From leaving them be to returning them home?

A case-study into the development of the Dutch policies and political debate on Dutch returnees from Syria and Iraq between 2012-2019

This illustration demonstrates the present global debate on whether or not to repatriate the foreign fighters from the region. Retrieved on 15 August 2019 from: The Billings Gazette.

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Date final version: 29 August 2019
Wordcount: 28.327 including footnotes [24.383 excluding footnotes]
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1. Introduction

As a 15-year old schoolgirl, Shamima Begum left London in order to join the Islamic State in Syria. Four years later, she pleaded to be allowed back to the United Kingdom.¹

The Dutch Yago Riedijk believed that IS would offer him a better life and left to Syria in 2014. Together with his wife Shamima Begum, they now want to return to the Netherlands.²

Émilie König, a French woman, joined IS in 2012. Recently, she expressed to the media that she regrets going to Syria and says she wants to come back to France.³

These cases exemplify the phenomenon of individuals who voluntarily leave their state of origin or residence in order to fight in an armed conflict abroad, and who claim to be driven by ideology, religion or kinship – also referred to as ‘foreign fighters’.⁴ Due to the outbreak of the Syrian civil war in 2011, tens of thousands of foreigners travelled to Syria in order to fight either alongside opposition groups against the repressive regime of the Syrian president Bashar al-Assad, different Islamic terrorist organizations, or pro-government forces loyal to the Syrian government (Mishali-Ram, 2014). All these different warring parties coupled with the influence of countries such as Turkey, the United States (US) and Russia, backing certain groups in the conflict, have made the Syrian civil war an open battleground for whose ramifications extend far beyond the local and regional spheres (Mishali-Ram, 2018). One of these repercussions being the massive departure of tens of thousands of foreign fighters (Cook & Vale, 2018).

The surge of foreign fighters to Syria increased substantially particularly in the summer of 2014, after the leader of the newly established self-proclaimed Islamic State (IS), Abu Bakr al-Baghdadi, urged Muslims from all over the world to engage in jihad⁵ and to act against the global oppression against

⁵ It is important to distinguish the terminology with regard to jihad, because the concept of jihad is often, incorrectly, equated with acts of extreme violence and terrorism. ‘Jihad’ is an Islamic concept which literally means “striving”, more specifically: striving in the way of God. This striving can refer to all kinds of religiously inspired efforts – they can either be personal, political or military (Shepard, 2014). There are two different types of jihad: the big jihad and the small jihad. The former refers to the personal inner struggle to be a good Muslim. The latter refers to fighting injustice and oppression, spreading and defending the Islam, and creating a just society through preaching, teaching and armed struggle or holy war (De Leede, 2018). When I refer to ‘jihad’ or ‘jihadist(s)’ in this study, it refers to the latter interpretation.
Muslims (Bakker & De Roy van Zuijdewijn, 2015). This proclamation had a vigorous effect around the world: a remarkable influx of jihadists into Syria and Iraq resultantly followed. Nevertheless, the phenomenon of foreign fighters as such is not new. In fact, over the past 200 years alone, almost 70 civil wars included the participation of foreign fighters (Malet, 2013). However, what shocked the international community with regard to the foreign fighters to Syria and Iraq was the remarkable number of individuals that were attracted to the conflict. According to a study of the International Centre for the Study of Radicalization, 41,490 citizens – of which 75% were men, 13% women, and 12% minors – from 80 different countries have joined the terrorist organization in Syria and Iraq (Cook & Vale, 2018). Therefore, the foreign fighters as it has manifested itself in Syria and Iraq was unprecedented in scale and unique in nature (Schmid, 2015; Meines, Molenkamp, Ramadan, Ranstorp, 2017). Consequently, it became a matter of intense international concern (Organization for Security and Co-operation in Europe, OSCE, 2018). Accompanying the concerns about the sheer volume of departures were the increasing security concerns of prospective returning foreign fighters (Hennessy, 2014; Singleton, Van Ginkel, Paulussen & Entenmann, 2014).

The examples of Shamima, Yago and Émilie demonstrate the struggle for European countries with regard to the return of foreign fighters. Since the beginning of 2013, European intelligence services and politicians carefully started to express their concerns about the dangers that would stem from potential trained and radicalized returning foreign fighters (Bakker & De Roy van Zuijdewijn, 2018). For instance, in February 2013, former British Foreign Secretary, William Hague, argued that foreign fighters might return ideologically hardened and with the experience that would enable them to execute terrorist activities. In June 2013, the former German Minister of Interior, Hans-Peter Friedrich, also expressed his fear that the jihadists who would return to Europe, after being trained in “deadly handwork”, will be “ticking time bombs” (Bakker, Paulussen & Entenmann, 2014). These concerns about the reverse flow of foreign fighters were confirmed when several returnees were identified as the perpetrators of both the Paris attacks and the Brussel attacks (Coolsaet & Renard, 2018; OSCE, 2018).


7 Normally, foreign fighters are a minority in a civil war (Schmid, 2015). However, in the case of Syria and Iraq, the volume of foreigners is remarkable, namely more than 41,000. However, it is not only the number of foreign fighters that makes this specific group extraordinary, but also the diversity of the group as they came from 80 different countries (Pokalova, 2018).


9 Of the 11 perpetrators of the Paris Attacks in November 2015, at least six were identified as returnees from Syria (BBC, ‘Paris Attacks: Who were the attackers’, 27 April 2019, retrieved on 21 June 2019 from: https://www.bbc.com/news/world-europe-34832512). Of the 6 perpetrators of the Brussels Attack in 2016, three men were identified as returnees from Syria (Cruickshank, P., ‘The inside story of the Paris and Brussels attacks’, CNN, 30 October 2017, retrieved on 21 June 2019 from: https://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html). There have been other terrorist attacks that involved at least one returned foreign fighter among the perpetrators (Bakker & De
As a result, European states increasingly began to implement policy measures for returning foreign fighters. Nowadays, countries have systematic and comprehensive policies in place that are able to deal with returnees (Renard & Coolsaet, 2018). However, this existing policy framework is currently under pressure, particularly due to the fall of the caliphate.

In early February 2019, the Kurdish-led Syrian Democratic Forces (SDF) started their final assault against one remaining IS enclave, in the small town of Baghuz in eastern Syria.¹⁰ A month later, the spokesman of the SDF, Mustafa Bali, announced the SDF’s military victory against IS by claiming that the terrorist organization had been completely territorially defeated.¹¹ Despite the hailing of this victory by some countries’ leaders such as the former British Prime Minister Theresa May and the French President Emmanuel Macron, they simultaneously stressed that as IS might be defeated in terms of territorial control, they would continue to pose an incredible threat because their ideology was far from defeated.¹² The final assault on IS coincided with the increasing expression of a desire by foreign fighters – such as Shamima, Yago and Émilie – who have over time been captured by or have surrendered to different actors such as the SDF,¹³ to return to their country of origin or residence in Europe.¹⁴ In addition, different actors participating in the conflict called for countries of origin to take their responsibility. Joint head of foreign relations in the Kurdish-led area, Abulkarim Omar, has urged European countries to repatriate their citizens and to prosecute them on their soil. He stated that the Kurds do not have the capacity nor the desire to indefinitely detain the foreign fighters.¹⁵ The US has also increased the pressure on countries to act. The US-President, Donald Trump, has recently called upon European states to take back the captured IS foreign fighters in the region and to put them on trial. He warned that if countries do not adhere to this call, the US will be forced to release the fighters.¹⁶

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Roy van Zuijdewijn, (2018). However, the aforementioned attacks served as catalysts for countries to implement measures to deal with returning foreign fighters (Renard & Coolsaet, 2018).


¹² Ibid.


light of these current developments, European countries are pressured to respond to the compelling question of how to deal with these remaining foreign fighters in Syria and Iraq (Mehra & Paulussen, 2019).

1.1. Research questions

Deciding on what to do with returning foreign fighters has troubled European countries since the beginning of the conflict in Syria and Iraq. Of the approximately 5,000 European foreign fighters, by 2016, some 30% of the European foreign fighters have already returned to either their country of origin or other third states (OSCE, 2018). However, so far, most European countries in general have preferred that foreign fighters do not come back to their homelands (Renard & Coolsaet, 2018). Therefore, most countries have been reluctant to actively repatriate the foreign fighters from the region. According to the Soufan Center, part of this reluctance is because governments have failed to successfully deradicalize and reintegrate these individuals. Governments also fear that it will be difficult to prosecute and convict them once they are back in their home countries, because it is believed that it will be hard to prove their crimes, and as a consequence, they will walk freely. The dominant approach of many European states has thus consistently been to frustrate and object their return.

However, due to Trump’s warning and the frequent calls of the Kurds to take back the foreign fighters, this policy position is under pressure. Consequently, countries are currently revising their policies for returnees because they are worried that the existing security and law enforcement entities are not able to cope with the threat that stems from the future returnees (Barrett, 2017). These future returnees are considered more dangerous than those who have already returned because the former have been exposed to ideological extremism and violence longer (Renard & Coolsaet, 2018). On the one hand, there are some countries that are strengthening their existing policies. For instance, the United Kingdom (UK) has passed laws that enable the authorities to revoke the citizenship of dual nationals affiliated with IS, which enhances their already existing position of preventing foreign fighters to return. On the other hand, countries such as France are in fact reconsidering to change their policies – they have indicated

20 Ibid.
that they might take back the children of the foreign fighters (but not their mothers).\textsuperscript{22} Especially, the latter category of countries is interesting to examine: the ones that initially did not want to repatriate their nationals and are now revising this position. One of the countries that also seems to show this shift is the Netherlands. The country had, up until recently, a policy of not actively repatriating their citizens. Recently, however, the Netherlands has repatriated its first Dutch minor.\textsuperscript{23} Therefore, it is interesting to research how a country’s political debate and policies have developed over time in order to discover how the firm position of not repatriating foreign fighters has shifted towards a more lenient attitude. This study will focus on the Dutch case and will therefore answer the following research question:

**RQ1: How have the Dutch policies and political debate regarding Dutch returnees from Syria and Iraq developed between 2012-2019?**

I have decided to cover the Dutch policies and political debate from 2012 to 2019 [present]. The reason I selected 2012 as the starting point is because 2012 marks the year of the first wave of Dutch departees to Syria and Iraq, and as a consequence, this event triggered the design of the present policy framework for returnees (Van Ginkel & Minks, 2018). The research question does not mention the specific groups or forces to which the foreign fighters belong. According to the *Algemene Inlichtingen- en Veiligheidsdiensten, AIVD* [Dutch Intelligence and Security Service], a total of 300 individuals with jihadist intentions have travelled to Syria and Iraq, of which the vast majority have joined IS.\textsuperscript{24} Therefore, the focus of this study will be on IS-foreign fighters, because the Dutch government will mainly have to deal with the returnees that are affiliated with IS.

In order to answer RQ1, I formulated two sub-questions – one addressing the *policy* component of the main research question and the other addressing the *political debate* component. These sub-questions are respectively:

**SQ1: How has the Dutch government been responding to the returnees from Syria and Iraq?**

**SQ2: What are the views of the Dutch government in the present debate regarding whether or not to promote or frustrate the return of Dutch foreign fighters?**

This research will also answer another research question. According to Weggemans, Van der Zwan & Liem (2018), only a few studies have focused on the role of family members in the departure and return of individuals, who have joined an extremist or terrorist organization in a conflict zone abroad. Due to


the lack of research into this particular topic, it is thus relevant to include relatives when researching the 
departee/returnee phenomenon. The relatives of the Dutch jihadists are the ones that have experienced 
the government’s policies and its effects firsthand – and therefore I assume that they might have valuable 
suggestions on how the Dutch government should and could deal with returnees. I had the unique 
opportunity to interview two fathers whose daughters have both travelled to Syria, and therefore I am in 
a position to include their perspectives. Even though this research will primarily focus on the Dutch 
policies and political debate regarding returnees, this research will therefore provide a small reflection 
on the two components of the main research question from the perspective of people who are affected 
by the policies, using the following research question:

RQ2: What are the perspectives of relatives of Dutch jihadists on how the Dutch government 
should respond to their possible or actual return?

1.2. Conceptualization

Below, I will elaborate some of the concepts that require clarification. I will discuss the relevant 
literature on these concepts and I will conclude this part by explaining the terminology this study will 
employ.

1.2.1. ‘Foreign fighters’

There is, up until today, no common and agreed definition for the term ‘foreign fighters’. Terms as 
‘foreign fighters’, ‘foreign terrorist fighters’ and ‘jihadists foreign fighters’ seem to be used 
interchangeably by many governments, organizations and media (Van Ginkel & Entenmann, 2016). 
First of all, it is helpful to dissect the term ‘foreign fighter’ as those two words already result in a 
significant margin of ambiguity (OSCE, 2018). ‘Foreign’ conveys the idea that it concerns individuals 
who travel abroad to a state other than their state of nationality or residence (Krähenmann, 2015). The 
word ‘fighter’ often goes beyond only those who engage in combat. Hence, it also covers those who 
engage in an array of roles abroad, as well as a much broader web of individuals who support, facilitate 
and encourage such travel (OSCE, 2018).

David Malet’s study is considered to be one of the most thorough and useful studies on the 
phenomenon of foreign fighters (Bakker & De Roy van Zuijdewijn, 2018). He employed the following 
definition for foreign fighters, “non-citizens of conflict states who join insurgencies during civil 
conflicts”. According to Schmid & Tinnes (2015), this particular definition cannot be applied to the 
foreign fighters contingents in Syria and Iraq. They argue that Malet’s definition is too ‘dry’, because it 
does not address what drives those individuals to go abroad and join a conflict. There are some 
definitions that do in fact refer to the motivations of the individuals. For instance, the Geneva Academy

25 In his book called Foreign Fighters: Transnational Identity in Civil Conflicts, he extensively wrote about 
conflicts in history that included foreign fighters: the Texas Revolution 1835-1836; the Spanish Civil War 1936-
of International Law and Human Rights (2014) defines a foreign fighter as follows: “[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”. Nevertheless, such definitions, in turn, receive the critique that their description of the phenomenon implies that the foreign fighters are mainly religious fighters26 (Schmid & Tinnes, 2015). In 2014, the United Nations Security Council (UNSC) took a different approach by introducing a new concept – a new qualifier was added in the term: Resolution 2178 formulated the term ‘foreign terrorist fighters’. According to this Resolution, foreign terrorist fighters are:

“Individuals who travel or attempt to travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”.27

While this definition limits the group to those involved in terrorism, to some extent it still concerns a larger group compared to the aforementioned definitions, as it does not only count those who participate in the actual activities, but it also counts those who attempted to travel abroad (Van Ginkel & Entenmann, 2016; Krähenmann, 2015). However, there is ambiguity about the ‘terrorist’ element because the UN General Assembly has never arrived at a universally accepted definition of terrorism (Krähenmann, 2015; Schmid & Tinnes, 2015).

1.2.2. ‘Returnees’

It is argued that foreign fighters can take three pathways with regard to returning: they can go to another conflict zone, they move to a third country (i.e. a non-conflict zone), or they return back home (Ragab, 2018). This research is interested in the latter pathway – the individuals concerned are also referred to as returnees. In contrast to the term of ‘foreign fighter’ the concept of ‘returnees’ in this context is less ambiguous: returnees are persons who successfully travelled to Syria and Iraq and became affiliated with IS, and who have now returned to their country of departure (Barrett, 2017).

1.2.3. This research’ terminology

Because this research focuses on the Netherlands, it will use the terminology that is in line with the terminology that is mainly used by the Dutch authorities. With regard to the concept of foreign fighter, it seems that, in the Netherlands, the terms ‘jihadist traveler’, ‘jihadist’, or ‘departee’ are mainly used. Bakker & De Roy van Zuijdewijn (2015) analyzed all the Dreigingsbeeld Terrorisme Nederland [DTN,

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26 This definition was disapproved, because it was considered “politically incorrect” by the United Nations’ General Assembly. According to Schmid & Tinnes (2015), a possible explanation for this objection is because the Muslim states have a significant voting strength within the General Assembly.

Dutch Terrorism Threat Assessment\(^{28}\) reports from 2005-2015, and it appeared that the aforementioned terms were mostly employed by the Dutch authorities. These concepts used by the Dutch authorities seem to cover the same characteristics as the UNSC foreign terrorist fighter definition quoted above. According to the AIVD, it concerns individuals “who have successfully travelled to Syria and Iraq with jihadist intentions, in order to participate in the conflict”.\(^{29}\) Furthermore, with regard to the definition of returnees, this research will adhere to the Dutch’s government understanding of returnees:

“The AIVD defines returnees as individuals who have travelled to the conflict zone in Syria and Iraq with jihadist intentions, and for whom it has been ascertained that they reached the conflict zone and are now returning to the Netherlands”\(^{30}\)

From this definition, however, it seems that the authorities consider returnees as those individuals that are in the process of their return – they have left the region, but are currently in the process of *returning* to the Netherlands. From the table below, it becomes apparent that +/- 60 jihadists have (already) *returned* to the Netherlands, and the individuals in either Turkey or Syria can be considered to be in their *returning* process. This research will mainly focus on those returning.

*Table 1: Number of adults (18+) that traveled to the battlefield\(^{31}\)*

<table>
<thead>
<tr>
<th>Number of adults (18+) that traveled to Syria and Iraq</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Killed in the conflict</em></td>
</tr>
<tr>
<td><em>Returned from the conflict</em></td>
</tr>
<tr>
<td><em>With jihadist intentions still present in Syria</em></td>
</tr>
<tr>
<td><em>In Turkey</em></td>
</tr>
<tr>
<td><em>Other</em></td>
</tr>
</tbody>
</table>

### 1.3. Structure of this research

In sum, this study will examine how the Dutch policies and political debate on returnees from Syria and Iraq have developed between 2012-2019. This research will proceed as follows. In the next chapter, I will explain this research’ methodology. In chapter 3, I will discuss the relevant academic literature on

\(^{28}\) The DTN is a global analysis of radicalization; extremism; and the national and international threat to the Netherlands, and the Dutch interests abroad. Within each analysis, the Dutch government assess the terrorism threat level. This analysis is published three times per year. (NCTV, ‘Dreigingsbeeld Terrorism Nederland (DTN)’, n.d., retrieved on 17 June 2019 from: https://www.nctv.nl/onderwerpen_a_z/dtn/index.aspx?select=2&q=&df=01-01-0001&dt=31-12-9999&dtermsType=&kw=&dl=False&SortBy=Datum).

