publishers, 2009): 1.

²⁸² Joint Council of Europe and United Nations. *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs* (Strasbourg: Council of Europe, 2009): 78.

merits further investigation, according to the United Nations Office of Drugs and Crime (UNODC) Model Law against Trafficking in Persons:

“Coercion” shall mean use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to: (i) Threats of harm or physical restraint of any person; (ii) Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; (iii) Abuse or any threat linked to the legal status of a person; (iv) Psychological pressure.”²⁸³

This understanding of coercion will be fundamental in understanding the link between the recruitment of FTFs and THB.

Finally, the means of Abuse of a Position Of Vulnerability (APOV) is generally accepted as an integral part of the process of THB.²⁸⁴ Vulnerability, thus, refers to “[...] those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked.”²⁸⁵ Vulnerability factors have been listed as followed by the UNODC; age, illness, gender, sexuality, religious and cultural beliefs, lack of social network and poverty.²⁸⁶ Isolation, dependency and legal status are factors which similarly increase an individual’s position of vulnerability.²⁸⁷

3. Purpose

The final element of THB to be discussed is that of purpose. This element of the process “[...] stipulates that the perpetrator’s intention was the exploitation of an individual.”²⁸⁸ In essence, this element only envelops the aim to exploit, not that the act necessarily has to take place. Thus, for THB to take place the trafficker merely needs to have the purpose of exploitation.²⁸⁹

²⁸³ United Nations Office of Drugs and Crime. *Model Law Against Trafficking in Persons* (Vienna: United Nations, 2009): 11.

²⁸⁴ United Nations Office of Drugs and Crime. *Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons*, Issue Paper (New York: United Nations, 2003): 2-3.

²⁸⁵ *Ibid.*, 13.

²⁸⁶ *Ibid.*, 71.

²⁸⁷ *Ibid.*

²⁸⁸ Joint Council of Europe and United Nations. *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs* (Strasbourg: Council of Europe, 2009): 79.

²⁸⁹ United Nations Office of Drugs and Crime. *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocol thereto* (Vienna: United Nations, 2004): 268-269.

Exploitation is, thus, defined as “[...] generally associated with particularly harsh and abusive conditions of work, or ‘conditions of work inconsistent with human dignity’”.²⁹⁰ Multiple forms of exploitation have been included within the realm of HT and relevant to this research; sexual exploitation,²⁹¹ labour exploitation,²⁹² slavery²⁹³ and slavery-like practices (*see definitions of each concept in the footnotes*).²⁹⁴ Furthermore, it is of fundamental importance to understand the degree of consent within the realm of HT. Article 3(b) of the Palermo Protocol indicates that: “The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.”²⁹⁵ In other words, when the means described above are employed, the degree of consent of an individual becomes irrelevant.²⁹⁶ While further debate and discussion exists on the role of consent within the assessment of HT practices and the prosecution of the crime, this discussion falls beyond the scope of this research.

B. Dutch Human Trafficking Policy

Human Trafficking ranks high on the Dutch political agenda.²⁹⁷ The Netherlands retains a Tier one classification with regards to its efforts to combat and prevent HT, this Tier one status expresses a countries full compliance with the Trafficking Victims Protection Act (TVPA)

²⁹⁰ United Nations Office of Drugs and Crime. *Model Law Against Trafficking in Persons* (Vienna: United Nations, 2009): 28.

²⁹¹ “The obtaining of financial or other benefits through the involvement of another person in prostitution sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials.” United Nations Office of Drugs and Crime. *Model Law Against Trafficking in Persons* (Vienna: United Nations, 2009): 19.

²⁹² “All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” International Labour Organization. *Forced Labour Convention, C29* (Geneva: International Labour Office, 28 June 1930): 2.

²⁹³ “Status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” League of Nations. *Convention to Suppress the Slave Trade and Slavery* (Geneva, 25 September 1926): Article 1.

²⁹⁴ Similar practices to slavery include, but are not limited to, debt bondage, serfdom, servile forms of marriage and selling or giving away a child for exploitation. *See* United Nations Economic and Social Council. *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (Geneva: United Nations, 7 September 1956): Article 1.

²⁹⁵ United Nations. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (Vienna, 2001): Article 3(b).

²⁹⁶ United Nations Office of Drugs and Crime. *The role of ‘consent’ in the trafficking in person protocol*, Issue Paper (Vienna: United Nations, 2014): 7.

²⁹⁷ Braspenning, C. “Human Trafficking in the Netherlands: The Protection of and Assistance to Victims in Light of Domestic and International Law and Policy.” In *Intercultural Human Rights Law Review*, Vol. 1 (2006): 329.

standards of 2000.²⁹⁸ The TVPA is a section of U.S. legislation which has set certain standards and expectations with regards to a country's adherence to align, in accordance with these standards, domestic legislation and protocols surrounding anti-trafficking policies.²⁹⁹ The Netherlands has continued to demonstrate sustained and serious efforts in prosecuting, preventing, and protecting persons related to HT. The government has systematically put in place programs to help and provide care for VOT, as well as supporting NGOs that focus on reintegration and rehabilitation of victims.³⁰⁰ Thus, the legislation and policies surrounding HT in the Netherlands are sound and firmly rooted within the justice and political system.

Dutch HT policy is enshrined under a single legislative provision, within which varying forms of conduct have been criminalised.³⁰¹ Article 273f of the Dutch Criminal Code (DCC) “[...] makes a distinction between the nature of different types of work and services and between adult and underage victims.”³⁰² This section of the DCC is largely based upon the international instruments that govern HT legislation, while it draws many of its definitions from such legislation as the Palermo Protocol, legislative history and interpretation under the Civil Law system remains relevant.³⁰³

Concerning its legislative history, Dutch HT policy dates back to as early as 1911 (article 250 of the DCC) referred to as the trafficking in women for the purposes of exploitation in prostitution provision. Dutch legislation pertaining to HT has been consistently and systematically reformed and updated in line with international developments. The basis of the current legislation regarding HT was formulated in 2005 with the entry into force of article 273a of the DCC (now article 273f of the DCC). This new legislation significantly expanded the understanding of HT from merely sexual exploitation to both labour exploitation and trafficking in organs, among other forms.³⁰⁴ Furthermore, it shifted the policy understanding of the act of HT from ‘Offences against Public Morals’ towards ‘Offences against Personal

²⁹⁸ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 296-298.

²⁹⁹ Shoaps, L. L. “Room for Improvement: Palermo Protocol and the Trafficking Victims Protection Act.” In *Lewis & Clark Law Review*, Vol. 17, No. 3 (2013).

³⁰⁰ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 296.

³⁰¹ National Rapporteur on Trafficking in Human Beings. *Trafficking in Human Beings. Case law on trafficking in human beings 2009-2012: An Analysis* (The Hague: Nationaal Rapporteur Mensenhandel, 2012).

³⁰² *Ibid.*, 19.

³⁰³ *Ibid.*

³⁰⁴ *Ibid.*, 20.

Liberty’, shifting towards an understanding of violations against personal liberties and human rights.³⁰⁵ Article 273f prescribes punishments of up to 12 years imprisonment, 15 years if the victim is a minor, and 18 years to life for aggravated forms of human trafficking.³⁰⁶ Figures for 2016 show that the Dutch government prosecuted 174 trafficking defendants, convicting 103 of them.³⁰⁷ In 2015, the last year where data was fully available, sentences for traffickers on average was 18.3 months. While the average sentencing for traffickers has dropped in the past years, this drop falls in line with the overall trend of sentencing in the Netherlands.³⁰⁸ While it is theoretically possible to prosecute domestic IS recruiters under Article 273f of the DCC for crimes of trafficking, sentencing of these crimes would be significantly laxer compared to prosecution for crimes of terrorism.³⁰⁹

With regards to the position of victims within the criminal process, considerable effort has been made to improve their status.³¹⁰ In the first six months of 2016, 486 possible trafficking victims, of which 304 were victims of sex trafficking, 124 of labour trafficking and forced crimes, and 69 of uncategorized trafficking.³¹¹ Re-victimization or ‘secondary victimization’ is a real risk and a complex issue when dealing with VOT.³¹² While the DCC primarily focuses on the position of victims during the course of criminal proceedings, the judiciary also devotes increased attention to such issues as pre-trial detention and non-punishment. The so-called non-punishment principle enshrined within the EU Directive, touched upon previously in this research, provides that “Member States [...] are [...] not to prosecute or impose penalties on victims of THB for their involvement in criminal activities which they have been compelled to

³⁰⁵ National Rapporteur on Trafficking in Human Beings. *Fifth Report of the National Rapporteur* (The Hague: Nationaal Rapporteur Mensenhandel, 2007): 211.

³⁰⁶ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 296.

³⁰⁷ *Ibid.*, 297.

³⁰⁸ *Ibid.*

³⁰⁹ See [Chapter 5](#).

³¹⁰ National Rapporteur on Trafficking in Human Beings. *Fifth Report of the National Rapporteur* (The Hague: Nationaal Rapporteur Mensenhandel, 2007): 131.

³¹¹ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 297.

³¹² See Van der Berg, S. *Mensenhandel en secundaire victimisatie - een beschrijvende studie naar secundaire victimisatie van slachtoffers van seksuele uitbuiting tijdens het verhoor bij de rechter-commissaris* (Amsterdam: Vrije Universiteit, 2012); Wijers, M. and M. de Boer. *Een keer is genoeg: verkennend onderzoek naar secundaire victimisatie van slachtoffers als getuigen in het strafproces* (Utrecht: Marjan Wijers Research & Consultancy, 2010); and Winkel, F.W. et al. “Hulp aan slachtoffers van misdrijven: Verwerkingsproblemen en herhaald slachtofferschap.” In *Reizen met mijn Rechter* (Deventer: Kluwer, 2010).

commit.”³¹³ In the context of Dutch policy framework, Article 9a of the DCC (a guilty verdict without punishment) and Article 167 of the Code of Criminal Procedure (principle of prosecutorial discretion) are relevant.

The Netherlands has setup a comprehensive system for victim assistance and support. The Coordination Centre for Human Trafficking (CoMensha) is the first point of contact for assisting and registering possible VOT. CoMensha is a government funded NGO that operates in close collaboration with police and other national authorities. In addition to CoMensha, the Dutch government has developed a national referral mechanism for VOT, which is designed to improve ease of access to support and assistance mechanisms for victims. This referral mechanism also provides professionals and NGOs that support and assist victims with an online guide to the rights and legislations pertaining to VOT.³¹⁴ The Dutch government has also opened a number of shelters since 2008 aimed at specifically assisting both male and female VOT.³¹⁵ “All shelters provided medical and psychological care, schooling, language and skills training, and legal assistance; some also provided self-defence classes and most had facilities accessible to disabled individuals.”³¹⁶ Finally, the Netherlands focuses a lot of resources on prevention, including regular projects and awareness-raising campaigns. Specifically, regular broad-spectrum training campaigns for military personnel, labour inspectors, and police officers aimed at both preventing and recognizing VOT.³¹⁷

In expanding its efforts to prevent trafficking, the Netherlands’ Human Trafficking Task Force (here on referred to as Task Force) continued to implement its national anti-trafficking action plan. The Task Force is comprised of both local and national government authorities, the private sector, NGO representatives, and representatives of trafficking shelters.³¹⁸ This Task Force carries out the government’s comprehensive approach to human trafficking, by

³¹³ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims* (5 April 2011): Article 8.

