

Female Jihadis Facing Justice

Comparing Approaches in Europe

Edited by Tanya Mehra, Thomas Renard, and Merlina Herbach

with contributions from Marc Hecker and Sofia Koller

About ICCT

The International Centre for Counter-Terrorism (ICCT) is an independent think-and-do tank based in The Hague, Netherlands. Since 2010, we provide research, policy advice, training, and other solutions to support better counter-terrorism policies and practices worldwide, based on evidence and compliant with human rights and the rule of law. We also contribute to the scientific and public debates in the fields of counter-terrorism and countering violent extremism, notably through our publications and events. The ICCT Press was established in 2021.

Licensing and Distribution

ICCT publications are published in open access format and distributed under the terms of the Creative Commons Attribution-Non-Commercial No Derivatives License, which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way.

Copyright Holders

Tanya Mehra, Thomas Renard, and Merlina Herbach for selection and editorial matters and chapters 1, 6 and 7; individual contributors for other chapters. The right of the editors to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Design and Patents Act 1988.

All rights reserved. This is an Open Access Publication. Parts or the whole of the book *Female Jihadis Facing Justice: Comparing Approaches in Europe* may be freely reproduced and redistributed, electronically, mechanically, or by other means as long as this is not done for profit or on a commercial basis. ICCT wishes to be informed about reproduction and redistribution in English or other languages of individual chapters of the entire book.

First published in 2024 by the International Centre for Counter-Terrorism (ICCT) Press, seated in The Hague, Netherlands. Available to download for free: www.icct.nl

Collection © Editors, 2024

Text © Contributors, 2024

Illustrations © Contributors, 2024

Cover image © Nicole van den Hout, “Courtroom drawings”.

Registration

DOI: 10.19165/FTXZ9791

ISSN: 2468-0486

ISBN: 978-909038171-8

E-ISBN: 978-909038199-2

How to cite: Mehra, Tanya, Thomas Renard and Merlina Herbach, ed(s). *Female Jihadis Facing Justice: Comparing Approaches in Europe*. The Hague: ICCT Press 2024.

Table of Contents

LIST OF CONTRIBUTORS	VI
ACKNOWLEDGEMENTS.....	VIII
FUNDING INFORMATION	VIII
1 INTRODUCTION	1
2 THE BELGIAN APPROACH TO FEMALE VIOLENT EXTREMIST OFFENDERS .	17
3 THE FRENCH APPROACH TO FEMALE VIOLENT EXTREMIST OFFENDERS ...	41
4 THE GERMAN APPROACH TO FEMALE VIOLENT EXTREMIST OFFENDERS..	63
5 THE DUTCH APPROACH TO FEMALE VIOLENT EXTREMIST OFFENDERS	95
6 MANAGING FEMALE VIOLENT EXTREMIST OFFENDERS IN EUROPE: A DATA-DRIVEN COMPARATIVE ANALYSIS.....	123
7 CONCLUSION AND RECOMMENDATIONS	169
GENERAL BIBLIOGRAPHY	179
INDEX	202

List of Abbreviations

AANES	Autonomous Administration of North and East Syria
AIVD	Algemene Inlichtingen en Veiligheidsdienst (General Intelligence and Security Service)
AJSD	Ambulanter Justizsozialdienst (Outpatient Justice Social Service, responsible for probation, guidance supervision, and court service)
AMT	Association de Malfaiteurs en Relation avec une Entreprise Terroriste (Association with Terrorist Wrongdoers)
APCARS	Association de Politique Criminelle Appliquée et de Réinsertion Sociale (Association for Applied Criminal Policy and Social Reintegration)
API	Aussteigerprogram Islamismus (Exit Program Islamism in North Rhine Westphalia)
AWG	Außenwirtschaftsgesetz (Foreign Trade and Payments Act)
BAMF	Bundesamt für Migration und Flüchtlinge (German Federal Office for Migration and Refugees)
BGH	Bundesgerichtshof (German Federal Court of Justice)
BKA	Bundeskriminalamt (German Federal Criminal Police Office)
BMFSFJ	Bundesministerium für Familie, Senioren, Frauen und Jugend (German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)
BMI	Bundesministerium für Inneres und Heimat (Federal Ministry of the Interior and Community)
BMJ	Bundesministerium der Justiz (German Federal Ministry of Justice)
bpb	Bundeszentrale für politische Bildung (German Federal Agency for Civic Education)
CAPREV	Centre d’Aide et de Prise en Charge des Radicalismes et Extrémismes Violents (Belgian Centre for the Support and Management of Radicalisms and Violent Extremisms)
CAW	Centrum Algemeen Welzijnswerk (Flemish Centre for General Social Welfare)
CEAPIRE	Centre of Expertise and Advice for Prevention and Intervention of Radicalism and Extremism
Celex	Extremism Cell