\(^{29}\) See AIVD, ‘Uitreizigers en terugkeerders in beeld’ (latest update 1 August 2019).

\(^{30}\) This definition also includes those jihadists who departed to the conflict zone from a country other than the Netherlands and subsequently travel to the Netherlands. Retrieved on 30 May from: https://english.aivd.nl/publications/publications/2017/02/15/publication-focus-on-returnees

\(^{31}\) Ibid.
the manifestations of today's foreign fighters to Syria and Iraq by outlining the factors that distinguishes them from their predecessor jihadi foreign fighters. Thereafter, I will outline the Dutch experience with terrorism and counterterrorism, and I will discuss the current Dutch counterterrorism framework. In chapter 5, I will explain how the European countries’ policy framework for returnees is structured in general, I will explain how countries determine their policy position on repatriation by balancing certain interests, and I will outline the different policy positions that can follow from the countries’ balancing. In the analysis chapters, I will zoom in on the Netherlands. I will first answer the question that addresses the policy component of the main research question (chapter 6.1 and 6.2), then I will discuss the Dutch political debate on returnees (chapter 6.3), and in the last part, I will answer the question on the Dutch jihadists’ relatives (chapter 6.4). Finally, I will conclude this research by summarizing my main findings, reflecting on the Dutch government’s policy position, presenting some policy improvements, and suggesting topics for future research.
2. Methodology

In this chapter I will cover the key methodological considerations of this research. First, I will elaborate the reasons for choosing the case-study as the research design. Then, I will explain why I selected the Netherlands as the case to be studied. Thereafter, I will explain the type of data I used for this research and how I conducted and analyzed this information. At the end of this chapter, I will address the limitations of this research.

2.1. Research design – case-study

This study takes a qualitative research approach. This type of research allows for a better understanding of a certain phenomenon in context-specific settings (Patton, 2001). From the main research question follows that the purpose of this research is to gain a deeper insight into the Dutch policies and the political debate regarding returnees – therefore, a qualitative research approach offers the most convenient framework to achieve this. The particular research design I have selected for this research is a case-study. A case-study is particularly useful to employ, when the intent of the study is to obtain an in-depth understanding of a specific contemporary phenomenon by focusing on the dynamics of the case (Easton, 2010). This research does not offer conclusive solutions to the issue of Dutch returnees, but instead it seeks to unravel and determine the nature of this specific matter by providing the reader with a comprehensive overview of the history, developments, challenges regarding the Dutch policies that deals with returnees. The specific type of case-study I have chosen, is the exploratory case study. This type of case-study is considered as a prelude to social research, meaning that it this usually employed to a study a problem that has not been researched extensively and it is thus conducted in order to understand the specific problem better (Tellis, 1997). Since the phenomenon under study – returnees from Syria and Iraq – is relatively new, I have thus chosen the exploratory case study.

2.2. Case selection

According to Bleijenbergh (2010), the relevance of the case is the most important criterion for the selection of the case. As I mentioned in the introduction, the relevance of the Dutch case lies in the fact that the Netherlands is one of the countries whose government’s attitude towards the repatriation of the Dutch foreign fighters – not actively repatriating them – is currently shifting to a more lenient position. From this follows that it is interesting to examine how the Dutch political debate and policies with regard to returnees have developed in order to examine how this shift occurred. Another reason to select the Netherlands for the case-study was determined by the accessibility to the sources, both the written and the human sources. Choosing a case that could offer me the data in my native tongue, enabled me to delve more into detail, and to better understand the information in its context.
2.3. Data collection and analysis

It is argued that one of the main characteristics of a case-study research design is the use of multiple data sources. It is worth quoting Baxter & Jack (2008, p.554) as they very well describe the relevancy of employing multiple sources in a case-study:

“Each data source is one piece of the “puzzle”, with each piece contributing to the researcher’s understanding of the whole phenomenon. This convergence adds strength to the findings as the various strands of data are braided together to promote a greater understanding of the case.”

Pursuant to this argument, in order to answer the research questions, this study has thus used multiple data sources. Below, I will elaborate what kind of sources have been used for this research and how I intend to analyze the data.

2.3.1. Documents

For this research, I mainly used online news articles, government documents, and policy reports from private sources. A major concern that accompanies using a case-study is that this particular design does not provide strict and systematic guidelines on how to conduct the research. This results in a lack of rigorousness (Thomas, 2011). To minimize this limitation, I will explain where and how I found the documents. First of all, I started my search for the academic journals either via Google Scholar, Leiden Catalogue or the Vrije Universiteit Amsterdam Library [online university library portals]. I have searched the academic articles with either the term ‘returnees’ or ‘foreign fighters’ – and often I added some additional terms such as ‘Syria’, ‘Iraq’, ‘IS(IS)’, ‘policies’, ‘repatriation’. The results that followed from these search terms is huge, and I had to select the articles. The first selection was based on an assessment of its relevance, based on the title of the document.

The manner in which the data, obtained from the documents, were analyzed was by gathering and extracting the information that was considered relevant to the problem of interest (Cooper & Hedges, 2009). Once I had some useful articles, I would use their bibliographies to obtain more articles. With regards to the policy reports and the news articles, I used the regular search engine of Google. For the policy reports, I used the same search terms as for the academic journals. For the news articles, however, I used word phrases that would cover the particular news item, which allowed me to find accurate news articles. Furthermore, for my analysis, I mainly used parliamentary documents. The search engine I used to obtain these documents is the one from the official website of the Dutch parliament. I decided to not select a certain type of document – letter, reports, general consultations, law proposals – but to select a dossier: 29754. This is the dossier of ‘Counterterrorism’. Because returnees are considered to pose a threat to the national security in terms of committing terrorist attacks in the Netherlands, this dossier
covers most of the relevant documents on returnees from Syria and Iraq. I will give a rough indication of where I used these type of documents. The academic journals I mostly employed for describing the phenomenon of foreign fighters in Syria and Iraq (chapter 3) and for describing the Dutch experience with terrorism and counterterrorism (chapter 4). The policy and parliamentary documents I mainly used for the descriptive part about the European policies on returnees (chapter 5), and for the analysis part of the policies and the political debate in the Netherlands (chapter 6).

2.3.2. Interviews

I interviewed two fathers for this research, who I got in contact with because I attended the lecture Kalifaatkinderen on 18 February 2019 at the Rode Hoed (in Amsterdam), where they were both guest speakers. For both interviews, I prepared a topic list beforehand. The reason I wanted to do a semi-structured interview is because this structure allowed me to, on the one hand, address the topics that were essential for my research questions, and on the other hand, also let the respondents tell their stories (Rabionet, 2011). I started the interviews by explaining some practicalities with regards to the duration of the interview, the general purpose of the research, some ethical considerations, and the specific intention with this interview. The interview with Eugène lasted +/-1.5 hour and the interview with Houssein took +/-3.5 hour. I manually transcribed the first interview and the latter I transcribed with the program AmberScript. Because the sample size is so small, it was not necessary to perform a certain analysis strategy in order to analyze the data from these interviews. Since it is not possible to make generalizable statements based on only two interviews, a particular coding strategy, which is used to discover overarching themes between the interviews was also not useful. Instead, I have identified the relevant themes for my research question and I included those passages in this research. In order to identify those relevant issues, I used the analysis chapter as a guideline.

2.4. Limitations of the research

2.4.1. Case-study as the selected research design

Despite the frequent use of case-studies in social science, this design receives a lot of critique (Yin, 2003). The most persistent objection to this design is that one cannot generalize from a single case (Bryman, 2012). However, it should be noted that the purpose of a case-study is not to generate findings that are universally applicable, but instead, to generate findings that explicitly concern the specific case under study (Yin, 2003). In line with this argument, the goal of this research is thus not to generalize its outcomes, but to arrive at answers that are applicable to, specifically, the Dutch case. Another major concern with the case-study research design is that it does not provide strict and systematic guidelines of how to conduct the research, which results in a lack of rigor. Indeed, using a case-study is known for its looseness, and the objection that is frequently made is that this flexible structure of a case-

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32 I acknowledge that there is a risk that I missed some relevant information as it could be filed in another dossier.
study affects the research’ trustworthiness (Thomas, 2011). In paragraphs 2.3.1 and 2.3.2, I attempted to minimize this limitation by explaining how I collected and analyzed the data.

2.4.2. Interviews

There are also certain limitations regarding the interviews. First of all, the particular subject group of family members of Dutch foreign fighters is extremely hard to reach. Therefore, the first limitation of these interviews is the selection bias (Weggemans, Van der Zwan & Liem, 2018). Because a convenience sample was used – both fathers were guest speakers at the lecture – this bias might affect the findings from the interviews. The fact that both were willing to speak at this lecture suggests that they want to be heard with their story, which are often the critical voices. Therefore, the image might be skewed. As I mentioned before, the number of interviews is relatively small. This impacts the generalizability of my findings. However, it is not my intention to arrive at findings that are applicable to the whole study population; instead the purpose of RQ2 is just to offer a small reflection on the Dutch policies and political debate from the people who are affected by the policies. Furthermore, another limitation is that the respondents that I interviewed were both fathers. According to Weggemans, Van der Zwan & Liem (2018), the relation between each departee and relative differs, which as a result can impact the findings as well.

2.4.3. Biases

This research contains some inevitable biases. First of all, the literature that is used for this study consists predominantly of policy reports and parliamentary documents. These kinds of documents are often written from a certain perspective. The parliamentary documents are written from the government’s perspective, but many policy or research reports are also funded or commissioned by government institutions. Therefore, it is important to keep in mind that not all sources are objective or academic. However, since this research entails an analysis of policy, this is not necessarily problematic. Also, this research is subject to the research bias. This is especially the case with regards to the selection and the analysis of the data. In order to maintain the quality of the research – which depends on the criteria of validity and reliability33 (Baxter & Jackson, 2008) – I attempted to constantly focus on the research questions while assessing the data (Hancock & Algozzine, 2006) to ensure the validity of the research, and I tried to be as transparent and complete about the manner in which I gathered the data. To limit the research bias in analyzing the interviews, the data was shared with the respondents, before publication, to give them an opportunity to clarify the interpretation, in order to not only have the researcher as the single interpreter of the data (Baxter & Jack, 2008).

33 These concepts respectively entail: measuring what is supposed to be measured and the consistency of measurements (Bryman, 2012).
3. Foreign fighters in Syria and Iraq

This chapter will discuss the relevant literature regarding today’s foreign fighters in Syria and Iraq. In the introduction, I already mentioned that the phenomenon of foreign fighters as such is not new, however, the foreign fighters from Syria and Iraq are in fact considered as a distinct group of foreign fighters. It is argued that IS is not a ‘typical’ insurgency.\(^{34}\) Consequently, those departing to Syria and Iraq are not ‘typical’ foreign fighters (Borum & Fein, 2017). In this chapter, I will discuss the factors that contribute to the uniqueness of this group in particular by elaborating the nature of the group: the scope, the motivations and the threat that stems from returning foreign fighters. According to El-Said & Barrett (2017) and the OSCE (2018), greater knowledge about today’s foreign fighter ‘problem’ is a necessary pre-requisite to be able to formulate effective and appropriate responses. In paragraph 3.5, I will explain the considerations for policies that follow from this particular understanding of the foreign fighters to Syria and Iraq. While an in-depth exploration of the manifestations of today’s foreign fighters goes beyond the scope of this research, a few aspects from a growing body of research and literature are worth highlighting.

It is not a novel observation that foreign fighters have participated in conflicts prior to the IS-era – it has previously been established that they have been present in conflicts throughout history (Hegghammer, 2010; Malet, 2018). However, the current foreign fighter generation that travelled to Syria and Iraq can in fact be considered a new wave in the history of jihadis (Coolsaet, 2016). In his book ‘Leaderless Jihad’, American scholar and former CIA case officer, Marc Sageman, identified three successive jihadi waves starting in the 1980s (Sageman, 2011). The start of Syrian civil war in 2011 gave rise to a fourth wave of foreign fighters, which is distinct from the previous waves (Coolsaet, 2016). The question this raises is what sets today’s foreign fighters in Syria and Iraq apart from the previous jihadi foreign fighters? Below, I will discuss the most relevant characteristics of this new group of foreign fighters.

3.1. Composition of today’s group of foreign fighters

It is argued that today’s foreign fighter contingents in Syria and Iraq are unique in particular due to the sheer volume of foreign fighters, which is unprecedented (Meines et al., 2017). From the figure below, however, it becomes apparent that other (relatively) recent conflicts – the Russian Revolution and Civil War and the Spanish Civil War – have in fact attracted more foreign fighters than the conflict in Syria and Iraq.

\(^{34}\) Some individuals claim they did not join IS because they wanted to participate in the violent conflict. Instead, they wanted to migrate to and live in the new Islamic State. According to Gates & Podder (2015), IS is a rebel organization that was seeking military victory. However, unlike other jihadist groups who seek to hold and govern territory, IS is unique in terms of combining rebel governance with expansionist territorial ambitions, in order to create an Islamic State.
While this is indeed true, the conflict in Syria and Iraq is still unique in terms of the numbers of foreign fighters it attracted: this conflict represents the largest mobilization of *jihadist* foreign fighters in Muslim majority countries. European nationals have made up a significant proportion of the entire group (Malet, 2018). The figure shows that approximately 5,000 individuals have departed from Europe to Syria and Iraq. Most of them left from Belgium, France, Germany and the UK, but significant numbers also left from Austria, Denmark Finland, Italy, the Netherlands, Spain and Sweden (Meines et al., 2017). There are some additional compositional aspects that separate IS foreign fighters from the previous jihadi foreign fighters. On average, they are much younger than their predecessors (Coolsaet, 2016). Especially, the foreign fighters from Europe tend to be in their 20s (EPRS, 2018). What is also striking, is the number of women that was attracted to IS:

> “One surprising result was that one of the most anti-feminist militant organizations in recent world history drew unprecedented numbers of women from Western countries to join it. Nearly one in five Western European IS-volunteers were women.” (Malet, 2018)

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From 2015, there was a notable rise in the number of foreign women and children that traveled to, or in the case of children, being born in the Islamic State (Barrett, 2017). IS promoted the idea of life in an ‘Islamic State’. They encouraged everyone to come and assist in the building of this state, including women and children. According to Cook & Vale (2018), women and minors became important to IS for two reasons: ‘symbolically’ as their presence and support would help legitimize this vision and ‘practically’ in the roles they played in this state-building process. The dissemination of this message lent to the diversity of persons travelling to Syria and Iraq, including whole families. Figure 2 shows the composition of today’s foreign fighters.

Figure 2: Total IS affiliates in the ‘caliphate’ (Cook & Vale, 2018, p.21).

3.2. Motivations

Generally, there is a lack of solid empirical evidence and consensus on what exactly motivates an individual to leave his or her country of residence to join a terrorist organization in a foreign country (El-Said & Barrett, 2017). In the case of Syria and Iraq, foreign fighters from at least 80 different countries were attracted to the conflict, which complicates the question about their motivations even more (Benmelech & Klor, 2018). Over the years much has been written about the motivations of these individuals (Dawson & Amarasingam, 2017). What becomes apparent from this growing body of research is that the motivations to travel to Syria and Iraq are varied and mixed, and a wide range of both push and pull factors have contributed to their decision to leave (Borum & Fein, 2017). Every radicalization process is unique and therefore the motivations to leave to Syria and Iraq are also different. This means that there is no (single) psychological profile for these foreign fighters (Meines et al., 2017).

Nonetheless, there are some commonalities to be found in studies with regards to motivations, which do set this group apart from previous jihadi foreign fighter mobilizations (Krähenmann, 2015). Researchers seem to agree that religion, to some extent, a driving factor for individuals to travel to Syria and Iraq, but the contribution of this factor is increasingly overlooked (OSCE, 2018). The overestimation of the
role of religion is evidenced by the research of two consultants for the UN Counter-Terrorism Center, El-Said & Barrett (2017). They discovered that religious beliefs seem to have played a minimal role in the motivation of their foreign fighter-sample from Syria and Iraq. In contrast to their predecessors, the present fighters’ acquaintance with religion is more shallow and superficial (Coolsaet, 2016). It is argued that the religious component in the recruitment and radicalization of individuals is being replaced by social motives such as peer pressure, romantic prospect, giving meaning to life, feeling socially excluded in the home country (Europol, 2015; Van Ginkel & Entenmann, 2016). In addition, despite the variety of push and pull factors, Schmid & Ternes (2015) have identified some factors that seem to surface in the existing literature on this issue. In appendix I of this research, I have outlined these factors.

3.3. Threat of foreign fighters

There is a debate in the literature on whether or not today’s returning foreign fighters from Syria and Iraq pose a threat to the national security of their state of residence or nationality, because when they return they might engage in terrorist acts. Despite the different opinions within this debate, most studies seem to agree that in the past, only a small minority of the returned foreign fighters became involved in terrorist activities in their country of origin (Bakker & De Roy van Zuijdewijn, 2018). Malet’s research on the history of foreign fighters shows that a link between foreign fighting and terrorism was rarely made. It appears that up until the 1980s, returning foreign fighters were not considered as a future terrorist threat (Bakker & De Roy van Zuijdewijn, 2018). The Soviet-Afghan War (1979-1988), a conflict that is known for having attracted many foreign fighters, seemed to be the beginning of a new era: foreign fighters were frequently connected to terrorism. Because those fighters were considered to be the first wave of jihadi foreign fighters, from that moment foreign fighters carry the reputation for being exceedingly dangerous (Malet, 2018).

