

Summary

Introduction

The number of Dutch prisoners in foreign detention is high, compared to other countries. This number has risen in recent years. Commissioned by the Scientific Research and Documentation Centre (SRDC) of the Ministry of Justice, ITS researched the background of Dutch prisoners in foreign detention. Based on stock taking of the characteristics, backgrounds and motivations of Dutch prisoners, the study seeks to provide insight in the high and increasing numbers in foreign prisons. In addition, the study examines why the number of Dutch prisoners in foreign prisons sentenced for drugs offences is so high. Finally, consideration is given to whether the findings provide starting points for formulating preventive policy measures to prevent offences being committed by Dutch citizens abroad.

The study focuses on Dutch citizens who were still in detention as at 1 January 2007. Further delineation of the study is geared towards Dutch citizens who are fully entitled to consular assistance. Refugees, for example, are only entitled to limited assistance because they are not Dutch nationals and therefore fall outside the scope of this study.

Methods

The study utilised literature searches, file and data analyses, a questionnaire among prisoners and interviews with key informants.

The literature study offers insight in the development of the number of Dutch citizens in foreign detention, Dutch drug policy and the Dutch drug market. The number of prisoners and their characteristics was studied with the aid of the Prison Information System of the Ministry of Foreign Affairs. This information system contains the personal particulars of all Dutch prisoners abroad, information about sentencing and the prisons in which the prisoners are being held. In addition, the Prison database has so-called open text fields, which contain reports of visits made to prisoners by embassy staff.

To understand any previous judicial history of the prisoners, information was requested from the Research and Policy Database, Judicial Documentation (RPJD). For all Dutch citizens who have had contacts with Dutch courts, the RPJD provides an anonymous overview of the criminal cases in which Dutch citizens were the primary suspects. By linking the RPJD to the Prison database, it was possible to map out any judicial histories of prisoners abroad.

Supplemental to the file analysis, a survey was held among the number of Dutch prisoners in foreign detention (N = 188). The information gathered included motivations for committing specific offences and any addiction or debt problems. As many Dutch citizens are in detention abroad on drug-related charges, the questionnaire also included questions methods of smuggling drugs and the quantities they tried to smuggle.

There were also several interviews with key informants, designed to delve deeper into the motives of the prisoners. The purpose of these interviews was also to learn more about the Dutch drug market and to tighten Dutch policy on drugs. Among others, there were interviews with the staffs of the ministries of Foreign Affairs and Justice, the National Police Agency, the Netherlands Probation Agency and the Epafras Agency.

Conclusions

Rising number of Dutch citizens in foreign detention

Although the number of Dutch citizens in foreign prisons is constantly undergoing change, it has been increasing since the 1980s. The year 2006 saw the largest number of Dutch citizens (2,529) in foreign prisons. Only during the periods 2003-2004 and 2006-2007 were there modest declines in the actual number of Dutch citizens in foreign detention.

Relatively many Dutch citizens are being held in foreign detention.

Compared to surrounding countries, there are many Dutch citizens in foreign detention. In 2007, for example, there were 2,194 Dutch and 453 Belgians detained abroad. In 2004, there were more than 2,500 British, 1,800 French and 1,500 Germans in foreign detention. Except for Belgium, this refers to countries with populations much larger than that of the Netherlands. Compared to neighbouring countries, many Dutch citizens have been detained on drug-related offences (83%). Of the number of Belgians held in foreign prisons in 2007, more than 50 percent was for drug-related offences. In 2004, 60 percent of the French, 73 percent of the British and 75 percent of the Germans detained abroad were due to drug-related offences.

Dutch citizens are particularly being held in detention in surrounding countries

The largest group of Dutch citizens is detained in Germany (356). Over the years, Germany has always been the country in which most Dutch citizens have been detained. Comparatively, besides Germany, 204 Dutch citizens are being held in France, 232 in Spain and 152 in Great Britain. Many Dutch travellers visit these countries, which are close to the Netherlands.