³¹⁴ See: Wegwijzer Mensenhandel at <https://www.wegwijzermensenhandel.nl/> (Accessed 16 May 2018).

³¹⁵ European Commission. “Netherlands – 3. Implementation of Anti-Trafficking Policy.” European Commission https://ec.europa.eu/anti-trafficking/member-states/netherlands-3-implementation-anti-trafficking-policy_en (accessed 16 May 2018).

³¹⁶ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 297.

³¹⁷ Government of the Netherlands. “Combating Human Trafficking.” Government of the Netherlands <https://www.government.nl/topics/human-trafficking/combating-human-trafficking> (Accessed 16 May 2018).

³¹⁸ United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017): 298.

implementing prevention measures and identifying victims.³¹⁹ The budget allocated for the Task Force has increased by €3 million since 2017, showing a further a further commitment to addressing the issue of HT in the Netherlands.³²⁰

C. EU Human Trafficking Policy

On a regional level the EU has played a leading role in issuing binding measures with regards to HT regulations and legislations.³²¹ The EU works within the framework of both the Palermo Protocol and Council of Europe Convention on Action Against Trafficking in Human Beings of 2005.³²² In addition to the aforementioned Convention, the 2002 Council Framework Decision and the 2011 Council Directive are the two most important EU policy frameworks on HT.³²³ The Council Framework Decision takes a criminal and punitive approach to HT, establishing minimum MS requirements to adopt legislation in line with European standards.³²⁴ Under this framework, the EU requires States to criminalise and punish offences listed under the Palermo Protocol, ultimately establishing jurisdiction over HT offences.³²⁵ It, furthermore, stipulates certain standards for VOT, such as their protection and assistance.³²⁶

The 2005 Council of Europe Convention on Action Against Trafficking in Human Beings is widely regarded as the most comprehensive European anti-trafficking instrument. The Convention covers provisions ranging from assistance, protection and support of VOT, to

³¹⁹ Government of the Netherlands. “Combating Human Trafficking.” Government of the Netherlands <https://www.government.nl/topics/human-trafficking/combating-human-trafficking> (Accessed 16 May 2018).

³²⁰ Ibid.

³²¹ Yuko, E.I. “Theories, Practices and Promises: Human Trafficking Laws in Policies and Policies in Destination States of the Council of Europe.” In *Dublin City University Dissertations and Thesis* (2009): 84.

³²² Council of Europe. *Council of Europe Convention on Action Against Trafficking in Human Beings* (Warsaw: CETS 197, 2005).

³²³ Council of the European Union. *Council Framework Decision 2002/584 on the European Arrest Warrant and the Surrender Procedures between Member States* (13 June 2002); and Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (15 April 2011).

³²⁴ Council of the European Union. *Council Framework Decision 2002/584 on the European Arrest Warrant and the Surrender Procedures between Member States* (13 June 2002): Preamble; and Yuko, E.I. “Theories, Practices and Promises: Human Trafficking Laws in Policies and Policies in Destination States of the Council of Europe.” In *Dublin City University Dissertations and Thesis* (2009): 85.

³²⁵ Council of the European Union. *Council Framework Decision 2002/584 on the European Arrest Warrant and the Surrender Procedures between Member States* (13 June 2002): Articles 3, 4, 5 and 6.

³²⁶ Ibid., Article 7.

stipulating obligations of MSs with regards to prosecution and prevention of THB.³²⁷ As is the case with all Council of Europe laws and Conventions, MSs need to integrate the Convention into domestic law.³²⁸ The European Convention on Human Rights (ECHR), as well as recent jurisprudence of the European Court of Human Rights, acknowledge under Article 4 THB and slavery or servitude are “[...] to be considered on par with the most central human rights, including the right to life and the prohibition on torture and inhuman and degrading treatment.”³²⁹ This inclusion within the ECHR requires new MSs to implement clauses on THB within their domestic legislation as part of their admission to the Council, older Council members on the other hand have implemented the ECHR over time.³³⁰ To date almost all members of the Council of Europe have signed and ratified the Convention, with the exception of the Russian Federation.³³¹

The 2011 Council Directive 2011/36/EU is recognized to be a fundamentally important piece of EU legislation with regards to THB, it adopts a holistic understanding of the process and implements a strong gender focus.³³² This legislation replaced the pre-existent Framework Decision 2002/629/JHA, which was seen as particularly weak with regards to victims assistance and protection.³³³ Previous EU legislation was seen as insufficient in creating comprehensive EU level policy, falling short in the following areas: “effectiveness of law enforcement

³²⁷ Council of Europe. *Council of Europe Convention on Action Against Trafficking in Human Beings* (Warsaw: CETS 197, 2005): Articles 5-9, and 18-31; and Chaudary, S. “Trafficking in Europe: An Analysis of the Effectiveness of European Law.” In *Michigan Journal of International Law*, Vol. 33, No. 1 (2011): 83.

³²⁸ Benoit-Rohmer, F. and H. Klebes. *Council of Europe Law: Towards a pan-European legal area* (Council of Europe Publishing, 2005): 125; and Chaudary, S. “Trafficking in Europe: An Analysis of the Effectiveness of European Law.” In *Michigan Journal of International Law*, Vol. 33, No. 1 (2011): 83.

³²⁹ Council of Europe. *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14* (Council of Europe, 4 November 1950): 2-3; Chaudary, S. “Trafficking in Europe: An Analysis of the Effectiveness of European Law.” In *Michigan Journal of International Law*, Vol. 33, No. 1 (2011): 84; and European Court of Human Rights. *Rantsev v. Cyprus and Russia*, Application No. 25965/04 (Council of Europe, 7 January 2010).

³³⁰ Benoit-Rohmer, F. and H. Klebes. *Council of Europe Law: Towards a pan-European legal area* (Council of Europe Publishing, 2005).

³³¹ For the full list of States that have signed and/or ratified the convention, as well as the current status of ratification see: Council of Europe. “Chart of signatures and ratifications of Treaty 197.” Council of Europe: Treaty Office. https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=C8VCXTSf (accessed 16 May 2018).

³³² Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 6.

³³³ Council of European Union. *Council Framework Decision 2002/629 on Combatting Trafficking in Human Beings* (19 July 2002); and Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 10.

activities aimed at detecting and prosecuting trafficking; victims protection and assistance; monitoring of trafficking trends and anti-trafficking policy.”³³⁴ Furthermore both the Palermo Protocol and Council of Europe Convention allowed for reservations in crucial areas of policy and legislation.³³⁵ Thus far, Directive 2011/36/EU has been transposed by the majority of EU MSs within their national law, to the exception of Denmark who opted out.³³⁶ Thus, the Directive is firmly rooted in both European and national MS legislations, however it needs to be further applied in practice.³³⁷

The above Directive, reinforced the mandate of the EU Anti-Trafficking Coordinator (EU ATC).³³⁸ The EU ATC was established through the Stockholm Programme and adopted by the Council in December 2009.³³⁹ According to the Directive, the EU ATC’s mandate consists of “[...] improving coordination and coherence, avoiding duplication of effort, between Union institutions and agencies as well as between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against trafficking in human beings or reporting to the Union institutions.”³⁴⁰ The Directive also required MSs to establish national rapporteurs, essentially creating an informal network of National Rapporteurs who reported back to the EU ATC.³⁴¹ However, the level of implementation, structure and status of National Rapporteurs or equivalent mechanisms differs

³³⁴ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 11.

³³⁵ Ibid.

³³⁶ EUR-Lex. “National transposition measures communicated by the Member States concerning: Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.” EUR-Lex <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32011L0036&qid=1436474167643> (Accessed 16 May 2018).

³³⁷ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 13.

³³⁸ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (15 April 2011): Article 19 and 20.

³³⁹ Council of the European Union. *The Stockholm Programme – An Open and Secure Europe Serving and Protecting the Citizens* (2 December 2009).

³⁴⁰ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (15 April 2011): Recital 29.

³⁴¹ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 13.

across MSs.³⁴² While, as previously mentioned, the Netherlands has implemented an independent coordinator and rapporteur, other MSs have merely designated a contact person or pre-existent non-independent ministry as their rapporteur on THB.³⁴³

Regarding the identification of VOT, the Directive covers early identification of victims (Article 10), the training of relevant officials that are likely to be in contact with potential victims (Article 18), as well as the establishment of a national rapporteur mechanism charged of data collection (Article 19).³⁴⁴ Challenges persist with the early identification of VOT, this is not necessarily due to a lack of policy implementation, but rather due to the essence of THB. Not only is there a difficulty in identifying victims, but victims also face challenges when recognizing themselves as VOT.³⁴⁵ The challenges relating to the identification of victims gives THB the impression of being a marginal phenomenon, requiring less political urgency.³⁴⁶ Increased political willpower is required at both a national and EU level to ensure and standardise cross-border effort to formalise the indicators of THB, as well as training for government authorities that are in contact with potential VOT.³⁴⁷ With regards to the assistance and support offered to victims, it is often the case that VOT are not treated nor recognized as victims. This could be the case with regards to returning FTFs, and the current measures and policy framework set up to address this phenomenon. Being recognized as victims is both key for protection measures to be implemented, as well as to prevent re-victimization or secondary victimization, which is key to ensuring the safety, both physically and mentally, of the victim. Moreover, these measures are key to impeding the possibility of recidivism in the case of exploitation for the purpose of forced criminal activity, such as is the case with FTFs.³⁴⁸ With this in mind, the Directive states that “Member States shall take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim’s

³⁴² European Commission. “National Rapporteurs and/or Equivalent European Commission Mechanisms.” European Commission https://ec.europa.eu/anti-trafficking/national-rapporteurs_en (Accessed 16 May 2018).

³⁴³ Ibid.

³⁴⁴ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (15 April 2011): Articles 10, 18 and 19; and Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 17.

³⁴⁵ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 17.

³⁴⁶ Ibid.

³⁴⁷ Ibid., 17-18.

