

Summaries

Justitiële verkenningen (Judicial explorations) is published four times a year by the Research and Documentation Centre of the Dutch Ministry of Justice and Security in cooperation with Boom juridisch. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 3, 2022) is *Return and reintegration of former Dutch foreign fighters in Syria*.

Terrorists in detention. An overview of the development and debate regarding terrorism detention centers in the Netherlands, 2004-2022

Ruth Kats, Beatrice de Graaf and Pauline Jacobs

There has been a lot of discussion around the terrorist wings in the Netherlands. This article highlights the development and discussion of the terrorist wings in the Netherlands and can be read as background information to our article on judicial decision-making in relation to the detention on the terrorist wing in terrorism cases. This article discusses the question how and why the terrorist wings were created, why they have been the focus of criticism and to what changes and developments the criticism has led.

Counter-terrorism and prison. How criminal judges consider a stay in the terrorist section in their decisions (or not)

Ruth Kats, Beatrice de Graaf and Pauline Jacobs

This article investigates, based on empirical research in Dutch jurisprudence, how judges in cases involving terrorism suspects drafted their convictions and decisions concerning pre-trial detention. In particular the way judges implement and consider the stay in designated terrorist sections within prisons will be studied and discussed. Do judges reckon with the effect of these stays on terrorism suspects and convicts, also with an eye on their reintegration, and should they?

The repatriation of Dutch foreign fighters. Obligations of the state of origin?

Hanne Cuyckens

Since the defeat of IS, about 120 Dutch foreign fighters and their families are still believed to be held in camps in Syria. The Dutch govern-

ment, like many others, has been focusing on preventing them from returning to the Netherlands, i.e. their state of origin, in the interest of national security. The question arises however as to whether there is an obligation to repatriate them or not. An additional way of preventing them from returning lies in the current practice of deprivation of nationality, an instrument states are using to breach the nationality link that exists between them and the foreign fighters concerned. This article delves deeper into the obligation of repatriation and the legitimacy of deprivation of nationality as an additional measure to prevent them from returning.

Female returnees from Syria. The defence perspective

Tamara Buruma and Frederieke Dölle

This article discusses from a defence perspective the return of female returnees from Syria. The protocols developed for their return lead to a somewhat different initial phase of their criminal cases. These women face various areas of law. Their criminal case is not always the most important case they have to deal with. In the criminal cases, in the authors' view, too little consideration is given to the women's individual conduct and abilities. Instead, the women are condemned on the basis of fairly general accusations. This is reinforced by the frequent use of general sources. These sources are difficult for the defence to examine and are also too easily assumed to be correct. Finally, in this article the authors reflect on the ever-increasing sentences. When sentencing, the courts do not always take into account the conditions in Kurdish detention camps.

Life after a terrorist crime. Recidivism and reintegration amongst extremist offenders

Elanie Rodermond

Recently, increased attention has been paid to the post-release outcomes of extremist offenders. The present article provides an overview of what is known about recidivism and reentry processes of extremist ex-detainees, and what factors impact on these processes. First, recidivism to a terrorist offense is generally low, while the recidivism rate for general offending is higher (but still much lower compared to the recidivism rate of general ex-detainees). The reentry process of extremist ex-detainees is hampered by a variety of general as well as group-specific barriers.

Why the Netherlands should repatriate the Dutch who joined the armed conflict in North Syria and their children

Chrisje Sandelowsky-Bosman and Ton Liefwaard

Currently around 35 Dutch adults and 60 children who have a connection with the Netherlands live in camps in North Syria. The Dutch cabinet maintains its inactive policy for years now, which holds that it will not repatriate the adults and the children that travelled to (or were born in) North Syria. The question is to what extent these children and their parents fall under Dutch jurisdiction with respect to the UN Convention on the Rights of the Child and the European Convention on Human Rights, and if so, what obligations would flow from these human rights treaties. Recently, the UN Committee on the Rights of the Child and the European Court on Human Rights ruled that the government of France has certain obligations towards a group of French adults and children in North Syria. On the basis of these recent views the stance of the Dutch cabinet will be evaluated.



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