An important explanation for the equation of foreign fighters and terrorists is offered by the globalist ideology jihadi foreign fighters adhere to. The ideology encompasses the idea that there is a global struggle, namely the oppression of the West (Gerges, 2005). Accordingly, the inherent connection between foreign fighters and terrorists also applies to foreign fighters to Syria and Iraq (Byman, 2016). IS also adheres to a global jihadist ideology, but the organization, even more than Al-Qaeda and other jihadi terrorist organizations, has put the global aspect into practice, as its leaders have repeatedly called for their sympathizers to attack their home countries (Bakker & De Roy van Zuijdewijn, 2018). For instance, IS’ spokesman, Abu Muhammad al-Adnani, encouraged Muslims living in the West to do the following:

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36 They were commissioned by the UN Secretary General to gather information on the motivations of foreign fighters through direct interviews with returnees from Syria and Iraq. They have interviewed 43 individuals, representing 12 nationalities (El-Said & Barrett, 2017).
“The best thing you can do is to make an effort to kill an infidel, French, American or any other of their allies… Smash his head with a rock, slaughter him with a knife, run him over with a car, through him from a high place, choke him or poison him” (Schmid & Tinnes, 2015, p.8).

IS has even established a branch called Amn al-Kharji, which was responsible for selecting and training foreigners and for planning terrorist attacks in areas outside of IS territory, including those within European borders. From this follows that jihadi foreign fighters are perceived as persons who return to their home country and continue their fight. Therefore, security officials became more concerned about the returning of those fighters (Bakker & De Roy van Zuijdewijn, 2018).

3.4. Threat of returnees

The returning foreign fighters from Syria and Iraq are considered to pose an even greater danger to the home countries compared to the previous returned jihadi foreign fighters. It is presumed that the former returnees are radicalized; have battlefield experience; have terror network connections; are desensitized towards violence; and are ideologically indoctrinated. Therefore, they are considered to present an indefinite threat of domestic terrorism (Reed & Pohl, 2017; Malet & Hayes, 2018). Indeed, the fear on the part of authorities, and the policies adopted in response, are not entirely unjustified (Byman, 2016); multiple attacks have been carried in Europe that involved at least one returned foreign fighter among the perpetrators (Bakker & De Roy van Zuijdewijn, 2018). These instances thus exemplify the security challenge posed by returned foreign fighters (Cragin, 2017). Not only authorities, but also citizens feared the return of the foreign fighters. This becomes clear from a Pew Research survey. The graph below shows that in the spring of 2016, IS was considered the greatest threat in nine out of the ten European countries surveyed. It appears that across the countries surveyed, a median of 76% believed that IS poses a major threat to their country. While the threat posed by IS is certainly not limited to returning foreign fighters, returnees do in fact form a critical part of the threat as can be derived from the lethal attacks that involved returnees (Bakker & De Roy van Zuijdewijn, 2018).

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38 In Brussels May 2014, Jewish Museum; in Paris January 2015, Charlie Hebdo; in Paris November 2015, Paris Attacks; and in Brussel March 2016, attack on airport and metro (Bakker & De Roy van Zuijdewijn, 2018).

Europeans agree ISIS is a top threat

<table>
<thead>
<tr>
<th>Top choice</th>
<th>Global climate change</th>
<th>Global economic instability</th>
<th>Cyberattacks from other countries</th>
<th>Large number of refugees leaving Iraq/Syria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>42%</td>
<td>89%</td>
<td>94%</td>
<td>67%</td>
</tr>
<tr>
<td>France</td>
<td>91%</td>
<td>73%</td>
<td>73%</td>
<td>68%</td>
</tr>
<tr>
<td>Italy</td>
<td>87%</td>
<td>72%</td>
<td>71%</td>
<td>51%</td>
</tr>
<tr>
<td>Germany</td>
<td>85%</td>
<td>65%</td>
<td>39%</td>
<td>66%</td>
</tr>
<tr>
<td>UK</td>
<td>79%</td>
<td>98%</td>
<td>68%</td>
<td>55%</td>
</tr>
<tr>
<td>Greece</td>
<td>73%</td>
<td>84%</td>
<td>95%</td>
<td>41%</td>
</tr>
<tr>
<td>Poland</td>
<td>73%</td>
<td>54%</td>
<td>64%</td>
<td>56%</td>
</tr>
<tr>
<td>Netherlands</td>
<td>71%</td>
<td>56%</td>
<td>48%</td>
<td>50%</td>
</tr>
<tr>
<td>Hungary</td>
<td>70%</td>
<td>66%</td>
<td>56%</td>
<td>48%</td>
</tr>
<tr>
<td>Sweden</td>
<td>69%</td>
<td>84%</td>
<td>35%</td>
<td>62%</td>
</tr>
</tbody>
</table>

Source: Spring 2016 Global Attitudes Survey, Q22d-h.
“Europeans Face the World Divided”
PEW RESEARCH CENTER

Thus, both national authorities and European citizens believe that returning foreign fighters pose a danger to the national security. According to Byman (2016), those fears are not entirely unjustified as the threat posed by returnees has been confirmed to be greater than zero, but the fears are in fact overstated. He states that “the potential threat is tremendous, but the actual threat is lower”. Despite the instances in which returnees were indeed involved, this does not mean that foreign fighting is a necessary precondition for the involvement of terrorist plots in the West. In fact, the majority of individuals that were involved in terrorist activities in Europe had not been foreign fighters (Jensen & Lippe, 2018). According to estimates of a Norwegian academic on terrorism and jihadism, Thomas Hegghammer, in the first year of the caliphate there were twice as many plots by IS ‘sympathizers’ – those who have not travelled to the country – compared to the plots that involved returned foreign fighters (Barrett, 2017). Pursuant to this finding, it is argued that a greater danger stems from IS-sympathizers than from the returnees. According to Malet & Hayes (2018), it is therefore important to recognize that terrorist activities in the home countries is not simply limited to returnees.

Some research suggests that the vast majority of returnees from Syria and Iraq will probably not turn to violence, once they return to Europe.41 It is argued that most of the foreign fighters come back to Europe disillusioned. On various social media platforms IS-members have promoted the good life under IS-

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40 Ibid.
command (Byman, 2016). This propaganda from an utopian narrative attracted individuals who fell prey to the idea of living in a state created by Muslims for Muslims, in which there would be no discrimination and where living conditions would be better than in their home country. According to Jensen & Lippe (2018), those who did in fact travel to the conflict to participate in the violent global jihad were fascinated by the idea of “playing war in the lawless wild west situation”. They argue that it is quite unlikely that they will continue their terrorist activities in their “not-so-wild-west home countries”.

3.5. Relevance of understanding the nature

From the previous paragraphs follow that the foreign fighters to Syria and Iraq form a distinct group of foreign fighters. The three characteristics – the composition of the group, the departees’ motivations, and the threat that stems from those individuals – all, to some extent, generate a certain consideration that countries need to take into account in their policies for returnees in order for it to be effective and appropriate. With regard to the composition of the group, it is argued that the number of individuals that will return to their home countries will be problematic as this massive number will represent a huge challenge for security and law enforcement entities (Barrett, 2017). Especially, the return of the large number of women and children that have travelled to Syria is considered challenging for countries. Countries appeared to have neglect the role of the females and minors that were affiliated with IS (Cook & Vale, 2018). Consequently, it is argued that states struggle to understand how to reintegrate returned women and minors (Barrett, 2017). Furthermore, it is important to understand the fighters’ motivations to leave their home country because, in contrary to widespread belief, religion only plays a minimal role in their decision to depart. Lastly, the threat that stems from foreign fighters should on the one hand not be underestimated – as is evidenced from the involvement of IS-returnees in both the Paris and Brussels attack – but on the other hand should not be overestimated. According to Jensen & Lippe (2018), the radicalization of foreign fighters starts at home, and by imposing harsh penalties or other restrictive policies when they return, might in fact boost their radicalization even more. All in all, understanding the manifestations of today’s foreign fighters and returnees is thus relevant, because policies that are designed to tackle this ‘problem’ can only be effective if they take into account the aforementioned considerations.

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4. Terrorism and counterterrorism in the Netherlands

Every country has its own unique history with terrorism and those experiences lead to unique country-specific approaches towards countering terrorism – the Netherlands is not an exception (Renard & Coolsaet, 2018). Understanding the country’s terrorism history is thus relevant to understand the current counterterrorism efforts (Rasser, 2005). Hence, in this chapter I will first outline the Dutch history with terrorism and counterterrorism. Then, I will explain the present Dutch counterterrorism infrastructure by outlining the relevant institutions and the country’s general counterterrorism strategy.

4.1. First steps towards a counterterrorism strategy

History shows that the Netherlands has limited experience with homeland acts of terrorism (Van de Linde, O’Brien, Lindstrom, De Spiegeleire, Vayrynen & De Vries, 2002). The country suffered from international terrorism for the first time during the 1970s when Moluccan nationalist radicals launched a series of terrorist hostage-taking attacks to draw attention to their aim of establishing an independent Moluccan state (Rasser, 2005). The Dutch government was completely taken aback. There were no standard procedures in place that were able to deal with terrorist acts, let alone an apparatus of set policies that was able to prevent or investigate terrorist activities (Janse, 2005). Thus, prior to these hostage-takings, there was no such thing as a counterterrorism strategy in the Netherlands (Rasser, 2005). Government officials considered these hostage takings as a one-off incident. Therefore, they did not consider to formulate rules to combat future terrorist acts and additionally, Dutch lawmakers did not deem it necessary to develop special domestic legislation for dealing with terrorism (Rasser, 2005). Instead, they only took reprisal actions. Despite some further instances of this kind of ‘imported’ terrorism that followed in the upcoming years, it was only by the late 1970s that the Dutch government introduced its first national policy regarding the handling of terrorist incidents (Rasser, 2005).

4.2. The Dutch counterterrorism framework post 9/11

The Dutch counterterrorism framework only really took shape over twenty years later – due to the attacks of September 11th 2001, which were a firm wake-up call for the Netherlands (Den Boer, 2007). These events resulted in an unprecedented set of counterterrorism policies and laws in most Western countries, including the Netherlands (Janse, 2000). The country made a radical shift with regard to their political counterterrorist agenda in terms of policy, institutions, and legislation. The 9/11-attacks provided the Dutch authorities a window of opportunity to introduce a series of measures against terrorism. The Dutch response to these attacks turned out to be a fundamental reform compared to its past: from having no counterterrorist strategy whatsoever, to a vast counterterrorist agenda (Den Boer, 2007). As a result, the Dutch government announced a comprehensive action plan against terrorism, Actieplan Terrorismebestrijding en Veiligheid [Action Plan Counterterrorism and Security]. This plan contained 43 action points, which were mainly preventative in nature. Moreover, these action points led
to the establishment of new agencies such as the *Nationaal Coordinator Terrorismebestrijding*[^43] [National Anti-Terrorism Coordinator] which again led to new power relations between those new agencies and the existing authorities such as the AIVD, the Dutch intelligence services (Den Boer, 2007).[^44] The 9/11-attacks also altered the Dutch criminal justice system. Terrorism as such had hitherto not been criminalized as a separate offence in the Dutch Criminal Code, meaning that no one could be prosecuted for membership of a terrorist organization or for carrying out terrorist attacks (Den Boer, 2007). This quickly changed with the adoption of the Law on Terrorist Crimes.[^45] This new law criminalized terrorism as a separate offense – including its preparation, conspiracy to commit terrorist acts, recruiting for armed combat, and participating and cooperating in terrorist training camps (Den Boer, 2007; Van Sliedregt, 2009).

All in all, both the dominant global threat of Al-Qaeda, which was endorsed by both 9/11 and the Madrid railway bombings in March 2004 as well as the political and public anxiety in the Netherlands over the murders of Pim Fortuyn and Theo van Gogh, respectively in 2002 and 2004, marked a new era for the Netherlands insofar their counterterrorism framework is concerned (Van den Boer, 2007; Buijs, 2009). All these new anti-terrorist measures that were implemented after 9/11 were swiftly introduced because the Dutch government considered the present-day terrorism as a ‘new phenomenon’ – jihadism – which compared to the ‘old’ type of terrorism used by the Moluccans during the 1970s, posed a bigger threat to the Dutch national security (Janse, 2005). Thus, the Dutch response – new legislation, expansion of powers for existing institutions and establishment of new bodies, introduction of administrative measures in order to prevent terrorism and radicalization – follows from their historical experiences with terrorism (Den Boer, 2007).

[^43]: The establishment of the *Nationaal Coordinator Terrorismebestrijding, NCTb* (National Anti-Terrorism Coordinator) – the frontrunner of today’s *Nationaal Coordinator Terrorismebestrijding en Veiligheid, NCTV* (National Coordinator of Counterterrorism and Security), which was established in 2012 – is an example of such a new agency. The aim of this agency was to bolster counterterrorism capacity and the NCTb would complement the capacity of the AIVD. The most important tasks of this agency were preparing policy-making regarding security issues; developing threat assessments; analyzing, sharing and combining information from different organizations and institutions – these tasks are still present for the NCTV. The NCTb was ought to act as the ‘spider in the web’: organizing cooperation, management and decisive authority at a higher level (Den Boer, 2007, p.291). For an extensive overview of the other platforms and agencies that were set up, I refer to the article of Monica den Boer (2007) who did an extensive research on the Dutch counterterrorism agenda after 9/11.

[^44]: The Ministry of Security and Justice is responsible for the coordination of the counterterrorism policies, of which the NCTV is the executive body. The AIVD falls under the responsibility of the Ministry of Home Affairs (Wittendorp, de Bont, De Roy van Zuijdwijn & Bakker, 2017a).

[^45]: The Law on Terrorist Crimes in the Netherlands was adopted due to the EU Framework Decision on Combating Terrorism. This Framework required all EU Member States to align their domestic legislation with this Framework and introduce minimum penalties with regards to terrorist offences (retrieved on 1 June 2019 from: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002F0475](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002F0475)). This law entered into force on 10 August 2004. This law increased the severity of the sentences for certain common crimes committed with a terrorist intent. It expanded investigatory and prosecutorial powers by lowering the threshold that triggers investigative powers: instead of the meeting the threshold of “reasonable suspicion”, authorities were now able to investigate or prosecute if they had “indications”. Furthermore, the new Act allowed pre-trial detention for terrorism charges on the basis of an ordinary suspicion instead of the stricter requirement of incriminating evidence (for non-terrorism crimes) (Van Sliedregt, 2009).
4.3. Today’s Dutch counterterrorism infrastructure

Nowadays, the present Dutch infrastructure for countering terrorism is extremely augmented, it encompasses multiple policy areas, and it involves many (non-) governmental actors on both national and local level (Wittendorp et al., 2017a). According to the NCTV, the focus of the Dutch counterterrorism efforts is twofold. On the one hand, the efforts serve the intention of preventing terrorist attacks and on the other hand they serve to remove the breeding grounds for terrorism. From this follows that the Netherlands does not solely focus on the acts of violence, but also on the phase prior to these acts: the radicalization process. The authorities try to identify the radicalization of individuals and groups as soon as possible, and with tailor-made interventions prevent them from committing terrorist attacks. The Dutch counterterrorism consists of both preventive measures and repressive measures, which are imposed on those who were about to commit or have committed violence. On the NCTV’s website, it is stated that the combination of these measures are also known for the “broad approach” and “for a long time, it has been applied with success in the Netherlands”.46

The current Dutch counterterrorism strategy is formulated in the National Counterterrorism Strategy 2016-2020.47 This report outlines the general policy framework to counter terrorism. In this strategy, it is emphasized that jihadism is considered to pose the biggest threat to the Dutch national security because that particular threat remains changeable and unpredictable.48 The NCTV expects that the jihadist threat will continue to grow, in different manifestations: transnational networks, returned or sent foreign fighters, potential violent loners, and quick domestic radicalization processes.49 According to the AIVD, “the jihadist threat for the Netherlands comes from people that have travelled to Syria to participate in the armed conflict. They may pose a danger here upon their return”.50 Due to this dominant threat, the Dutch government focuses heavily on countering jihadism.51

4.4. Recap

Understanding the Dutch history with terrorism and counterterrorism is thus relevant to understand the current counterterrorism efforts. This chapter offered a historical perspective that enables to understand how the current policies against returnees result from the Dutch experience with terrorism and

counterterrorism. The Dutch counterterrorism infrastructure is quite new; it was only after 9/11 that this field really took shape in terms of making policies, strengthening and establishing institutions, and implementing new legislation. The historical examples of the Moroccan train hijackings and 9/11 demonstrate that the Dutch government had to revise its counterterrorism framework because the respective types of terrorism were not yet covered in the existing policies; hence, these policies were initiated reactively. Finally, this chapter makes clear that the Dutch authorities consider jihadism to be the biggest threat to the Dutch national security.
5. European responses towards returnees from Syria and Iraq

In this chapter, I will explain how the European countries’ policy framework for dealing with returnees is structured. Policy responses towards returnees have generally fallen into the following categories: investigative and prosecutorial measures, administrative measures, and reintegration and rehabilitation measures (Malet & Hayes, 2018; Barrett, 2017; EPRS, 2018). For each category, I will explain what those set of measures entails and I will outline their associated challenges, as discussed in the literature. Then, I will elaborate the present debate on whether or not to repatriate the remaining foreign fighters from the region. I already briefly introduced this debate in the introduction, but this chapter will more extensively discuss this particular debate. I will do this by describing the broader landscape in which countries have to operate – countries have to balance certain legal, moral and security considerations – and from this balancing emanate different policy positions with regard to repatriation, which I will also describe.

5.1. Policy framework for returnees

In Europe, policy responses for returnees were slow in coming and mostly ad hoc (Coolsaet & Renard, 2018). It was only from 2015 onwards, after the Paris attacks, that measures against returnees were increasingly being implemented. Still, the national responses were by and large compartmentalized and uncoordinated. Nowadays, countries have developed a more systematic and multi-agency approach to deal with returnees inside their country (Renard & Coolsaet, 2018). Previously, I mentioned that the measures for returnees fall into three categories: criminal justice, administrative, and rehabilitation and reintegration measures. The way in which countries have given substance to those measures depends on the countries’ legal and political traditions (Malet & Hayes, 2018). Therefore, discussing each measure goes beyond the scope of this research because every country has a unique policy framework for returnees. I will introduce the categories and the corresponding challenges for most of the European countries.