³⁴⁸ Ibid., 18.

willingness to cooperate in the criminal investigation, prosecution or trial.”³⁴⁹ This is of key importance with regards to the fear that victims experience when having to face their oppressor, in this sense victims are to be seen as right-bearers and not merely as witnesses.³⁵⁰

As previously discussed Article 8 of the Directive states that “Member States [...] are [...] not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit.”³⁵¹ This non-punishment clause stipulates that VOT must not be prosecuted for crimes they have been forced, in one way or another, to commit. It has been reported that victims are often prosecuted for crimes or deported due to illegal migration before proper screening has been performed.³⁵² Furthermore, “State authorities often assume that victims of THB are lying about their situation in order to avoid deportation.”³⁵³ In light of this, more needs to be done to ensure the rights of victims and protect them from re-victimization. Current policy frameworks do not address this potential conflict and differentiation between perpetrator and victim with regards to the phenomenon discussed. The protection of these (potential) victims is both fundamental to ensuring effective CT measures, and prosecution of recruiters as well as ensuring that these right-holders are treated with the assistance and support they need.

The EU Directive can be considered as a landmark piece of legislation, at both the European and international level, in terms of taking steps towards eradicating THB and establishing effective protection of VOT. However, research and reports have shown that implementation at a national level has fallen behind and remains uneven across the MSs.³⁵⁴ Particularly, certain elements of the Directive have lagged behind in terms of consistent implementation among MSs. For example, the gender dimension of THB has not fully been taken into account in the application of the Directive in some MSs, this gender dimension is

³⁴⁹ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (15 April 2011): Article 11(3).

³⁵⁰ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 18.

³⁵¹ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims* (5 April 2011): Article 8.

³⁵² Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 18.

³⁵³ *Ibid.*

³⁵⁴ *Ibid.*, 23.

essential in the identification and support of victims.³⁵⁵ Furthermore, in terms of prevention more needs to be done with regards to increased and effective public awareness campaigns, as well as effective measures aimed at curbing demand.³⁵⁶ Proper training of all the actors in the field (legislators, judges, prosecutors, police and public administrations) is imperative, as well as increased and transparent collaboration between public administration and civil society.³⁵⁷

In addition to the EU Directive 2011/36/EU, the Commission adopted the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human Beings.³⁵⁸ The implementation of this strategy is monitored by the EU ATC and identifies five priorities for the EU:

- “Identifying, protecting and assisting victims of trafficking;
- Stepping up the prevention of trafficking in human beings;
- Increased prosecution of traffickers;
- Enhanced coordination and cooperation among key actors and policy coherence;
- Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.”³⁵⁹

Regarding these priorities, the EU Commission committed to developing tools that would support the MSs in addressing these priorities, such as increasing data collection at the EU level.³⁶⁰

³⁵⁵ Ibid.

³⁵⁶ Ibid.

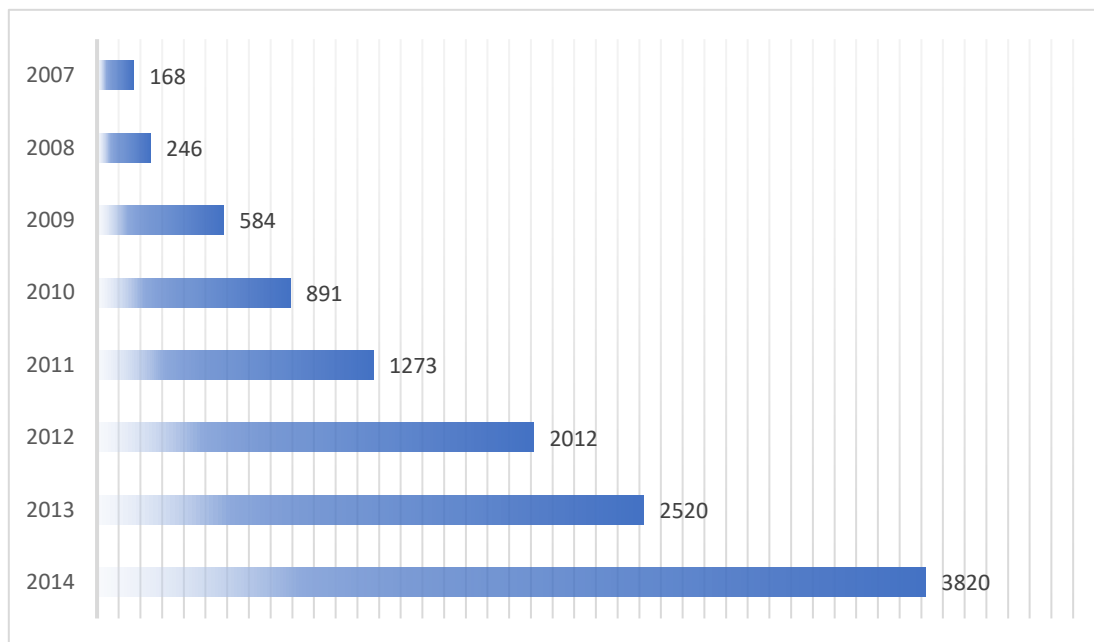
³⁵⁷ Ibid.

³⁵⁸ European Commission. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012 – 2016* (Brussels, 19 June 2012).

³⁵⁹ Scherrer, A. and H. Werner. *Trafficking in Human Beings from a Gender Perspective Directive 2011/36/EU: European Implementation Assessment* (EPRS: European Parliamentary Research Service, April 2016): 15.

³⁶⁰ European Commission. *Commission Staff Working Document: Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings* (Brussels, 17 October 2014).

Figure 4 – Yearly Contributions by MSs to Europol’s Operational Project on THB³⁶¹



Finally, with regards to THB Europol “[...] functions as a centre of expertise for strategic and operational intelligence and as an information hub for criminal data concerning the most threatening OCGs active in the EU.”³⁶² Essentially, Europol provides operational support and assistance to MS law enforcement authorities, acting in compliance with the tools provided by the 2012-2016 EU Strategy to assist prosecution and investigation of THB.³⁶³ Europol established an operational project in 2007 with the purpose of supporting MSs in prevention and prosecution of all forms of criminality associated with THB that fall under Europol’s mandate.³⁶⁴ In 2014, the operational project of Europol accepted and processed 3 820 contributions from MS law enforcement authorities, this amounts to an increase of 65 per cent compared to the previous year (see **Figure 5**).³⁶⁵ This increase does not equate to an increase in crimes rates related to THB, but an increase in efforts to prevent, investigate and prosecute instances of THB.

³⁶¹ Ibid., 34.

³⁶² Europol. *Situation Report: Trafficking in human beings in the EU* (The Hague: Europol Public Information, February 2016): 33.

³⁶³ Ibid.; and European Commission. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012 – 2016* (Brussels, 19 June 2012).

³⁶⁴ Europol. *Situation Report: Trafficking in human beings in the EU* (The Hague: Europol Public Information, February 2016): 33.

³⁶⁵ Ibid.

D. Applying the HT Framework to IS FTFs:

With regards to phenomenon dealt with in this research, IS fulfils several of the acts discussed above. IS both undertakes recruitment and harbouring of individuals.³⁶⁶ While IS does not seemingly participate in the transportation of FTFs to IS controlled territory, reports have demonstrated that IS has facilitated this act.³⁶⁷

IS uses coercive technics to both recruit and retain FTFs. IS, time and time again, has consistently demonstrated its ability to respond to both the physical and psychological needs and desires of young Western Muslims.³⁶⁸ They also pray upon faith and religion as a tool to pressure and convince young Muslims to fight the threat posed to Islam.³⁶⁹ Acts performed through the means of deception, understood as “[...] cheating as regards a persons’ knowledge and will,” includes both misinforming and purposefully retaining relevant information “[...] thereby compounding their misconception or ignorance.”³⁷⁰ As previously touched upon, IS recruitment strategies and propaganda often uses deception to portray idealistic characteristics of life that will greet individuals who join them.³⁷¹ This deceptive portrayal via both official propaganda and recruiters is used to lure and deceive recruits into joining.³⁷²

³⁶⁶ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 19-20.

³⁶⁷ Ibid.; and General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 5.

³⁶⁸ Rosielle, L.C. “Western foreign fighter in IS’ Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings.” In *Tilburg University Dissertations and Thesis* (2016): 24.

³⁶⁹ Arasli, J.E. *Archipelago SYRAQ. Jihadist Foreign Fighters from A to Z. 200 Essential Facts You Need to Know about Jihadist Expeditionary Warfare in the Middle East* (Baku: Teknur, 2015): 69; and Bakker, E. and P. Grol. “Motives and Considerations of Potential Foreign Fighters from the Netherlands.” In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13.

³⁷⁰ Joint Council of Europe and United Nations. *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs* (Strasbourg: Council of Europe, 2009): 78.

³⁷¹ Jowett, G.S. and V. O’Donnell. *Propaganda & Persuasion* (Los Angeles: SAGE, 2015); Saltman, E.M. and M. Smith. *‘Till Martyrdom Do Us Part’. Gender and the ISIS Phenomenon* (London: Institute for Strategic Dialogues & ICSR, 2015); Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015); Bakker, E. and P. Grol. *Motives and Considerations of Potential Foreign Fighters from the Netherlands* (The Hague: ICCT, 2015); and Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015).

³⁷² Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 5 and 11.

Moreover, as discussed with regards to the acts, IS harbours its' FTFs by providing accommodation within its controlled territory.³⁷³ However, several indicators and reports have demonstrated that IS furthermore restrains an individual's ability to leave by threat or use of force.³⁷⁴ Passports, or other forms of identification documents, are sometimes confiscated upon entering IS territory.³⁷⁵ According to the ILO, confiscation of personal documents and or travel documents is seen as a strong indicator of coercion for the purpose of both labour and sexual exploitation.³⁷⁶ IS also operates a strict border control and classifies defection as apostasy, which carries the death penalty.³⁷⁷

FTFs generally present factors of vulnerability relating to behavioural or psychological problems and disorders.³⁷⁸ IS recruits are generally socially isolated and lack significant opportunities for personal growth that increase their position of vulnerability.³⁷⁹ Whilst it is clear that (potential) recruits of IS are generally vulnerable in some way or another, it needs to be assessed whether IS abuses this position of vulnerability when recruiting these individuals. Specific recruitment tactics employed by IS seemingly take advantage and even explicitly seek out vulnerable individuals.³⁸⁰ Additionally, the interpersonal relations between recruiter and recruit, both offline and online, can be seen as an APOV. In the sense that powerful members and leaders of Muslim communities are often used as recruiters, abusing their position of power

³⁷³ Hoyle, C., A. Bradford and R. Frenett. *Becoming Mulan? Female Western Migrants to ISIS* (London: Institute for Strategic Dialogue, 2015): 21.

³⁷⁴ General Intelligence and Security Services. *Life with ISIS: The Myth Unravelling* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2016): 13; and Binetti, A. *A New Frontier: Human Trafficking and ISIS's Recruitment of Women from the West* (Washington: Information2action, Georgetown Institute for Women, Peace and Security, 2015): 3-4.