CPU	Commission Pluridisciplinaire Unique (Multidisciplinary Commission)
CUTA	Coordination Unit for the Threat Analysis
DCSR	Droit commun susceptible de radicalisation (Common law inmate susceptible to radicalisation; often referred to as RAD)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FBI	Federal Bureau of Investigation
FIJAIT	Fichier des Auteurs d’Infractions Terroristes (National Database for Terrorist Offenders)
FF	Foreign Fighter
FTF	Foreign Terrorist Fighter
GBA	Generalbundesanwalt (German Federal Public Prosecutor’s Office)
GenStA	Generalstaatsanwaltschaft (State Prosecutor’s Office)
GRIP	Gedetineerden Recherche Informatie Punt (Detainee Criminal Investigation Information Point)
GTAZ	Gemeinsames Terrorismusabwehrzentrum (Joint Counter Terrorism Centre)
ICC	International Criminal Court
IIIM	International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011
IND	Immigratie-en Naturalisatiedienst (Dutch Immigration and Naturalisation Service)
ISIS	Islamic State in Iraq and Syria
JIT	Joint Investigation Team
KIP NI	Kompetenzforum Islamismusprävention Niedersachsen (Competence Forum for the Prevention of Islamism in Lower Saxony)
KODEX	Kompetenzzentrum für Deradikalisierung und Extremismusprävention im Land Bremen (Competence Centre for Deradicalisation and Prevention of Extremism in the State of Bremen)
KONEX	Kompetenzzentrum gegen Extremismus (Competence Centre against Extremism in Baden-Wuerttemberg)
LISC-R	Local Integral Security Cells

LKA	Landeskriminalamt (State Criminal Police)
LTF	Local Tasks Forces
MAR	Multidisciplinair Afstemmingsoverleg Resocialisatie (Multidisciplinary Resocialisation Coordination Meeting)
MFA	Ministry of Foreign Affairs
MICAS	Mesures Individuelles de Contrôle Administratif et de Surveillance (Individual Measures of Administrative Control and Surveillance)
NeDiS	Netzwerk für Deradikalisierung im Strafvollzug (Network for Deradicalisation in the Penitentiary)
NIFP	Netherlands Institute for Forensic Psychiatric and Psychology
NPP	Nationales Präventionsprogramm gegen islamistischen Extremismus (National Prevention Programme against Islamist Extremism)
NTA	Nuance, Training and Advies
ODHIR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PAIRS	Programme d'Accompagnement Individualisé et de Réaffiliation Sociale (Individualised Support and Social Reaffiliation Programme)
PARE	Programma Aanpak Radicalisering en Extremisme (Programme to tackle radicalisation and extremism)
PNAT	Parquet national antiterroriste (Prosecutor's Office Specialised in Terrorism)
PNPR	Plan National de Prévention de la Radicalisation (National Plan to Prevent Radicalisation)
PPRV	Programmes de Prévention de la Radicalisation Violente (Violent Radicalisation Prevention Programmes)
QER	Quartiers d'Évaluation de la Radicalisation (Evaluation of Radicalisation Units)
QPR	Quartiers de Prise en Charge de la Radicalisation (Radicalisation Processing Areas)
R&R	Rehabilitation and Reintegration
RISc	The Risk and Advise Tool
RIVE	Recherche et Intervention sur les Violences Extrémistes (Research and Intervention on Violent Extremism)
SDF	Syrian Democratic Forces
SGB	Verklaring omtrent het Gedrag (Statement of Good Behaviour)

SPS	Psycho-social Services
SPSC(Ex)	Service Psycho-social Central Extrémisme (Central Psycho-Social Service Extremism)
Sr	Wetboek van Strafrecht (Dutch Criminal Code)
StGB	Strafgesetzbuch (German Criminal Code)
StPO	Strafprozessordnung (German Code of Criminal Procedure)
StVollzG	Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßregeln der Besserung und Sicherung (short: Strafvollzugsgesetz; German law on the execution of custodial sentences and measures of correction and security involving deprivation of liberty, short: Penitentiary Act)
TER	Terrorism, Extremism and Radicalisation
TIS	Terroristes Islamistes Sunnites (Sunni Islamist Terrorists)
U2P	Unité de prévention du prosélytisme (Proselytism Prevention Unit)
UD	Unités dédiées (Dedicated Units)
UNITAD	United Nations Investigative Team for Accountability of Da'esh/ISIL
UNSC	United Nations Security Counsel
UPRA	Unités de prévention de la radicalisation (Radicalisation Prevention Units)
UVF	Unités de Vie Familiales (Family Living Units)
VEO	Violent Extremist Offender
VERA-2R	Violent Extremism Risk Assessment 2 Revised
VPN	Violence Prevention Network
VSSE	Sûreté de l'Etat (Belgian State Security Service)
VStGB	Völkerstrafgesetzbuch (German Code of Crimes against International Law)
VVD	Vorum Voor Democratie (Forum for Democracy)
ZET	Zentralstelle zur Bekämpfung von Extremismus und Terrorismus (Central Unit for Countering Extremism and Terrorism within the Bavarian State Prosecutor's Office)