5.1.1. Criminal justice measures

Most countries have criminalized going abroad to join terrorist groups (Barrett, 2017). Subsequent to the adoption of the UN Security Council Resolution 2178 in 2014, Member States were required to develop a coherent domestic legal framework, which would criminalize the issue of foreign fighters. This resolution was the precursor for EU Directive 2017/541, which reflects the EU’s effort to establish a coherent criminal justice response to the departee/returnee phenomenon. Hence, the countries that were bound by these institutions had to expand their criminal provisions (EPRS, 2018). From this follows that the criminal litigation experience in this field with regard to foreign fighters and returnees is still very much in its infancy due to the recent incorporation in the criminal justice system (EPRS, 2018). A report by Eurojust suggests that as Member States are processing more returnee cases with this
new anti-terrorism legislation, they will increasingly face more diverse and complex issues.\textsuperscript{52} It is for instance argued that very few jurisdictions have experience with women returning from the conflict area. Convicting women is more difficult because there is often not enough evidence that can prove their involvement in combat or in the preparation of attacks (Meines et al., 2017). In fact, collecting the evidence in general is considered as a challenge. Some of the offenses have turned out to be easier to prove than others. Proving preparatory crimes or membership of a terrorist organization are quite successful, whereas proving other offenses are more challenging (Mehra & Paulussen, 2019; EPRS, 2018; Meines et al., 2017).

\textbf{5.1.2. Administrative measures}

States have adopted administrative measures to diminish the returnees’ potential risk (Mehra, 2016) – and countries increasingly rely on these measures to counter the problem of returnees. These measures can include travel bans (e.g. through passport revocation), expulsion orders, entry bans, control orders, assigned residence orders, area restrictions, social benefits stripping, and citizenship revocation. The increasing use of these measures has raised concerns as those measures carve out more leeway in the name of countering terrorism to the detriment of human rights (Boutin, 2016; Ojane, 2013).

\textbf{5.1.3. Rehabilitation and reintegration measures}

Rehabilitation programs have been developed to reduce the likelihood of recidivism of returnees (Mehra, 2016). These programs can include some of the following measures: family support responses, mentoring and counseling, mental health responses, and practicalities (e.g. assistance with employment or housing) (Meines et al., 2017). The objectives of these programs can vary from country to country: some promote disengagement (ending violent behavior), others focus on deradicalization (changing radical beliefs), others combine these two, and some are additionally aiming for successful reintegration into society (Mehra, 2016; Reed & Pohl, 2017). However, academics have questioned the added value of a patchwork of different programs to their stated goal of combating political violence. They have argued that it is difficult to evaluate the effectiveness of such programs (EPRS, 2018). According to some, this will be particularly hard for women. It is argued that assessing the threat of women is difficult and therefore they may not receive the necessary and right rehabilitation and reintegration support (Counter-terrorism Committee Executive Directorate, CTED, 2019). Another concern regarding these measures is that experts still have little knowledge on how to reintegrate children who are deeply traumatized and have been exposed to violence (Meines et al., 2017).

\begin{footnotesize}
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5.2. The broader repatriation landscape

European countries are currently dealing with one of today’s most pressing questions on what to do with the remaining foreign fighters in the region (Mehra & Paulussen, 2019). As I mentioned in the introduction, countries respond differently to this question. Some European countries want to actively repatriate them, whereas other countries want to actively prevent them from returning. In this part, I will first explain the decisive considerations of countries that ultimately determine their policy position with regard to the repatriation of foreign fighters. On the one hand countries have to adhere to legal obligations from which stems a certain responsibility for states to repatriate their nationals; on the other hand states have to balance these obligations with the security challenges that are associated with the returning of the foreign fighters. Each country balances these moral, legal, and security considerations differently. Therefore, I will present the considerations that are mostly addressed in the current global debate on repatriation.

5.2.1. Responsibility to bring them back

Some international conventions generate a legal obligation for states to actively repatriate their national citizens. Several binding UN Security Council Resolutions – particularly 2178 (2014) and 2396 (2017) – impose a legal obligation for states to bring terrorists to justice and to “develop and implement prosecution, rehabilitation and reintegration strategies for returning foreign fighters”.53 Moreover, the International Committee of the Red Cross (ICRC) has stressed that, under customary international humanitarian law, “states must investigate war crimes allegedly committed by their nationals”.54 States also have specific obligations regarding the children of the foreign fighters. The Convention of the Rights of a Child imposes certain legal obligations on states to protect their minor citizens and to take care of their well-being (Mehra & Paulussen, 2019). In addition to these legal obligations that dictate the repatriation of the foreign fighters and their children, it is also argued that based on international human rights law states carry a certain responsibility to ensure that their nationals receive a fair trial.55 Leaving the foreign fighters in the region is considered to be in violation with their human rights as a fair trial cannot be guaranteed if the foreign fighters are being prosecuted in Syria or Iraq. Furthermore, several human rights bodies, such as the ICRC, have made a moral appeal to states to act – especially now that the circumstances in the detention camps in north-eastern Syria are worsening. After his visit to the Al-Hol camp, head of the ICRC, Peter Maurer, stated the following:

53 See UNSC Resolution 2178 (2014).
“All of these people are human beings who are entitled to humane treatment. Let’s not allow fiery rhetoric around the foreign fighters blind us to the suffering arising out of the humanitarian emergency in north-eastern Syria (…) We call for States to show this courage. To treat everyone humanely and with dignity, and in accordance with the law, including due legal process”.

5.2.2. Security considerations

Derogation from the legal obligations is indeed possible. Many countries have resorted to a wide range of constructions to justify their unilateral exceptions to fundamental human rights in the name of countering terrorism (Ojanen, 2013). Hence, the rationale for countries to make these exceptions mainly stems from the fear that returnees will turn violent in the home countries. The response of former Britain’s Home Secretary, Sajid Javid, to the public plea of Shamima Begum who expressed her wish to return home multiple times, demonstrates that this fear for returnees,

“I’ve been resolute that where they pose any threat to his country, I will do everything in my power to prevent their return (…). They turned their back on this country to support a group that butchered and beheaded innocent civilians, including British citizens”.

In essence, Javid’s firm statement reflects the general sentiment in Europe: due to the risk returning foreign fighters pose to the home countries, protecting the national security outweighs the responsibility and obligation to repatriate the national citizens (Mehra & Paulussen, 2019). According to Coolsaet & Renard (2018), over the years “security-first” became the leitmotif in almost all European Union member states.

5.3. Countries’ different positions

Taking into account these considerations, countries arrive at a policy position with regard to the repatriation of foreign fighters. In the current debate on repatriation, different policy options are being put to the fore. I will elaborate these different positions and their respective implications. It is important to emphasize that not all countries fit into one category – some countries take multiple approaches, some countries’ approaches have changed over time, and some countries maintain different approaches towards the different groups (men, women, and minors). Generally, there are two approaches that cover multiple policy options for repatriation: the laissez-faire approach and the active approach. Below, I will explain the different policy options and their respective implications.

5.3.1. Laissez-faire approach

First of all, there is the option of leaving the foreign fighters in the region in the hope that they will be prosecuted there (EPRS, 2018). The rationale behind this is that foreigners have joined IS out of free will and they should now face the consequences, which includes the possible prosecution by the local authorities (Mehra & Paulussen, 2019). Even though local prosecution would be easier in terms of having access to evidence, witnesses and victims, in general, local prosecutions would be problematic for European countries to support or to count on. As mentioned in paragraph 5.2.1, the right to a fair trial for foreign fighters in both Syria and Iraq cannot be guaranteed.\textsuperscript{58} In addition, due to the collapse of a functioning judicial system, this could also result in lack of sufficient and thorough investigation and prosecution. This could lead to subsequent releases or no prosecutions at all (Mehra & Paulussen, 2019). Nowadays, there are thousands of foreign fighters in the hands of the Iraqi authorities, who await their process, which will most likely end in the death penalty. The trial these foreigners receive are referred to as the “10-minute trials”. As the name implies, these hearings were rushed and often the only evidence that was needed for a conviction was a confession, often allegedly obtained through torture.\textsuperscript{59} Many human rights organizations have criticized countries for choosing this option. According to Human Rights Watch, countries should not be outsourcing their terrorism suspects to abusive justice systems.\textsuperscript{60}

Another laissez-faire option could be to leave the foreign fighters in the region in the hope that they will be prosecuted by an international tribunal, that has yet to be established. The establishment of this tribunal could be modelled based on the manner in which the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were created – under Chapter VII of the UN Charter (Mehra & Paulussen, 2019). Many countries, including Sweden, Belgium, and the Netherlands, have called for this option.\textsuperscript{61} However, the realization of this option is in fact far out of reach because the establishment of such a tribunal coincides with major challenges. Determining the mandate and the applicable law will be a hard task and also, time resources and cooperation will object the establishment. However, the most significant challenge is that the chances that all the permanent members of the Security Council will agree to establish such an international court, which is necessary

\textsuperscript{58} Mehra, T. (22 December 2017). Bringing (Foreign) Terrorist Fighters to Justice in a Post-ISIS Landscape Part I: Prosecution by Iraqi and Syrian Courts. \textit{ICCT}.
to invoke Chapter VII, are highly unlikely. In addition to the challenges concerning the establishment, there is also critique on this court that if being established, this court will only achieve ‘victor’s justice’. However, not only IS members have committed crimes, but also other groups have engaged in terrorism (Mehra & Paulussen, 2019).

Moreover, countries can also decide to do ‘nothing’ in terms of not actively repatriating the foreign fighters. There are governments, like Norway and the Netherlands, that acknowledge that individuals do have the right to return based on their right on consular assistance, however, they will not proactively repatriate their citizens and they have to report themselves at the government’s representatives. This position has also received critique. According to the Dutch Child Ombudsman, the jihadists’ right to consular assistance is in fact an empty right because it is not possible for the them to arrive at the consulates because they do not have the right papers or resources to leave the detention camps – they are basically stuck in the Kurdish detention camps. According to Mehra & Paulussen (2019), in essence, countries are thus,

“(…) showing a detainee the key to his or her cell – after all, most of the people we are talking about are detained and cannot leave their detention facilities – and then telling the person he or she is entitled to this key, but keeping it out of grasp”

5.3.2. Active approach

Whereas the previous options were all characterized by a laissez-faire attitude, the next positions involve active actions from countries. First of all, there is the option of actively preventing foreign fighters to return home. Several states have stripped their citizens of their nationality in an attempt to block their entry back into the country (Mehra & Paulussen, 2019). Based on the Convention Relating to the Status of Stateless Persons (1954), revocation of citizenship is only allowed in case of citizens with dual nationalities. According to Paulussen, maintaining this policy position is problematic for countries. Because the measure is only applicable to dual citizens, this can lead to discrimination. He argued that for instance in the Netherlands most dual citizens are Moroccans, and as a result, the authorities can only revoke the citizenship of certain populations.

65 To clarify, discrimination occurs on two levels: discrimination between dual citizens and those with one nationality, and discrimination within the group of dual citizens. Regarding the latter, there are some countries that do not allow for their nationals to obtain a second nationality, and will be stripped from their original nationality once they obtain a second nationality. But there are other home countries that do allow their citizens to have two nationalities. Consequently, only the latter group can be subjected to the measure of revocation.
The other option for governments is to actively repatriate their citizens and prosecute them back home. As I mentioned in the introduction, this option is the least preferable option because governments have failed to successfully deradicalize or reintegrate these individuals, and countries fear that it will be difficult to prosecute them once they are back. However, there are some countries such as France and Russia that have expressed their willingness to only repatriate specific target groups, women and children.  

Mehra & Paulussen (2019) argue that this option of active repatriation – especially from a security perspective – is the best option for countries. Because the SDF has repeatedly called on European countries to take their citizens back by stressing it does not have the resources to detain them indefinitely, the authors believe that it is better to control their return instead of having them released, escape prison, join other terrorist groups, or return unseen back into the home country. Hence, the recent attacks in Europe have evidenced that the risk of undetected returnees is even more concerning than the identified returnees.

5.4. Recap

This chapter outlined how European countries’ policy framework is structured and what it entails in general. Whereas this chapter focused on the wider European context by outlining the general structure of the policy framework and the political debate on repatriation, the next chapters will zoom in on the Netherlands. Furthermore, I explained that in the current global debate on repatriation countries have to balance certain legal, moral and security considerations. It is relevant to understand what kind of considerations countries need to take into account, because in the next chapters I will analyze how the Netherlands balances these considerations. The policy positions that follow from this balancing can, roughly, be categorized under either the laissez-faire or the active approach with regard to repatriation.

From the chapter it also becomes clear that most of the policy options are accompanied with severe implications and that active repatriation is believed to be the best option for countries – especially, if countries want to protect their national security, which is considered as a top priority by states.


6. The Dutch policies and political debate regarding Dutch returnees from Syria and Iraq

In the following chapters, I will answer the research question “How have the Dutch policies and political debate regarding Dutch returnees from Syria and Iraq developed between 2012-2019?” As I explained in the introduction, I have formulated two sub-questions to answer this question. In paragraphs 6.1. and 6.2, I will answer the question, “How has the Dutch government been responding to Dutch returnees from Syria and Iraq?” Respectively, I will explain how the Dutch policy framework for returnees as such has developed, and I will discuss to what extent the Dutch policies are considerate of the policy considerations that follow from the academic understanding of the phenomenon of foreign fighters to Syria and Iraq, which I explained in paragraph 3.5. This sub-question will address the policy component of the main research question. Furthermore, in chapter 6.3, I will answer the second sub-question, “What are the views of the Dutch government in the present debate regarding whether or not to promote or frustrate the return of Dutch jihadists?” I will explain how the political debate in the Netherlands has shifted towards the question of repatriation, how the Dutch government balances different interests and how this ultimately led to the position of not repatriating the Dutch jihadists and children, and how this position is currently changing towards a more lenient position. This sub-question will thus address the political debate component in the main research question.

After I have answered these two sub-questions, I will answer the additional question in paragraph 6.4., “What are the perspectives of relatives of Dutch jihadists on how the government should respond to their possible or actual return?” In order to answer this question I will use the obtained information from the interviews I conducted with two fathers, whose daughters have both travelled to Syria. As I mentioned in chapter 2, I do not intend to arrive at generalizable statements based on these interviews. Instead, these interviews serve to provide a small reflection on the two components of the main research question from the perspective of people who are affected by these policies.

6.1. Path leading up to the Dutch policy framework for returnees

In this part, I will look at how the Dutch government has been responding to the returnees from Syria and Iraq. I will answer this question by chronologically describing the phases that have shaped the policy framework for returnees. To do so, I have identified three phases based on specific developments that had a significant impact on the policies. According to Wittendorp et al. (2017a), the field of counterterrorism is a policy area, which is heavily subjected to change and is largely determined by (the

69 I acknowledge that these delineations are arbitrary.
threat of) attacks and the political, institutional, and societal context. For each phase, I will describe the context and I will explain how it affected the policy framework.

6.1.1. The first wave of departees

The phenomenon of foreign fighters in not particularly new to the Netherlands. The country has previously dealt with jihadists – individuals who travelled to the conflicts in Afghanistan/Pakistan, Somalia, and Chechnya (Van Ginkel & Minks, 2018). However, the AVID was caught by surprise when the first wave of Dutch citizens travelling to Syria and Iraq started in 2012 due to the outbreak of the Syrian civil war (Van Ginkel & Minks, 2018). According to the AIVD, this increase in the number of jihadists travelling to Syria was due to the growing media attention surrounding the conflict and to the accessibility of the country (AIVD, 2013). The authorities were shocked by the scale of these departures, as it had earlier reported that the appeal of local violent jihadism in the Netherlands had ostensibly diminished (Bergema & Van San, 2019). The authorities’ previous perception on the phenomenon of jihadist foreign fighters – an isolated phenomenon of individuals, and small local networks, which were rather inactive and limited in size – completely changed due to these unexpected departures (Bakker & de Bont, 2016). The Syrian conflict had thus revealed that the attractiveness of violent jihadism among the Dutch population appeared to be bigger than the authorities had expected. According to the AIVD, this new battleground in Syria boosted jihadism in the Netherlands: it gave Dutch jihadists a new focus and an appealing theme for propaganda, and it offered potential travelers a destination that was easy accessible (AIVD, 2014).

Raise of the threat level

Following these sudden departures, the NCTV increased the national threat level from ‘limited’ to ‘substantial’, indicating that there was a significant chance of a terrorist attack in the Netherlands (Bergema & Van San, 2019). According to the Minister of Security and Justice, one of the reasons for this raise was because,

“(...) These jihadists travelers can return [emphasis added] to the Netherlands highly radicalized, traumatized and with a strong desire to commit violence, thus posing a significant threat to this country” (Paulussen, 2013).

Because the threat level had not changed since 2009, there were a lot of concerns about what this raise meant for the policies.70 In response to these concerns, the Minister of Security and Justice announced the Aanpak van jihadreizigers [Approach to jihadist travelers], which constitutes the government’s first publication on how it intended to respond to both departees and returnees. This approach entailed that several measures – regarding intelligence and investigation; detection and prosecution; immigration law; administrative approach; and other measures – would be either intensified or taken, in order to counter

70 Kamerstukken II 2012-2013, 29754, 217 (Letter).
the threat that stemmed from these individuals.\textsuperscript{71} Despite the early acknowledgement of the threat that would stem from Dutch returnees (AIVD, 2013), the Dutch government was initially mainly interested in preventive measures that would obstruct the departure of individuals (Wittendorp, De Bont, Bakker & De Roy van Zuijdewijn, 2017b). When these departures started to unfold, the AIVD’s efforts to counter this problem were mainly focused on identifying the departees at the Dutch borders and their intentions to leave the Netherlands (AIVD, 2013). Even though the government initiated a few measures against returnees such as detection measures, designing and implementing measures to deal with them were not considered as a high priority by the authorities.

