PT

PERSPECTIVES
ON TERRORISM

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The Handa Centre for the Study
of Terrorism and Political Violence

About

Perspectives on Terrorism

Established in 2007, *Perspectives on Terrorism* (PT) is a quarterly, peer-reviewed, and open-access academic journal. PT is a publication of the International Centre for Counter-Terrorism (ICCT), in partnership with the Institute of Security and Global Affairs (ISGA) at Leiden University, and the Handa Centre for the Study of Terrorism and Political Violence (CSTPV) at the University of St Andrews.

International Centre for Counter-Terrorism

The International Centre for Counter-Terrorism (ICCT), founded in 2010, is a think-and-do tank based in The Hague, Netherlands. We provide research, policy advice, training and other solutions to support better counter-terrorism policies and practices worldwide. 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.

Institute of Security and Global Affairs

The Institute of Security and Global Affairs (ISGA) is a scientific institute specialising in security issues. ISGA is embedded in the Faculty of Governance and Global Affairs of Leiden University. ISGA originated from the Centre for Terrorism and Counterterrorism (CTC) and the Centre for Global Affairs, and today focuses on multidisciplinary research and education within the international scientific field of security studies.

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The Handa Centre for the Study of Terrorism and Political Violence (CSTPV), based at University of St Andrews, is dedicated to the study of the causes, dynamics, characteristics and consequences of terrorism and related forms of political violence. Founded in 1994, the Centre is Europe's oldest for the study of terrorism.

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Words of Welcome

Dear Reader,

We are pleased to announce the release of Volume XVII, Issue 4 (December 2023) of *Perspectives on Terrorism* (ISSN 2334-3745). This Open Access journal is a joint publication of the International Centre for Counter-Terrorism (ICCT) in The Hague, Netherlands; the Handa Centre for the Study of Terrorism and Political Violence (CSTPV); and the Institute of Security and Global Affairs (ISGA) at Leiden University. All past and recent issues can be found online at https://pt.icct.nl/.

Perspectives on Terrorism (PT) is indexed by JSTOR, SCOPUS, and Google Scholar where it ranks No 3 among journals in the field of Terrorism Studies. *Jouroscope™*, the directory of scientific journals, has listed PT as one of the top ten journals in the category free open access journals in social sciences, with a Q1 ranking. Now in its 17th year of publication, PT has close to 8,000 registered subscribers and many more occasional readers and website visitors in academia, government and civil society worldwide. Subscription is free and registration to receive an e-mail of each quarterly issue of the journal can be done at the link provided above. The Research Articles published in the journal's four annual issues are fully peer-reviewed by external referees while its Research Notes and other content are subject to internal editorial quality control.

Earlier this year, a small team of scholars was convened by the Terrorism Research Initiative (TRI) to evaluate submissions for the "Best Doctoral Dissertation on Terrorism or Counter-Terrorism Published in 2021 or 2022." This jury identified four finalists and among these the winner of the TRI Thesis Award. The prize money of US $1,000 for the winner was graciously donated by the ICCT in The Hague. The award winner – Levi J. West (Charles Sturt University, Australia) – was invited to write an article based on his thesis *Violent Propaganda: Violence, Communication and Technology: The Strategic Logic of Terrorism*, and this appears as our lead article for the December issue of *Perspectives on Terrorism*. We also invited the other three finalists – Marnie Lloydd (author of *Persisting Tensions: The Framing of International Debates on Foreign Fighting*), Bettina Rottweiler (author of *Risk and Protective Factors for Violent Extremist Intentions*) and Devorah Margolin (author of *How Do Governing Violent Islamist Extremists Organizations Conceptualize the Roles of Women*) – to publish the Abstracts of their doctoral dissertations in this issue of the journal. These Abstracts are provided in an Editor's Note in the Resources section of this issue.

In his article, West argues that the integration of three conditions is needed for terrorism to achieve strategic effects: innovative forms of violence, communicative and narrative dynamics, and the exploitation of emergent information and communications technologies. In our next article, Inger Storm Sandboe and Milan Obaidi introduce the concept of 'imagined extremist communities', a term that encapsulates the unique social landscape where right-wing lone actors (including Anders Behring Breivik, Brenton Harrison Tarrant and Philip Manshaus)—despite not being affiliated with organised groups—partake in a form of communal interaction. And in the following article, Tommi Kotonen and Daniel Sallamaa draw from a qualitative case

study of two groups in Finland—the Soldiers of Odin and the Nordic Resistance Movement—to determine why some right-wing extremist groups are short-lived while others exist for several years or even decades. Next, Tanya Mehra examines the prosecution of members of ISIL/Daesh and other designated terrorist groups for both core international crimes and terrorist offences for crimes in the context of the conflict in Syria and Iraq.

In our fifth article of this issue, Shai Farber examines the controversial counter-terrorism measure of administrative detention, which empowers authorities to detain individuals without charge or trial, but also elicits criticism for potential human rights violations. Next, an article by Nima Karimi argues that the exemption from the punishment of the grave for martyrs may be a 'pull' factor towards jihadism for individuals perceiving the inevitability of the spiritual torment because of their sins. And in our final research article of this issue, Jolyon Mitchell and Andrew Silke examine the most prominent risk models that insurance companies use for managing and mitigating the impact of terrorism.

Our **Research Notes** section opens with the results of a survey of terrorism and counter-terrorism scholars, conducted under the auspices of the Terrorism Research Initiative, addressing a number of important research and policy issues. Next, Tahir Abbas explores the complex intersections between Zionism, Jewish identity, whiteness and power dynamics, and draws on current events to demonstrate how exclusionary ethnoreligious nationalism can still take precedence over ethical considerations for some factions of Israeli society.

As described above, our **Resources** section begins with an extensive bibliography on individual and contextual factors of radicalisation, compiled by our information resources editor, Judith Tinnes. This is followed by a review from our Co-Editor, Alex Schmid, of the recently published book *The Rule is for None but Allah. Islamist Approaches to Governance*, edited by Joana Cook and Shiraz Maher. Our Book Review Editor Joshua Sinai's column follows, providing brief capsule reviews of eleven books on terrorism and counter-terrorism. This is followed by an Editor's Note providing the abstracts of the three TRI Thesis Award finalists.

And finally, as has become customary for our last issue of each year, we include a brief but sincere note of thanks to all the editorial staff and peer reviewers who have volunteered their time, knowledge and efforts to ensure another great year of *Perspectives on Terrorism*. The Editorial Team would like to extend a heartfelt Thank You to the following reviewers for their comments, edits, and invaluable insights: Ahmet Yayla, Anne Charbord, Assaf Moghadam, Austin Doctor, Barbara Gruber, Ben Saul, Bettina Rottweiler, Cameron Sumpter, Carmen Aguilera-Carnerero, Charlotte Heath-Kelly, Chris Linebarger, Christina Cliff, Colin Clarke, Craig Whiteside, Daphne Richemond-Barak, Devorah Margolin, Donald Holbrook, Elisa Orofino, Emily Corner, Erin Miller, Eviane Leidig, Fayaz Ahmad Kacho, Filippo Boni, Florian Hartleb, Gary LaFee, Gordon Club, Graeme Wood, Graham Macklin, Haroro Ingram, Jared Dmello, Joe Whittaker, Joost Augusteijn, Joseph Young, Julie Chernov, Juline Beaujouan, Katherine Brown, Kristy Campion, Kumar Ramakrishna, Kurt Braddock, Linda Schlegel, Mary Beth Altier, Maura Conway, Max Abrahms, Meili Criezis, Miraji Mohammed, Miron Lakomy, Mubin Shaikh, P. Daniel Silk, Rune Ellefsen, Ryan Scrivens, Sam Mullins, Sulastri Osman, Tanya Mehra, Tom Parker, Tore Refslund Hamming, Victor Asal, Wesley McCann, and Yannick Veilleux-Lepage.

Terrorism and Strategic Effect:
A Conceptual Framework

Levi J. West[*]

Abstract: How does terrorism achieve strategic effect? This question has only received limited contemporary consideration despite the expansion and increased sophistication of terrorism studies as a discreet field of inquiry. This article proposes a novel conceptual framework, drawn from the author's PhD dissertation, that seeks to explain how, and the necessary conditions through which, terrorism is able to achieve strategic effects against its adversaries. The proposed framework argues that three elements must be integrated effectively for the achievement of strategic effect: innovative forms of violence, communicative and narrative dynamics, and the exploitation of emergent information and communications technologies. In detailing these elements, this article also suggests that terrorism retains an enduring nature distinct from the changing character of its specific manifestations. In doing so, the article seeks to contribute to the underdeveloped conceptual literature that informs terrorism studies, as well as the broader literature on asymmetric warfare strategies.

Keywords: Terrorism; strategy, strategic effect, innovation, narratives, communication

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Introduction

The events in southern Israel on October 7th serve as a reminder of the capacity for terrorism to have significant strategic effects on the adversary towards which it is orientated. Despite the obvious materiel asymmetries between Hamas and Israel, the former was able to not only inflict substantial kinetic impacts, but much more substantially, was able to achieve a series of strategically consequential effects on its targets. In addition to perpetrating the worst single day massacre of Jews since the Holocaust,[1] Hamas has provoked Israel into a drawn out ground war in Gaza, delayed (at best) the normalisation of Israel-Saudi relations, and impacted the geopolitical dynamics of the Middle East. The Israeli response has mobilised the Axis of Resistance[2] in ways that continue to reverberate for regional and international security. The strategic effects are ongoing.

This article proposes a novel conceptual framework that aims to provide generalisable explanatory insights in response to the research question *how does terrorism achieve strategic effect*? It provides a brief overview of the orthodox terrorism studies literature, which—in conjunction with primary source terrorist ideology and doctrine—was drawn upon to develop the framework. The proposed framework consists of three necessary elements: innovative forms of violence; communicative and narrative dynamics; and the exploitation of emergent information and communications technology. The article proposes that through the effective integration of these elements, terrorism can achieve strategic effects. Additionally, the framework seeks to evidence an enduring nature and changing character to terrorism praxis, emphasising the continuity of the fundamentals of terrorism, as distinct from the contextually informed character of the specific manifestations of the phenomenon. The framework was applied to three paradigmatic case studies as part of a dissertation. Those case studies constituted:

> - *'Anarchist' terrorism from the mid- to late 1800s through the early 1900s,*
> - *'Palestinian' motivated terrorism from 1967 onwards, and*
> - *the Salafi-Jihadist informed terrorism milieu.*

Understanding the conditions and mechanisms that enable otherwise asymmetrically weak actors to achieve strategic effect is crucial to both ensuring that governments and societies do not react to terrorist operations in the way terrorists desire them to (over)react, but also to understanding the ways in which relatively minor actions can have disproportionately strategic consequences. From a scholarly perspective, the development, application, and validation of the framework contributes to the under-researched conceptual and theoretical component of the terrorism studies literature.

Strategic Effect

A necessary starting point for conceptualising strategic effect in the context of terrorism, and of broader forms of insurgent violence and politics, is the work of Richard English, who distinguished between strategic victory and partial strategic victory.[3] This distinction is important, as the concept of strategic effect (as articulated here) does not imply absolute victory or the achievement of the complete and total objectives of the organisation or movement responsible for the action, but rather refers to 'the achievement or partial achievement of

secondary…strategic goals.'[4] This approach enables a conceptualisation of strategic effect anchored in considerations of strategy that are informed substantially by the literature on asymmetric, or revolutionary warfare. Strategic effect is herein conceptualised as *the capacity to achieve either or both substantial or enduring impacts on an adversary's strategic decision making and/or on the political dynamics that shape and inform those decision-making processes*.

Despite over two decades of increased output in terrorism studies, there has only been limited engagement with the question of how it is that terrorism has been able, both historically and contemporaneously, to achieve strategic effect. The field, for reasons anchored in the increased operational tempo of counter terrorism post-9/11, has been orientated towards operational and tactical questions, and focused on micro and meso levels of analysis, addressing regional and organisational questions, and tactical and leadership questions, rather than fundamental conceptual issues or the development of generalisable conceptual frameworks. It is necessary to recognise three key characteristics of the terrorism studies literature that inform the development of the conceptual framework.

Firstly, the terrorism studies literature has providence anchored in the analysis of revolutionary warfare and only began to coalesce as a specific field of study in the early 1970s. As Stampnitzky[5] has identified, the 1972 Munich attacks played a defining role in the formalisation of the field. In its aftermath, governments expanded their policy remit regarding terrorism. Thus, they began to provide demand for scholarly research focused on terrorism. This initial body of work, dominated by scholars such as Laqueur, Jenkins, and Bowyer Bell, remained anchored in the broader body of scholarship oriented towards the study of guerrilla warfare, insurgency, and revolutionary warfare. Additionally, the early terrorism research was driven by what Chenoweth and Moore have referred to as the strategic approach,[6] shaped and informed by a bounded rationality theoretical framework, which is adopted herein. Throughout the 1970s, numerous foundational texts, such as Bowyer Bell's *On Revolt: Strategies of National Liberation*[7] and *The Myth of the Guerrilla,*[8] Rapoport's *Assassination & Terrorism,*[9] and the early works of Chaliand,[10] were published by scholars who had either a background in the analysis of insurgency and counterinsurgency or embraced the strategic approach to the subject. It was in 1972 that the RAND Corporation established its first dedicated terrorism research stream.[11] By the late 1970s, texts such as Laqueur's *Terrorism,*[12] and *Terrorism: A Reader*[13] had been published, providing foundational conceptual and primary source contributions.