³⁷⁵ Ibid.

³⁷⁶ International Labour Organization. *Operational Indicators of Trafficking in Human Beings. Results from a Delphi Survey Implemented by the ILO and the European Commission* (Geneva: International Labour Office, 2009): 4-5.

³⁷⁷ Binetti, A. *A New Frontier: Human Trafficking and ISIS's Recruitment of Women from the West* (Washington: Information2action, Georgetown Institute for Women, Peace and Security, 2015): 3-4; and Spencer, R. *The Complete Infidel's Guide to ISIS* (Washington: Regnery Publishing, 2015).

³⁷⁸ Boutin, B. et al. *The Foreign Fighters Phenomenon in the European Union: Profiles, Threats & Policies* (The Hague: ICCT, 2016): 9; and Weenink, A.W. "Behavioural Problems and Disorders among Radicals in Police Files." In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23-28.

³⁷⁹ Weenink, A.W. "Behavioural Problems and Disorders among Radicals in Police Files." In *Perspectives on Terrorism*, Vol. 8, No. 4 (2015): 23; and Bakker, E. and P. Grol. "Motives and Considerations of Potential Foreign Fighters from the Netherlands." In *ICCT Policy Brief* (The Hague: ICCT, July 2015): 13.

³⁸⁰ General Intelligence and Security Services. *The transformation of jihadism in the Netherlands. Swarm dynamics and new strength* (The Hague: Algemene Inlichtingen- en Veiligheidsdienst, 2014).

and faith to lure individuals to join IS.³⁸¹ These target individuals can be seen as in a vulnerable position with regards to these leaders. However, too little is known with regards to the extent to which IS abuses these vulnerabilities, nor the extent to which IS intentionally seeks out vulnerable individuals.

When attempting to assess the purpose criterium of HT difficulties arise with regards to understanding IS's true intent. Due to an overall lack of hard evidence with regards to the underlying intent and motivations of IS leaders, it is near impossible to arrive at any solid conclusion concerning their true purpose. However, whether or not their final goal is exploitation or one of establishing an Islamic State, it remains possible to assess the degree to which these FTFs are being exploited. With regards to labour exploitation, as previously discussed, several exceptions are made within the ILO Convention: exceptions to this definition include, but are not limited to, compulsory military service and normal civic duties.³⁸² While in this context it can be argued that FTFs who engage in combat are merely performing some form of military service, it is contestable the extent to which IS can be considered a legal entity capable of imposing "compulsory military service laws."³⁸³ This discussion touches upon debates with regards to sovereignty and statehood, and thus falls beyond the scope of this research.³⁸⁴ Therefore, the focus will be redirected to forced labour that are not categorized as military tasks. The below pictogram (**Figure 2**), published by Sedex, depicts the eleven indicators of forced labour identified by the ILO.³⁸⁵ According to the ILO, "[...] the presence of a single indicator in a given situation may in some cases imply the existence of forced labour. [...] Overall, the set of eleven indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether or not an individual worker is a victim of this crime."³⁸⁶

³⁸¹ Algemene Inlichtingen en Veiligheidsdienst. *Rekrutering in Nederland voor de jihad van incident naar trend* (Den Haag: AIVD, 2002).

³⁸² International Labour Organization. *Forced Labour Convention, C29* (Geneva: International Labour Office, 28 June 1930): 2.

³⁸³ *Ibid.*, Article 2(2)(a).

³⁸⁴ See for example: Shaw, M.N. *International Law* (Cambridge, UK: Cambridge University Press, 2008); Grant, T.D. "Defining Statehood: The Montevideo Convention and Its Discontents." In *Columbia Journal of International Law*, Vol. 37 (1999): 403–457; Locke, J. *Second Treatise of Government*, Ed. C. B. Macpherson (Indianapolis, IN: Hackett, 1980); James, A. *Sovereign Statehood: The Basis of International Society* (London: Allen & Unwin, 1986); and Hobbes, T. *Leviathan*, Ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1998).

³⁸⁵ Sedex. *Guidance on Operational Practice & Indicators of Forced Labour* (London: Sedex Global, June 2017): 6.

³⁸⁶ International Labour Organization. *ILO Indicators of Forced Labour* (Geneva, International Labour Office, October 2012): 3.

Figure 5 – Eleven Indicators of Forced Labour³⁸⁷



Generally speaking, both male and female FTFs are confined to a varying degree within IS territory. While male individual's freedom of movement is confined merely to the territory, their female counterparts are furthermore confined to their homes.³⁸⁸ Failure to abide by these rules and restrictions carries harsh penalties.³⁸⁹ Furthermore, as previously discussed, deception through idealized propaganda and false promises seems to be a wide spread recruitment tactic employed by IS.³⁹⁰ Moreover, reports have indicated instances of both retention of identity documents and withholding of wages within IS territory.³⁹¹ FTFs are also isolated from the outside world and from the family they may have left behind.³⁹² Finally, while certain reports have indicated that both working and living conditions meet several indicators of forced labour too little is known as of yet.³⁹³

³⁸⁷ Sedex. *Guidance on Operational Practice & Indicators of Forced Labour* (London: Sedex Global, June 2017): 6.

³⁸⁸ Perešin, A. "Fatal Attraction: Western Muslimas and ISIS." In *Perspectives on Terrorism*, Vol. 9, No. 3 (2015).

³⁸⁹ Ibid.

³⁹⁰ See [Chapter 3\(B\)](#).

³⁹¹ Rosielle, L.C. "Western foreign fighter in IS' Caliphate; The promised paradise? A study on the qualification of Western foreign fighters as victims of trafficking in human beings." In *Tilburg University Dissertations and Thesis* (2016).

³⁹² Ibid.

³⁹³ See for example: United States Department of State. *Trafficking in Persons Report (TiP Report)* (2017); and Roth, K. "Slavery: The ISIS Rules." *Human Rights Watch* (2015). <https://www.hrw.org/news/2015/09/05/slavery-isis-rules> (Accessed 12 June 2018).

With regards to trafficking for the purpose of sexual exploitation, many reports have systematically revealed the sexual exploitation of Yazidi women and girls.³⁹⁴ Reports have also exposed that many female Western FTFs are being sexually exploited within IS controlled territory and by IS.³⁹⁵ While it is clear that the general widespread subordination of women in IS puts them at risk of sexual exploitation, still very few substantiated reports have been published with regards to what happens to Western women FTFs.

Last, but not least, the exploitation in forced criminal activities is extremely relevant when discussing the phenomenon of Western FTFs. Neumann showed that a significant number of IS defectors reported being systematically exploited within the armed groups of IS.³⁹⁶ Neumann reported that on certain occasions IS would deploy FTFs as suicide bombers against their will.³⁹⁷ This study further suggests that many other crimes are committed by FTFs against their will. The importance of this form of exploitation is apparent when taking a look at the EU Trafficking Directive, Article 8 states that “Member States [...] are [...] not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit.”³⁹⁸ This non-punishment clause enshrined within the EU Trafficking directive thus stipulates that VOT must not be prosecuted for crimes they have been forced, in one way or another, to commit. Thus, if FTFs can be deemed VOT, they must therefore be treated as such and not be prosecuted for the crimes committed. Current policy frameworks do not address this potential legal conflict between perpetrator and victim.

In conclusion, the above delimited HT framework once applied to the case of IS FTFs highlights the relevance of the framework for the experience of many FTFs’s. As discussed, these individuals are often coerced and/or deceived into joining the ranks of IS through concise

³⁹⁴ United Nations. ‘Barbaric’ sexual violence perpetrated by Islamic State militants in Iraq – UN, UN News Centre (United Nations, 13 August 2014); Amnesty International. *Escape from hell. Torture and sexual slavery in Islamic State captivity in Iraq* (London: Amnesty International, 2014): 11; Callimachi, R. “ISIS Enshrines a Theology of Rape.” In *New York Times* (13 August 2015); and Wood, P. “Islamic State: Yazidi women tell of sex-slavery trauma.” In *BBC* (22 December 2014).

³⁹⁵ Binetti, A. *A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West* (Washington: Information2action, Georgetown Institute for Women, Peace and Security, 2015): 3; and Chesler, P. “Western sex Slaves for ISIS: The Twisted Psychology of Jihad Brides.” In *Breitbart* (13 August 2014).

³⁹⁶ Neumann, P.R. *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors* (London: ICSR, 2015): 11.

³⁹⁷ *Ibid.*

³⁹⁸ Council of the European Union. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims* (5 April 2011): Article 8.

and meticulous propaganda and recruitment strategies. The identification of possible recruits, furthermore, is often based on positions of vulnerability, or at least attempts to increase and respond to elements of vulnerability. Subsequently, individuals are harboured in conditions that were withheld under the recruitment phase, or even romanticized by IS propaganda, often through threat or use of force in order to limit desertions or defections. Finally, upon an IS FTF's return secondary or re-victimization ensues due to the prosecutorial and punitive approach of justice systems, specifically Dutch and EU judicial systems. These are all indicators and processes found within the HT realm, factors listed above are often considered as clear or strong indicators of HT.

In light of the above link between the indicators of HT and FTFs recruitment, harbouring and exploitation, it is of importance to stress the relevance and applicability of the proposed shift in response to the phenomenon. In other words, considering the above understanding of IS FTFs as potential victims of human trafficking, labour exploitation, and forced criminal enterprise, why have policy responses not innovated in order to match understanding? What drives and/or limits policy innovation?

Chapter 5: The Politics of Policy Innovation

A. Policy Innovation and Understanding:

Government action and policy development is, for the large part, an incremental process, whereby State actors slightly alter, develop and modify pre-existing programs and practices.³⁹⁹ As previously touched upon in this thesis, both the securitization and politicization of the debate surrounding terrorism, CT, and returning FTFs have played a major role in the current policy trend and approach to the phenomenon. The post 9/11 landscape of EU, and worldwide, politics is governed by the threat of external actors, actors that are focused on stirring up fear in those they target.⁴⁰⁰ Securitization can be understood as an illocutionary speech act, Waever states that “[...] it is by labelling something a security issue that it becomes one.”⁴⁰¹ For the Copenhagen School, “[...] securitization is premised on one main assumption: the enunciation of security *itself* creates a new social order wherein ‘normal politics’ is bracketed.”⁴⁰² Essentially, by the act of claiming that a referent object is threatened in its existence, a securitizing actor thus claims the right to employ extraordinary measures to protect this object.⁴⁰³ Consequently, “[...] the issue is then moved out of the sphere of normal politics into the realm of emergency politics, where it can be dealt with swiftly and without the normal (democratic) rules and regulations of policy-making.”⁴⁰⁴ The act of securitization, therefore, has a tremendous effect on policy development and innovation. In essence, since the security threat and the conditions of it are determined by the securitizing actor, future policy developments are also determined by this actor, until the issue is no longer deemed one of security. Buzan et al. puts forward that presenting an issue as an existential threat is to say that: “[...] if we do not tackle this problem, everything else will be irrelevant (because we will not

³⁹⁹ Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 223.