6.1.2. The rise of IS

After the public announcement of the establishment of the caliphate in June 2014, there was a strong increase in the number of Dutch jihadists travelling to the region. However, this second wave was comprised of more women and children compared to the first wave of departees. In one of the DTN’s, it was argued that the IS-propaganda, which was also focused on women, partially caused an increase of female and child departees.\textsuperscript{72} Furthermore, whereas the first wave of Dutch jihadists in 2012 claimed to be motivated by humanitarian reasons for their travel to Syria – hardly any attention was given to their possible ideological motivation to leave the Netherlands\textsuperscript{73} – the second wave of jihadists arguably had different reasons to leave the Netherlands (Van Ginkel & Minks, 2018). Due to the rise of IS, the nature of the Syrian conflict changed and so did the motivation of the Dutch departees. The fact that many Dutch citizens – including women and children\textsuperscript{74} – were thus willing to join this jihadist terrorist organization and were apparently attracted to their extremely violent ideology worried the Dutch politicians.\textsuperscript{75} Moreover, one month before the proclamation of the caliphate, the attack on a Jewish Museum in Brussels swiftly shifted the focus of the authorities to returnees. According to the NCTV,

“This attack exemplifies the threat that stems from returnees that have participated in the armed conflict in Syria and then return to Europe (…). It turns out that returnees can also attack countries other than their country of origin. In essence, this means that all returnees to Europe can also pose a threat to the Netherlands.”\textsuperscript{76}

\textsuperscript{71} Ibid.
\textsuperscript{72} Kamerstukken II 2014-2015, 29754, 313 (Letter).
\textsuperscript{73} In one of the annexes’ to the letter of the Minister of Security and Justice, it was argued that Dutch media in particular endorsed this claim of the first wave of jihadists. The media disseminated the message that this group had an understandable motivation for their travel, which was to help the Syrian population by joining their legitimate opposition against the Assad regime. Retrieved from: Kamerstukken II 2012-2013, 29754, 270 (Annex 409858).
\textsuperscript{74} Kamerstukken II 2012-2013, 29754, 270 (Annex 409858).
\textsuperscript{75} Kamerstukken II 2013-2014, 29754, 251 (Letter).
\textsuperscript{76} Kamerstukken II 2013-2014, 29754, 250 (Letter).
However, when the caliphate was established the fear for returnees exponentially increased (Renard & Coolsaet, 2018). As a result, the Dutch security and judicial authorities considered all the individuals who left to the conflict zone from that time onwards as fulfilling a role in the ‘governance’ structure of the terrorist organizations (Van Ginkel & Minks, 2018) – IS being the main actor. This inherently meant that all returnees from the region were considered to be part of these groups, and therefore this new wave of departing jihadists was considered a major security issue for Europe, including the Netherlands.

First set of measures against returnees

As a consequence, the Minister of Security and Justice affirmed that it was unacceptable that there were Dutch individuals that participated in this violent jihad struggle and therefore measures needed to be taken. The Minister announced 38 either new, intensified or maintained measures in the so-called ‘Action Program to Counter Jihadism’. This program was especially developed to provide a comprehensive response to the foreign fighter phenomenon, the overall increase in jihadism in the Netherlands, and the issue of returnees. The measures to achieve these aims ranged from preventive and repressive measures, to security, administrative and legal measures (Van Ginkel & Minks, 2018). Contrary to the first phase, in which the government was primarily interested in detecting the jihadists’ return outside the country, the Action Program in fact covered a wide palette of measures that explained how the government would deal with returnees inside the Netherlands. Hence, this program formed the basis of the Dutch response regarding returnees as it was the first official policy document that described in detail how the government was intending to deal with returning Dutch jihadists.

6.1.3. Terrorist attacks in Europe

The third phase in the path leading up to the Dutch policy framework towards returnees is characterized by the multiple terrorist attacks that were carried out in Europe. The two Paris attacks in 2015 and the Brussels attack in 2016 – both of which included IS-linked returnees – impacted the Dutch political debate on jihadist departees and returnees as it became highly politicized (Van Ginkel & Minks, 2018). The Dutch authorities now considered the problem of returnees as a high priority and the debates in parliament on the Dutch national security inherently meant debating the issue of returnees. The fact that returnees were involved in the terrorist attacks raised a lot of concerns and questions about returnees. The following statements – the first two of conservative right politicians and the latter of progressive left politician – from several opposition parties demonstrate these questions:

77 Kamerstukken II 2012-2013, 29754, 270 (Annex 409858).
78 Kamerstukken II 2013-2014, 29754, 250 (Letter).
79 Kamerstukken II 2013-2014, 29754, 251 (Letter).
80 Kamerstukken II 2013-2014, 29754, 253 (Letter).
“Returnees are still being treated as regular criminals, but by now we know that they are our enemy. Is the cabinet willing, in case of returnees from IS, to detain them once they enter the country and only let them walk freely, if it is clear that they do not pose any danger?”

“We still have some concerns about specific target groups (…). We hear a lot about women and minors, but we do not see specific measures to deal with these target groups.”

“The issue is: how are we dealing with those that return? (…). Could we make [the deradicalization program] mandatory for every returnee from Syria and Iraq, who is not criminally prosecuted?”

*Quest for improvement of the measures*

These statements show that the parliament was worried about the Dutch returnees, and that there were still a lot of unanswered questions on how to deal with them. Thus, despite the broad set of measures in the Action Program, there were apparently still some gaps in these measures. Therefore, according to the Minister of Security and Justice, thorough academic research into terrorist organizations such as IS and life under the caliphate was needed because it could substantially contribute to the approach to counter the problem of departees and returnees, and it would thus help the Dutch government to formulate effective policies. As a result, the Minister ordered multiple studies in order to gain as much information about the terrorist organization. Hence, in the period that followed the terrorist attacks, a lot became known about the phenomenon of departees and returnees. In paragraph 6.2.2, I will further elaborate the insights obtained from these studies.

*6.1.4. Analysis of the path leading up to the framework for returnees*

In chapter 4, I explained that the counterterrorism infrastructure in the Netherlands only really took shape after 9/11, indicating that this policy area is relatively new. Because the Dutch counterterrorism framework does not exist that long, policies for the problem of foreign fighters and their prospective return were not yet in place. This chapter demonstrated that when the first wave of departees to Syria and Iraq started to leave the Netherlands in 2012, the development of the policy framework for this particular manifestation of the foreign fighter phenomenon rapidly started to unfold. Each event – the first wave of departees, the rise of IS, and the multiple terrorist attacks in Europe – to some degree shaped the policy framework against returnees. The departure of Dutch jihadists led to authorities’ efforts to prevent the departure, the rise of IS led to an encompassing Action Plan to cope with this new jihadist threat, and the terrorist attacks led to an urging quest for additional information about returnees. Because the Netherlands had little experience with foreign fighters and returnees, the manner in which...

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81 Handelingen II 2015-2016, 27, item 3.
82 Handelingen II 2016-2017, 29754, 92, item 23.
83 Ibid.
84 Kamerstukken II 2015-2016, 29754, 589 (Letter).
the Dutch policies for returnees were being developed was rather reactively. Consequently, some politicians have expressed their critique on the government’s way of implementing and designing these policies. Especially after the presentation of the Action Program, a lot of critique was raised. The program was being described as “panic football” and as “a toothless tiger on paper”.\textsuperscript{85} When the government decided to strengthen and intensify the Action Program after the terrorist attacks, politicians again criticized this by stating that the government only acted reactive and ad hoc.\textsuperscript{86} All in all, these paragraphs have demonstrated how the policy framework against returnees as such has developed.

### 6.2. The Dutch policy framework for returnees

In the previous chapter, I focused on how the Dutch policy framework for returnees as such has evolved, and what particular events have shaped this framework. In this chapter, I will discuss the Dutch response regarding returnees by focusing on the policies and measures that are part of this framework. It is important to understand that the Dutch government identifies several phases in the individuals’ returning process from Syria and Iraq: return, arrival, and stay in the Netherlands.\textsuperscript{87} This chapter will start by elaborating on the main policy components for each phase in this process – blocking the jihadists’ return, the threat assessment and the tailor-made approach – which altogether determine the overall course of the Dutch approach against returnees.

In chapter 3, I explained the academic understanding of the nature of today’s foreign fighters to Syria and Iraq. In paragraph 3.5, I mentioned the policy considerations that follow from this particular understanding – I explained that countries need to take these considerations into account when designing policies for returnees, in order for the policies to be effective and appropriate. In paragraph 6.1.3, I stated that the Dutch government ordered studies into the phenomenon of Dutch jihadists to Syria and Iraq after the terrorist attacks in Europe. The Dutch government officially published their policies after they had extensively researched this phenomenon.\textsuperscript{88,89} Therefore, these studies can be considered to form the substantive foundation for the policy framework for Dutch returnees. Thus, after I have explained the Dutch policy framework, I will discuss to what extent this framework for returnees accommodate the considerations that follow from the academic understanding of the phenomenon of today’s foreign fighters.

\textsuperscript{85} Handelingen II 2014-2015, 41, item 7.
\textsuperscript{86} Handelingen II 2014-2015, 53, item 7.
\textsuperscript{88} Kamerstukken II 2015-2016, 29754, 589 (Letter).
\textsuperscript{89} See NCTV, ‘Aanpak terugkeerders’ (15 February 2017).
6.2.1. Dominant policy components

Each phase in the individuals’ returning process from Syria and Iraq is determined by a specific policy. Together these dominant policies form the basis of the overall approach to the Dutch returnees. It starts with the return of the individuals, which the Dutch government preferably wants to prevent from happening. Upon arrival in the country, a threat assessment will be made of the individual. Consequently, in the Netherlands the individual will be part of “the tailor-made approach” and based on the outcome of the threat assessment, interventions will be determined and imposed.

Return: Block return

In general, the Dutch government maintained an approach that preferred the Dutch jihadists not to come back at all. The Prime Minister even stated that he would rather see those jihadists to be killed in the conflict than to have them come back to the Netherlands. According to him, those jihadists who leave with the intention to commit awful attacks abroad, will have the same intentions when they return. Thus, the government employs multiple preventive measures to frustrate their return to the Netherlands. All identified departees were placed on the National Police’s national overview of persons list, international signaling was processed in the Schengen Information System, and an European Arrest Warrant was issued. This enabled the authorities to detect returning jihadists at the borders. Several measures could then be used to block their return to the Netherlands. First of all, based on Article 67 of the Aliens Act of 2000, a person could be declared an undesirable alien or, in case of individuals who carry a dual nationality, their Dutch nationality could be revoked. A second option was to use the passport measure: the passport would be signaled and declared as invalid. Both these measures could only be used if the national security was at stake. Furthermore, the Dutch government also maintained the policy of not actively assisting their nationals with their return (Wittendorp et al., 2017b). This position endorsed the government’s general approach that prefers to keep the Dutch jihadists outside of the Netherlands.

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92 The Schengen Information System is a computer system, in which border guards of the Royal Military Police, the Customs and the National police within the Schengen area can share information. Retrieved from: Ministerie van Defensie, ‘Schengen Informatiesysteem’, n.d., retrieved on 17 June 2019 from: https://www.defensie.nl/onderwerpen/taken-in-nederland/grenstoezicht/schengen-informatiesysteem
94 Handelingen II 2015-2016, 47, item 9.
95 Ibid.
96 Kamerstukken II 2013-2014, 29754, 251 (Letter).
Arrival: Threat assessment

In paragraph 4.3, I already mentioned that the tailor-made approach is characteristic for the Dutch counterterrorism strategy in general. With regard to returnees, this tailor-made approach manifests itself in the so-called “multidisciplinary case deliberation”. The multidisciplinary case deliberation makes a threat assessment of each returnee, in which the risk that stems from the returnee will be determined. Based on this assessment, the case deliberation will decide what interventions need to be taken in order to reduce that threat. According to the AIVD, there are different kinds of returnees, each type representing a different threat. The threat assessment depends on three indicators: the period the individual has stayed in the conflict area, the person’s reasons for return, and the general behavior, beliefs and intentions of the individual. Even though the threat level must be determined case-by-case, the general belief of the AIVD is in fact that all the returnees, who followed and will follow after the first wave of returnees, pose a bigger threat than their predecessors because the future returnees have stayed longer in the conflict area, they have been exposed longer to both excessive use of violence and the jihadist violent ideology, they have gained combat experience, and they were able to expand their jihadist network (AIVD, 2017a).

Stay: Tailor-made approach

The case deliberations already start once the authorities suspect an individual has intentions to travel to Syria and Iraq. The different parties that are part of this case deliberation discuss this individual and determine interventions, which have the goal to reduce the extremist ideas and to prevent the individual from leaving. These case deliberations are also employed in case individuals return to the Netherlands. Based on the threat assessment of the individual, the case deliberation will determine effective and appropriate interventions that will reduce this threat (Van Ginkel & Minks, 2018). Possible interventions could be: criminal prosecution, administrative measures or a rehabilitation and reintegration measures. In appendix II, I outlined these three sets of measures by describing in detail what exactly these measures entail. The goal of these case deliberations is to arrive at the most effective

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98 This deliberation falls under the responsibility of the municipality. The core parties involved are the municipality, the National Policy, and the Public Prosecutor. Other external case partners could also be involved in the case deliberation. Case parties are for instance, the Dutch Probation Service and the Child Protection Board, and external case partners are for instance diverse local and national organizations such as health care organizations. (Expertise-unit Sociale Stabiliteit, ‘Multidisciplinair Casusoverleg’, n.d., retrieved on 9 June from: https://www.socialestabiliteit.nl/si-toolkit/interventies/multidisciplinair-casusoverleg).
100 Examples of such preventive interventions are declaring the passport to be expired or issuing an European Arrest Warrant (NCTV, ‘Aanpak terugkeerders’, 15 February 2017)
tailor-made approach for the individual (Van Ginkel & Minks, 2018). Thus, it follows from this that there is not a fixed set of measures that can be applied to all returnees.  

6.2.2. Analysis: Policy considerations from the academic literature incorporated in the Dutch policies

In paragraph 3.5, I explained that from the academic understanding of the nature of today’s foreign fighters to Syria and Iraq – the composition of the group, the individuals’ motivations, and the threat perception – follow certain policy considerations that countries need to take into account when designing policies for returnees, in order for the policies to be effective and appropriate: the composition of this group of foreign fighters is diverse, and is composed of men, but also women and children; the motivations of the foreign fighters to leave are varied, and contrary to popular belief, they are often not driven by religion; and the threat of returnees should not be underestimated, but also not overestimated. In this paragraph, I will discuss to what extent the Dutch government has incorporated these considerations into their policies for returnees. I will do this by assessing the insights that underlie the Dutch policies – which I draw from the studies the Dutch government had ordered, as I mentioned in paragraph 6.1.3.

Focus on women and children

Contrary to the argument in chapter 3 regarding the countries’ understanding of the composition of the group of foreign fighters, the Netherlands seems to be one of the countries that has in fact invested in the research into the females and children of the caliphate. These insights seem to be directly translated into policies that thus identify and target the two different groups. The AIVD-report Life with ISIS: the Myth Unravelled showed, for the first time, the differences between men, women, and minors under IS-regime. Subsequently, there came a bigger focus on two target groups in the Netherlands: children and women (Wittendorp et al., 2017b). According to Coolsaet & Renard (2018), female returnees and departees, in the beginning, were treated with more leniency than men. However, with the publication of the report Jihadist women, a threat not to be underestimated, this differential treatment changed. According to the Minister of Security and Justice, this report showed that the threat posed by women should be acknowledged. He argued that women who have travelled to Syria and Iraq are often stereotyped as victims and vulnerable, but they can also very well be perpetrators of terrorist crimes. Therefore, the role of women in jihadism should not be underestimated as they can be just as dedicated to the jihadist ideal as men (AIVD, 2017c). What followed was that the Minister of Security and Justice stressed multiple times that the Dutch government does not maintain a distinct approach for dealing with

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102 Handelingen II 2015-2016, 27, item 3.
male and female returnees, and thus returning women are treated the same way as returning men.\textsuperscript{106} This is the case for both criminal prosecution and for rehabilitation measures\textsuperscript{107} – no gender-differences are taken into account.

In addition, the Dutch government learned about the minors in the caliphate as well. The report \textit{Minors in ISIS} provided information about the minor’s degree of indoctrination, their exposure to violence and their living conditions in IS-controlled areas.\textsuperscript{108} It became known that IS used children in their terrorist activities and they brainwashed them.\textsuperscript{109} According to the Minister of Security and Justice, the minors should be considered, first and foremost, as victims of IS.\textsuperscript{110} Based on this belief, it is unlikely that children will be prosecuted.\textsuperscript{111} Hence, based on these new insights, the Minister of Security and Justice frequently started to mention that the minors would need “adequate care”. As a result, there are currently measures in place that specifically deal with the minor’s reintegration.

\textit{Diverse motivations, not primarily driven by religion}

The Dutch understanding with regard to the motivations of the jihadists is similar to the dominant understanding in academia. The latter argues that there is no single profile of a foreign fighter due to the variety of motivations to leave. Accordingly, the AIVD states that there is no such thing as a jihadist or departee/returnee profile due to variety within the group.\textsuperscript{112} However, as I mentioned in paragraph 6.1.2, there are indications that the departees’ motivations changed due to the rise of IS. The report of \textit{Bestemming Syrië} [Destination Syria] contends that it was not possible for Dutch citizens to travel to IS and Jabhat al-Nusra controlled area without joining the jihad conflict.\textsuperscript{113} So, the Dutch government believes that the Dutch jihadists who left prior to the establishment of the caliphate have a different motivation – fighting against the oppressive Assad-regime – from the jihadists who left after the IS proclaimed its caliphate.\textsuperscript{114} In the beginning, early returnees were not systematically being arrested, let alone prosecuted. This was based on the evaluation of their intentions, and the presumption that they would pose a lesser threat (Renard & Coolsaet, 2018). However, nowadays, the AIVD concludes that all the Dutch jihadists, willingly and knowingly, made the decision to travel to these areas, and all individuals are believed to have played some role in the governance structure of the terrorist organization (AIVD, 2016; Van Ginkel & Minks, 2018). According to Weggemans, Peters, Bakker & De Bont (2016), what ultimately motivated these individuals to leave the Netherlands in the first place is still

\textsuperscript{106} Kamerstukken II 2017-2018, 29754, 439 (Letter) and Kamerstukken II 2016-2017, 29754, 409 (Report)
\textsuperscript{107} Ibid.
\textsuperscript{108} Kamerstukken II 2016-2017, 29754, 418 (Letter).
\textsuperscript{109} Handelingen II 2016-2017, 29754, 57, item 10.
\textsuperscript{110} Kamerstukken II 2017-2018, 32317, 512 (Letter).
\textsuperscript{111} Kamerstukken II 2016-2017, 29754, 419 (Letter).
\textsuperscript{113} Kamerstukken II 2015-2016, 29754, 589 (Letter).
\textsuperscript{114} Handelingen II 2016-2017, 29754, 57, item 10.
unclear. Thus, whereas the previous understanding of the composition of the group is directly expressed in the measures, this understanding of the motivations – being diverse and not primarily driven by religion – is not explicitly translated into specific measures.