Secondly, it is necessary to recognise that the field has, over time, become vastly more diverse in approach, nuanced, and inherently multi-disciplinary. As Sageman has highlighted, 'by its nature, the study of terrorism is multidisciplinary, inviting the insights of psychologists, sociologists, anthropologists, political scientists, historians, economists, engineers, and computer scientists.' The multi-disciplinary nature of the field subsequently informs the approach taken to the development of the framework, whereby three key bodies of terrorism studies literature were drawn on. In addition to a body of primary source material (described below), these three bodies of literature were fundamental to informing the framework and reflected a continuity in the evolving understanding of terrorism, while also seeking to demonstrate the absence of an integrated approach to the question under consideration.

Informed by the field's multidisciplinary nature, the conceptual framework draws on the existing literature across three distinct but related subsets of the 'multidisciplinary' terrorism studies scholarship. The objective was to articulate a conceptual framework that, in addition to identifying the strategic logic of terrorism, also reflects an integrated approach to the existing literature and recognises that while the field is multidisciplinary, there are more commonalities across the literature than fundamental distinctions. The review concentrated on three distinct subfields: literature focused on terrorism and strategy, terrorism and communications, and terrorism and innovation. It identified a lack of integrated analysis across these three subfields as a distinct gap within the literature.

Lastly, it is necessary to note that to the greatest extent possible, the development of the conceptual framework drew on primary sources. This consisted of ideological, strategic, and doctrinal work published by key philosophers, strategists, and ideologues from within, and associated with, the three milieus considered in the case studies, as well as the broader terrorist strategic and ideological ecosystem. Note that given the constraints of this article, only the secondary literature is detailed here, and only the literature on terrorism and strategy is substantially articulated. This is not to suggest that the terrorism and communication literature or the terrorism and innovation literature was less important, but simply that it isn't feasible to include the entirety of the literature reviewed herein.

It is necessary, within the constraints of this article, to recognise the substantive contributions that have been made to the literature that have added to the field's understanding of the mechanisms by which terrorism is able to achieve strategic effect, or more preliminarily, that it is strategic in its intent. Of the foundational terrorism scholars that contributed significantly to understanding the strategy or strategies of terrorism, Crenshaw is one of the most influential. While the early work of Wilkinson,[14] Jenkins[15] and others were crucial to the development of the field and the strategic approach, Crenshaw was the most explicit in addressing the logic and strategy of terrorism. Building from *The Concept of Revolutionary Terrorism*[16] in 1972, through 1981's *Causes of Terrorism*[17] and in particular, *The Logic of Terrorism: Terrorism as a Product of Strategic Choice,*[18] Crenshaw consistently sought to articulate the centrality of strategic calculus to terrorism. As is noted in *Logic of Terrorism,* "terrorist activity considered in its entirety shows a fundamental unity of purpose and conception."[19] The analysis undertaken here seeks to identify and articulate this 'fundamental unity of purpose and conception' of terrorism through developing a conceptual framework that models and explains the enduring strategic logic of terrorism.

In addition to the work of Crenshaw, Merari's work is also influential, both generally and regarding this research. *Terrorism as a Strategy of Insurgency*[20] provided a clear overview of the delineations between the various forms of asymmetric struggle and, having argued that terrorism constitutes a unique and discernible manifestation type, emphasised the structural determinants of the strategies adopted by terrorists. Of most direct relevance to the analysis developed here, Merari states, 'it is possible to discern several strategic ideas that terrorists have held as the cardinal practical concept of their struggle'.[21] The author identified propaganda by the deed, intimidation, provocation, a strategy of chaos, and attrition[22] as the primary strategies that terrorists have deployed to achieve effects upon their adversaries.

Post 9/11, the strategically oriented literature incorporated various focus areas, including IS[23] specific operations[24] and analysis of specific strategists[25] and their strategies.[26] In addition, and as a function of collecting and declassifying primary source materials, a small but influential body of work was produced that sought to introduce the concept of jihadi strategic studies.[27] This body of literature provided an analysis of the key strategic products of a small cohort of secularly oriented, pragmatic strategists from within the jihadist milieu. Important collections of primary source material were published during this period, which increasingly evidenced strategic considerations within jihadist organisations and included books like *The Canons of Jihad*[28] and others[29] and the Harmony Program documents translated and published by the Combatting Terrorism Center at Westpoint.[30] Of this contemporary literature, Ryan's *Decoding al-Qaeda's Strategy*[31] and his later monograph, *ISIS: The Terrorist Group That Would Be a State*,[32] emphasised the continuity between traditional revolutionary warfare theory and jihadist strategic thought. While remaining focused on jihadist conceptualisations of strategy, these works emphasise the influence and presence of authors such as Mao, Guevara and Giáp in the core strategic thinking of the jihadist movement, and al-Qaeda (AQ) and IS specifically. These works reinforce the continuity of ideas among asymmetric actors regardless of their ideological affinity, historical context, or available technologies.

Briefly, it is prudent to recognise the important and influential works that shaped the framework from beyond the specifically strategic literature. In this regard, the works of Schmid and De Graaf,[33] and ideas expressed in the early works of Jenkins[34] and Weimann[35] were significant. Equally, in the terrorism and innovation literature, key texts and contributions from authors such as Dolnik,[36] and Horowitz,[37] as well as the edited collection from Ranstrop and Normark,[38] all informed the relevant elements of the framework in equal measure to the previously articulated strategic literature.

Through the consideration of the literature, an integrated response that articulated a generalisable framework for explaining how terrorism can achieve strategic effect was developed. The framework drew on, and sought to integrate, the aforementioned bodies of secondary literature as well as a range of primary source literature. The conceptual framework extends the existing literature regarding the orthodox scholarly understanding of terrorism as a distinct phenomenon. The following section outlines the elements of the framework before providing a more detailed articulation of each. It then proceeds to identify how each of the elements relates to each other and how, when properly integrated, these elements enable terrorism to achieve strategic effect. To the extent possible, this section will also utilise examples from the case studies and beyond, to provide further clarity about the elements of the framework.

The framework endeavours to identify and articulate those elements of terrorism that constitute the enduring nature of the phenomenon, while explaining how it is that terrorism can achieve strategic effect. This aspect of the conceptual framework involves proposing that the elements identified and the interrelationships between them, when evidenced across time and space, constitute the phenomenon's consistent and enduring nature.

The framework itself addresses an otherwise under considered aspect of understanding terrorism from a scholarly perspective. As demonstrated in the literature review, only a limited body of work has sought to identify or describe a general framework for explaining terrorism in detail. While certain authors like Crenshaw[39] have provided substantial contributions to the literature in this regard, and authors such as Laqueur and Hoffman[40] have contributed immensely to understanding the phenomenon on a macro-level of analysis, only very limited work has sought to provide an abstracted articulation of the key necessary elements of the phenomenon that endure across diverse historical and ideological manifestations and are consistently present in cases where terrorism has achieved strategic effect, such as the post-Munich quasi-legitimisation of the PLO.[41] This framework proposes that not only is there a strategic logic to terrorism, but that the strategic logic is reflective of the enduring nature of terrorism as a phenomenon and that the key elements of that strategic logic can be identified in numerous case studies across various historical and ideological manifestations. Further, it is proposed here that these elements reflect the strategic logic of terrorism and, when properly integrated, are the key to terrorism being capable of achieving strategic effect.

The Framework

The framework consists of three key elements that identify and explain the strategic logic of terrorism as a phenomenon and proposes that it is the integration of these elements that enables terrorism to have strategic effect. In keeping with the definition provided by Miles et al., the framework identifies 'the main things to be studied—the key factors, constructs, or variables—and the presumed relationships among them.'[42]

Each element will be explained in detail below, but of vital importance to the framework is the necessary interrelationships between each. The framework proposes that when these three elements are properly conceived, integrated, and deployed, terrorism can achieve strategic effect. Moreover, it suggests that the presence of each of these elements, and their integration, are necessary for achieving this strategic effect. The absence of one of these elements, or the failure to properly integrate them, will result in the inability to achieve strategic effect. In highlighting the integration of the three elements, the framework seeks to emphasise the need for each of the elements to be considered and interwoven within the operational planning process. By this, the framework seeks to demonstrate a relationship of interdependent necessity between the elements, whereby the deployment (for example) of innovative violence independent of considerations regarding communicative and narrative dynamics and the exploitation of emergent information and communications technology would be insufficiently calibrated for the achievement of strategic effect. The framework suggests that it is through the integration of these elements that the amplification of effect occurs, as well as the resultant disproportionate strategic effects.

Innovative Forms of Violence
The first element of the framework focuses on the forms of violence deployed by terrorist organisations and the need for this violence to be innovative. It is evidenced most frequently and directly in the tactical choices and targeting decisions of terrorist organisations. For the purposes of the framework, this encompasses a range of manifestations of innovation and can

include both internal and external innovation, revolutionary and iterative innovations, and can include innovations related to broader issues of strategy and organisational structure, including the ways this can facilitate the deployment of new tactics or new targeting decisions. It is beyond the scope of this article to fully articulate each of these types of innovation in detail, however each is articulated below with reference to an example. Innovative forms of violence include:

> *a. internal innovation*, innovations developed and deployed within a terrorist organisation or within the broader movement and its support networks, for example the development of vehicle borne suicide improvised explosive devices by Hezbollah in the early 1980s;[43]

> *b. external innovation*, the adoption of innovations developed external to the terrorist organisation, such as the embrace of vehicle borne suicide operations by AQ, via their engagement with Hezbollah;[44]

> *c. revolutionary innovation*, innovations that fundamentally alter the tactical or targeting options of a terrorist organisation, as demonstrated by the exploitation of the invention of dynamite by Irish Fenians and Anarchists in the late 1800s;[45]

> *d. incremental innovation*, the innovative application of existing tactical capabilities or innovation regarding targeting decisions or the implementation of incremental changes to existing tactical practices, such as Khaled Sheik Mohammed's incremental change to conventional plane hijacking;[46]

> *e. structural innovation*, innovations regarding organisational structure that result in changes in tactical or targeting determinations, such as the operationalisation of the strategic and organisational concepts of Abu Musab al-Suri and the facilitation of Western lone actor terrorism;[47]

> *f. strategic innovation*, innovations in strategic approach or strategic objective that enables new tactical or targeting opportunities, exemplified by both the strategic repositioning of the Palestinian struggle in the context of Third Worldist struggles,[48] and the prioritisation of the Far Enemy by AQ in the aftermath of the Afghan-Soviet War;[49]

> *g. communicative innovation*, innovations in relation to the framing or presentation of terrorist violence, as per the 'beheading video' phenomenon manifested by Islamic State (IS).[50]

Communicative and Narrative Dynamics

Since its modern inception in the mid-1800s, terrorism has been conceived by its perpetrators as a communicative act, designed to propagate an ideological or political proposition that was otherwise unable to obtain sufficient exposure to be consumed by the target audience. The frustrations of the earliest philosophers and strategists of 'propaganda of the deed' compelled them to deploy violence as an explicit effort to demand the attention of the press, the public, and the political apparatus, in hopes of mobilising the broader community towards revolution. Terrorism is thus an inherently communicative action, and the achievement of strategic effect requires an intrinsic appreciation and consideration of this dynamic and its incorporation into the operational planning and design of terrorism actions and campaigns. In a contemporary

context, senior terrorist leaders such as Ayman al-Zawahiri explicitly expressed the centrality of communication and media to the struggle in which his organisation remains engaged. In 2005, he wrote to Abu Musab al-Zarqawi and stated, 'I say to you: that we are in a battle, and that more than half of this battle is taking place in the battlefield of the media'.[51] Further evidence of the centrality of media and communications strategies at the core of terrorist considerations is found in the comments of Abu Daoud, considered by many as the mastermind of the 1972 Munich Massacre. Speaking with journalists at the time of the release of the 2006 film *Munich*, he declared:

> *Before Munich, we were simply terrorists. After Munich, at least people started asking who are these terrorists? What do they want? Before Munich, nobody had the slightest idea about Palestine … People were more interested in sports than in the plight of the Palestinians … In one sense, we succeeded in Munich: we forced our cause on to the television screens of 500 million households.*[52]

The following section will expand on this element of the framework with an articulation of how communicative and narrative considerations manifest themselves in tactical and targeting decision-making before providing an analysis of the necessary role that narrative establishment and narrative reinforcement plays in the ongoing efforts of terrorist organisations to achieve strategic effect. The focus here is on the communication embedded within the violent acts that constitute terrorism, and propaganda production by terrorist organisations, rather than on the exploitation of a specific information and communication technology.