In 2007, outside of Europe, the largest group of Dutch citizens was detained in the Dominican Republic (140). Other non-European countries where many Dutch are in detention are the United States of America (86), Peru (71), Brazil (62) and Venezuela (58).

Characteristics of Dutch citizens in foreign detention

On 1 January 2007, there were 2,194 Dutch citizens in foreign detention, who were entitled to full consular assistance. Most Dutch people in foreign prisons are males. The average age of the detainees is 41 years. Drug smuggling and dealing is therefore normally done by older people. Only 12 Dutch citizens in foreign detention are younger than 20 years (1%).

Many Dutch detainees abroad who have relationships and/or children, also have lower or secondary education. Furthermore, 42 percent have debts. More than half of the Dutch citizens in foreign detention were not born in the Netherlands. Thirty percent have dual nationalities.

Reasons for detention abroad

Eighty-three percent of Dutch citizens have been detained because of drug-related offences, of which more than half because of smuggling or dealing in cocaine. Seventeen percent of the Dutch

citizens abroad are in prison for non-drug-related offences. These entail a variety of offences, such as theft, human trafficking, fraud, murder and manslaughter.

Detention history

Of the Dutch citizens in foreign detention, 70 percent have been convicted in the Netherlands one or more times. This shows that the average Dutch person in foreign detention is not new to the world of crime; they have often been convicted previously. Notably, although 83 percent of the Dutch citizens are in foreign prisons because of drug-related offences, only 20 percent were sentenced in the Netherlands for similar offences. There is apparently no direct relation between the type of offence for which Dutch citizens were convicted and for which they are being held in foreign detention. There is an apparent relation between the fact that one has been convicted in the Netherlands and is in foreign detention.

Motives of Dutch citizens in foreign detention

For Dutch citizens being held in foreign detention for drug-related offences, money to pay off debts or the possibility of earning large amounts of money quickly were the main motives for smuggling or dealing in drugs. Of those who started smuggling drugs to pay off debts, 64 percent have children. For them, it seems, there was considerable pressure to risk several years in a foreign prison and not see their children. It should be noted here, however, that many Dutch citizens who are in prison on drug-related charges, have indicated that they underestimated the risk of smuggling and were not aware of the punishments given in the countries where they are in detention for smuggling or dealing in drugs.

Only 4 percent of the detainees questioned said they were (or had been) addicted prior to the period of detention. Financing their addiction was therefore hardly the reason for dealing in or smuggling drugs.

Why are so many Dutch citizens being held in foreign detention?

The study shows that most of the Dutch citizens are in foreign detention because of drug-related offences. In looking for possible explanations for the large numbers of Dutch citizens in foreign prisons, special attention focused on the Netherlands' role in the international drug market. The idea behind this is not necessarily that the number of people with financial problems in the Netherlands differs from that of other countries. The idea of solving these problems by earning large sums of money quickly by smuggling or dealing in drugs internationally is more likely to occur – or occurs more easily – in the Netherlands than in other countries.

In this connection, it is important to emphasise that it was not possible in this study to reach a clear conclusion about the high number of Dutch citizens in foreign detention. To do so would require a comparative study of Dutch detainees abroad and foreign detainees from other countries. In addition, insight would be required in drug policy and the drug markets in the comparative countries. This would have to include such things as population attitudes towards drugs, drug usage, criminal investigation policy, approaches to dealing with debt and the geographic locations of the countries concerned, etc. However, based on the characteristics, backgrounds and motives of Dutch detainees studied, and the role that the Netherlands plays in the international drug market, the following explanation for the high number of Dutch citizens in foreign detention seems plausible.