**Balance of the threat perception**

From chapter 3, it becomes clear that authorities should not underestimate the threat of returnees, but they should also not overestimate their threat, because harsh penalties and restrictive policies might lead to further radicalization. It seems that the Netherlands has an approach in place that ensures such balancing. On the one hand, the government acknowledges the threat that stems from returnees. The AIVD-report *Life with ISIS: the Myth Unravelled*, for instance, provided insights into the life in the caliphate.\(^{115}\) This report showed that the Dutch jihadists lived in an area in which everything goes against civilized society, and oppression, excessive use of violence, slavery, sexual abuse of minors is business as usual. Especially the returnees after the first wave of returnees were considered to pose a bigger threat because they have stayed longer in the conflict area, they have been exposed longer to both excessive use of violence and the jihadist violent ideology, they have gained combat experience, and they were able to expand their jihadist network. Thus, when these Dutch jihadists return, the Dutch government does assume that they may have been tasked with carrying out terrorist attacks in the Netherlands (AIVD, 2017a). From this follows that every returnee will be immediately apprehended upon his or her return, and questioned\(^{116}\) – hence, the government does not *underestimate* the threat. But, the threat assessment that the government employs ensures that their threat is not being *overestimated*. Even though it is believed that the future returnees will pose a bigger threat, the government believes that their threat has to be determined case-by-case. The threat assessment will determine the risk that stems from each returnee, and based on this assessment, the necessary interventions will be determined.

### 6.3. Debate on repatriation in the Netherlands

In the following paragraphs, I will map the views of the Dutch government in the present debate regarding whether or not to promote or frustrate the return of Dutch jihadists. As I explained in the introduction, the Netherlands is one of the European countries that demonstrates a shift from the firm position of not repatriating their nationals to a more lenient position. First, I will explain how the repatriation question became a prominent issue in the Netherlands. Then, I will outline the main arguments on which the Dutch government relies in arriving at their policy position of not repatriating the Dutch jihadists and children from the region. Finally, I will describe the events that indicate a change

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\(^{115}\) *Kamerstukken II* 2015-2016, 29754, 589 (Letter).

\(^{116}\) *Handelingen II* 2015-2016, 27, item 3.
in the Dutch government’s position – from non-repatriation to repatriation – and I will discuss how these events have made the government’s balancing of interests disputable.

6.3.1. Shift to repatriation question in the Netherlands

Nowadays, the question of repatriation is an integral part of the political debate surrounding returnees in the Netherlands. However, this particular question has not always constituted a significant part of the discussion regarding returnees. For a large part, this can be attributed to foreign developments. In the introduction I explained that this issue became more prominent in European countries as a result of the continued pressure of the US and the Kurds on the countries to take back their nationals, especially now that the caliphate has fallen. Nevertheless, I argue that there were also some domestic affairs that pushed the repatriation question on the political agenda in the Netherlands. It seems that in the beginning, the Dutch authorities were primarily focused on designing the policy framework for returnees, which was demonstrated in chapter 6.1. From the parliamentary debates, it appears that – roughly after this policy framework was officially set in stone – the question about repatriation was significantly more addressed, compared to the period before.117 In the beginning, the Dutch government was mainly occupied with designing the entire policy framework, as there were no existing measures in place to deal with returnees, which I explained in paragraph 6.1.4. Therefore, it could be argued that once the government was finished designing this framework to deal with returnees inside the Netherlands, they all of a sudden had the opportunity to tackle the problem of returnees differently – the government was now able to discuss whether or not they should proactively design policies for their return.

Another possible explanation for this shift in focus could be that the debate on repatriation became an important topic in the public debate as well. An event that received a lot of media attention, and might have been a catalyst for making this repatriation question part of the public debate was when the Minister of Security and Justice made a confusing statement in the news program Pauw, in 2018.118 In the TV-show, he stated that the cabinet was investigating how the children of Dutch jihadists in the refugee camps can be returned to the Netherlands. This triggered the impression that the government’s policy regarding returnees had changed, as both the Prime Minister and later the Minister of Security and Justice himself ensured and emphasized was not the case – the Netherlands was still not planning on actively repatriating the Dutch jihadists and their children.119 All in all, both international and domestic developments have pushed the repatriation question into both the Dutch political and public debate.

118 For the specific fragment, which show the confusing statements of the Minister, see https://pauw.bnnvara.nl/media/384979
6.3.2. **Balancing the different considerations**

In paragraph 5.2.1, I explained how countries have to take multiple considerations into account when determining their position on repatriation. In order for the Dutch government to determine their position of not repatriating individuals, the government has thus tried to balance several considerations. Below, I will outline the decisive considerations that ultimately led to the position of not repatriating the Dutch jihadists and their children.\(^{120}\)

1. **National security**

The Dutch Child Ombudsman, Margrite Kalverboer, published a report in which she argued that repatriation would not only serve the interests of the minors – the living conditions in the Kurdish camps and the possible continuous exposure to the IS-ideology extremely harms their development – but also the Dutch government’s interests. As it is the State’s primary goal to protect the society from returnees, controlling their return and with an appropriate and effective plan in place would be safer instead of waiting for these children to age and let them travel to the Netherlands alone and undetected.\(^{121}\) In response to Kalverboer’s argument, the Dutch government agreed that the repatriation of the Dutch minors would indeed serve the national security. According to the NCTV, even though some might pose a threat to the national security, especially those who have received combat training,\(^ {122}\) the majority will not pose a threat. Most of them will not be indoctrinated with the anti-Western beliefs as they are too young. Instead, most of them will be traumatized. Getting these children out of the violent context and helping them cope with their trauma’s as soon as possible will limit the problems that would arise from not treating them in a timely manner. Therefore, repatriating the minors would not only be best for the child’s welfare, but also for the Dutch national security. However, according to the Minister of Security and Justice, returning them is not that simple. According to the NCTV, “the return of minors cannot be

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\(^{121}\) See De Kinderombudsman, ‘Position Paper’ (19 April 2018)

\(^{122}\) From the report *Minors with IS* it became clear that part of the boys from the age of 9 have received combat training. The NCTV argues that those who received this training are used to violence, and therefore the threshold to use violence once they return to the Netherlands is lower. Furthermore, the authorities do not exclude the possibility that there might be trained minors who return to the Netherlands with an instruction of IS to use violence. Retrieved from: NCTV (6 December 2018). *Veiligheidsimplicaties wel of niet terughalen van uitreizigers en minderjarige kinderen*. Retrieved on 20 July 2019 from: https://www.rijksoverheid.nl/documenten/rapporten/2018/12/06/tk-bijlage-veiligheidsimplicaties-wel-niet-terughalen-an-uitreizigers-en-minderjarige-kinderen
considered separately from the return of their parents”\textsuperscript{123} – and especially the adults are believed to indeed pose a great danger to the Dutch national security.\textsuperscript{124}

2. Security situation in the region

According to the Dutch government, the second argument that supports the position of not repatriating is that the area in which the adults and children are residing is unsafe. From the beginning of the conflict, this was a given. Those who have travelled to the IS-area, willingly and knowingly, made the decision to join a terrorist organization.\textsuperscript{125} Therefore, the Dutch government will not send its officials to unsafe areas to help them with their return.\textsuperscript{126} This argument was criticized. According to Kalverboer, this argument cannot be sustained as other countries have in fact repatriated their citizens and children.\textsuperscript{127}

The Minister of Security and Justice responded by saying that even though other countries might repatriate their nationals, it is still up to the Netherlands to decide, based on its own assessment, whether or not the region is safe enough. The fact that other countries are repatriating their citizens does not automatically mean that the Netherlands will do the same.\textsuperscript{128} Hence, the government’s assessment of the security situation in the region is assessed at “unsafe”, from which follows that the Dutch nationals will not be repatriated.

3. International treaty obligations and diplomatic relations

The third argument that implies not repatriating the Dutch jihadists and their children is based on the value the government attaches to compliance with international treaties and diplomatic relations. According to the NCTV, the Dutch jihadists and minors are residing in an area in which the Dutch State has no effective authority. Because the Netherlands has no diplomatic relations with Syria, they cannot negotiate with Syrian representatives. According to the Minister of Security and Justice, help from the Kurds in terms of bringing Dutch nationals to safe areas does not make a difference for their repatriation, as the Kurds would not meet the test of diplomatic relations\textsuperscript{129} – a test which determines with whom the Netherlands can negotiate.\textsuperscript{130} What additionally results from the diplomatic relations-argument, is that the Dutch government does not offer consular assistance in Syria. Therefore, Dutch citizens need to report themselves at the diplomatic representations in the neighboring countries – only at this point can the Dutch government help them.\textsuperscript{131} Furthermore, there has been a discussion as to whether or not the

\textsuperscript{123} See NCTV, ‘Veiligheidsimplicaties wel of niet terughalen van uitreizigers en minderjarige kinderen’ (6 December 2018).
\textsuperscript{124} Kamerstukken II 2018-2019, 29754, 488 (Letter).
\textsuperscript{125} Kamerstukken II 2017-2018, 29754, 483 (Letter).
\textsuperscript{126} Kamerstukken II 2018-2019, 29754, 492 (Letter).
\textsuperscript{128} Kamerstukken II 2018-2019, 29754, 488 (Letter).
\textsuperscript{129} Kamerstukken II 2018-2019, 29754, 445 (Report).
\textsuperscript{130} Kamerstukken II 2018-2019, 29754, 484 (Report).
\textsuperscript{131} Kamerstukken II 2017-2018, 29754, 461 (Letter).
Dutch State carries a certain legal responsibility to take back their nationals. According to Kalverboer, the Netherlands indeed carries a legal responsibility to protect the Dutch children in the Kurdish camps in particular.132 She argues that, based on the Children’s Right Treaty, to which the Netherlands is a party, the Dutch State has a duty to actively repatriate these children. In her report, the Child Ombudsman extensively explains how the concerned Articles in the Children’s Right Treaty apply to this group of children.133 She believes that those children should not pay the price for the horrible mistake their parents made by travelling to the caliphate and should therefore, first and foremost, be considered as victims of IS. However, the Minister of Security and Justice stated that the Dutch government has the opinion that the Children’s Right Treaty does not impose any obligations on the Netherlands to actively repatriate the children.

4. Safety of the concerned individual

The safety of the concerned individual is also taken into account in balancing the different interests. The Minister of Security and Justice explained that issuing an European Arrest Warrant with the local authorities, would be dangerous for the individual. The local authorities would immediately know that that person is being suspected of a terrorist crime. Consequently, there is a real risk that those individuals will be arrested and prosecuted by the local authorities in the region. The safety of the individual is then at stake because it is highly likely that they will not receive a fair trial, and that the local authorities might impose the death penalty.134 Thus, from this argument also results the no-repatriation position of the Dutch government.

6.3.3. Change in the Dutch position: From laissez-faire to active repatriation?

In paragraph 6.3.2, I outlined the views of the Dutch government regarding whether or not to promote or frustrate the return of Dutch jihadists. Based on the four assumptions, the Dutch government ultimately arrived at their policy position, which is characterized by the laissez-faire attitude regarding the repatriation of the Dutch citizens from the region. However, recent events indicate a shift towards the position of active repatriation. This shift inherently means that the four assumptions, which are decisive for determining the government’s position with regard to repatriation, are assessed differently. Due to some recent events it seems that some of the assumptions are under attack, meaning that it is hard for the government to still uphold these assumptions, on which they base their policy position of not repatriating the Dutch jihadists and minors from the region. Below, I will chronologically outline the events that indicate this shift, and I will additionally explain how this impacts the government’s balance of interests.

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133 For more details about the specific Articles of the Treaty, see the Child Ombudsman’s Position Paper (19 April 2018).
Recent events that indicate the shift

In February 2019, surprising news made the headlines: “The Netherlands is investigating the repatriation of female departees and their children from Syria”. According to the report, the Minister of Security and Justice was investigating the possibility to, together with the Kurdish authorities, bring the Dutch female departees and children to a safe area. It stated that once they were in these safe areas, they could report themselves at a Dutch consulate, so they can be returned to the Netherlands. However, the Minister argued there were some risks attached to this plan, because the Dutch government feared that other countries such as Turkey or Iraq might apprehend the women, and prosecute them based on their domestic legislation. In May 2019, it became known that there were talks between the Netherlands and Iraq about a possible transit for the ten women for whom detention orders for extradition were issued. From these talks followed that the Iraqi authorities had ensured the Netherlands that they would not prosecute these women. As the investigation into the possibilities of their return are still ongoing, the Minister made it clear that this commitment of the Iraqi authorities does not automatically mean that these women will be repatriated. In June 2019, the Minister of Foreign Affairs and the Minister of Security and Justice announced that in a joint operation with France, which repatriated twelve children, two Dutch orphan children were transferred to the Netherlands by the French authorities, and they were handed over to their Dutch guardians. According, to the Minister of Security and Justice, this operation was “a unique case” and the cabinet is not planning on repatriating more children. However, one month later, the news came that the government had repatriated one Dutch child from

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136 Based on a ruling by the Court in Rotterdam, who had issued new detention orders for extradition in January 2019, the Public Prosecutor was obliged to bring ten cases under the attention of the Minister and to urge him to take the necessary measures for their return. These measures are the following: the suspects will be transferred to the border with Iraq, to the Kurdish Autonomous Region; the Kurdish authorities will be waiting for them and they will arrest the suspect based on the international extradition, and they will transfer them to the Dutch consulate-general in Iraq; the suspects will be brought to the Netherlands with the intention to make prosecution and conviction in the Netherlands possible; and an agreement will be set up between the Dutch authorities and the Iraqi authorities that the suspects will not be prosecuted in Iraq due to the possibility of imposing the death penalty in Iraq. Retrieved from: Kamerstukken II 2018-2019, 29754, 492 (Letter).


139 Kamerstukken II 2018-2019, 29754, 504 (Letter).


Syria – not an orphan, but a minor whose mother is still residing in the camps. Once again, the Dutch government emphasized that this event will not change the government’s position on repatriation.\textsuperscript{142}

\textbf{6.3.4. Analysis: The government’s assessment under attack}

The previous paragraph makes it apparent that the government has repeatedly emphasized that their position had not changed – even though the events indicate otherwise – and that the government will maintain its policy of not repatriating the Dutch jihadists and the minors. However, based on the aforementioned events, some of the arguments given by the Dutch government in support of the position of no repatriation are hard to uphold. First of all, the argument of not sending government officials to “unsafe areas” is difficult to defend. In fact, the Kurds have expressed multiple times that they are willing to bring the Dutch nationals to safe areas in order for the Dutch to be able to return them.\textsuperscript{143} Thus, when the government announced that they were investigating the possibilities that the Kurds would bring the Dutch females and children to a safe area, this countered the argument regarding the security in the region. Especially the recent repatriation of the two Dutch orphans makes it extremely hard for the government to still argue that it is not sending its officials to unsafe areas to help with the return, because there is in fact a video circulating, in which Jan Willem Beaujean, the director consular business of the Dutch Ministry of Foreign Affairs, is present at the extradition.\textsuperscript{144}

Furthermore, the talks between the Dutch government and the Iraqi authorities demonstrate that the argument of the individual’s safety is disputable. Even though this agreement only applies to the cases of the 10 females, it does in fact reflect the willingness of the Iraqi authorities to ensure the jihadists’ safety, in terms of not prosecuting them based on their legislation. Thus, the safety of the individual does not necessarily have to be at stake, if the government would want to repatriate the Dutch jihadists. Moreover, with regard to the diplomatic-relations argument, this assumption of the government has always been debatable. Even though the Netherlands does not have diplomatic relations with the Kurds or with Syrian representatives, the Kurds can at their own initiative bring the Dutch jihadists to the Dutch consulate in safe area – a deed that does not require diplomatic relations.\textsuperscript{145} In essence, this means that the diplomatic-relations argument is irrelevant for determining the policy position of not repatriating.

\textsuperscript{142} See NOS, ‘Nederlands kind uit Syrië teruggehaald’ (27 July 2019).
\textsuperscript{143} This became apparent from the Dutch documentary \textit{Verloren Kinderen van het Kalifaat} [Lost Children of the Caliphate]. The documentary-maker and a father, whose daughter and grandchildren are still in the region, spoke to both former leader of the Kurdish Democratic Union Party, Salih Muslim, and the Kurdish Minister of Foreign Affairs, Abdullah Karim Omar. Both men stated that they have told the Netherlands multiple times that the Kurds are willing to assist the repatriation of the Dutch nationals, and that the Dutch have not responded. Retrieved on 10 June from: \url{https://www.2doc.nl/documentaires/series/2doc/2018/maart/de-verloren-kinderen-van-het-kalifaat.html}
\textsuperscript{145} Kamerstukken II 2018-2019, 29754, 484 (Report).
because Dutch nationals who report themselves at the consulate have the right to consular assistance, and therefore can return to the Netherlands.

On the basis that these three assumptions can be disputed, some politicians believe that the government is searching for justifications which prevent the repatriation of the Dutch jihadists. According to these politicians, there are in fact complete procedures in place to deal with their return, yet, the government is just simply not willing to actively repatriate the Dutch jihadists.\(^{146}\) However, in particular, the repatriation of the one minor, whose mother is still in the region, seems to reflect a shift in the government’s attitude towards repatriation. Previously, Dutch minors were not being repatriated based on the national security-argument – repatriating the minors inherently meant repatriating the adults, who were considered to pose threat to the Dutch national security. Even though the government was aware that the pressure to repatriate the adults would increase if they would repatriate the Dutch minors,\(^ {147}\) they still repatriated the Dutch child. Therefore, it seems that the government is slightly opening the door towards the repatriation of the adults.