Analysis of terrorism has long recognised the importance of the theatrical aspect[53] and the associated performative nature of the violence. The first and most direct way to understand the importance and centrality of this element of terrorism is by recognising the indirect nature of terrorist violence and the broader family of asymmetric violence. Arreguin-Toft articulates the distinction between direct and indirect strategies succinctly; he states, 'direct approaches target an adversary's armed forces in order to destroy that adversary's capacity to fight. Indirect approaches seek to destroy an adversary's will to fight.'[54]

In targeting an adversary's 'will to fight,' terrorism constitutes an indirect or asymmetric strategy that seeks to influence the willingness of an adversary or its supporting constituencies to continue to resist the objectives of the terrorist organisation. This necessarily requires a component of effort that focuses on the mindset of the target and thus requires consideration of the communicative dynamics associated with any violence undertaken.

Both Schmid[55] and Ganor[56] conceive terrorism as a manifestation of psychological warfare, reinforcing the necessary influence and persuasion aspects of the phenomenon. For terrorism to be capable of influencing and persuading audiences, it is necessary that appropriate consideration be given of its performative aspects. This can be analysed by distinguishing between the aspects of terrorism that are under the control of the perpetrator, such as target selection and choice of tactic, and those that are dependent on the audiences and targets of terrorism. This dynamic relationship between the intended effects of terrorism and its impact on its target audience is essential to determining whether strategic effect can be achieved.

Ganor articulates this core logic of terrorist calculus:

> *The attack usually causes limited physical damage…its explosive echo grows in volume as it is amplified by the media; the message conveyed by the attack is sharpened and magnified. A terrorist attack is intended to influence public opinion. Its message is really a combination of three different messages aimed at three different audiences: the people whom the terrorists claim to represent, the targeted population, and lastly, the international community.*[57]

To understand how communicative and narrative dynamics manifest, it is necessary to delineate between *propaganda* in the strict sense and *propaganda of the deed* or violent terrorist actions designed to achieve propagandistic effects. Terrorist organisations seek to maintain the production and distribution of both types of outputs. However, it is possible to distinguish, for example, between ideological or philosophical tracts that advocate the political or religious justifications for terrorist violence[58] and indigenously produced videos of terrorist actions or news coverage of terrorist incidents. The former reflects a traditional understanding of propaganda, whereas the latter is propaganda of the deed—an explicit attempt to exploit calibrated violence for propagandistic effects or to weaponise communication.

For the purposes of the framework, communicative and narrative dynamics is conceived of as *the intentional embedding of ideology, through either explicit or symbolic components, into the conceptualisation and production of either conventional propaganda, or terrorist actions undertaken for propagandistic effect.* The 2014 *Message to America* video released by IS provides an ideal demonstration of how this is undertaken and how it can achieve strategic effect when undertaken in a refined and sophisticated manner. The incorporation of numerous symbolic components into that video underpinned its capacity to achieve strategic effects. Dressing the victim in an orange jumpsuit, and the English accent of the perpetrator, served to enable a global spectacle, as described by Friis:

> *During the autumn of 2014, screen-grabs from a number of beheading videos, produced by al-Furqān Media, were shown repeatedly across various media platforms, establishing the images of the kneeling, orange-clad hostages next to the black-clad executioner 'Jihadi John' as 'instant icons' and almost unavoidable topics in public debates about contemporary security threats.*[59]

The broader body of nonviolent propaganda produced by terrorist organisations plays a crucial role in establishing and maintaining context and in creating and reinforcing narratives that further contextualise the violence of terrorist actions. This contextualisation and narrative development empowers terrorist violence, providing it with meaning and power. In the absence of narrative context, terrorist actions have only limited capacity to communicate the ideological propositions in support of which they are undertaken and lack any meaningful capacity to reach their desired audiences in meaningful ways.

A sustained communications strategy is required to establish and maintain this narrative

context for violence. A terrorist organisation and its broader social movement must establish the basic parameters of their grievance and, by extension, the justification for their violence. In doing this, it is also necessary for the violence itself, particularly as an extension of its innovative character, to be understood by the relevant audiences and begin establishing itself as a relatable component of public discourse. Verhoeven makes a crucial point in this regard when she discusses the first attempt on the life of the Russian Tsar by Dmitry Karakzaov in 1866, some 15 years prior to his successful assassination by Narodnaya Volya in 1881. In discussing what she refers to as the 'prologue of terrorism,' she states:

> ...Narodnaia Volia's terrorism shocked everyone, of course, but it surprised no one. Bizarre, to say the least, that a radically new political phenomenon can come into being, yet immediately seem not only intelligible, but even self-evident. So self-evident, in fact, that within a year, Dostoevsky could suggest to his editor...that for anyone seeking the truth in modern Russia, the path from religion to revolutionary terrorism was natural. In short, contemporaries...reacted to the emergence of terrorism as if the idea of terrorism had already been there.[60]

What Karakozov and other revolutionaries during the period until 1881 had achieved—through multiple assassination attempts, the distribution of conventional propaganda and the other various outreach efforts of the broader revolutionary movement—was to make the actions of Narodnaya Volya coherent and understandable to the public and the various specific audiences they sought to influence. In the process, these activities created and refined a narrative that meant that the ultimate actions of Narodnaya Volya were perceived 'as if the idea had already been there.'

A similar narrative contextualisation can be seen in the 'lone jihad' campaign promoted by IS from 2014 onwards. This specific campaign, primarily targeted at potential Western operatives, encouraged individuals to undertake low capability terrorist attacks using unsophisticated and readily available weaponry such as stabbings and vehicle ramming. While embedded within the broader, well-established jihadist narrative and the general IS narrative, and earlier lone jihad campaigns[61] this campaign celebrated lone-actor terrorism, promoted specific tactics and targets and provided strategic and theological endorsement of the activities.[62] In doing so, these attacks relied on the established narrative that an act that involved these specific forms of violence would be likely interpreted as an act of terrorism in a Western jurisdiction. Since at least 2001, the establishment and reinforcement of a narrative surrounding jihadist terrorism through media coverage and popular culture has enabled organisations like IS to deploy rudimentary manifestations of violence and contextualise and embed meaning in them by exploiting an established narrative. In doing so, achieved a grossly disproportionate effects on their adversaries.[63]

Distinct from the communicative dynamics articulated above, the narrative dynamics of a terrorist action refers to *the conceptualisation and production of terrorist propaganda or terrorist actions undertaken for propagandistic effect, with the intention of establishing or reinforcing an ideologically informed narrative context.* This process enables potential recruits, the public (usually consuming mediated representations of these actions) and governments to interpret and understand the purpose of the actions and the meaning embedded within. It is important to recognise the limitations of the communicative dynamic's aspect of the

element. Archetti has referred to the fact that 'messages are not simply transmitted, but they are constantly reinterpreted.'[64] Audiences retain substantial agency in their interpretation of the communicative and narrative dynamics of terrorist actions. The focus here is primarily on how terrorist organisations conceive and deploy these efforts and how these can achieve strategic effects. Ensuring narrative coherency enables audiences to understand terrorism in the manner intended.

Emerging Information and Communications Technology

This element of the framework refers to *the exploitation of emergent forms of information and communication technology, which have sufficiently diffused to have shaped and informed the relevant cultural and social practices associated with them.* Understanding the importance of the cultural and social practices and norms that develop as a function of the evolution of information and communications technology is essential to understanding how integral these technologies are to terrorism and its capacity to achieve strategic effect.

This broader conceptualisation of information and communications technology refers, for example, to the emergence of the newspaper industry *and* the associated commercialisation and industrialisation of the print media, how this drove the expansion of literacy, and, in turn, the emergence of the production and consumption of popular literature. Russian anarchist terrorism and the subsequent European and American manifestations of anarchist terrorism, depended on not just the industrialisation of the printing press but on the emergence of a news industry to recount their actions, on affordable printing technologies and the growth in literacy to spread their ideology and associated manuals and operational knowledge. As Patyk states 'literary and popular fiction have participated in the mediatisation that is said to be the hallmark of modern terrorism.'[65] Understanding and exploiting this broader body of public cultural practice must be reflected in the approach of terrorists towards their actions to enable the successful comprehension of their ideologically embedded violence.

At each stage of the various modern information and communications technology transformations,[66] cultural practices have been directly and indirectly impacted. In the direct sense, new information and communications technologies have enabled a variety of innovations in command and control and the production and distribution of propaganda in support of either the war efforts of states or the 'resistance' efforts of terrorists and insurgents. Terrorists and those lacking the means to directly confront their adversaries have been required to embrace new information and communications technologies as part of their efforts to indirectly affect them or exploit these technologies to seek to shape the perception of the conflict or the actors and their legitimacy. These efforts have depended as much on the commercialisation of those technologies and their eventual diffusion and dominance of news consumption practices as it has with the adoption and exploitation of them by terrorists and others.

The exploitation of information and communication technologies has also been a cumulative practice insomuch as it has resulted in the addition of emerging technologies to the arsenal of terrorists rather than wholesale substitution. Terrorists retain effective technological capabilities rather than abandoning them when a new technology emerges. In this sense, terrorist organisations tend to exploit newer technologies by, in part, incorporating them into

their existing technological repertoire. This can mean potentially distributing content designed for a previously dominant technology through new technological platforms or capabilities. As an example, Baele identifies how:

> *...IS has developed a sophisticated and exceptionally extensive propaganda system inherently linked to its actions; it has disseminated photographs; published magazines in several languages, as well as newspapers, books, and pamphlets; recorded music and speeches; broadcasted radio programs; produced short and long videos; designed infographics; created and alimented closed discussion spaces on the Internet; stimulated social media activity; organized permanent and temporary 'information' points in controlled territory; and developed smart-phone applications and even educational e-games for children.*[67]

Crucial to assessing a particular technology as worthy of consideration as a distribution channel is an assessment as to the sufficient diffusion of that technology. Said technology necessarily needs to have become a predominant platform for the target audiences of the terrorist propaganda or the terrorist action and its mediatised representation. As terrorism has evolved, achieving narrative dominance or, at the very least, narrative disruption, has required more than simply producing content and distributing it via appropriate platforms. Rather, the content and the communicative and narrative dynamics must be highly calibrated to ensure a level of coerced coverage by news outlets. Incidents such as 9/11 and 'products' such as the *Message to America* video successfully achieved this in a manner commensurate with the technologies available at the time. The assassination of Tsar Alexander II in 1881, while lacking the live coverage dynamics of 9/11 or the 24-hour release-to-response time from the target government of *Message to America*, still succeeded in gaining global coverage in the dominant media form of the day. By 14 March, only 24 hours later, the otherwise obscure West Virginian newspaper, *The Wheeling Intelligencer*, was reporting on the assassination of the Tsar.[68]

Integration

Essential to the achievement of strategic effect through the above-identified elements is the integration of each element and the proper calibration of all actions undertaken by a terrorist organisation to ensure that each element is given proper consideration. This aspect of the framework, while less explicit than the three primary elements, is a crucial variable in ensuring the effectiveness of terrorist action.

Integration, in this context, relates to the need to consider all three elements of the framework: as independent variables and in the way they reinforce each other. Again, the *Message to America* video is instructive. The violence itself, namely the beheading, was a crucial component of the overall effectiveness of the release, which the US Deputy National Security Advisor referred to as a 'terrorist attack'.[69] However, the power and strategic impact of the video was dependent on the further calibration of the entire 'product' that was the video, in empowering an ancient form of violence and transforming it into an innovative and highly calibrated act. In this sense, the communicative and narrative dynamics of the video were unambiguously calibrated to speak to numerous audiences.

The act of the beheading itself communicated to those sympathetic audiences familiar with the

longer history of beheading videos within jihadist discourse, dating to the earliest Chechnyan outputs[70] and explicitly referenced *Sheikh Abu Musab Zarqawi Slays an American infidel*,[71] the 2004 beheading video of Nicholas Berg, made globally available online via an 'Ansar Al-Islam web site'.[72] The video was contextualised within an existing narrative, which enhanced its capacity for interpretation by those audiences. Further, the gruesome nature of the violence was designed to demand media attention from Western audiences and media outlets. The victim was adorned in an orange jumpsuit, a direct reference to the uniforms of those held at Guantanamo Bay.[73] The lead role of Mohammed Emwazi, or *Jihadi John* as he was dubbed in the Western media, with his 'distinct and confident London street accent',[74] served to further strengthen the power of the video release and communicate the globality of IS and its appeal. By directly contextualising the action within existing Western political discourse, the violence, itself already powerful in its brutality, became both interpretable and contextualised within existing narratives of jihad regarding the 'previous' Iraq War, the conflict in Syria and the expansion of IS. By situating the beheading within a broader context that referenced not only excesses such as Abu Ghraib and Guantanamo Bay but also previous beheadings such as those of Nicholas Berg and Daniel Pearl,[75] the impact and effectiveness of the product was further strengthened. Last, the video's distribution format was equally instrumental in enabling strategic effect.