List of Contributors

Marc Hecker is Deputy Director of the Institut français des relations internationales (Ifri), Editor-in-Chief of *Politique étrangère*, and a research fellow at Ifri's Security Studies Center. He holds a PhD in political science from University Paris 1 Panthéon-Sorbonne. He graduated from the Institut d'Etudes Politiques of Strasbourg and holds a Masters (DEA) in International Relations from University Paris 1 Panthéon - Sorbonne. He taught a course on "terrorism and asymmetric warfare" at Sciences Po for several years. He also spent one academic year at Trinity College, Dublin. Marc Hecker has published several books, such as *War 2.0. Irregular Warfare in the Information Age* (Praeger, 2009 with Thomas Rid), *Intifada française?* (Ellipses, 2012) and *La Guerre de vingt ans. Djihadisme et contre-terrorisme au XXIe siècle* (Robert Laffont, 2021 with Elie Tenenbaum).

Merlina Herbach is a Junior Research Fellow for the Rule of Law Responses to Terrorism Programme at the International Centre for Counter-Terrorism (ICCT). She holds a master's in international law in from the University of Edinburgh and a bachelor's degree in political science from the Ludwig-Maximilians-University Munich. As a Legal Fellow for the Syria Justice and Accountability Centre, her work focused on the analysis of Syria-related universal jurisdiction proceedings in Germany and paths to accountability for crimes committed in the Syrian conflict. Merlina previously interned with the Office of the International Co- Prosecutor at the Extraordinary Chambers in the Courts of Cambodia and worked as a Project Assistant for the International Nuremberg Principles Academy.

Sofia Koller is Senior Research Analyst at the Counter Extremism Project (CEP) in Berlin, where she focuses on approaches to foreign terrorist fighters. From June 2018 to December 2021, Sofia Koller was a research fellow for counterterrorism and the prevention of violent extremism at the German Council of Foreign Relations (DGAP) as well as project leader of the International Forum for Expert Exchange on Countering Islamist Extremism (InFoEx). Before joining DGAP, Sofia was a consultant for different initiatives and organisations in France and Lebanon. She studied international relations and management at the University of Applied Sciences Regensburg and the German-Jordanian University in Amman as well as international conflict studies at the War Studies Department at King's College London. Her master's thesis analysed parliamentary debates on the state of emergency and counterterrorism measures after the November 2015 attacks in France.

Tanya Mehra is a Senior Research Fellow and Programme Lead (Rule of Law Responses to Terrorism) at the International Centre for Counter-Terrorism (ICCT). Her main areas of interest are international (criminal) law and rule of law approaches in countering terrorism, with a focus on bringing alleged terrorists to justice for the full range of crimes they have committed, in full compliance with human rights. This includes researching prosecutorial strategies, collecting information from the conflict zone and the use of administrative measures in a counter-terrorism context. Tanya also worked as a senior consultant to United Nations Counter-Terrorism Executive Directorate (UNCTED) in developing global guidelines to facilitate the

collection of information and evidence by military and other relevant criminal law actors within a rule-of-law framework and is - together with GCTF Criminal Justice and Rule of Law (CJ-ROL) Working Group Co-Chairs Nigeria and Switzerland – responsible for developing the Abuja Recommendations, the Glion Recommendations, and the Interlinkages Memorandum.

Thomas Renard is the Director of the International Centre for Counter-Terrorism (ICCT). His research focuses on (counter-) terrorism and (counter-) radicalisation in Europe. His recent research has focused on the evolution of counter-terrorism policy, on (returning) foreign fighters, on radicalisation in prison and on terrorist recidivism. His latest book is *The Evolution of Counter-Terrorism since 9/11* (Routledge, September 2021). His research has been published in various academic journals and think tanks, and it has informed many policy discussions. He is also regularly interviewed by international media. Previously, he worked at the Egmont Institute, in Brussels, where he remains a Senior Associate Fellow, and was an Adjunct Professor at the Brussels School of Governance. He holds a PhD from Ghent University and graduated from the George Washington University (MA) and the Université Catholique de Louvain (MA, BA).

Acknowledgements

The authors would like to thank the participants from the expert meeting of June 2023 for their open and fruitful discussions and constructive feedback; and all the practitioners and policy makers interviewed for this book, for their invaluable insights and expertise. Moreover, the authors would like to thank Giulia Nuij and Thomas Stamoulis for their indispensable work in collecting, analysing, and visualisation of the data, which was crucial for the realisation of this book. Finally, major thanks to ICCT's editorial and communication teams for their incredible support in producing this book.

Funding Information

The authors and the ICCT are grateful for the financial support received from the Dutch National Coordinator for Security and Counter-Terrorism (NCTV), which was instrumental to the realisation of this timely and unique project.