⁴⁰⁰ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 449.

⁴⁰¹ Waever, O. "Aberystwyth, Paris, Copenhagen: New Schools in Security Theory and the Origins between Core and Periphery." In *International Studies Association* (Montreal: Annual Meeting of the International Studies Association, 2004): 13.

⁴⁰² Balzacq, T. "The Three Faces of Securitization: Political Agency, Audience and Context." In *European Journal of International Relations*, Vol. 11, No. 2 (SAGE Publications, 2005): 171.

⁴⁰³ Taureck, R. "Securitization Theory and Securitization Studies." In *Journal of International Relations and Development* (2006).

⁴⁰⁴ *Ibid.*, 2.

be here or will not be free to deal with it in our own way).”⁴⁰⁵ Waever is extremely critical of the securitization approach to policy and politics, for him “[...] security should be seen as a negative, as a failure to deal with issues of normal politics.”⁴⁰⁶ Thus, Waever advocates for a strategy of desecuritization, entailing a reversal of the process of securitization and moving an issue away from existential threat back towards the ordinary public sphere.⁴⁰⁷ In light of the discussed phenomenon, a brief understanding of securitization is necessary, however critics of the Copenhagen School are numerous as it is argued that “[...] the speech act model of security conceals more than it reveals about the linguistic construction of security problems.”⁴⁰⁸ Nevertheless, these discussions fall beyond the scope of this research.⁴⁰⁹ Securitization, broadly speaking, plays an important role in driving policy-making development, and stifles innovation that falls beyond the scope of what may be considered security issues.

Innovation in politics and probability of a state adopting innovative policy is a “[...] function of motivation, resources and obstacles in a state's political and economic environment, the existence of similar policies in the state, and factors external to a state.”⁴¹⁰ In this regard, motivation is connected to the extent or severity of both the perceived and real world problem.⁴¹¹ The severity of the problem can be conceptualised in a variety of ways, such as media attention, salience of the issue, triggering events, and problematic societal conditions.⁴¹² Research has shown that such dramatic events, in this case the threat of terrorism or a terrorist

⁴⁰⁵ Buzan, B. O. Waever and J. de Wilder. *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998): 24.

⁴⁰⁶ *Ibid.*, 29.

⁴⁰⁷ *Ibid.*

⁴⁰⁸ Balzacq, T. “The Three Faces of Securitization: Political Agency, Audience and Context.” In *European Journal of International Relations*, Vol. 11, No. 2 (SAGE Publications, 2005): 191.

⁴⁰⁹ For further reading see: Fotion, N. *John Searle* (Princeton, NJ: Princeton University Press, 2000); Balzacq, T. “The Three Faces of Securitization: Political Agency, Audience and Context.” In *European Journal of International Relations*, Vol. 11, No. 2 (SAGE Publications, 2005); Bakhtin, M. M. “The Problem of Speech Genre.” In *Speech Genre and Other Late Essays*, eds. C. Emerson and M. Holquist (Austin: University of Texas Press, 1986); Ferguson, Y. and R. W. Mansbach. *Politics: Authority, Identities, and Change* (Columbia, SC: University of South Carolina Press, 1996); and White, E. E. *The Context of Human Discourse: A Configurational Criticism of Rhetoric* (Columbia, SC: University of South Carolina Press, 1992).

⁴¹⁰ *Ibid.*, 450; and Berry, F.T. and W.D. Berry. “Innovation and Diffusion Models in Policy Research.” In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999).

⁴¹¹ Chamberlain R. and D.P. Haider-Markel. “Lien on Me’: State Policy Innovation in Response to Paper Terrorism.” In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 450.

⁴¹² *Ibid.*; Jones, B.D. *Reconceiving Decision-Making in Democratic Politics: Attention, Choice, and Public Policy* (Chicago: University of Chicago Press, 1994); Rochefort, D.A. and R.W. Cobb. *The Politics of Problem Definition: Shaping the Policy Agenda* (Kansas: University Press of Kansas, 1994); and Stone, D.A. “Causal Stories and the Formation of Policy Agendas.” In *Political Science Quarterly*, Vol. 104, No. 2 (1989).

attack, can have a direct effect upon politics and the policy making process.⁴¹³ Furthermore, factors external to the state, such as regional policy tendencies and neighbouring state policy choice, impact the likelihood of a state to adopt a specific or given policy.⁴¹⁴ While regional and neighbouring state policy trends influence a state's policy choice, so do regional problems, threats and events.⁴¹⁵ These regional problems and threats are transmitted through media outlets, as well as, in the case of the EU, through EU institutions.⁴¹⁶ Specifically, "[...] severe problems or major events have the greatest potential to quickly mobilize public and official attention and are thus more likely to generate a policy response."⁴¹⁷ The study by Chamberlain and Haider-Markel suggests that "[...] regional forces, including regional policy diffusion, issue salience, and the extent of the problem or level of the threat, are the most consistent predictors of state policy adoption."⁴¹⁸ In other words, the salience of the issue at a regional level and regional state response to the issue has a direct influence on a State policy response to the issue. In that sense, with regards to the discussed phenomenon, Dutch policy response will mirror and reflect regional trends of CT policy, this understanding of policy innovation is entitled the diffusion model.⁴¹⁹ The other understanding of policy innovation is known as the internal determinants model and posits that the factors that lead a State to innovate are "[...] political, economic, or social characteristics internal to [that] state."⁴²⁰

⁴¹³ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 450; Baumgartner, F.R. and B.D. Jones. *Policy Dynamics* (Chicago: The University Press of Chicago, 2002); and Haider-Markel, D. and S. O'Brien. "Creating a 'Well Regulated Militia': Policy Responses to Paramilitary Groups in the American States." In *Political Research Quarterly*, Vol. 51, No. 3 (1997).

⁴¹⁴ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 450; and Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 187-188.

⁴¹⁵ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 451.

⁴¹⁶ Mooney, C.Z. "Modelling Regional Effects on State Policy Diffusion." In *Political Research Quarterly*, Vol. 54, No. 1 (2001): 103-124.

⁴¹⁷ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 451; and Kingdon, J.W. *Agendas, Alternatives, and Public Policies* (Boston: Little Brown, 1995).

⁴¹⁸ Chamberlain R. and D.P. Haider-Markel. "Lien on Me': State Policy Innovation in Response to Paper Terrorism." In *Political Research Quarterly*, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 457.

⁴¹⁹ Walker, J.L. "The Diffusion of Innovations among the American States." In *The American Political Science Review*, Vol. 63, No. 3 (September 1969).

⁴²⁰ Ibid.; and Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 224.

The diffusion model of policy innovation is understood as “[...] the process by which an innovation is communicated through certain channels over time among the members of a social system.”⁴²¹ First of all, it is posited that States learn, borrow, and reflect one another as they derive seemingly successful policies implemented elsewhere.⁴²² Success in the realm of CT can be measured in terms of the extent to which it appeases grievances and fears within the populus. Through incremental decision making, policy makers seek shortcuts by critical methods of simplification.⁴²³ Such methods of simplification, for example, restrict policy considerations within the realm of what is considered as only a marginal stray from the status quo.⁴²⁴ Second of all, it is understood that States compete with each other, emulating policies in order to achieve an advantage in certain areas, or at least avoid being disadvantaged.⁴²⁵ In general, this consideration of policy competitiveness can be understood within the realm of economic development, whereby states redress economic policies in order to remain competitive (such as welfare benefits).⁴²⁶ In regards to CT policy, this may be seen as emulating so-called ‘hard-line policies of neighbouring states in order not to be seen as ‘soft’ on the issue. Third of all, Walker argues that there exists and persists regional pressure to conform to accepted standards and practices.⁴²⁷ There is a perceived ‘coercive’ and ‘normative’ pressure on policymakers to adopt and implement best practices and standards.⁴²⁸ Securitization is one of the channels through which the diffusion model of policy innovation is communicated. In the realm of CT, regional and international pressure in terms of prosecution mechanisms and

⁴²¹ Rogers, E.M. *Diffusion of Innovations* (New York: The Free Press, 1983): 5.

⁴²² Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 225.

⁴²³ See: Glick, H.R. and S.P. Hays. "Innovation and Reinvention in State Policymaking: Theory and Evolution of Living Will Laws." In *Journal of Politics*, Vol. 53 (1991): 835-850; Simon, H. *Administrative Behaviour* (New York: Macmillan, 1947); and Walker, J.L. "The Diffusion of Innovations among the American States." In *The American Political Science Review*, Vol. 63, No. 3 (September 1969).

⁴²⁴ Lindblom, C.E. *The Intelligence of Democracy: Decision Making through Mutual Adjustment* (New York: Free Press, 1965).

⁴²⁵ Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 225.

⁴²⁶ Peterson, P.E. and M.C. Rom. *Welfare Magnets* (Washington, D.C.: Brookings, 1990); and Volden, C. "The Politics of Competitive Federalism: A Race to the Bottom in Welfare Benefits?" In *American Journal of Political Science*, Vol. 64 (2002): 294-312.

⁴²⁷ Walker, J.L. "The Diffusion of Innovations among the American States." In *The American Political Science Review*, Vol. 63, No. 3 (September 1969).

⁴²⁸ DiMaggio, P.J. and W.W. Powell. "The Iron Cage Revisited: Institutionalism and Collective Rationality in Organizational Fields." In *American Sociological Review*, Vol. 48 (1983): 147-160.

securitization of policy measures have grown.⁴²⁹ This standardisation of practices and expected State response creates a ‘normative’ pressure of compliance.

The research of Berry and Berry proposes a model of state innovation that reflects both internal determinants and diffusion.⁴³⁰ In essence, this approach fuses both the diffusion model of policy innovation and the internal determinants model. It approaches the understanding of policy innovation as one of multidimensional stature, being influenced by both internal and external factors.⁴³¹ This model “allow[s] for the simultaneous impacts of internal political, economic, and social characteristics of states as well as multiple channels of regional and national cross-state influence.”⁴³² Such a model is capable of understanding the conditions that either promote or impede the adoption of new policies by states. This model enables a deeper understanding of what, how, and whom influences the innovation and trends within policy making. Taken within the consideration of this research, it sheds light on the evolution of CT policy within the securitized space and threat perception. Both internal and external factors of influence have and continue to play a role on the responses to terrorism and so-called terrorist actors.