Initially distributed via the social networking platform Diaspora,[76] *Message to America's* global reach and impact were shaped as much by its content as by its distribution and the mechanism by which IS exploited emergent technologies[77] and, in turn, existing mass media. Reflecting the penetrative capacity of highly calibrated and choreographed violent content such as *Message to America,* Redmond et al. have noted that most 'news organizations made the decision to shield viewers from the gruesomeness of the video by sharing only screen grabs, [this] may have paradoxically increased interest in the video'.[78] Regardless of censoring the reproduction and rebroadcasting of the explicit content, institutionalised media outlets were necessarily forced to quote the "Islamic State" as a valid source of information. This was an outcome of 'ISIL's larger strategy of imposing and communicating its political and religious agenda on and through global media institutions, and ultimately, world governments.'[79]

Only when all three of these elements are integrated within a specific terrorist act is the potential for strategic effect maximised. The presence of a strategy underpinning the deployment of these types of choreographed acts further supports the proposition that there is, explicitly or otherwise, strategic calculus and strategic intent by terrorist actors. In the case of IS, by 2016, it was publishing and distributing specific media strategies and exhorting its supporters and operatives that,

> *the media jihad against the enemy is no less important than the material fight against it. Moreover, your media efforts are considered to be among the many great forms of the rite of jihad.*[80]

At their most hyperbolic, they went as far as to state, 'it is no exaggeration to say that the media operative is an *istishhadi* [suicide bomber] without a belt'![81] Highly calibrated outputs such as *Message to America* can achieve enhanced and disproportionate impacts. With its careful selection of violent methods, choreographed communicative and narrative signifiers and effective distribution to multiple audiences, within less than 24 hours of its release, the US

President held a press conference. Within months, airstrikes were being launched in Syria and Iraq. Sella notes that,

> *…virtually no one, anywhere on the political spectrum, denies that the James Foley video changed everything. The beheading seared into our minds, led us to dark rooms of our national psyche, rooms that are better left bricked over. And a picture is worth a thousand troops.'*[82]

Conclusion

This article has outlined a preliminary articulation of a novel conceptual framework that seeks to provide generalisable insights regarding the question of how terrorism achieves strategic effects. It identified three necessary elements—namely *innovative forms of violence, communicative and narrative dynamics,* and the *exploitation of emergent information and communication technologies*—which, when integrated, underpin the capacity of terrorism to achieve substantial or enduring impacts on an adversary's strategic decision making and/or on the political dynamics that shape and inform those decision-making processes.

As with any preliminary articulation of a conceptual framework, this necessarily has limitations. Areas warranting further analysis include the temporal or campaign aspects of the achievement of strategic effect. This would incorporate analysis of how narrative development over time contributed to the capacity to achieve strategic objectives, and how the ongoing refinement and calibration of the tactical and targeting decisions of terrorist organisations was necessary to achieve strategic impact. Additionally, the conceptual framework was enemy centric, in that it concentrated exclusively on the strategic logic of the terrorist organisation or movement rather than the dynamic interplay between terrorism and counter terrorism. Further research on the impact of counter terrorism decision making, and strategic logic, would likely strengthen the applicability and explanatory power of the framework.

Beyond providing insight into the strategic effects of terrorism, the framework also has potential applicability for assisting in calibrating and estimating the effects of violence or other direct actions undertaken by nation states in an irregular or unconventional warfare context. As the international security agenda continues to prioritise great power competition, understanding the mechanisms by which an actor can achieve strategic effect with minimal resources, below the threshold of war, can be of significant assistance to special operations capabilities, militaries, intelligence services, and other aspects of the national security apparatus.

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RESEARCH ARTICLE

Imagined Extremist Communities:
The Paradox of the Community-Driven Lone-Actor Terrorist

Inger Storm Sandboe and Milan Obaidi[*]

Abstract: This article introduces the concept of "imagined extremist communities," a term that encapsulates the unique social landscape where right-wing lone actors, despite not being affiliated with organised groups, partake in a form of communal interaction. By examining the cases of Anders Behring Breivik, Brenton Harrison Tarrant, and Philip Manshaus, this article illuminates how group-based and lone actors are more alike than what is conventionally expressed in existing research. Although lone actors are not subject to an external command like group-based actors are, the imagined extremist community functions as a "group" for lone actors and is, for all practical purposes, a corresponding alternative to a terror cell. During the radicalisation process, these individuals seek and turn to the imagined extremist community, enabling them to form a sense of belonging and identification and underscoring that these actors, although conventionally labelled as "lone," are immersed in an alternative culture that nurtures their ideas and sustains their extremist ideology. This becomes particularly evident through their cognitive radicalisation, a process amplified by their psychological predispositions. The concept of the imagined extremist community elucidates how lone actors, especially those embracing right-wing ideologies, are subject to radical influences. Their conservative traits and psychological dispositions make them particularly receptive to the appeal of such communities.

Keywords: Imagined communities, terrorist personality, situationism, terror motivation, lone-actor terrorists

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Introduction

It is widely accepted that lone-actor terrorists are defined as operating independently with no outside network or chain of command.[1] This is true to the extent that lone actors are not given an authoritative order to act. However, they appear to believe that they are instructed to act when they canonise other lone actors who have comparable motives and goals. This social influence between the actors can be encapsulated as an imagined extremist community. Benedict Anderson coined the phrase "imagined communities" to define a nation as an "imagined political community"; he further explained that despite never meeting, "in the minds of each lives the image of their communion."[2] In an imagined political community, Anderson asserted that "people in a community *consider* themselves to form a nation, or *behave* as if they have formed one."[3] Anderson prefaced the concept with the idea that "communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined."[4] This article builds on Anderson's conception of imagined communities by presenting an integrated model of violent extremism that describes how an imagined communion among violent extremists is an integral part of the radicalisation of lone actors. Although previous scholars have applied Anderson's imagined communities in the context of group-based extremism such as Jihadism, in the current article, the concept is applied to the context of lone actors and right-wing extremism.[5]

This approach presented in this article poses potential implications for the treatment of lone actors in the judicial system. For instance, the trials of the White supremacist Payton S. Gendron and the Islamist Sayfullo Saipov, as covered in the New York Times, presented stark contrasts. Although they questioned Gendron's psychological health and the emotional ramifications of the attack, the coverage of Saipov focused on political motivations and his interest in IS (also known as Islamic State and ISIS).[6] Subsequently, the majority of the charges against Saipov claimed that he committed the murders "for the purpose of gaining entrance to ISIS."[7] Although research largely indicates that these perceptions are based on inaccurate stereotypes, they remain widespread.[8] This is concerning because of the potential to reinforce the perception of lone actors as distinct from group-based actors. Moreover, "solo terrorism" or "leaderless resistance," i.e., terror attacks by actors who operate autonomously without receiving direction, is an increasing risk.[9] Certain extremist terror cells including al-Qaeda have been known to entice their supporters to carry out attacks alone; in 2015, attacks attributed to IS that were not directed by a centralised leadership outnumbered plots instigated by foreign fighters.[10] In 2022, intelligence services from both the United Kingdom and the United States observed that domestic terror cases increasingly have international dimensions, as lone actors are inspired by sources from abroad via social media.[11] It is a rising concern that extremism is not solely rooted in traditional extremist organisations; instead, extremist ideologies are being increasingly accessed through the mainstream media and online platforms.[12] In the latest terrorism threat assessment for Denmark, a representative country in the Euro-American region, solo terrorism was listed as the primary threat in the event of an Islamist or a right-wing extremist attack.[13]

This article argues that lone actors act alone but are not radicalised in isolation. Breivik, Tarrant, and Manshaus carried out their respective attacks alone, but they established a connection to the same imagined extremist community through statements and comparable ideologies.[14] Breivik carried out the 22 July 2011 bombing and consequent mass shooting in Oslo, Norway, leaving 77 dead. Shortly before commencing his attacks, he published a manifesto to present his motivation for the attacks. Nearly a decade later, Brenton Harrison Tarrant carried out the 15 March 2019 mosque shooting in Christchurch, New Zealand, killing 51 people. In his own manifesto, Tarrant claimed he was inspired by right-wing terrorists Dylann Roof, Luca Traini, Anton Lundin Pettersson, and Darren Osborne, but it was later reported that he claimed that his

"true inspiration" came from Breivik.[15] Several other extremists and would-be terrorists have claimed to be, been accused of, or presumed to have been inspired by Breivik. This includes but is not limited to Adam Lanza, Christopher Hasson, Patrick Crusius, and most recently the Norwegian lone actor Philip Manshaus and the perpetrator behind the Buffalo attack, Payton S. Gendron.[16] Philip Manshaus was the perpetrator behind the 10 August 2019 mosque attack in Bærum, Norway, that killed one person. Instead of drawing direct inspiration from Breivik, Manshaus self-proclaimed that he was chosen by Tarrant.[17] These three cases show that Breivik's ideas first gained traction abroad, inspiring Tarrant and subsequently Manshaus to conduct an attack in Norway. Indeed, Manshaus wanted to livestream his attack just like Tarrant did instead of drawing direct inspiration from Breivik for his modus operandi.[18] Although no direct link between Breivik and Manshaus exists, Manshaus' actions could be seen as motivated by the "imagined extremist community," illustrating the potency and influence of this powerful network. By using these three high-profile and conventional right-wing lone actor profiles, this article explores one specific imagined extremist community. Although not considered here, Stephan Balliat, Payton S. Gendron, and Anton Lundin Pettersson are prominent cases that could be included in future research because they fit the profile. Contrary to common belief, these connections of influence between extremists and would-be terrorists show that the perpetrators are not entirely alone when they radicalise.

Although it is not contested that lone-actor radicalisation is socially influenced, it has not received the same level of attention as the group dynamics among group-based actors.[19] Instead, the value of the lone actor typology is increasingly called into question.[20] These arguments emphasise social influences as contrasted against dated preconceptions of lone actors as socially isolated, mentally ill, less likely to be politically motivated, and generally less sophisticated than group-based actors.[21] Nonetheless, the depiction of the actors tends to remain starkly contrasted, if not dichotomous. Although Schuurman et al. offered a novel approach, arguing that lone and group-based actors are better understood on a spectrum that depicts the degree to which the actors are socially influenced, they do not depart from the contrasted typologies of the actors.[22]

This analysis draws on the assertion that radicalisation processes are multifaceted and encompass personal, sociocultural, and political factors.[23] To highlight the imagined extremist community shared by the actors, these factors are used to structure this article, which begins with a section on personal factors where attention is paid to the role of psychological characteristics in pursuing extremist milieus. The next section targets societal factors, which are discussed through concepts of situationism and groupism; the former examines how the actor views society and how society views the actor, and the latter explores the relationship the actor has with groups in terms of what they offer the actor. Here "groups" do not refer to traditional terror cells but to the myriad of identity groups and abstract communities that invoke a feeling of belonging. The subsequent section on cultural factors offers a discussion on the intersection between culture and cognition and explains how lone actors self-rationalise their radicalisation. Lastly, the section on political factors examines the role of scripts, including manifestos and other text left behind by perpetrators of violent extremism, and conservative dispositions—that is, conservative values and traits associated with right-wing ideologies.

Personal Factors

Anderson emphasised the significance of "deep horizontal comradeship" within the community, prompting an important question: What are the factors that draw individual actors together? Previous research suggests that both personal and societal factors play a role in this phenomenon.[24] For instance, van Zuijdewijn and Bakker showed that certain personal characteristics such as social isolation, mental health problems, perceived grievances, and a fascination with violence may contribute to the radicalisation of lone actors.[25] Thus, to comprehensively examine the formation of comradeship among individual actors, it is essential to consider the personal factors that contribute to this process.

From the 1970s to the late 1990s, psychological research on terrorism was mainly influenced by the attribution error paradigm, wherein individuals involved in terrorism were often depicted as psychologically disordered or abnormal.[26] However, because early models focused on psychopathology did not find substantial empirical evidence supporting mental disorders as the principal cause of terrorism, this perspective gradually lost traction.[27] In recent years, the rising number of lone-actor attacks, particularly those with "disturbed profiles," has sparked a renewed interest in researching the psychological characteristics associated with terrorism.[28] However, the current wave of research relies on a more nuanced approach, exploring a wide range of psychological traits, and these methods have revealed a slightly higher prevalence of schizophrenia, autism spectrum disorder, and delusional disorder among lone actors compared to the general population and group-based actors.[29] It is important to note that the nature of the current wave of research does not establish a clear causal relationship between mental illness and lone-actor terrorism.[30]

The term "personal factors" typically encompasses an individual's psychological characteristics, including prevalent mental disorders, personality disorders, nonclinical personality traits, cognitive dispositions, and neurodevelopment disorders. Personal factors are commonly given importance by their capacity to explain cognitive radicalisation. Much of the discussion around personal factors relies on the degree of importance assigned to an actor's psychological traits in predicting potential trajectories toward terrorism.[31] In that, cognitive radicalisation is considered a precondition causally leading to violent action.[32] It is widely accepted in studies focusing on group-based actors that the cognitive opening, which refers to increased susceptibility to new world views after a personal crisis or catalytic event and is facilitated by cognitive factors, instigates indoctrination within a group or milieu before the actor progresses to terrorism.[33] This is also the case for lone actors.