Due in part to its geographic location, the presence of major ports and an international airport, good infrastructure, good international connections, relatively open borders within Europe and the presence of population groups that have contacts and social ties with countries and regions where people produce and deal in drugs, the Netherlands has developed into a distribution and transit country for all kinds of goods, including drugs. Relatively many Dutch citizens seem to be involved in producing, dealing in, distributing and smuggling drugs. Smuggling is part of the drug chain. Drugs move from the country in which they are produced to the markets in which they are sold. Most end users do not live in drug-producing countries. It is likely that there is considerable demand for people willing to smuggle drugs. Dutch people with debts, or who want to make a lot of money quickly, could be tempted to start smuggling drugs. This study showed that being in debt or the possibility of earning huge sums of money quickly were reasons for many detainees to start smuggling drugs. Considering that they were ill informed of the risks associated with smuggling and dealing in drugs, there were few inhibitions in this context. If many Dutch people smuggle drugs, the chances of many being caught are correspondingly large. This would seem to explain why many Dutch citizens are being held in foreign detention for drug-related offences.

The chances of a Dutch citizen being caught in a foreign country are probably even greater, because of the Netherlands' reputation abroad as a market for drugs. This means that Dutch travellers receive extra scrutiny when travelling abroad and are more likely to be checked more intensively at national borders.

Starting points for preventive policy measures

There are no ready-made, near-term solutions to guarantee a steep decline in the number of Dutch citizens in foreign detention, or to ban the production, trade and smuggling of drugs. The drug market seems persistent. The financial interests of producers and dealers are large and the combating of drugs involves many national and international parties. Below is an outline of several starting points, without any pretention of presenting innovative solutions, which could contribute in the near future to a reduction in the number of Dutch citizens arrested abroad.

This study shows that, for some Dutch people in foreign detention, being in debt is a motive to start smuggling drugs. They underestimated the risks of smuggling and dealing in drugs and were unaware of the stiff sentences awaiting them in the countries of detention.

By providing targeted information about how to avoid getting into debt, the possibilities for debt restructuring and the risks of smuggling drugs, an effort should be made in the future to prevent Dutch citizens from detention in foreign prisons.

Based on the characteristics of Dutch people in foreign detention, as shown in this study, it should be possible to develop public information campaigns specifically targeted towards specific groups. For example, public information could first focus on middle-aged men with relationships and/or children, who have previous convictions and are in debt. However, it is also conceivable that campaigns could be developed that target other, more highly specified groups. In the Dominican Republic, for example, there are relatively many people younger than 30 years of age who, besides Dutch, also have Dominican Republic nationalities.

Public information campaigns could be geared towards the possibilities of debt restructuring. Restructuring debts could reduce the temptation to start smuggling drugs. Attention in such campaigns could focus on the fact that the policy on drugs in the Netherlands differs from other countries. Policies in other countries are usually stricter and prison sentences are longer. Also, there should be emphasis placed on the chances of getting caught and living conditions in foreign prisons.

In addition, more attention is needed for recent successes in criminal investigation policy. For example, 100-percent checks at Amsterdam Schiphol Airport have resulted in the number of drug couriers declining dramatically between 2004 and 2006. Intensification of combating XTC criminality in the Netherlands and strengthening of collaboration with the USA has greatly reduced the supply of Dutch XTC on the American market.

It should be noted that there is current public information about the risks of smuggling drugs. The ministry of Foreign Affairs has developed a campaign against drug smuggling. Besides a website, there are folders and posters aimed at potential drug smugglers, warning them of the consequences of smuggling drugs.

Public information campaigns have their limits, however. To induce a major change in behaviour, a campaign would have to target a specific focus group over a longer period, have substantial reach and have very high intensity.¹ In this regard, allowances should be made for the fact that more than half of these Dutch detainees were not born in the Netherlands and that some of them may not have a good command of the Dutch language and/or are almost unreachable via Dutch media. In addition, it is conceivable that some groups cannot be reached, such as people who may be Dutch nationals but who do not live in the Netherlands.

1 Kruisbergen, E., Voorlichting: doen of laten? Theorie van afschrikwekkende voorlichtingscampagnes toegepast op de casus van bolletjesslikkers. In: *Beleidswetenschap. Kwartaaltijdschrift voor beleidsonderzoek en beleidspraktijk*, vol. 19 (2005), no. 3, p. 38-51.