B. Innovation within the Realm of CT:

The above discussion on modelling and understanding policy innovation is of great importance to fathom the conditions that underpin policy frameworks, the motivations and political landscape that leads to the choice of a certain policy over another. For the purpose of this research several interviews were undertaken to gain key insights and perspectives on both the application of a CT framework and the viability of a HT framework being applied to the phenomenon. Key policy-makers, experts, law enforcement representatives and politicians were interviewed in order to gain a better understanding of expert opinion on the phenomenon. Moreover, these interviewees enable a deeper appreciation of the political landscape, recent innovations, and roadblocks which persist within the CVE and CT fields. The next section of this chapter provides practical insight into policy innovation and policy implementation from individuals who have experienced the realm first hand.

⁴²⁹ See: Chapter 5.

⁴³⁰ Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 237-240.

⁴³¹ Ibid.

⁴³² Ibid., 247.

1. Security and Securitization

André Carstens, a former Dutch diplomat now working as the adviser to the EU CT Coordinator in Brussels, was asked about the current focus of EU with regards to returning FTFs.⁴³³ For him there is an EU focus on security through information sharing between different agencies, with an emphasis on tracking and identifying individuals. The continued and past securitization of the topic of terrorism creates difficulty in innovation. According to André Carstens, “[...] the general EU approach is being perceived as focusing on information exchange and better security.”⁴³⁴

Maarten Appúnn, a senior policy officer at the NCTV, affirms that the way the NCTV perceives and addresses the phenomenon of returning FTFs is “[...] primarily [as] a security issue.”⁴³⁵ For them, these individuals are first of all seen “[...] as a threat and not as victims, in case they return approaches that best reduce the risks are prioritised.”⁴³⁶ While children are mainly classified as a “[...] victimization issue”.⁴³⁷ This classification is based on the degree of agency accorded to these individuals, it is assumed that adults make an informed decision based on their own free will, whereas children detain little agency in this respect due to the choices of their parents. According to Maarten Appúnn, the NCTV primarily concerns itself with security and threat alleviation, so-called humanitarian issues on the other hand “[...] are not [their] primary concern.”⁴³⁸ Thus, the Dutch policy does not actively bring back FTFs, but merely facilitates their return and prosecution once the individual presents himself at a Dutch embassy.⁴³⁹ Once these individuals “[...] have been trialled and sentenced the main focus is then upon deradicalization and reintegration.”⁴⁴⁰ A broad approach is therefore taken, but upon an individual’s return the primary focus will continue to be one of security and threat alleviation. Conversely, Maarten Appúnn concluded by stating that from a different perspective “[...] security might be best served” by approaching these individuals as victims, “[...] if

⁴³³ Author’s Interview on the 23 May 2018 with André Carstens at the European Union Council in Brussels.

⁴³⁴ Ibid.

⁴³⁵ Author’s Interview on the 7 June 2018 with Maarten Appúnn at the NCTV in The Hague.

⁴³⁶ Ibid.

⁴³⁷ Ibid.

⁴³⁸ Ibid.

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

someone is perceived as a victim you have a better chance to rehabilitate this individual.”⁴⁴¹ However, for him, through the lens of the HT approach most of the cases cannot be perceived as ones of victimisation and APOV.⁴⁴² Ultimately, it is up to the professionals who are responsible of reintegrating them into society to take charge.⁴⁴³

According to Ben Waites, a senior specialist at Europol, the principle underlying policy motivations of current CT and FTFs policy frameworks is “security, driven by reoccurring attacks.”⁴⁴⁴ Political attention to the issues is ramped up every time we fall victim to external terrorist threat, “both at the level of the EU Commission, and MSs level.”⁴⁴⁵ While security is of course a priority for both MSs and the EU, preventative measure, or the ‘soft’ approach, are very much on the agenda of the EU. CVE, counter radicalisation, countering extremist narratives, and concerns with regards to the children and family of FTFs are all issues that fall under the umbrella of security and are currently being addressed. Specifically, with regards to these children, many MSs nowadays, and first and foremost the Netherlands, are not so keen on facilitating the return of these individuals. “Due to the immense threat they can pose, however, MSs, such as the Netherlands, are quite reluctant so far to allow individual FTFs to return to their countries of origin, while some other member states, such as Spain, seem to be more open to embrace these individuals and invest in their deradicalization, rehabilitation and reintegration.”⁴⁴⁶ MSs are focused on countering the short terms security threat these individuals may conjure. The EU CTC is much more sensitive to the overall concerns and long-term consequences of not allowing these individuals to return, such as re-victimization, increased radicalisation and grievances. Such MSs approaches fail to address the long-term consequences and the root causes of why these individuals left in the first place.

Dr. Craig McCann, an expert in the field of CVE and former Detective Chief Inspector at the Metropolitan Police London, the politicization and securitization of the debate surrounding FTFs and their return have driven an increase in retributive approaches to the

⁴⁴¹ Ibid.

⁴⁴² Ibid.

⁴⁴³ Ibid.

⁴⁴⁴ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

⁴⁴⁵ Ibid.

⁴⁴⁶ Author’s Interview on the 23 May 2018 with André Carstens at the European Union Council in Brussels.

phenomenon, essentially side lining alternative approaches within the policy realm.⁴⁴⁷ “The securitization of the issue and the way we are looking at current policy has been met without challenge, the use and perception of the external threat has left human rights approaches on the side lines.”⁴⁴⁸ Government’s being perceived to be strong on terrorism, has created a huge industry post 2001. “Securitization, fear and threat has bled into all corners of our policy and has absolutely and fundamentally changed the way we go about our daily lives. It has securitized the issue and has made it extremely difficult for politicians and policy makers to talk about these issues without a securitized lens.”⁴⁴⁹ This fundamental shift in the perceived threat and the way it used in today’s politics has created a system where soft-line non-securitized approaches have become, not only unwelcome, but also feared. This fear of being ‘soft’ has changed our entire society, altered our approach as politicians and citizens to the issue. It has silenced alternative voices and suppressed other approaches.

The difficulty in innovation within this realm and securitized space, furthermore, originates from the polarization of politics. This polarization “[...] has made it difficult to have open debates within the realm of terrorism. Terrorism is a low likelihood high impact event. However, every time you have a high impact event it pervades the public consciousness and creates feelings of vulnerability. This erodes trust with governmental establishments, and at times when we have diminishing public services across Europe, due to the recession and austerity measures, it's all more important to get the quick wins from a political perspective and be seen to be doing everything you can to protect your public.”⁴⁵⁰ Essentially, fear has played a major role in sustaining and fuelling the current political landscape. Impeding innovation, pervading public consciousness, and saturating the narratives and understanding of the phenomenon. “If you take a long view, the experience of the people who return and how they are handled, and then the academic and policy work which will come out of that will only bear fruit in future conflicts or situations rather than in this one. Because of the political tension it is difficult to see real shifts in the approach in the short term. That body of work will build up over time and will slowly inform the policy realm.”⁴⁵¹

⁴⁴⁷ Author’s Interview on the 22 May 2018 with Dr. Craig McCann, London.

⁴⁴⁸ Ibid.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

2. Cooperation

In André Carstens opinion the EU approach to CT has evolved drastically in the past years, and a lot has been done in regards to cross-agency cooperation and information sharing.⁴⁵² While cooperation has increased, these organisations are sovereign and independent, and therefore do not belong to the *acquis communautaire* leaving the EU limited in its power. According to Ben Waites, “Terrorism, in particular, has not been historically a field of EU cooperation, due to national sovereignty.”⁴⁵³ While the Lisbon Treaty provides for police cooperation, intelligence and national security agencies were specifically excluded. Therefore, there has been a lot of discussion with regards to the extent to which both Europol and the EU can step in and increase cooperation in this regard. However, since 2015 the FTF phenomenon, along with online radicalization and intelligence gathering, has been the main focus of Europol. While Europol’s mandate does not allow for its involvement in policy making and aligning national approaches, it does play a major role in operational policing and data gathering and sharing. Increasing information sharing at an EU level has been a challenge in itself. On the HT side, Europol “[...] advocates for a more victim centred approach,” while the handling of FTFs has not been a topic where Europol has taken a position.⁴⁵⁴ In this sense, Europol’s mandate remains operational, “[...] policy for [Europol] is legislation that allows for data to be shared more affectively and accessible.”⁴⁵⁵ While Europol, thus, does not shed light on innovations in the policy realm, it does however enable greater insight into both the roadblocks of policy innovation and the current mentalities with regards to FTFs in the EU law enforcement community. With regards to the first insight, “Europol has been grappling with the police and intelligence services’ ‘need to know’ mentality, and the limits of data sharing that it implies. Europol has been continuously working on increased cooperation and transparency of information in the realm of CT. [...] If your information isn’t shared routinely then you will always end up with duplications and contradictions within national policy frameworks.”⁴⁵⁶

⁴⁵² Author’s Interview on the 23 May 2018 with André Carstens at the European Union Council in Brussels.

⁴⁵³ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

3. Perception of the Phenomenon

The realm of policy innovation is also limited and influenced by the internal determinants model. In this sense, internal perception and public recognition of the issue are of prime importance when understanding the underlying motivations of policy implementation and the strive, or lack of, policy innovation in the field.⁴⁵⁷ The implementation of HT framework to the phenomenon of returning FTFs in essence attempts to alter the primary image of the individuals from one of a perpetrator to a victim. While this may further reflect the reality of the situation and is rightful in a sense, it would not resonate well nor sit well in our current societies.⁴⁵⁸ Such an approach could even be counter-productive, as it could fuel fear and play into populist narratives that are prevalent today, as well as increase the power of populist parties.

André Carstens underlines that EU cooperation is also focusing on prevention and all the ‘soft issues’, however this gets less attention in the public eye. And this may be the case for some of the national policies.⁴⁵⁹ This selected focus of the public eye may be attributable to the continued view of the EU as needing to take a hard-line approach, rather than its pre-Lisbon ideal as a provider of integration, cohesion and unity. First and foremost, the EU is seen as an alternative to the NATO umbrella as a security provider, as well as a powerhouse for economic wealth and defence. Popular perception of the EU as a provider and innovator in the realm of justice and social issues is progressively changing over time, however both MSs and the general populus have not yet accepted this growing role and vision of the EU.

4. Need for Change: Innovation Through Risk

Dr. Craig McCann, stated that “[...] the biggest issues that you’ve got in the space is the fact that human trafficking legislation would almost certainly rub directly with counter-terrorism legislation.”⁴⁶⁰ Essentially, as soon as an individual makes a decision to travel to IS territory, to join a prescribed terrorist organization, they have stepped over the threshold and have committed a criminal act. These delimitations in CT policy are distinct and leave little room for manoeuvre in theory. However, when considering the scenario of the three girls who travelled from the school in Tower Hamlets to Syria, “[...] what was very interesting in this scenario was

⁴⁵⁷ Berry, F.T. and W.D. Berry. "Innovation and Diffusion Models in Policy Research." In *Theories of the Policy Process*, ed. P.A. Sabatier (Boulder, CO: Westview Press, 1999): 237-240.