### 6.4. Family speaking

In this chapter, I will show some of the perspectives of relatives of Dutch jihadists on how they believe the government should respond to their possible or actual return. I had the opportunity to interview two fathers – Eugène and Houssein – whose daughters, respectively Laura and Meryem, have both travelled to Syria. These interviews provide a small reflection on the aforementioned analysis of the Dutch policies, and the political debate on repatriation. This part is structured as follows. First, I will introduce the two cases of Laura and Meryem. Then, I will explain both their returning process. Thereafter, I will discuss the government’s response after their return to the Netherlands – I will only discuss this in the case of Laura, as Meryem is currently still held captive in the region and has not returned yet. Finally, I will present both Eugène’s and Houssein’s opinion regarding the responses of the Dutch government.

#### 6.4.1. Introduction to the cases

The case of Laura received a lot of (media) attention because she was the first Dutch female returnee from Syria and Iraq. In 2015, together with her husband and her two children, Laura left to the caliphate, hoping to start a new life there. According to Eugène, after two months, Laura already started to send him desperate messages saying that she wanted to leave. With the assistance of Familiesteunpunt, Eugène helped his daughter to escape from the caliphate. Thus, after staying in the caliphate for almost a year, Laura was able to escape. She was returned to the Netherlands and was ultimately convicted for

\(^{146}\) Ibid.

\(^{147}\) See NCTV, ‘Veiligheidsimplicaties wel of niet terughalen van uitezigers en minderjarige kinderen’ (6 December 2018).
the preparation and promotion of terrorist crimes.\textsuperscript{148} Houssein’s story also received a lot of (media) attention. In the documentary \textit{De Verloren Kinderen van het Kalifaat} [Lost Children of the Caliphate] Houssein goes looking for his daughter Meryem and his two grandchildren, who he had never seen before as they were born in the caliphate – they are still held captive in a Kurdish refugee detention where they have been living for two years now. In 2012, Houssein’s daughter secretly left to Syria. Houssein said,

“During the first months that she was ‘in Cairo’,\textsuperscript{149} we had little contact. At one point, I received a call from the AIVD: ‘Mr. Houssein, where is your daughter?’ I said: ‘In Cairo’. The AIVD then said: ‘Your daughter is not in Cairo, your daughter is in Raqqa, in Syria.’”

A year later, Houssein received a similar phone call from the AIVD. However, this time they told him that it was Houssein’s ex-wife and their 14-years old son – who was killed in a bombardment eight months later – that had left to Syria following Meryem.

6.4.2. Returning process: Government’s assistance

Via \textit{Familiesteunpunt Radicaliseren} Eugène was connected to a German radicalization expert, Daniel Köhler, who offered his help to arrange an escape for Laura and to bring her back to the Netherlands. “I told Daniel about the text messages Laura and I had sent to each other, and how we were preparing for her return, and how we were planning on manipulating her husband”. Eugène thus received help with returning his daughter, but from whom exactly is still disputed. During that time the government’s policy was to not actively repatriate Dutch jihadists from the region, but according to Eugène,

“I was helped by a party [Familiesteunpunt] to whom I was introduced by the Dutch government. This is continuously denied, but this is in fact what happened (...) Together with the Dutch government we have arranged Laura’s entire escape. This is my personal experience and I am pretty sure that this is what happened”

In contrast to Eugène, Houssein has not yet receive any help with the return of his daughter and grandchildren. He said that, “the moment I found out that they had left, there was no one and nothing I could go to (...) There was no one who stood by our sides or who supported us”. As a result, Houssein and other parents, who had similar experiences, took matters in their own hands. Nowadays, this group of fellow \textit{lotgenoten} [people in a similar situation] have formally organized themselves in the

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{149}] I put ‘in Cairo’ in quotation marks, because Meryem never went there. Houssein was under the impression that was in Cairo to study the Islam. Houssein explained that he later got the information that she left from Zoetermeer to Adana (Turkey) and from there she crossed the border to Syria.
\end{itemize}
\end{footnotesize}
organization called *Breng Ze Thuis* [Bring Them Home]. The group initiated a lot of visits, meetings and talks with different parties – the Red Cross, trauma experts, the Chief of the National Police and the head Public Prosecutor – to gain as much information about the possible return of their children and grandchildren. Due to these talks, Houssein believes that the departees’ relatives are now prepared for their return in terms knowing what awaits them. Nevertheless, according to Houssein, “not a single government official has contacted me to ask me if I perhaps need, for instance psychological assistance. We did everything ourselves based on our own strength, with no help of others”.

Houssein believes that the Dutch State indeed has a responsibility to actively assist the Dutch jihadists with their return from the region. He mentioned several arguments why he believes that the government should repatriate them. First of all, they are Dutch citizens and the State has a responsibility to take care of its citizens. Secondly, especially the minors should be repatriated because they should not pay for the mistakes their parents made. Thirdly, some authoritative institutions call for repatriation. Regarding the latter argument, Houssein said,

> “The government has not followed up on the ruling of the Court in Rotterdam. This is basically a fat middle finger of the government to our democratic state. (...) Then, there is also the report of the Child Ombudsman, which has been disgracefully put aside. This would never happen in other countries. International *lotgenoten* told me that if such a report was published in their country, this would have serious consequences, and this could never be ignored by the government.”

Furthermore, Houssein criticized one of the assumptions that is given by the Dutch government that it is not sending its officials to unsafe areas, and therefore repatriation is not possible because the Dutch jihadists and minors are currently residing in unsafe areas. On this matter, the NCTV Director, Dick Schoof, had “evilly lied” to them. In one of the meetings the group had with Schoof, he had said to the group that he had no information on the whereabouts of their children. However, when Houssein went to Syria for the documentary, the Director’s statement turned out to be untrue:

> “When I met my daughter (...) she told me that the Royal Military Police had visited and questioned her months ago, multiple times. They even brought peppernuts and toys for the children, for Saint-Nicholas”.

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150 This group already existed for a long time. After Houssein had found out that his family had departed, he was connected to a confidant of *Samenwerkingsverband Marokkaanse Nederlanders, SMN* [Partnership Moroccan Dutch]. He was asked to join this group of people, who all had either lost their child, had a radicalized child, or a child that had left to Syria and Iraq. Even though he initially was reluctant to join this group, he said that after a while it truly felt like “family”, because they all share the same story and they can support each other. Ultimately, this group of *lotgenoten* formally organized themselves in an organization, of which Houssein is in fact prominent number. The organization currently exists of 40 members.

151 I explained this Court Ruling in footnote 136. Houssein’s daughter and ex-wife are two of the 10 females for whom extradition is requested.
In addition to these arguments, Houssein also explained that all of the parents are already prepared for the return. So there is no reason to not repatriate them. For instance, Houssein said the following about the group’s meeting with the Child Protection Board:

“They explained to us what would happen if our grandchildren would return, and based on this meeting subsequent individual meetings followed with several members of our group about who would take care of these children – all of this is ready and arranged”.

6.4.3. After return: In the Netherlands

The Public Prosecutor questioned the credibility of Laura’s story about her escape from the caliphate. They argued that it was a given that, during that time, it was extremely hard to leave the caliphate.152 Eugène said that he, to some degree, understands that the Prosecutor had doubts about this whole case, because their first lawyer advised Laura and her family to remain silent. This only increased suspicion. This silence was interpreted by the Public Prosecutor as follows: “We must assume the worst-case scenario. That she willingly went to the conflict area and returned from IS, with orders”.153 Eugène was flabbergasted by this statement and said that

“(…) this worst-case scenario was nonsense. The story they made up is ridiculous. She leaves in September 2015 and 1.5 to 2 months later she already sends me messages that she wants to leave (…). So, she has been there a solid two months, in which she had to continuously take care of her two children, including one baby. According to the Prosecutor she had thus plotted a plan, in this time frame, to return to the Netherlands – with a lot of press and a remarkable escape – to commit an attack here. How on earth is this possible? What person comes up with these fantasies?

Eugène said that he did not assume that Laura would be welcomed with balloons, but he still cannot believe how they were treated during his daughter’s trial, as all the evidence that would exonerate her was pushed aside: they were not allowed to call certain witnesses, who could have proved Laura’s early sincere intention that she desperately wanted to leave the caliphate, and the report of the Pieter Baan Center, which advised the court to apply the minor’s criminal law in her case, was ignored. Thus, according to Eugène, it was already determined that Laura as the first returnee had to be convicted, because the authorities needed a conviction in order to convict future returnees. Therefore, Laura basically served as an “example and a scapegoat”.


6.4.4. Reflection on the government’s responses by Eugène and Houssein

Eugène

Eugène explained that before Laura arrived in the Netherlands, they received the necessary help. However, the moment she returned, this assistance stopped. He said that he would have found it useful if someone would have explained to them what was going on, what will happen, and what steps they needed to take. Furthermore, Eugène said that he had mixed feelings about the Terrorism Ward in Vught, where Laura was held in custody for almost a year. Even though he does not have the answer to what would indeed be best, Eugène said that it is very peculiar that “they put you in Vught among these people – who yell ‘Allah Akbar’ when terrorist attacks are carried out – and from whom you fled in the first place”. Instead, Eugène believes that the therapy sessions of the Pieter Baan Center, which Laura had as well, should play a bigger role. He thinks this is a great institution for assessing whether or not someone has really distant themselves from a certain ideology, and also to detect the root cause of their radicalization. According to Eugène,

“It is far more important to engage with people, talk to them and offer them perspective (…). In here lies an important role for families. According to my daughter as well, family is the key to the individual’s heart, and are thus essential in the deradicalization process. Therefore, families should be included in these kind of programs”.

Looking back on his daughter’s returning process, Eugène compared it with a marathon – every time there came new phase. According to Eugène, they are now in the phase of helping his daughter to rebuild her life and giving her enough confidence to do this. He said that “Laura is currently living on her own, she is doing the havo, and she is a great mother to her two children. So she is doing great”. However, Eugène said that while Laura is really trying to rebuild her life, he believes that the society does not give her the necessary tools to do so. He explained that Laura has to do an internship as part of her education. For such an internship a Certificate of Good Conduct is required. Eugène said that “I discovered that she cannot get a VOG for the next 20 years with her conviction, which means that you are denying someone to follow her dreams, to mean something, to shape your existence.”

Houssein

According to Houssein, there was no attention for those who were left behind. The authorities were only interested in collecting information on the individuals’ departure and radicalization. He said that families are “in essence victims with a lot of pain and grieve (…), but we were not seen like this, in fact, we were not seen at all. They only asked you for information, but giving information? No”. When Houssein told

about his visit to the NCTV and the conversation he had with them, it becomes clear what kind of assistance Houssein and the other parents would have wanted,

“‘We would like a short line between us and the Ministry of Justice and Security, the Ministry of Foreign Affairs and the NCTV’. Fine, they would check. ‘We would also like more information about our children and grandchildren. We do not expect you to share top secret information, but just a simple ‘how are they doing’-update’. Fine, they would check. ‘We would also like some kind of hotline, we can contact if we have questions about our children and grandchildren in the region’. Fine, they would check. However, up until today we have not heard a single thing from them, nothing!”

From our conversation, it became apparent that Houssein has fierce critique on the AIVD because of how they treated him and the other parents in terms of sharing information about their relatives. Houssein said that the AIVD does not have to share everything with them indeed, but they can at least let the family know if the children and grandchildren are even alive. Houssein compared this by stating that “if you run away from home and you do not want your parents to know where you are, but I do in fact know where you are. The least I can do is tell your parents you are OK, right?” This attitude of the AIVD caused for a lot of anger among the parents. On this matter, he said the following,

“Let me exemplify the anger the lotgenotengroep had towards the AIVD. One of our group members got a message from her son, which was extremely vital (...) We said that she had to share this information with the authorities, to which she replied “Hell no, if they are not giving me any information, they can expect the same from me”.

Even though Houssein does not understand the government’s policy position of not repatriating the females and children from the region at all, he seems to accept the policy framework in the country. Houssein said that he frequently received the question if he could have seen this coming, that his daughter would leave the country, to which Houssein would reply,

“How on earth am I, as a normal father, supposed to know this? If I would have in fact noticed something, I would have definitely taken the right measures. I would have gone to police and ask them to immediately impose a travel ban or to revoke her passport. I would certainly had taken care of that”.

If it was up to him, he would have done everything in his power to prevent Meryem’s departure. After one of the group’s visits to Vught, Houssein even said the following about his daughter’s detention,

“On the one hand, this was shocking, but on the other hand it was also good to see where our sons and daughters will end up. To see this with your own eyes and to have an image of this life felt reassuring (...). As we were saying our goodbyes – I still get goosebumps, when I tell this story – I said to the Director “I hope to see you soon”. She responded that no one has ever said
that to her. Obviously, most people that leave the prison would probably say that they never want to see her again. For us, however, seeing her again would mean that my daughter is finally here”.

However, Houssein said it has gotten to a point that he and his fellow lotgenoten have reached the point “that they are willing to trade their own daughters and sons for their grandchildren” because most of them have lost the hope that their sons and daughters will ever return.
7. Conclusion

In the introduction, I argued that researching how a country’s political debate and policies have developed over time is interesting in order to discover how the firm position of not repatriating foreign fighters and has shifted towards a more lenient attitude. This research has examined the development of the Dutch political debate and policies because the Netherlands is thus one of the countries that show such a policy shift. In this research’ final chapter, I will first summarize the answers to the research question. In paragraph 7.2, I will also reflect on the Dutch government’s position by discussing why they changed their position instead of how. Then, I will address some possible policy improvements that follow from the findings of this research – especially the interviews of the Dutch jihadists’ relatives. Finally, I will explain how the limitations and findings of this research lead to suggestions for future research.

7.1. Answer to the research question

This research has answered the question, “How have the Dutch policies and political debate regarding Dutch returnees from Syria and Iraq developed between 2012-2019?”. Regarding the development of the Dutch policies, it turned out that there were no existing policies for returnees when the first wave of Dutch jihadists started to leave the Netherlands in 2012. In section 6.1, I have demonstrated that several events, namely the first wave of Dutch departees, the rise of IS, and the multiple terrorist attacks in Europe, to some degree shaped the Dutch policy framework for returnees. After each of these events, the government either strengthened existing measures or implemented new measures. In chapter 4, I explained that this reactive manner of initiating counterterrorism policies can be explained by the Dutch’ relatively new counterterrorism infrastructure, which only really came into its existence after 9/11. Consequently, not all types of terrorism are covered in the country’s counterterrorism strategy, and since the Netherlands has had little experience with foreign fighters, the particular policy framework to counter this problem had yet to be developed. Even though the country has had previous experience with the threat of jihadism, this manifestation being the massive departure of jihadists to Syria and Iraq was indeed new to the Dutch government. In chapter 6.2, I demonstrated that the present Dutch policy framework for returnees is an encompassing, broad and augmented framework. Thus, the policies against returnees have developed from: no policies whatsoever to a wide palette of measures.

In terms of the development of the policies substantively, chapter 6.2 additionally demonstrated that the policy considerations that follow from the academic understanding of the phenomenon of foreign fighters to Syria and Iraq, which I mentioned in paragraph 3.5, were largely taken into account in the Dutch policies for returnees. According to the academic literature, the following factors are important to take consider when designing the policies: acknowledging the different groups that are part of today’s foreign fighters; the motivations of the foreign fighters to leave are diverse, and contrary to popular belief, they are often not driven by religion; and the threat of returnees should not be underestimated,
but also not overestimated. The studies that were ordered by the Dutch government provided the Dutch government with insights on life in the caliphate: how women can also play an important role in terrorist activities; why future returnees are considered more dangerous than their predecessors; and how minors are being affected by life in the caliphate. Hence, these insights seem to correspond with the academic understanding of the nature of the phenomenon of today’s foreign fighters. After these researches the Dutch government officially publicized its response to returnees, and the measures that thus followed seem to have taken into account the aforementioned policy considerations: women and men are now treated equally in terms of criminal prosecution, administrative measures have been expanded in order to cope with the ‘new’ threat of returnees, and minors will receive special care once they return to the Netherlands. This conformity would thus imply that the present measures in the Netherlands would be appropriate and effective to deal with returnees. I will address this further in the discussion section.

The manner in which the Dutch political debate on returnees developed from 2012-2019 should in essence be understood on two different levels: the political debate throughout this entire period and the political debate on repatriation, which only started recently. Regarding the former debate, in the beginning, the debate mostly centered around the measures that needed to be implemented or adjusted in order to deal with the problem of returnees. From chapter 6.3, it becomes clear that once this policy framework was set in stone and the measures were, to a large extent, in place, the political debate swiftly shifted to the question about whether or not to repatriate the Dutch jihadists and minors from the region. I argued that this shift of focus in the Dutch political debate was on the one hand, caused by international affairs, namely the fall of the caliphate and the increased pressure of the US and Kurds on European countries to take back their nationals. They were also caused, on the other hand, by domestic affairs, as the fact that the policy framework was finished created space to counter the problem from a different perspective – instead of acting reactively, the government could now debate on how they could deal with the problem proactively, by repatriating – and because the topic of returnees became an important issue within the public debate. As the political debate shifted, the government had to justify its policy position on this matter of repatriation. I explained how the Dutch government, based on their balancing of interests, arrived at their decision to not repatriate the Dutch jihadists and minors from the region, based on their balancing of interests. However, the recent events – announcement to investigate repatriation of females and minors, repatriation of two orphans, and the repatriation of one child, whose mother is still in the region – indicate that this balance is hard to uphold, and that the position of the government with regard to repatriation is thus changing. So, the particular political debate on repatriation developed from firm statements about not repatriating the Dutch jihadists and minors to a more lenient position of the government.