Individuals' psychological characteristics lead them to gravitate toward others with similar traits, and this principle extends to potential terrorists. Individuals tend to seek friendships and engage in environments populated by those who share similar psychological traits.[34] For instance, research indicates those who score high on openness, extraversion, and agreeableness tend to gravitate toward those with similar personality traits. Indeed, individuals demonstrating high levels of openness to experience typically seek out others who also exhibit this trait, and individuals who are prone to black-and-white thinking are drawn to others who also think in the same binary manner.[35] Recent experimental studies suggest that personality traits such as low openness to experience and high social dominance orientation predict the inclination to

participate in scenarios involving intergroup aggression. That is, individuals with low openness to experience tend to opt for an aggressive intergroup game.[36] It resonates with the idiom "birds of a feather flock together," or in other words, people who have similar traits will gravitate towards each other.

An examination of the case studies in focus reveals several prevalent psychological traits. Breivik, based on psychological assessments, allegedly exhibited several distinctive clinical traits such as narcissism, dissocial personality disorder, and delusions.[37] Tarrant reportedly displayed nonclinical traits of narcissism and delusions as he was described to be overly concerned with his self-image; he also compared himself to Nelson Mandela, envisioning that he would receive the Nobel Peace Prize in the future.[38] Tarrant was also described as displaying clinical traits such as grandiosity and superiority coupled with bouts of depression and mood swings; indeed, the court-appointed psychiatrists noted that he "displayed a range of traits akin to a personality dysfunction," although not sufficiently pronounced to diagnose a personality disorder.[39] On the other hand, Manshaus was described as a "person who is insecure of his identity, experiencing ideals about renunciation and courage, while duty, obligation and sacrificial will control him."[40] These psychological traits provide valuable insight into these actors' individual personalities and reveal shared psychological traits including narcissism, delusions, antisocial behaviour, and grandiosity, all of which are traditionally identified among lone actors and underscore the psychological parallels between these cases.[41]

Although certain psychological disorders were notably pronounced among these actors, they were found to be legally responsible for their actions. As part of the trial proceedings, Breivik underwent two psychological evaluations and ultimately was declared fit to stand trial. There were no indications that he was psychotic at the time of the act.[42] However, this conclusion generated extensive controversy.[43] Tarrant was also subjected to two psychological evaluations but was declared accountable with less debate.[44] In Manshaus' case, the defence raised doubts during the proceedings.[45] Although attention was given to early bereavement in Manshaus' life, this was not indicative of abnormalities in his personality. There was no evidence to support psychosis, personality disorders, consciousness disorder because of substance abuse, or intellectual disability. In the end, he was also declared accountable.

Societal Factors

Although personal factors provide insights into why individuals may be drawn to comradeship, it is imperative to consider societal factors to understand the emergence of this interest. Societal factors here refer to the role social environments have in the radicalisation of lone actors and how that influences their shift towards an imagined extremist community. This section highlights how lone actors relate to wider society and vice-versa, encompassing the arrangement of and relationships between different elements of social environments.

Situationism contends that the social environment is instrumental in shaping behaviour and that the "power of the situation" compels the individual to engage in harmful actions.[46] In that sense, the willingness to plan and execute atrocities can be explained by the mechanisms inherent in the individual's interactions with wider society. It has been hypothesised that resorting to "evil" actions, or intentionally harming innocent people, can be considered a survival mechanism by

which individuals adapt to their external circumstances.[47] In other words, lone actors rationalise their actions by viewing some segment of wider society as a threat.

This perspective is highly discernible in the ideologies of lone-actor terrorists: For instance, Breivik claimed that the former Labour Prime Minister Brundtland had allowed mass immigration, which he perceived as a threat to his nation as he feared his people being "diluted."[48] He also saw Islam as a civilisation posing a direct threat to the Nordic ethnicity and White supremacy.[49] In an excerpt from his manifesto, as quoted by the Norwegian News Agency (the central news provider for Norwegian Press), Breivik stated that the worst consequence of this threat would be the outbreak of a bloody war. As a result, he felt compelled, albeit reluctantly, to act to prevent such an outcome.[50] This perceived threat was real to Breivik and fundamentally influenced how he viewed his external structures.

Tarrant and Manshaus echoed Breivik's ideological claim. Tarrant falsely claimed to have been in contact with Breivik and identified the Replacement Theory as one of his leading political motives, expressing the view that immigrants were a threat to the European lifestyle and White supremacy.[51] Manshaus praised Breivik and Tarrant and explained in court that he was critical of the "system" that has allowed "multiculturalism" to flourish.[52] The political motives of all three are articulated in a way that identifies threats in their external structures, and ultimately, this threat perception is a result of their ideological conviction.

Lone actors gravitate towards each other to gain a sense of belonging and support for their convictions and beliefs when these fall outside the cultural norms of broader society. In other words, they are subjected to groupism, a concept that encompasses various sub-phenomena. Among these, echo chambers and identity fusing explain how lone actors, like their group-based counterparts, increasingly merge with a group. More specifically, in an echo chamber, "individuals expose themselves to information that simply reinforces their existing views."[53] On the other hand, identity fusion refers to a process where an individual's identity fuses with that of the group.[54] This process has been observed within "more abstract higher-order groups, or imagined communities, for which actual genetic relatedness or even personal relations between most members is low."[55]

The process of identity fusion and finding echo chambers often occurs online through the actors' activities on various platforms: Breivik, Manshaus, and Tarrant were active on, and actively sought, platforms ranging from mainstream platforms like Facebook and X (formerly known as Twitter) to more fringe subsections of forums including 4chan, 8chan, Endchan, Gates of Vienna, and the neo-Nazi forum called Nordisk.[56] Based on this activity, several milieus can be identified, ranging from broad ideologies to more particular online milieus. These ideologies include but are not limited to various forms of fascism, anti-Islam, antifeminism, and cultural conservatism.[57] Some online milieus have garnered more attention, including Breivik and the "Counterjihadist" online milieu and Tarrant and the Identarian Movement.[58] For Manshaus, specific milieus have not been defined beyond the name of the forums he used. Two years following his attack, Manshaus discussed the significance of online activity in a documentary interview featured on the Norwegian Broadcasting Agency's television channel:

The Internet is a sort of super-highway for ideas, where ideas and opinions come into contact. And in such a speed that is just unprecedented in history, where communication occurs so quickly. Of course, it depends on the person. For some it is probably easier to acquire new attitudes and ideas than for others. However, I can safely say that the main actor in my political conversion—it was through the Internet. That is for me completely obvious.[59]

Manshaus further expressed pride in the speed at which he was able to develop and internalise extremist opinions through his online activity. He said, "I only used a year, almost. One and a half years to come up with the opinions [that] I did [come up with]."

Groupism focuses on the problems defined by movements, values, and beliefs. An intellectual movement can also define an intellectual problem around which individuals gather. Although group-based terrorism can be related to a defined terror cell, lone actors are likely to be associated with a larger intellectual movement. For instance, "Kaczynski [who] related to a larger movement of survivalists, Furrow associated with white supremacists, and [John Allen] Muhammad who participated for a period in the Nation of Islam."[60] Similarly, some scholars focus on the importance of values and beliefs in contributing to lone actor's justification for committing acts of terror.[61] Others emphasise the role of dichotomous relationships and their contribution to labelling, which potentially can attract a wider following to intellectual movements.[62] These notions generally reflect the actors' ideologies.

These theories and notions of groupism inherently involve the idea of group formation. Although lone actors are not associated with a defined terror cell in the same way as group-based terrorists, the phenomenon of groupism suggests that they are connected to broader groups. This concept can be conceptualised through imagined extremist communities, and it has been used in terrorism research; still, these studies typically involve discussions of nationalism in alignment with Anderson's conception of imagined communities.[63]

Both Tarrant and Manshaus, with their common admiration for Breivik, overtly expressed a sense of belonging to the same imagined extremist community. Tarrant claimed to have been in contact with Breivik, but Breivik's lawyer later refuted this.[64] Nonetheless, it is evident that Tarrant admired Breivik. Additionally, Manshaus was reported to have been inspired by individuals such as Patrick Crusius, the perpetrator of the 2020 El Paso shooting, and John Timothy Earnest, responsible for the Poway Synagogue shooting, but most notably Tarrant. Manshaus went so far as to describe himself as the third disciple of Tarrant, considering Earnest and Crusius as the first two. This declaration was largely based on Manshaus' online activity in the hours before the attack during which he glorified Tarrant and lauded Earnest and Crusius for their attacks. During the court proceedings, it became evident that Manshaus had also kept a diary expressing sympathy for the aforementioned, as well as for Breivik and various Nazi figures, even writing "Praise the lord" in reference to Breivik.

The idea of camaraderie is prevalent in existing terrorism research, albeit predominantly used to explain group-based terrorism rather than lone-actor terrorism. A radical group can offer an individual love, friendship, shared experiences, and commonalities, which play a significant

role in identity fusion. Similarly, Harari suggested that imagined communities have been growing because people rely less on close-knit, intimate communities for survival and welfare. As the communities decline, an "emotional vacuum" is left, which is often filled by imagined communities. This highlights the importance of camaraderie in joining communities, whether imagined or not. This also suggests that the camaraderie holds an emotional component that extends beyond merely sharing common values and beliefs. Thus, an imagined extremist community is, in part, a community that an individual seeks out to fill an emotional void and to gain a camaraderie, essentially filling the need for social relations or a sense of belonging.

This yearning for community is evidenced by the actors' consistent attempts to join different organisations that they believed would support their viewpoints. For instance, Breivik was associated with Freemasonry and the Norwegian far-right Progress Party (FrP), but these were ultimately unsuccessful attempts at joining an organisation about which he had only limited knowledge: The Freemasons indicated that Breivik either lacked knowledge about, misunderstood, or was ignorant of the essence of Freemasonry. Similarly, his involvement in FrP was misguided as he eventually lost interest, perceiving the party to be too liberal and not aligned with his views. Breivik also claimed to be part of the fictitious group Knights Templar, but the court proceedings found no evidence of direct contact with any organised group.

Similarly, Tarrant was not subject to any external command, but he did actively seek out various milieus and organisations. He is believed to have been inspired by terror attacks across numerous countries including the United States, Canada, the United Kingdom, Italy, and Sweden as indicated by specific references in his manifesto. Between 2012 and 2018, Tarrant travelled extensively in Europe and Asia, visiting significant sites of conflicts dating from the Ottoman Empire through Christianity. It was reported that during those travel periods, he was in contact with two branches of the Identitarian Movement, a European White supremacy intellectual movement, and that he donated substantial sums to these groups.

Manshaus was also unsuccessful in becoming a member of an organisation. He tried to join the Nordic Resistance Movement but was rejected due to a lack of sufficient knowledge about the organisation. He briefly became part of a Laestadian community, a conservative Lutheran revival movement, and the community pastors described him as genuinely interested and attentive. However, according to his school peers and mother, he later linked his Christian faith to White supremacism, describing it as the "psychological warfare against my people."

Cultural Factors

Another key aspect of Anderson's argument is the construction of reality, particularly through the concept of "memory and forgetting." To illuminate how the imagined extremist community is formed, it is necessary to examine the process of its construction, including its genesis and content. This section explores the role of cultural cognition in attracting individuals away from the reality of mainstream society and towards the constructed reality of the imagined extremist community. Subsequently, the following section on Political Factors delves into the specific content of the constructed reality, particularly the extremist ideology that attracts the individual to the imagined extremist community.

Lone actors gravitating toward imagined extremist communities can be explained by decreased cultural cognition. Cultural norms and behaviours within a society are established through social interactions or conversation. Baumeister and Masicampo proposed that conscious thought is a product of culture by viewing culture as a cognitive process. In practical terms, if an individual does not interact and talk with others, that individual cannot correct any misconceptions about society. An important point made by Baumeister and Masicampo is that the cognitive process occurs in pursuit of shared goals and values; that is, how goals are obtained, discussed, and misconceptions are corrected. There is an inherent notion that more participation results in better abilities for tackling obstacles in pursuit of goals. This is attributed to the noncognitive mind's exposure to a wider range of scenarios, which equips it with better problem-solving skills for addressing various obstacles. This suggests that if an individual does not engage socially with others in the mainstream society, they may struggle to interact with that society in a manner appropriate to its dominant culture. Pinker supported Baumeister and Masicampo's argument, conceptualising it as the "cognitive niche" of human evolution. This is more descriptive of the mechanisms of the cognitive process in the way that it describes the social interactions. Pinker defined it as "reasoning about the causal structure of the world, cooperating with other individuals, and sharing that knowledge and negotiating those agreements via language" and maintained that this "adaptation" coevolved with general evolvement to upbringing by both parents, "longer childhoods and lifespans, complex sexuality, and the accumulation of local knowledge and social conventions in distinct cultures." In this way, Pinker described culture akin to an intellectual evolution.