⁴⁵⁸ Author’s Interview in May 2018 with anonymous source.

⁴⁵⁹ Author’s Interview on the 23 May 2018 with André Carstens at the European Union Council in Brussels.

⁴⁶⁰ Author’s Interview on the 22 May 2018 with Dr. Craig McCann, London.

due to their representation as young women they were immediately framed as vulnerable actors that were exploited. The press coverage had removed all agency around these three young girls, saying that they were groomed.”⁴⁶¹ In addition to this press coverage, “[...] the then commissioner of policing in London, Sir Bernard Hogan-Howe, stated that these young girls would not be arrested. This stance was a real departure from the understood operational response to that particular issue. Which goes to show that even within this securitized space there were, and still are, widely different views around things like agency and vulnerability.”⁴⁶² This departure from the widely accepted narrative and policy approach, while creating a certain level of confusion, did show some nuance in the state response to this particular problem.

With regards to the preventative space, Craig McCann states that “There is a growing body of evidence that these individuals travel to Syria and find out it's not the Islamic state that they were promised, and it's actually a really harrowing experiences with severe consequences on an individual's mental health.”⁴⁶³ Following this growing understanding of the issue, if you continue to see the problem as “[...] a black and white issue and that they are therefore a terrorist [...] then some of the other more remedial approaches are removed from the table.”⁴⁶⁴ In this context, it is important to understand that current retributive approaches to the phenomenon side-line alternative narratives and approaches that aim at understanding the phenomenon holistically.

“If you approach the issue in a binary way then it becomes problematic.”⁴⁶⁵ There exists an immense variance in the reasons and conditions under which individuals left for Syria. On the one hand, you have individuals who took their family to IS looking for a place to freely exercise their religion and beliefs, after having struggled for years to find some sense of balance between their westernised lifestyles and their Islamic faith. On the other hand, you have individuals who join for the purpose of fighting for the Caliphate, and in turn incite others to join the fight. Some of these individuals travelled to Syria because they believed, rightly or wrongly, that this was the true Islamic State. These individuals “[...] almost dismissed any of the beheading videos as being Westernized propaganda, others believed that everything they

⁴⁶¹ Ibid.

⁴⁶² Ibid.

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

⁴⁶⁵ Ibid.

saw on TV was a hoax trying to divert people away from the true message of Islam.”⁴⁶⁶ According to Craig McCann, “A lot of the evidence in this area stands up or falls based on what they do when they are in Syria.”⁴⁶⁷ However, even when assessing what acts these individuals committed while over there, it is difficult to assess the level of coercion exerted and the role the doctrine of Superior/Command responsibility has played.

The current underlying motivations and lack of innovation of frameworks addressing returning FTFs is due not only to fear and security concerns of possible repercussions, but also due to the fear in the weakness of one’s own national and judicial system.⁴⁶⁸ Current approaches are still developing and unstable, they have their own weaknesses and cracks. Other approaches are viable and desirable, responses are not condemned and limited by the current approaches.

Furthermore, accepting such a shift in policy framework could also be seen as essentially accepting a certain degree of responsibility for the root causes of radicalization and the failure to address the issues.⁴⁶⁹ It would furthermore accept the possible failure of national and EU systems to integrate individuals and create a cohesive society. These internal determinants of policy have an immense effect on the possible directions that innovation can take. Actions and policy aimed at returning FTFs needs not to be seen as ‘soft’, but rather needs to respond to the fears and desires of the populus. In the past we have seen States, and particular MSs, take risks in innovating policy by taking soft-line approaches to previously hard-line topics. Maybe the Spanish experience in the realm of FTFs will be helpful in this respect. It is important, going forward, for the EU to build upon these MSs that are further ahead in acknowledging the problem, further building upon these coalitions of the willing. In this sense, innovation is more about risk.⁴⁷⁰ It is about “[...] having a risk appetite that allows you to try new things.”⁴⁷¹ For now, however, the risk of innovating the realm of CT remains too important for policy makers, compared to the added benefit of reinforcing the status quo.

⁴⁶⁶ Ibid.

⁴⁶⁷ Ibid.

⁴⁶⁸ Author’s Interview in May 2018 with anonymous source.

⁴⁶⁹ Ibid.

⁴⁷⁰ Ibid.

⁴⁷¹ Author’s Interview on the 22 May 2018 with Dr. Craig McCann, London.

5. Interim Conclusion

There is an ever growing “[...] policy deficit, with an ever growing the impact on the ground. Turning this deficit around will not happen as long as we continue to be victims of these attacks. It’s like a ripple effect, we need the ripples to fade out giving space for strategic thinking and to unpick these issues, ultimately devising more appropriate policies. Unfortunately, when you’ve got one stone followed by another and another being thrown into the pond it becomes self-perpetuating and you don’t then get the space in which to have rational actors at the policy level coming up with new approaches.”⁴⁷² Thus, not much will be changed in the upcoming years due to the present conditions ramping up the threat levels and the public consciousness surrounding some of these issues. The perception of the issue continues to be one tainted in black and white, and binary in response. The nuance is lost in the reporting and the political landscape surrounding the issue. The space needed for innovation in policy and politics is one that, in such a securitized space, is difficult to find. When politicians have attempted to step outside of this space, taking a leading role in innovating the industry, with ‘soft-line’ policies, it has often backfired. “When you look at the issue, for instance, of immigration and Merkel’s approach in Germany. The policy approach opened the doors and allowed immigrants in, eventually this approach backfired allowing a far-right party into government. Showing the merger of all the issues together in the public consciousness. Increase in the perceived terrorist threat, impact of austerity, rampant immigration all feed into the populist parties becoming self-perpetuating.”⁴⁷³ Today, it is very difficult, if not impossible, to talk about policy shifts without being conscious of the populist parties and their narratives. “It is very difficult for, even courageous, politicians to make much headway.”⁴⁷⁴ “To what extent is it the view of politicians in power or merely a reflection of the views of populist parties and an attempt to remain in power?”⁴⁷⁵

⁴⁷² Ibid.

⁴⁷³ Ibid.

⁴⁷⁴ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

⁴⁷⁵ Ibid.

Conclusion and Recommendations

This research has posited an alternative approach to the phenomenon of returning FTFs, one that challenges both our current perceptions of the issue and our understanding of it. This approach has suggested applying a HT framework to these returning individuals, in the Netherlands, and has debated its viability while assessing our current policy approaches. This method demands a paradigm shift in the way our societies address individuals who succumb to radicalization, a shift from perpetrator to victim at all levels. I have so far examined the applicability of the framework to the phenomenon, as well as our current policy frameworks in place at national and EU level. Finally, through interviews, this research has attempted to assess the viability of this framework, along with the roadblocks that stand in the way of innovation in policy and politics. The viability of this framework, beyond merely its applicability, is paramount to fully assessing the feasibility of such a policy shift. Policy and politics do not operate within a vacuum, and constantly interact both effecting and being affected by the world in which they are conceived.

I conclude that the current political landscape (of both Dutch and EU politics) creates a system where paradigm shifts and innovation are increasingly difficult. Severe departures from the status quo make acceptance and viability unlikely, both to the political regime and the populus. The polarization of our current political regime entails a certain amount of limited risk appetite in terms of venturing beyond the current framework. Moreover, it enhances the viability of tough, repressive approaches. Thus, the acceptance of HT victim orientated approach proves to be rather challenging in the near future. The shift in both perception and understanding is seemingly difficult, if not impossible, as long as we continue to fall victim to attacks. The feeling of victimization in society, initiated by attacks, creates grievances that policies need to respond to.⁴⁷⁶ These needs of victims are met by policies aimed at prosecution, incarceration, security and threat alleviation. I have argued in this research that more effective policies would be aimed at redressing the fundamental grievances that lead to radicalization at a grassroots level. Thus, applying a HT framework would theoretically realign our CT responses to address root causes rather than merely the consequences of radicalization. I further argue that, this framework, once applied case-by-case, would theoretically prevent re-victimization of individuals who originally sought out comfort and purpose through IS due to

⁴⁷⁶ Pemberton, A. "Needs of Victims of Terrorism." In *Assisting Victims of Terrorism*, eds. Letschert R., Pemberton A. and Staiger I. (Dordrecht: Springer, 2009).

their isolated conditions within society. It would not, however, correlate with increased assimilation or integration of these individuals but rather sets out to alter and redress the negative outcomes of current approaches. It is hoped that this framework would free up political space and support for rehabilitation, deradicalization and reintegration programs. Such programs would create sustainable change within these individuals and the communities affected by the current trends, reducing further alienation of specific groups. Second of all, the very nature of the phenomenon, of both terrorism and FTFs, instates a degree of fear with regards to the how and why we do things. Appearing to be 'soft' on traditionally 'hardline' topics creates challenges in gathering and establishing political consensus. Policy aimed at CT and FTFs need to respond to fears and desires of the populus, alleviating grievances fueled by feelings of insecurity and failure of the state to protect them. Internal determinants of policy innovation play a large part in the current deficit with regards to policy shift in the realm of CT. Certain 'godfathers' of policy innovation need to be primed upon, these risk takers that overcome the hurdles that lie in the path of major developments ultimately facilitating and encouraging innovation processes.⁴⁷⁷ I argue that the EU and MSs need to prioritize and build upon these so-called coalitions of the willing in order to spearhead policy innovation in the realm of CT.

Previous research has attempted to connect and understand terrorism and radicalization in terms HT and factors of vulnerability. Some research has gone as far as assessing the degree to which we can understand and address FTFs as possible victims of THB. However, little research had been done with regards to assessing the viability of addressing the phenomenon with a HT framework, and understanding the current policy framework in relation to this possible shift. This research, reinforces the application of a HT framework on FTFs, concluding that IS makes use of deceptive recruitment strategies, while coercing these recruits into positions of exploitation, and APOV when identifying recruits. The specific indicators of HT were applied, revealing the threat or use of force in terms of the harbouring criterium, demonstrating that IS systematically abuses its power. In terms of exploitation, specific reports demonstrate indicators of servile status, as well as exploitation for the purpose of criminal enterprise and activities. Moreover, for HT to be established exploitation does not necessarily have to take place, merely the purpose of exploitation is required. This intent criterium, makes the assessment of HT increasingly viable when taking into account the information we currently

⁴⁷⁷ Smith, D. "The Politics of Innovation: Why Innovations Need a Godfather." In *Technovation*, Vol. 27, No. 3 (Amsterdam: Elsevier, 2007).

have on IS recruitment strategies. While, it remains difficult to come to a general conclusion with regards to the victim status of these FTFs, it can be concluded with certitude that a significant amount of Western FTFs are victims of a varying degree of cohesion and deception often amounting to conditions of HT. Final assessments have to be carried out on a case-by-case basis, however the findings imply a non-binary aspect to the phenomenon and therefore I argue that we need to reconsider our primarily retributive based approach.