7.2. Reflection on the Dutch government’s position

In this paragraph, I will reflect on the Dutch government’s position. This research has showed how the Dutch policies have developed and how the Dutch political debate has shifted. The analysis of the Dutch
political debate on repatriation showed that the Dutch government’s policy position has changed: from not repatriating to repatriating. In this part, I will discuss why the Dutch government made this policy shift. First of all, the recent events make it hard for the Dutch government to still defend their balancing of interests that determine the no-repatriation position. In fact, by repatriating the one Dutch minor, whose mother is still in the region, the government seems to open the door to the repatriation of the adults. The government is aware of the consequences that come with repatriating the Dutch minors. They are aware that their repatriation is inherently linked to the repatriation of adults. This raises the question why the government seems to be willing to repatriate the Dutch jihadists from the region. There are several answers possible to this question. First of all, the Dutch government might consider its domestic policy framework for future returnees as ready. Whereas there used to be no framework in place that was able to deal with returnees, there is nowadays however a systematic and comprehensive framework that can indeed deal with returnees. In addition, it could be argued that the Dutch government might believe that their policies and measures will be appropriate and effective, because they designed their policies based on a profound understanding of the phenomenon, which can be obtained from the studies performed by the governmental agencies.

Another explanation for the government’s conscious shift is that the government changed their opinion on how they can best protect the Dutch national security from returnees. Protecting the national security appears to be the leitmotif of most European countries, including the Netherlands. Previously, the Netherlands employed policies that would prevent the foreign fighters from returning because it was believed that by doing this they would not pose a threat to the national security, in terms of committing terrorist attacks in their home countries. In chapter 5, I outlined the general policy positions with regard to repatriation, and the available evidence suggests that the best option, from a security perspective, would be to repatriate the citizens. The NCTV had already addressed the security implications of not repatriating the Dutch jihadists and minors from the region – these implications are now possibly deemed more severe than the ones that stem from repatriating the nationals. Hence, according to the NCTV, the refugee camps in Syria can serve as breeding ground for radicalization and recruiting of jihadist structures. The longer the government will wait to return them, the more these individuals will be radicalized and frustrated. The NCTV stated that this is becoming more threatening if the Kurds decide to break off these camps or to release the jihadists – the Kurds have expressed multiple times that their detention is limited. If the Kurds decide to break off these camps or to release the jihadists, the Dutch authorities will lose their sight on their nationals, and they can return to the Netherlands undetected, with a strong jihadist network they were able to build and strengthen in the detention camps, and with a strong frustration against the Dutch State for not repatriating them.155 Thus, it could be that

155 See NCTV, ‘Veiligheidsimplicaties wel of niet terughalen van uitreizigers en minderjarige kinderen’ (6 December 2018).
the Dutch government now believes that repatriation is indeed better in order to protect the national security.

A third answer to the why-question could be that, even though the Dutch government has stressed multiple times that the approach for returnees is a national competence, the government also strives for a coherent, joint and coordinated approach among the European countries.\textsuperscript{156} Because other European countries are changing their policy positions with regard to repatriation, the Dutch might feel the necessity to do this as well. Because other countries are deciding to actively repatriate their nationals and the Dutch government strives for a coherent European approach that protects Europe’s safety, the Netherlands might want to act in line with the other European countries. In addition to this external pressure of the other countries’ acting, the government might also experience more pressure to repatriate the Dutch jihadists and minors due to the continuous and increased (media) attention to the topic, which seem to support active repatriation. Once the repatriation-question became part of the public debate as well, simultaneously, it seems that the government has revised their position.

7.3. Policy improvements

The findings in this research point to a number of possible policy improvements for the Dutch government. As I mentioned in the introduction, the territorial defeat of IS does not mean that IS is completely defeated. It is argued that the violent jihadist ideology will continue to exist. Therefore, it is important for countries to understand that the danger, in terms of terrorist attacks, is not only limited to returnees from the region (Malet & Hayes, 2018). Hence, the majority of individuals that were involved in terrorist activities in Europe had not been returned foreign fighters (Jensen & Lippe, 2018). This demonstrate the relevance of the Dutch government’s current efforts regarding their interventions prior to the terrorist acts, which I explained in paragraph 4.3. The government should indeed invest more in efforts that target those individuals within the Netherlands that feel encouraged by this violent jihadist ideology. Furthermore, foreign fighters might return more radicalized compared to when they departed, but their radicalization process already started in the home country, which led to their departure in the first place. The root causes to join such a terrorist organization lie within the environment at home, in which these individuals grow up. Therefore, the sources of today’s terrorism are homegrown. To prevent future waves of foreign fighters, it is important for the Dutch government to address social economic political divisions that exist in the Dutch society in order to prevent especially citizens with migration history from feeling marginalized.

The interviews I conducted also point to suggestions for policy improvement concerning returnees. Both of the fathers I interviewed did not feel supported by the Dutch government with regard to the returning process of their daughters. In the case of Eugène, the support he received prior to Laura’s arrival in the Netherlands disappeared the moment she returned to the Netherlands. After Laura had was released

\textsuperscript{156} Kamerstukken II 2017-2018, 32317, 512 (Letter).
from the Terrorism Ward, she tried to rebuild her life – something which according to Eugène is difficult because she is not being offered the proper tools to do this. In the case of Houssein, he has not received any assistance whatsoever. Together with the other parents, they try to retrieve as much information about their children and grandchildren, and they are preparing themselves for their possible return – something which according to Houssein is a task that the Dutch government should initiate in the first place. Thus, both Eugène and Houssein felt, and still feel, not supported by the Dutch government in terms of not getting the preferred and necessary assistance in the returning process of their relatives.

Even though it is not possible to generalize findings based on only two interviews, the research of Weggemans, Van der Zwan & Liem (2018) – who interviewed 17 relatives of Dutch jihadists157 – arrives at similar findings. Most of their respondents had similar negative experiences with the Dutch authorities. They had no idea to what institutions they had to go to for help, and they often felt neglected by the authorities. Based on these experiences, the researchers argue that it is important for the government (institutions) to build trust with the families as it is precisely them who might hold crucial information about their relatives in the region due to the contact they still have with their children (Weggemans, Van der Zwan & Liem, 2018). By not involving them, the authorities inherently neglect crucial information, as was exemplified by Houssein who explained that a mother refused to inform the authorities with vital information she received from her son. The Dutch government is currently more focused on the returnee and not so much on the relatives. Particularly, attention for relatives is important because it is argued that relatives can have a positive role on the deradicalization of the individual concerned (Weggemans, Van der Zwan & Liem, 2018). As Eugène also stressed during the interview, “the family is the key to someone’s heart”.

7.4. Suggestions for future research

In this paragraph, I will explain the suggestions for future research that stem from both the limitations, which I discussed in chapter 2, and the findings of this research. First of all, the number of respondents I interviewed in order to map the different perspectives of the relatives was too small to arrive at any generalizable statements. What would thus be interesting is to gather more views from relatives on the Dutch policies because this could provide useful information that can improve the policies for returnees, as I explained in the previous paragraph. Moreover, the results of this research are case-specific. Future research can also be done into how the policies for returnees and political debate about returnees in other countries have developed. It would be interesting to compare the way in which the policies and political debate in the Netherlands unfolded with other countries’ development of policies and political debate. It is argued that national responses towards returnees are driven by domestic homeland security politics

157 For this research, they conducted 17 semi-structured interviews with family members of individuals who expressed sympathy for the armed conflict, in which jihadist groups are active (N=2), and who have actually travelled to the region (N=15). They interviewed different family members of the departee: fathers, mothers, brothers and sisters. For more information on this research, see Weggemans, Van der Zwan & Liem (2018).
and as a result, changes in these responses are inherently connected to changes in the country’s internal affairs. Comparing countries would thus be interesting to discover what domestic factors changed the policies and the debate.

Furthermore, it will be interesting to see how the repatriation debate in the Netherlands will continue to develop. I believe that the actual repatriation of adults will happen soon because the recent developments such as the repatriation of Dutch orphans and the talks with the Iraqi authorities about realizing the repatriation of some women suggest the more lenient course of the Netherlands. For now, it will be hard to make any relevant statements with regard to the improvement of the policies for returnees, in terms of substance. It has yet to be seen how the present policies will be able to deal with the future returnees, from which stems a greater risk than from the ones that have already returned. Currently, there are still some 150 adults and some 210 minors in the region (Syria, Iraq and Turkey), and only 60 so far have returned to the Netherlands. In 2016, according to the spokesman of the Dutch Ministry of Security and Justice, the majority of those returnees from Syria and Iraq “have found their way back in the society” and they have not been prosecuted or convicted.158 This will probably be different for the future returnees because most countries infer the threat of returnees from their length of stay in the area of conflict. The belief is that the longer the individual’s stay, the greater their degree of indoctrination and ideological extremism. According to Malet & Hayes (2018), there is currently no data available that supports that the duration of experience in the country of conflict increases the chance of attacks by returnees or the propensity to recidivism. Therefore, it is really hard to suggest any policy improvements with regard to the measures, because the measures still need to be used for the future returnees. But, if the authorities indeed decide to repatriate both the Dutch adults and children, the final stage of the returning process is completed. Then, the existing measures for dealing with returnees will be tested. Once this point is reached, it would be interesting to research the effectiveness of the measures that deal with returnees, and examine to what extent the measures are thus able to cope with the challenges. Once there is more research done to the effectiveness of approaches in countries in general, it would again be interesting to compare countries in order to assess the best practices to deal with returnees.

8. Appendix

8.1. Appendix I: push and pull factors

Despite the variety of push and pull factors, Schmid & Tinnes (2015) have identified some factors that seem to surface in the existing literature on this particular issue:

*Table 2: Push and pull factors behind radicalization, violent extremism and terrorism (Schmid & Tinnes, 2015)*

<table>
<thead>
<tr>
<th>Push factors</th>
<th>Pull factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Reaction to traumatic experiences of violence</td>
<td>• Existence of extremist ideology that provides justifications for attacks against out-group members (e.g. non-believers)</td>
</tr>
<tr>
<td>• Anger and individual or collective desire for (vicarious) revenge, based on humiliation and/or experience of discrimination and injustice</td>
<td>• Presence of charismatic leader who translates grievances into incentives to engage in jihad</td>
</tr>
<tr>
<td>• Estrangement from mainstream society by uprooted migrants in refugee camps and diasporas, aggravated by socio-economic marginalization, relative deprivation and/or political exclusion</td>
<td>• Existence of like-minded militant local-peer group that reinforces individual inclination to become foreign fighter</td>
</tr>
<tr>
<td>• Personal identity crisis; individual search for meaning and purpose in life; frustrated aspirations; lack of future perspectives at home and desire to escape; seeking redemption</td>
<td>• Lure of adventure, fed by images of ‘heroism’ of jihadi fighters on social media</td>
</tr>
<tr>
<td>• Unresolved political conflicts and perceived absence of solutions by state actors</td>
<td>• Imitation (contagion effect) of publicized and seemingly successful terrorist mode of operation</td>
</tr>
<tr>
<td></td>
<td>• Personal recognition: prospect of recognition as valiant fighter for a good cause and opportunity to boost one’s (self-)image from near “zero [in own country] to hero” [in the land of jihad]</td>
</tr>
<tr>
<td></td>
<td>• Promise of rewards on earth in afterlife (paradise)</td>
</tr>
</tbody>
</table>
8.2. Appendix II: The Dutch policy framework

Below, I will outline the different policy measures that are in place to deal with the Dutch returnees. I will follow the same structure as paragraphs 5.1.1-5.1.3. For each domain – criminal justice, administrative, and rehabilitation and reintegration – I will explain the existing measures.

Criminal justice measures

All verified departees who join terrorist organizations are subjected to criminal investigation. From the moment the Dutch authorities have identified an individual that has left to Syria or Iraq, the Public Prosecutor and the police start an investigation and initiate prosecution. While the individual is still residing in the conflict area, the Public Prosecutor together with the intelligence and security services continuously collects information on the individual’s role in the armed struggle. In this way, a criminal file is built. The Public Prosecution can prosecute them in absentia and, if appropriate, convict them. Thus, establishing such a dossier makes it possible, if necessary, to immediately prosecute an individual or execute a sentence once they return to the Netherlands (Van Ginkel & Minks, 2018). All identified returnees from Syria and Iraq will be arrested and questioned upon their return to the Netherlands. It will be judged whether or not he or she will be prosecuted, or if he or she poses a danger. According to the Minister, in most cases there is enough reason to detain a returnee for criminal investigation. The Public Prosecutor can prosecute returnees based on two articles in the Dutch Criminal Code, Article 134a and Article 140a. In case of criminal prosecution, all suspects and convicts of terrorist crimes are placed in the Terrorist Ward, a high-security detention center.

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162 The Dutch authorities are also collaborating with other countries with regards to exchanging relevant information about possible returnees. See NCTV, ‘Aanpak terugkeerders’ (15 February 2017).
165 Article 134a states that, “He who deliberately provides him or another person with the opportunity, means of information to attempt to commit a terrorist crime or a crime in preparation or facilitation of a terrorist crime, or acquires knowledge or skills for that purpose teaches someone else, is punished with imprisonment of up to eight years or a fine of the fifth category” (Art. 134a, WvS).
166 Article 140a states that, “1. Participation in an organization whose purpose is to commit terrorist crimes is punishable by imprisonment of 15 years or a fine of the fifth category; 2. Founders, leaders or directors are punished with a life sentence or temporary prison sentence of a maximum of 30 years or a fine of the fifth category; 3. The fourth paragraph of Article 140 applies mutatis mutandis.” (Art. 140a, WvS).
168 Ibid.
main objective of this regime is to isolate those radical and extreme individuals from other inmates, in order to prevent influencing and recruiting (Van Ginkel & Minks, 2018).

**Administrative measures**

The administrative measures that deal with Dutch returnees are included in the Temporary Act on Administrative Measures to Combat Terrorism,\(^{169}\) which became operational as of 2017. This Act is meant to specifically deal with returnees: to prevent his or her further radicalization process, to prevent further distribution of his or her radical beliefs, and to prevent recruiting.\(^{170}\) The measures range from certain freedom restricting measures\(^{171}\) to refusing or withdrawing subsidies and permits.\(^{172,173}\) The measures in this Act could only be evoked in case the individual was linked to a terrorist activity or the support of that.\(^{174}\) These measures are thus automatically available when an individual is placed on the national terrorism list.\(^{175,176}\) Hence, placing an individual on this list inherently triggers authorizations for the Dutch government to take other administrative measures, because being on this list already implicates the threat to national security – a threshold that needs to be met in order to employ most of the measures. Another administrative measure is the revocation of the Dutch nationality.\(^{177}\) Based on the Article 14 of the Dutch Nationality Act, the Minister of Security and Justice can declare a citizen an undesirable alien by revoking their Dutch nationality, and as a result, he or she cannot enter the Netherlands.\(^{178}\) The Dutch nationality can be revoked if the person concerned is convicted of a terrorist

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169 Ibid.
170 Ibid.
171 Examples of such measures are travel ban, restraining order, reporting obligation or location ban. Retrieved from: Kamerstukken 2016-2017, 29754, 414, p.3-4 (Letter). There was an additional amendment made to the Passport Act, which also went into force in March 2017. This would enable the Dutch Minister of Security and Justice to declare passports and ID cards invalid, in case of someone having travel ban. The goal of this measure is to prevent jihadists from travelling to jihadist conflict areas (NCTV, ‘Wet- en regelgeving’, n.d., retrieved on 10 June 2019 from: https://www.nctv.nl/onderwerpen_a_z/wet_regelgeving/index.aspx).
176 All identified departees who join a terrorist organization – Al Qaeda and its affiliated groups, IS and its affiliated groups, and Hay’at Tahrir al-Sham – will be placed on the national terrorism list. Retrieved from https://vng.nl/files/vng/factsheet_twbmt_-_finale_versie_april_2017.pdf The Terrorism Sanctions Regulations 2007-II determined that individuals who are placed on this list, his or her assets will be frozen. Thus, all the financial services will be denied – this means that family and friends who financially aid the individual are also punishable. Retrieved from: Ministry of Security and Justice, NCTV and Ministry of Social Affairs and Employment (29 Augustus 2014). Actieprogramma Integrale Aanpak Jihadisme. Den Haag: Ministry of Security and Justice, NCTV and Ministry of Social Affairs and Employment. The Minister of Finance, Foreign Affairs, and Security and Justice can take this decision and criminal conviction is not prerequisite to take this measure. Retrieved from: Kamerstukken II 2012-2013, 29754, 217 (Letter)
177 In case of individuals who do not have the Dutch nationality and of whom it is assumed that they pose a threat to the national security, their residence permit can be revoked. After this revocation, the Immigration and Naturalization Service will declare the individual and undesirable alien or impose an entry ban. Retrieved from: Kamerstukken II 2012-2013, 29754, 217 (Letter)
crime, or if the individual is considered to pose a threat to the national security\textsuperscript{179,180} – joining a terrorist organization meets the threshold of being a national security threat.\textsuperscript{181} However, this measure is only applicable to citizens who carry two nationalities, because it is not allowed to make a citizen stateless under international law.\textsuperscript{182}

Rehabilitation and reintegration measures

The general approach of the Dutch government in this domain is primarily focused on reintegrating and disengaging returnees (NCTV, 2019). Disengaging the jihadists already start during their time in prison. Different actors regularly meet with the suspects and convicts to help distant the individuals from the violent aspect of their extremist ideology (Van Ginkel & Minks, 2018). The Dutch government has set up so-called “Exits”, in which individuals can voluntarily participate. These facilities are meant for individuals, including returnees, that want to distant from the jihadist ideology.\textsuperscript{183} These facilities offer different trajectories and are all focused on disengaging instead of deradicalization.\textsuperscript{184} The former Family Support Network Radicalization – which is now the National Center for Extremism – is an independent institution, though financed by the NCTV, which offers assistance to the family of the radicalized individuals to help them cope with the situation and to provide them guidance (Van Ginkel & Minks, 2018). They also play an important role in the reintegration into the society of the individual. The focus of the reintegration programs in the Netherlands is to assist in finding a house, work, and a ‘healthy’ social network, but these programs also provide for instance, mentoring programs and psychological assistance (Van Ginkel & Minks, 2018).

\textsuperscript{179} Kamerstukken II 2012-2013, 29754, 217 (Letter)
\textsuperscript{180} Kamerstukken II 2013-2014, 29754, 266 (Letter).
\textsuperscript{181} Kamerstukken II 2016-2017, 29754, 414, p.3 (Letter).
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