Individuals who interact less with mainstream society will fall outside of society's cultural equilibrium, and if this happens, they can become more susceptible to unconventional rationalisation of information and actions. This could be described as a trigger for cognitive opening. In the above cases, the actors reportedly often became increasingly withdrawn from mainstream society while also seeking out religious and political groups they thought would reinforce their beliefs. This pattern is supported by previous research, such as that by Crandall, Eshleman, and O'Brien who show that "people closely adhere to social and cultural norms when expressing prejudice (e.g., extremism), evaluating scenarios of discrimination, and reacting to hostile jokes." For instance, Breivik increasingly turned to gaming and online forums when he was unemployed. Similarly, Manshaus and Tarrant also gravitated toward online forums, and Tarrant was described as having changed his personality and becoming a "recluse."[65] All three sought real-life communities including political parties, the Freemasons, and various fascist groups, indicating that the communities they sought could either be in-person or online. However, it is important to clarify that in the case of lone actors, these communities do not command certain actions from the actors, as might be the case with group-based actors who are, by definition, subject to an external chain of command.

The actors mostly pursued communities they believed would support and reinforce their own ideas. It is noteworthy that both Breivik and Manshaus unsuccessfully attempted to reach out to various communities. This suggests that there is a process in which the individual progressively withdraws from mainstream society and seeks a sense of belonging elsewhere, beyond mainstream norms. However, this is not necessarily a linear process where they first withdraw and then seek out a group. Due to the development of this pattern over several years

and the requirement for accurate recording of such information, few details exist to demonstrate the exact progression. For instance, Breivik had already joined FrP by 2007. However, his engagement with mainstream society between that time and when he later applied to join the Freemasons remains unclear.

Connections can be drawn to echo chambers and isolationism, but the focus here is to examine how the individual engages with society. Isolationism, when understood as an extreme form of antisocial behaviour, implies a complete withdrawal from society. However, this can be misleading if the individual simply shifts their interactions from mainstream society to alternative communities. Echo chambers are also insufficient in explaining the cultural factors because they explain the mechanisms at play after the individual starts to retreat from mainstream society. Echo chambers likely have an effect that intensifies the distance from mainstream society, but they do not explain the initial withdrawal.

Online platforms play a central role in attracting individuals to imagined extremist communities. By consuming content and engaging in virtual environments, individuals can be subject to significant social influences. As Kupper et al. argued, "Seemingly, the real-world social factors for group belonging and social manipulation in an analogue terror group have been replaced by social media and the viral manifestos in the digital groups."[66] Online platforms allow individuals to be influenced without engaging in direct conversation with others, creating a one-sided exchange of ideas where individuals can read and consume content produced by others.[67] The Black Lives Matter movement serves as a poignant example of how emotional connections made online can foster imagined communities. Schuschke and Brendesha explained that when grievances of Black oppression were shared on Black X, they gained traction because the shared experiences and communal bonds fostered emotional connections.[68] The shared sense of community was crucial in bringing together participants of the online movement, empowering them to unite in their efforts to fight against anti-Black oppression.

The continuous search for a sense of community and belonging makes online platforms appealing because they can offer support for the ideologies and broader beliefs with which individuals identify, thus providing a space that fosters the imagined extremist community to which the individual is attracted. It is important to note that lone actors do not receive orders from a group, and online platforms do not constitute a physical group. However, there might be a perception of encouragement to make an impact as part of a community. As such, virtual environments have a critical role in shaping the imagination that supports the imagined extremist community.

Political Factors

Anderson explained that imagined political communities are formed through a collective narrative that serves as a narrative of identity.[69] Members of an imagined community utilise figures, events, and the process of memory/forgetting to construct this identity and the narrative that supports it. These elements contribute to the constructed reality of the imagined extremist community. However, the narrative is beyond a mere collection of agreed-upon ideas; it also encompasses "cognitive, affective, and motivational properties" that shape the constructed reality.[70] The term "political factors" is used to capture this scope, and this section focuses on

how the narrative is created and the psychological dispositions that may be associated with right-wing ideologies.

The imagined extremist community is based on a loosely defined constructed reality shaped by far-right ideologies and scripts. These scripts include manifestos, online writings, broadcasts of attacks, and text left behind by perpetrators of violent extremism, and they define the boundaries of the imagined extremist community. Common themes in these scripts revolve around race, immigration, and religion. An important function of these scripts is that they invoke group bias as a driving motivational factor for partaking in the imagined extremist community and carrying out an attack.[71] Some have likened these scripts to a Rosetta Stone or a cultural code "to claim in-group membership to a force that takes their virtual frustration to the physical world by conducting mass attacks."[72] Notably, right-wing lone actors are not mere imitators but are influenced by the wide range of factors associated with the imagined extremist community with which they identify. Manshaus cited Tarrant as his main inspiration, and Tarrant cited Breivik. However, there are other ideological (and operational) influences involved. These include the actions and scripts left behind by past perpetrators, as well as scripts by prominent far-right voices. For the purposes of the imagined extremist community, each of these events and scripts can be thought of as cultural artifacts in the constructed reality.[73] For instance, Ted Kaczynski and the Columbine manifestos gained widespread attention as early viral manifestos, and Breivik's manifesto became known as the first "do-it-yourself-guide" for lone actors.[74]

Beyond manifestos, Ware highlighted the significant role of other far-right works in the self-education of extremists.[75] There are several examples of attackers who have implored their followers to read various works including *Might is Right* and *Siege*, but also the *Turner Diaries* and *Mein Kampf*. Mapping out these cultural artifacts is an important task, as they collectively shape the constructed reality of the imagined extremist community. Ware explored the role of iconography in scripts that shape the narrative worldview of the actors.[76] Using Breivik and the Knights Templar as an example, Ware demonstrated how the scripts "rewrite" history with a spillover effect into current affairs, justifying the actors' ideologies and motivations. Research also suggests that those who leave behind a script seek to gain outward support, invite new members to the imagined extremist community, and counter narratives from the mainstream after the attack.[77]

Mannheim argued that there are overarching belief systems reflecting a wider societal consensus, and there are sets of attitudes, values, and beliefs that earn varying support across different social groups.[78] Different values result in different modes of action, causing members of mainstream society to discourage particular attitudes, values, and beliefs that deviate from the mainstream and label them as divergent.[79] Consequently, ideology is instrumental in labelling individuals as divergent. Simultaneously, the attention to an actor's divergence can have the opposite effect where those who believe in a "particular" ideology will want to strengthen it by encouraging others to join in.[80] It follows that the outsider, a would-be terrorist, will want to redeem themselves by joining or potentially creating a community where they fit in and can exert their position in society. Indication of this behaviour is observed in the actors' pursuit of organisations. Among the case studies, Manshaus is perhaps the best example because he continuously sought out organisations despite his lack of understanding of their activities.

Breivik making up "Knights Templar" is another indication of this behaviour. The community and belonging are central to this mechanism.

The significance attributed to the ideology is also evident in the distinction between radicalism and terrorism. Radicals commit "illegal and/or violent socio-political actions to support one's group," but terrorists are "the subset of radicals who use violence against civilian targets."[81] The transition into terrorism and the targeting of civilians underscore the heightened significance of ideology. In essence, it is the actor's willingness to commit what the actor perceives as a necessary evil that places the ideology at the forefront of their actions. This is because targeting civilians goes beyond merely supporting one's own group as civilians, which by definition cannot be juxtaposed with the actor's group. Terrorists reject the notion that they are civilians. Instead, they deem civilians guilty by association or consider them to be "complicitous civilians," thereby justifying them as symbolic targets.[82] For instance, as discussed, Breivik defined former Prime Minister Bruntland and the earlier policies of the Labour Party as his primary targets, and the victims of his attacks were an extension of his targets due to their association with the Party. Similarly, Manshaus and Tarrant sought symbolic targets for the perceived threat of Muslims within places of worship. None of the victims can be singled out as having created the threat that the actors perceived.

A community plays a crucial role in perpetuating the ideologies because it offers enticing incentives for them to flourish. Literature on group allegiance demonstrates that these incentives can encompass aspects including identity, economic benefits, and general payoffs.[83] Moreover, a community can provide practical resources including guidance on how to become a terrorist, tutorials for acquiring weapons, and instructions for executing an attack.[84] This is further supported by the fundamental goal of self-preservation as individuals are inclined to join a group that offers incentives they believe will support their ideology.[85] This derives from research on group-based actors but remains true for lone actors who pursue imagined extremist communities. The imagined extremist community can provide ideological inspiration through groupism facilitated by online materials and guides that serve as practical resources for planning and executing attacks; this is observed among actors who use online guides to make bombs, as seen with Breivik, or draw inspiration from each other, like Manshaus, who idolised Tarrant and aspired to livestream his own attack.[86] As aptly expressed by the right-wing extremist James Mason, "The online community can be so tight-knit that it resembles a real-life connection for all practical purposes."[87]

Like terrorism is defined by ideological motives, the imagined extremist community is a result of them. Individuals like Breivik, Tarrant, and Manshaus identify as right-wing actors who subscribe to ideologies that are associated with conservative values. It has been suggested that relational motives align with conservative traits characterised by a tendency to prioritise tradition, conformity, social order, and adherence to rules and norms.[88] Jost et al. also noted that right-wing ideologies serve certain psychological dispositions including higher scores in the need for cognitive closure, death anxiety, and affinity for social order. According to Jost et al., experimental literature has also hypothesised that there is a relationship between higher death awareness and what might be considered "typical" conservative traits such as greater patriotism, outgroup hostility, endorsement of one's own religion, traditional gender norms,

stereotyping, and a preference for aggressive responses to individuals and groups perceived as a threat to their cultural world view.[89] The actors in these cases, to varying degrees, demonstrate certain traits such as strong political motives, noticeable aggression toward those opposing their vision, and an interest in religious communities, as seen with Breivik and Manshaus.[90] These characteristics suggest that actors who ascribe to right-wing ideologies may be more inclined to join communities. Indeed, the elevated scores of conservative traits reflect a greater interest in understanding the world in which they live and their place in it by giving it meaning and then sharing this with others.

The value individuals who align with right-wing ideologies place on belonging is further demonstrated by the relationship between social isolation and the pursuit of extremist ideologies and communities. For Breivik, Tarrant, and Manshaus, their engagement with communities was primarily online, which may suggest social isolation. At the same time, it underscores their desire to find a sense of belonging. Although this might seem like a paradox, social isolation can indeed fuel the desire to seek out an extremist ideology and community.[91] It is curious that after having served 11 years in prison, Breivik proclaimed that he was a member of the group Blood and Honour and presented his nationalist ideology as part of what the group believed.[92] This was the first time his lawyer had heard of this, despite Breivik's claim that he had been a member since 2009. In accordance with the earlier discussion on social isolation, this is not reflective of extreme antisocial behaviour. Rather, it demonstrates that social isolation cannot be overstated with an extreme or literal understanding. Indeed, although they appear to be socially isolated from mainstream society, they seek to compensate for this by pursuing extremist ideologies and communities as an alternative.

In the face of these dispositions, it is well established that extremist ideologies serve to reduce societal uncertainty.[93] Adhering to extremist ideology allows the individual to gain a sense of certainty despite their divergence from mainstream society. Correspondingly, the socialisation process for entry into the group is initiated with the individual's ideology.[94] Indeed, it has been suggested that extremism has been the result of the individual wanting "social conformity with like-minded individuals," as opposed to an individual intending to transition into extreme views or behaviours.[95] It has also been theorised that intent is exacerbated through echo chambers.[96] In his most recent court appearance, Breivik expressed that this was true in his case.[97] He also stated that he did not intend to become extreme and that his actions were "regrettable." He further blamed those actions on the extremism he was subjected to and declined to take "personal" responsibility. Research further suggests that individuals who explore ideas that diverge from mainstream society experience increased connectivity with others and limited diversity in ideas.[98] Instead, they might express the ideas of the groups to which they feel they belong and not their own ideas. One might consider the sanctifying of earlier terrorists for this. This shows that imagined extremist communities are not limited to a group association; it is just as much an intellectual association.

Discussion

Despite planning and executing their attacks alone, Breivik, Tarrant, and Manshaus did not undergo radicalisation in isolation. Instead, a combination of factors drew them towards an imagined extremist community as a pathway toward radicalisation. This encompasses common psychological attributes, a perception of mainstream society as a significant threat, limited social engagement with conventional societal groups, and a unified ideology that diverges from mainstream norms. This model proves especially insightful when analysing right-wing extremists akin to Breivik and individuals who align with his imagined extremist community. This is primarily due to the apparent vulnerability that those endorsing right-wing ideologies have to this pathway.

Obaidi et al.'s research suggests that factors that explain pathways to radicalism can be grouped into three broad research traditions.[99] The first research tradition is mainly concerned with external and personal factors including political, cultural, economic, and demographic variables, also referred to as the root cause model.[100] The second research tradition focuses on group dynamics as developed around collective action literature, drawing on social psychology models and theories such as social identity, groupism, and situationism.[101] Finally, the third research tradition emphasises individual differences including clinical and nonclinical personality traits, mindset, cognitive dispositions, or ideological belief systems as the psychological basis for violent extremism.[102] Each of these research traditions offers robust models of causation for radicalisation. However, they offer little interaction with each other.[103] Although existing literature advocates for multilevel analysis that combines societal, social, and individual levels of analysis, the interaction between the levels in the radicalisation process remains unclear.[104] Schumann et al. suggested that it is the case because the levels of analysis are treated as singular risk factors that add up to an overall risk of radicalisation. By adapting Anderson's "imagined political community" to the imagined extremist communities, these distinct research traditions merge into a single integrated model of violent extremism.