The pervasiveness of securitized narratives has permeated our understanding of community cohesion and integration. I argue that the burgeoning industries of CT and CVE have created focal points of funding and absorbed resources from various programs. I would like to “[...] see [...] a reinvestment in what people should be doing as state actors, such as building cohesive and integrated communities that can live side by side without having to fund some of those initiatives through a CVE or CT lens.”⁴⁷⁸ I further argue that over time, not only at a national level but also at an EU level, the policies centred around cohesion and integration have eroded away to make space for CVE. However, this has shifted our focus away from root causes towards their consequences. I believe that there is a need to deal with community drivers of grievances in order to counter radicalisation and VE.⁴⁷⁹ Communities need to feel a sense of investment and feel to be a part of a single cohesive community. The appeasement of these underlying grievances is the key to countering radicalisation and acts of terrorism. Furthermore, I argue that this refocus of priorities will enable international development programmes and funds to relocate their approaches away from CVE back towards programmes that have always been intended to build cohesive and integrated communities. This refocus is needed because post-2001 the international development organisations were forced to frame their programmes in terms of CT yields, adapting and modifying successful programmes to maintain funding. “This whole industry becoming a big echo chamber of mutually reinforcing securitization policies.”⁴⁸⁰ Essentially, I believe that we need to address and properly understand the ‘simple’ aspects of society, gaining better insight into the root causes rather than merely addressing the short-term consequences and outcomes. Granted, longer terms systemic issues are difficult to show progress against in the span of our current political leadership mandates. “[G]enerally there is a reluctance to invest in prevention as it is very difficult to prove the impact of any

⁴⁷⁸ Author’s Interview on the 22 May 2018 with Dr. Craig McCann, London.

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid.

prevention mechanisms. Whereas, on the other hand, it is easier to prove the effectiveness of incarceration mechanisms and prosecution. Prevention is, furthermore, a cross-agency objective and that is harder in the public sector to get agencies interested in things that have a shared objective.”⁴⁸¹ Cross-agency synergy, cooperation and multi-disciplinary approach to the phenomenon enables both a broad-based understanding and approach that may increase the effectiveness and long-term efficiency of our CT programmes. However, “When you start to look at things like lifetime offender management” it becomes increasingly difficult to stimulate cross-agency interest due to our current limited understanding of CT and CVE.⁴⁸² I conclude that current Dutch and EU policy is limited in understanding and long-term scope of addressing the issue. There needs to be a fundamental shift in how we do politics and policy-making, as well as our perception of issues such as terrorism and radicalization.

Through understanding the landscape of the CT framework and the policy approach to the phenomenon, it is further understood that a lot of the work needed in terms of grassroots issues and community cohesion are either not being done or are being done by ill adapted agencies. Local government and local authority have shifted away from these roles due to austerity measures post-2008.⁴⁸³ “Now a lot of the work in the cohesion integration space is no longer being done and is now being performed by police officers with a law enforcement mandate.”⁴⁸⁴ Thus, I argue that if priorities were properly and clearly stamped out from a policy perspective, relevant and appropriate agencies could step in. However, the problem with refocusing our initiatives is that we need to get to a stage where the ripples stop long enough for a government to step in with more space to take a critical approach and take some risk.⁴⁸⁵ Today, we continue to experience the ripples of reoccurring terrorist attacks in the West. The clear and calm waters needed for policy innovation, that is not stricken by internal and external determinants, is still a long way ahead. Furthermore, while “[...] socio-economic conditions in countries are unique and vary widely,” determinants of radicalization are identifiable and preventable with the implementation of well-founded policy.⁴⁸⁶ “The risk if you look ahead is that you now have [an increase in] vulnerable communities within the EU who are going to be

⁴⁸¹ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

⁴⁸² Author’s Interview on the 22 May 2018 with Dr. Craig McCann, London.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

⁴⁸⁵ Ibid.

⁴⁸⁶ Author’s Interview on the 30 May 2018 with Ben Waites, The Hague.

subjected to socio-economic exclusion and will be vulnerable to radicalization. The approach to prevent radicalization needs to improve now, not in 20 years.”⁴⁸⁷ I argue that inclusion and reintegration, as well as deradicalization and rehabilitation, are of key importance in alleviating future grievances and therefore possible security threats.⁴⁸⁸ The realm of CT policy and approaches is one of multi-disciplinary magnitude and is not merely one of security and threat alleviation.

This research is limited in its scope due to the very nature of the issues discussed. The data and information that these conclusions are based on is limited, both in scope and reliability. The field research undertaken through in-depth interviews with prominent figures in the field of CT have enabled deeper insight and increased understanding of the phenomenon. The views of these interviewees and their opinions are used in a way that contributes to, rather than becomes the foundation of, this research. Moreover, the security nature of CT policy entails discretion with regards to what is said and how. Thus, a certain amount of data collected could not be quoted but was used to inform and direct the research. This research assesses rather than criticizes our current approach to the phenomenon of returning FTFs. It was my goal to understand whether or not a HT framework and human-rights based approach was a viable alternative to our current approaches. Certain conclusions of this research are significant, as well as problematic. I have concluded that the current securitized approach of the Netherlands, as well as other MSs, has limited innovation and debate surrounding CT. If FTFs were to be considered as VOT, as this research and other research has suggested, then it would require a complete overhaul of our current political and judicial system. While a HT framework is a viable, and possibly a more accurate reflection of reality, it remains problematic in its applicability.

This research enables an increase in understanding of the phenomenon and our current policy approaches in attempting to respond to it. It allows for a variance in both our perception and reaction to returning FTFs, as well as nuance in our responses to this particular problem. This research offers a certain variation in a so far binary perception of the issue. Offering both a different understanding of the problem, in addition to a possible solution. Our current approach, and retributive stance on the issue, may be having a counter-productive and opposed effect on the desired outcomes. The possible re-victimization of these individuals can both

⁴⁸⁷ Ibid.

⁴⁸⁸ Author's Interview on the 7 June 2018 with Maarten Appúnn at the NCTV in The Hague.

dissuade them from leaving conditions of exploitation and danger, as well as increase grievances and alienation upon their return. I do not suggest a purely victim orientated model in dealing with returning Western FTFs, but merely suggest a need for reevaluating our current approach mainly aimed at the prosecution of perceived perpetrators. Essentially, this research demonstrates and concluded the need for nuance and variance within our CT model and framework. Establishing that the infusion of a HT framework within our CT realm, allows for this increase in nuance, shifting our response away from a primarily retributive model towards an increased rehabilitative model of justice. The introduction of this nuance allows for space within the system to increase understanding of the phenomenon, enabling a shift in focus away from immediate security concerns towards efforts aimed at addressing root causes. Finally, the shift in approach furthermore allows for our current political systems to accept, to a certain extent, responsibility with regards to the root causes of radicalization and propagation of the FTFs phenomenon. Essentially, I argue that it is possible to regard the current phenomenon as a result of the failure of cohesion, integration, and community building programs promoted at national and EU level. Thus, a refocus or shift of our CT framework and model could enable an increase in understanding and efficiency in counter-radicalisation and CVE programs. Ultimately enabling a growth in the effectiveness of our prevention programs through accurate policy innovation and grassroots community initiatives. We cannot continue to ignore the many indicators of HT within the FTFs phenomenon, that clearly and durably present themselves.

Finally, while this research demonstrated that a HT can further reflect the reality of the FTFs phenomenon, in the case of IS, it has also shown that in reality the applicability of this framework will be problematic. I conclude that both the current political landscape and the perception of terrorism and radicalization create roadblocks with regards to policy innovation in the realm of CT. I recommend that future research could, however, both construct and evaluate a new CT policy framework that takes into account the variances and nuances presented in this research. Such research could aim at building a rehabilitative approach that reduces re-victimization and grievances of returning FTFs whilst retaining a certain degree of security orientated concerns. While such an approach may seem idealistic and therefore unrealistic in its application, this research has demonstrated the viability of a HT framework. I suggest that increasing the nuances with regards to the proposed approach will enable innovation within the CT realm. A certain retention of security elements and concerns, who's absence currently stands in the way of the application of the proposed approach, may enable a paradigm shift that is currently seen as impossible. For now, while a shift is necessary in

reducing secondary victimization, grievances and increased radicalization, innovation within the securitized space seems unlikely without certain concessions. A middle ground is necessary and must be further researched, as well as primed upon in order to innovate our responses to terrorism. The two approaches discussed in this research may be fruitfully combined and even strengthen each other. This combination can develop a framework that can respond to both perceived security threats, and justice needs, as well as address these individuals as potential victims thus limiting re-victimization.

Annex

Annex 1: List of Interviewees

<p>Interviewee 1: Dr. Craig McCann 22 May 2018, London, United Kingdom. Skype Interview.</p>	<p>Principal at Moonshot CVE, focusing on Countering Violent Extremism through the use of data-proven techniques. Prior Head of Strategy and Policy and Metropolitan Police London, pilot project on prevention travel to Syria through the voice of Mothers. He led the national review of the CT Police resources delivering the CT Prevent Strategy across England and Wales. Last but not least, he was the Lead for the Channel Project, subsequently acting as the Deputy to the National Strategic Lead for the Channel program, this project aimed at mitigating the risks of individuals who are vulnerable to violent extremism.</p>
<p>Interviewee 2: André Carstens 23 May 2018, Brussel, Belgium. European Union Council.</p>	<p>Advisor to the European Union Counterterrorism Coordinator in Brussels, Belgium. Previously working for the Dutch Ministry of Foreign Affairs, and then as a Security Advisor to the Dutch Ministry of Security and Justice. He has prior experience working in Afghanistan as an attaché to the Ministry of foreign Affairs in charge of Governance.</p>
<p>Interviewee 3: Ben Waites 30 May 2018, The Hague, The Netherlands. Europol.</p>	<p>Senior Specialist in the Office of the Director at Europol; assessing, innovating and creating policy recommendations. Previously, a Policy Analyst and Senior Criminal Data Compiler at Interpol.</p>
<p>Interviewee 4: Maarten Appúnn 7 June 2018, The Hague, The Netherlands. National Coordinator for Counterterrorism and Security.</p>	<p>Senior Policy Officer at the NCTV, mainly concerned with retuning FTFs and policy related to this effect, the NCTV is attached to the Dutch Ministry of Security and Justice. Previously worked in Dutch migration and naturalisation</p>

<p>Interviewee 4: Anonymous Source May 2018.</p>	<p>Source wished to remain anonymous due to the sensitive nature of the information that was conveyed during the interview.</p>
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