The radicalisation of lone and group-based actors is more comparable through the introduction of imagined extremist communities. Existing theories on the group dynamics of organised groups can be more widely utilised in the study of lone actors by accepting imagined extremist communities as a corresponding alternative to organised groups; this underscores a paradox in the existing research that reflects scholars' tendencies to heavily contrast lone actors and group-based radicalisation. The presence of social influences in established concepts alone indicates that these actors are more similar than what is currently acknowledged in the literature. Although the impact of social influences is undisputed, it has not received the attention it merits. As illustrated in this article, several concepts traditionally associated with the radicalisation of group-based actors can apply to the study of lone actors. The similarity in affinity for specific communities and their role in the radicalisation of both types of actors suggest a substantial foundation for comparing predictors. Consequently, incorporating a broader range of predictors could enhance our ability to predict lone-actor radicalisation.

Minimising the perceived divide between lone and group-based actors is crucial due to concerns about potential jury biases.[105] During a trial, if these actors are perceived as distinct

entities, they could be subjected to different treatment within the justice system. In particular, dated and misguided perceptions could lead to lone actors being regarded as less sophisticated compared to group-based actors, and as a result, their threats may not be taken as seriously as they should be. If lone actors are perceived as less of a threat than group-oriented actors, the lone actor is more likely to be considered an outlier. Consequently, this perception increases the support for harsher treatment of the actors and counter-terrorism policies prioritising the safety of the ingroup over outgroup harm.[106] It seems that there is a disproportionate focus on the accountability of lone actors compared to group-based actors both within and outside the justice system. This focus tends to undermine the perceived sophistication of lone actors' attacks, despite that they have demonstrated the capability to execute attacks with equal or greater severity than group-based actors.[107] A further concern is the tendency to assign more moral accountability to group-based actors through emphasis on their political motivations or affiliations.[108] This unequal attribution of responsibility and seriousness can skew the understanding and responses to these different forms of terrorism. This is a concerning trend, particularly in the context of rising support for nationalistic parties often characterised by anti-immigration stances.[109] By challenging the misconceptions surrounding these actors, biases held by the justice system and the proliferation of harmful narratives in the media can be reduced, which could lead to more effective policy-making and legal proceedings, as well as a decrease in prejudices held by the general public against the actor.

In future research, steps should be taken to explore the reach of this imagined extremist community. Bright et al. illustrated that social network analysis of lone-actor terrorists can effectively elucidate the role that social connections play in influencing their actions.[110] Further in-depth analysis of the extremist scripts would be a valuable source from which to draw. Bright et al. have also distinguished between ideological and operational influences. Identifying and reviewing types of influences based on scripts using this distinction could provide rich data. One potential objective could be to use this information to delineate the boundaries of this perceived extremist community. This could involve defining the primary and secondary individuals and scripts that reinforce the constructed reality and identify the community's members. As touched upon in this article, the examination of online activity could also provide a valuable data source. For instance, analysing the temporal changes in themes emerging from online posting could prove insightful. This research direction could further be applied to understanding the copycat effect and various forms of imitation across a plethora of extremist movements, offering valuable insights into the shared social influences among extremists.

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Right-wing Extremist Group Survival in Finland – a Qualitative Case Analysis of Soldiers of Odin and the Nordic Resistance Movement

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Abstract: The survival of right-wing extremist (RWE) groups is a relatively understudied topic despite its relevance to such matters as the prevention and countering of violent extremism. In this article we investigate why some RWE groups are able to survive for a protracted period of time. Updating previous knowledge on group survival, our study analyses the life trajectories of two Finnish RWE organisations, Soldiers of Odin (SOO) and the Nordic Resistance Movement (NRM), as examples of how and why groups survive. SOO is a vigilante street patrol organisation with a network-like structure and no clear commitment to any particular RWE ideology, while the NRM, by contrast, is a more hierarchical national socialist group. The lifespan of both groups far exceeds the average duration of Finnish extremist organisations, rendering them suitable objects of research for a study on group survival. The topic is explored through empirical observation of the two groups and combined with insights from previous studies and theories. The main body of data consists of material on SOO and the NRM that the authors have gathered during the past seven years. The study is carried out as a contextualised and thematic qualitative analysis based on a framework of external and internal factors on group survival that previous research has formulated. Our study partly supports and partly challenges previous findings on the factors deemed as crucial to group survival while also demonstrating that individual factors may influence the fate of RWE groups in more than just one way.

Keywords: Right-wing extremism, group survival, national socialism, vigilantism, qualitative analysis

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Introduction and Research Problem

Why is it that some right-wing extremist (RWE)[1] groups are short-lived while others exist for several years or even decades? Italy´s CasaPound, for example, has survived for two decades while chapters of Soldiers of Odin (SOO) have disappeared in most countries within months of being founded.[2] Besides its academic importance, the question of group survival also carries relevance to preventive and countering measures, as it is useful to know which organisations need to be followed more carefully. Understanding the factors that contribute to group survival may also help to tailor the content of such measures accordingly.

Our study asks why some extra-parliamentary RWE groups survive for protracted periods of time. As a qualitative case study, we analyse here the life trajectories of the two Finnish RWE groups, the street patrol organisation SOO and the neo-Nazi group Nordic Resistance Movement (NRM). SOO was founded in Finland in 2015 but soon spread outside the country. It continues to exist to this day. The NRM meanwhile originated in Sweden, with a Finnish chapter founded in 2008 and definitively disbanded by court order in 2020.[3] Both organisations can be characterised as long-lived in nature, since the average lifespan of Finnish extremist groups is two years at the most.[4]

The topic of group survival is explored through empirical observation of SOO and the NRM and combined with insights from previous research and theories. The main body of data consists of empirical material on SOO and the NRM that the authors have gathered during the past seven years. Applying and updating a framework from earlier studies, we explore both contextual, external factors, as well as internal factors contributing to the survival of the two groups. Although we focus on organisational survival, at the end of the study we also briefly address the possible consequences of the changes in the RWE landscape that are manifested especially in the survival of movements despite organisational demise. By organisational survival we mean here the survival of an organisation as a group of activists conducting continuous collective action outside the virtual environment also.[5]

Previous Research

While SOO and the NRM have formed a topic of interest to earlier research, most works do not discuss group survival.[6] There are exceptions, however Gardell, for example, argues that SOO Sweden was brought down by a host of factors including street-level opposition from political adversaries and other groups including a biker gang, internal strife, and a focus on online rather than offline activities by some local chapters of the group.[7] Bjørgo and Gjelsvik meanwhile maintain that a unified approach by the Norwegian police to ban the wearing of SOO hoodies during street patrols was of key significance to the downfall of SOO Norway, although other factors such as infighting also contributed to the outcome.[8]

Archambault's and Veilleux-Lepage's research on SOO Canada, in turn, demonstrates how a tension existed within the group between concentrating on national or transnational issues, and how some of its elements – at least ostensibly – sought to distance themselves from the overtly racist views and neo-Nazi affiliations of SOO Finland. Splits ensued, with SOO Canada itself

ultimately withdrawing from the SOO movement. Individual members also defected to other groups due to such issues as the aforementioned tension between a national or a transnational focus.[9]

With respect to the NRM´s fortunes, Kotonen has investigated the impact of the banning of its Finnish chapter. Members of the group, he notes, established new organisations and carried on with their prior activities even after the ban.[10] Ravndal´s research on the NRM and Generation Identity meanwhile touches upon the founding, demise and re-establishment of the NRM´s Norwegian and Danish chapters while also elucidating on the organisational split that produced Nordisk Styrka (Nordic Strength), a new group founded by several prominent members of the NRM in 2019. The first attempt to establish a Norwegian chapter in 2003, the author notes, was short-lived as committed members proved difficult to find, whereas the initial effort to found a Danish chapter in 2013 may have foundered due to the existence of a fairly similar organisation in the country. Although the NRM later established a more permanent presence in both countries, the 2019 split saw several members from Sweden and Norway leave the organisation due to disagreements over what kind of a strategy the NRM should pursue.[11]

The dynamics of RWE groups are arguably different from those of left-wing movements and organisations with respect to relations with political parties, for example.[12] Many social movement studies on left-wing groups nevertheless do provide valuable insights regarding general organisational demise. Della Porta´s research, for example, tracks the evolution and decline of Cold War era West German and Italian left-wing social movement organisations (SMO) including those that refused to demobilise after the protest cycle reached its end and rather became more centralised and radicalised.[13] With respect to research on the longevity of SMOs in a wider sense, Soule and King, for example, suggest that the survival of Cold War era American SMOs belonging to the environmental, peace and women´s movements was influenced by the level of specialisation of their tactics and goals. Those SMOs with a greater degree of specialisation, that is, were less likely to survive although this tendency decreased if the wider social movement industry that they were a part of enjoyed a high degree of concentration.[14]

Research Framework

The starting point of our study is the observation that longevity is not characteristic to most terrorist or RWE groups although estimations of their exact lifespan vary. Some studies claim that group survival is less than a year in ninety percent of cases while others maintain that around fifty percent of organisations survive for longer than one year.[15] A 2008 study on white supremacist groups in the United States (US) meanwhile estimates that less than five percent of the organisations researched passed the three-year mark.[16]

Two previous studies on group survival are especially relevant to our analysis. Both studies – the first one by Freilich, Chermak, and Caspi, and the second by Suttmoeller, Chermak, and Freilich – focus on RWE groups in the US. The causes of group survival or demise are assessed by these studies through a qualitative case analysis of four different organisations[17] and statistical data on more than 400 groups[18]. The studies have been further supplemented by the same researchers with analysis on the role of violence in group survival and an article only looking at short-lived groups.[19]

In their qualitative analysis on the life trajectories of four RWE groups, Freilich et al. present four key factors supporting organisational survival: "Three organizations experienced growth and longevity because they: 1) had able leadership that set forth a clear ideological message and goals; 2) undertook concrete actions to advance their ideology and goals as well as had the finances necessary for this; 3) took advantage of political opportunities; and 4) were internally cohesive."[20] Demise meanwhile appeared to be "a culmination of two broad factors that likely interact and encompass many circumstances: organizational instability and responses by government and nongovernment agencies."[21]

Building upon and expanding the qualitative research by Freilich et al. and providing the general framework for our analysis, the quantitative study by Suttmoeller et al. identifies key elements of RWE group survival and divides them into internal and external ones. Identified external factors include economic ones, intergroup competition, ability to use technology, legal and government restraints, social change, and political vulnerability. Internal factors meanwhile comprise factional splitting, group size, group ideology, and the loss of group members.[22] Summarising the most relevant results of their study, Suttmoeller et al. argue that "not using the Internet seems to be the most important variable that influences whether a group lives or dies."[23] Another external factor of significance is political vulnerability especially in the sense of how open to political change the environment in which RWE groups operate is. The most relevant internal factors include factional splitting and group size. Those organisations that sustained splits were more likely to perish, Suttmoeller et al. note, whereas those that were larger in size held greater chances of survival.[24]

While employing the framework by Suttmoeller et al. in our study, contextual differences between the US and Finland, as well as a lack of some types of data for the latter forced us to approach certain factors such as political vulnerability, social change, and competition in a slightly alternate fashion.[25] Such analysis of group ideology as carried out by Suttmoeller et al. was also excluded from our study due to contextual and data-related matters.[26] On the other hand, however, we also expanded the framework of analysis in different ways. Regarding internal factors, we included organisational age and discussed financial aspects, with the latter also investigated by Freilich et al., while similarly looking at instability beyond mere factional splitting.[27] With respect to external factors, we included the general level of unemployment as an economic variable. We furthermore discussed the opportunities provided by Finnish politics in connection with vulnerability and included the reactions of extra-parliamentary political opponents alongside legal and government constraints, referring to this factor as *repressions*. Reactions by non-state actors were not explicitly present in previous studies, but the role of non-governmental agencies is mentioned by Freilich et al.[28]

Data And Methods

The primary source data of this study comprises a wide selection of material, much of which has been collected during our previous research on SOO and the NRM in Finland.[29] Written sources include police and court investigation protocols, government documents, statistics and register data, and material from the websites and social media pages of the two groups – Facebook in particular. Apart from providing indications on the growth or decline of the groups, discussions

on these pages also allow for an internal view of their general organisational strategies and unity. Online discussions constitute important objects of research, although they cannot be taken at face value. Through data triangulation, or drawing from different sources, the validity and reliability of the findings may, however, be enhanced and the possible biases of individual datasets overcome.

The primary source data also includes interviews. With respect to SOO and other vigilante organisations, these are semi-structured in nature and have been carried out among members between 2017 and 2018. Thematically, such interviews focus on the evolution of the groups. This source type has been further supplemented in 2022 by an interview with a former NRM member. Offline observations of street patrol activities in 2017 similarly form one type of primary source data included in the study.

The secondary sources of the study include earlier research literature, scientific reports, and other texts, government reports and other publications, Finnish criminal code, media items, material produced by antifascists, memoires by current or former RWE and far-right characters, and an expert interview conducted in 2022.

The primary source data is mostly from open sources such as the groups' public Facebook pages. Police investigation protocols are also publicly available in Finland after the end of the investigation, although sensitive content regarding health issues, for example, is censured. Due to ethical reasons, we have kept direct quotes or links to online discussions to a minimum. The data has been collected and handled in accordance with the ethical guidelines of the authors´ respective universities.

Our study is a contextualised and thematic qualitative analysis[30] based on the revised and expanded framework of external and internal factors by Suttmoeller et al. Qualitative analysis produces richer and more detailed findings with particular regard to internal group dynamics, although it does not allow a similar operationalisation of factors as quantitative analysis. Previous studies have stressed the relevance of internal factors and group dynamics to organisational survival,[31] and these arguably become more visible when looking at them from qualitative perspective. They can also be tested empirically by using qualitative data. The internalist approach,[32] or looking at groups from the inside out, may better capture processes of adaptation as well, as it does not assume mechanistic reactions to external factors.[33]

The starting point of our analysis was the evaluation of the applicability of the framework of internal and external factors by Suttmoeller et al. to the Finnish context. We adjusted and expanded the approach to certain factors on the basis of this assessment, as described above. We then identified the different internal and external factors in the data at hand, and studied them one by one. With respect to the case of SOO, other street patrol groups in Finland from late 2015 onwards were also investigated in greater detail. The field of vigilante organisations, as later described, was quite crowded and a deeper understanding of its dynamics required. The analysis was then updated accordingly and pursued further. In addition to presenting the findings of our empirical research below, we have also provided short overviews on the history and structure of both SOO and the NRM.

Soldiers of Odin

History And Structure

SOO is a vigilante street patrol organisation founded in Finland shortly after the outbreak of the so-called refugee crisis in the autumn of 2015.[34] Its growth was very rapid. Founded around Facebook groups and building a supporter network via the platform, SOO soon established itself in almost every major Finnish city and at best also had international chapters in around thirty countries. While the pace of its expansion in Finland levelled during the spring of 2016 and a decline in activity was witnessed shortly after, SOO nonetheless continued to carry out activities during later years as well.[35]

As per its official rules, SOO aims "to maintain and to support the security culture at its territory, and to enhance voluntary maintenance of the secure environment by the citizens."[36] To realise these goals, it has organised street patrols as a key modus operandi. Alongside this, it has done charity work and organised demonstrations, among other things. Especially early on, members of SOO openly spoke about white nationalism as the ideological basis of their activities, and their main target were male Muslim refugees, whom they saw as a security threat.

Founded by Mika Ranta, a self-declared national socialist,[37] SOO has been constantly linked with RWE in Finland. The organisation has a hierarchical membership structure with prospect members and full members.[38] Before being accepted as a member, the candidate is interviewed in order to avoid infiltrators.[39] SOO has had one leader throughout its history, who also represents the group in the media. It also has a leadership group as well as a separate international leadership board. The international network of SOO has supported its activities considerably by providing the organisation with membership fees and helping it secure international media attention.

SOO is reminiscent of a franchise organisation, as local chapters only need to accept certain general rules and submit membership fees, but can act relatively independent otherwise.[40] The founding of local chapters and recruitment previously took place mostly via Facebook, although SOO has now been banned from the platform. In the following two sections, SOO is analysed from the perspective of group survival by exploring both external and internal factors, and by looking at how the organisation has responded and adapted to factors threatening its survival.

External Factors
Economic Factors

The general level of unemployment does not appear to explain the rise or longevity of SOO. Unemployment increased slightly in 2015 but turned down again in 2016, with the overall trend also pointing downwards.[41] Local socio-economic factors also do not appear to play a role in this respect even though members and leaders of SOO are typically blue-collar workers.[42] Suttmoeller et al. refer to a distinction between rural and urban groups, yet there is no clear pattern as to where SOO established its presence in Finland.[43]

Intergroup Competition

SOO faced heavy competition from the beginning. At least fourteen different groups organised or planned to organise street patrols during late 2015. Some were arranged as side-projects by more established groups whereas others were very short-lived. Half had patrolling as their sole form of activism. Most groups quit patrolling by 2016, but some continued as organisations. Out of the single-issue groups none persisted beyond a year. Four groups emerged as splits from a larger organisation, i.e. SOO. Short-lived groups were often local initiatives only, although some had members across Finland.[44] It appears that single-issue groups mostly did not have a solid ideological position and were a reaction to the refugee crisis, losing purpose when the situation wound down. The activists themselves, however, did not disappear altogether. Three groups later merged with SOO, with some of their activists abandoning street patrolling entirely and some becoming active within SOO. Intergroup competition thus eventually brought new members to SOO.

Unlike most other street patrol organisations, SOO extended its activities into other fields also, organising, for example, charity events and building its own club houses.[45] Besides garnering media attention, these activities arguably made joining SOO more attractive and the organisation less vulnerable when its founding purpose, anti-refugee activism, became less salient in 2016.

Ability to use Technology

Facebook was key to the success of SOO. Organising activities and founding new chapters was considerably assisted by local support groups. SOO had more than 50 000 supporters on its main Facebook page already in 2016, making it also a lively discussion forum. Facebook, however, removed both the main group as well as the pages of local chapters in 2019, causing the organisation to shift to other platforms such as Telegram and VKontakte. The downward trend of SOO was nevertheless already visible at that time, which makes it difficult to estimate how much the Facebook ban actually harmed its activities. Social media has been the main propaganda outlet for SOO, although it also has a website. Comparing SOO´s social media visibility to other street patrol groups, it has been much more successful in gaining supporters. As an example, 105th Guardians, the longest-standing street patrol organisation besides SOO, has only gathered around two thousand supporters on Facebook.

Repression

Media attention to street patrols, especially those of SOO, led to political debate over whether they should be banned. Proposals of bans were, however, never realised or extended into political motions. SOO´s activities were nevertheless monitored and sometimes also intervened in by the police, and law enforcement has, in general, provided negative comments on the usefulness of street patrols. There have, on the other hand, only been a handful of legal cases targeting individual SOO members that have resorted to violence. Overall, government and police repressions have not played any major role in the survival of the group.

SOO also faced external pressure from extra-parliamentary political opponents when, for

example, its club house in Tampere was vandalised. Police never caught the perpetrators, who left antifascist messages at the crime scene and published a report on the incident on an anarchist forum.[46] According to leaked internal messages, the incident led SOO's national vice-chairman to suggest that one should beat up all "lefties" and patrol anonymously.[47] The frustrated vice-chairman also referred to the police with the slogan ACAB (All Cops Are Bastards).[48] Antifascist activists made other attempts as well to stop SOO´s patrols and other activities, often trying to disarm them by ridicule. These included Loldiers of Odin, an antifascist performance group dressed as clowns that sometimes harassed SOO patrols and gained much media and scholarly attention. The results of such performances, Laaksonen et al. nonetheless note, were mixed, as they mostly cemented the audience members' positions and polarised online discussion.[49]

Social Change

There was arguably much demand for SOO´s activism at the time of its founding, and even leading politicians expressed concern over the refugee situation. One of the most critical phases in SOO´s history, however, was spring 2016, when the influx of refugees actually wound down. For some members of SOO, Finnish police have remarked, this meant that the organisation's *raison d'être* had disappeared.[50]

SOO´s leadership reacted to the crisis in different ways, trying to counter the lack of organisational purpose and declining membership figures. SOO established new chapters in 2016 and increased its visibility by organising events and marches.[51] It also brought together members from several cities for larger, joint patrols as a show of strength. Alongside visibility, patrolling with members from neighbouring cities may have also increased group solidarity. Efforts to enhance internal cohesion constitute one possible reaction of a movement in decline and focus on mere organisational survival. To survive, it may "bind the individual fate to the fate of a group."[52] The visual messages on SOO´s Facebook pages increasingly focused on group solidarity and emphasised brotherhood especially after the spring of 2016. Only around 20 percent of SOO´s Facebook posts between December 2015 and January 2017 concerned the organisation´s activities and spread.[53]

Other measures included the broadening of ideological frames by introducing additional political elements such as criticism of Finnish EU-membership.[54] The NRM had, especially in Sweden, claimed during the spring of 2016 that SOO lacked ideological cohesion.[55] A certain reorientation was also visible in SOO's withdrawal from collaboration with the "Zionist" Finnish Defence League (FDL), and in gradually becoming a NRM affiliate. Radicalisation and increased conflict-orientation were also observed by the police,[56] and might be seen as additional consequences of the group's troubles.[57]

Political Vulnerabilities and Opportunities

Media attention to the street patrols of SOO in particular, as earlier noted, also generated political debate over the topic in early 2016. The attitudes of the political establishment towards the phenomenon might be characterised as somewhat mixed. While key figures from the centre-right National Coalition Party and the Social Democratic Party of Finland, for example, took a

negative view towards street patrols with a racist ideology, vigilantism found more support among the right-wing populist Finns Party.[58]

Finns Party members mostly focused on legal issues and the fundamental rights of the citizen in their argumentation and maintained that the Finnish constitution guarantees the right of anyone to walk on the streets, thus excluding the possibility of prohibiting SOO.[59] A more concrete form of support was participation in SOO´s activities - some local members of the party, indeed, acted as the leaders of local chapters. One local Finns Party representative saw the patrols as a low-threshold means of countering the alleged negative effect of immigration and bringing back agency to their members: "It brings back to you a sense that you can make an impact."[60]

At the grassroots level, it might therefore be said that SOO gained much political support from the Finns Party. Those in support of patrols were often the party members most critical of governmental policies regarding refugees. The ruling government coalition of which the Finns were party to, critics argued, did little to halt the arrival of the refugees. This caused tensions within the party and opened opportunities for extra-parliamentary anti-refugee activism. The political situation changed in 2017, however, when Jussi Halla-aho, the leader of the Finns´ anti-immigration faction, was elected as party head. Alongside a declining number of refugees, the leadership change reduced demand for extra-parliamentary activism, as such tendencies now held parliamentary representation.

Internal Factors

Organisational Size and Age

Large group size was a factor in the success of SOO. Its network grew rapidly during the first months of 2016 and gained several hundred new members worldwide. This helped SOO to secure funds for its activities and produced organisational resources which may partly explain the movement´s longevity. Expansion did not, however, mean stability, as some members had to be expelled because of their views. Especially several skinheads and other possibly violence-prone characters joined SOO early on, but left or were removed soon after.[61] Later vetting processes appear to have been more careful, although such measures may have again been relaxed after organisational decline.[62]

The age of an organisation may also be a factor, especially if there are no changes in leadership as in the case of SOO, since this teaches a movement how to react to different internal and external pressures. Sufficient longevity also reduces the pressure to market one´s brand. An additional factor, as suggested by Sabine Volk with respect to PEGIDA, may be so-called "sheer persistence."[63] SOO wanted to make a statement that, against all odds, and in ridicule of the police and scholars speculating otherwise, they would continue with their struggle – something perhaps seen as an achievement in itself. On the other hand, the appearance of SOO on the streets may nowadays come as a surprise and constitute a news item,[64] suggesting it is less visible and more or less forgotten even if its brand is still recognised.

Financing the Activities

Soon after its founding, SOO started to sell merchandise and also collected membership fees from local and foreign chapters. Compared to other similar groups in Finland, SOO was very prosperous. Membership fees in particular became a remarkable source of revenue during the movement´s expansion in 2016. Increased income was, surprisingly enough, also seen by some SOO members as harming the organisation, as it produced internal fights over the use of funds.[65] On the other hand, revenue made it possible to travel abroad to arrange relations with foreign chapters, for example, as well as build clubhouses – therefore contributing to internal solidarity and cohesion.

The club houses, which several chapters established as premises for hanging out and drinking, were indeed quite important to members, and being together may have been more important than actual patrolling.[66] Patrolling itself, however, also included a social element, and even when totally uneventful, members seemingly enjoyed themselves, although outsiders may have seen them as intimidating.[67] Patrolling became a ritual and was often done for the sole purpose of visibility and taking photos for social media.[68]

Instability and Ideological Incoherence

Internal conflicts, which were sometimes solved by fighting, have been a constant feature within SOO. The closure of SOO's Vaasa chapter and club house, for example, did not unfold peacefully. The division of property and the fighting that ensued were later dealt with in court.[69] Fights were also initiated because of matters related to personal relations.[70] Schisms with foreign chapters have also often been related to the use of funds rather than the general or ideological direction of the network. Some foreign chapters claimed that the bullyish Finnish leaders used their funds to renovate the organisation's headquarters.

Ideologically, SOO has almost made a full circle during its existence. It gained media attention early on because some members told the press that they were white nationalists protecting white Finnish females from refugees. Nazi memorabilia at their Kemi clubhouse, which was visited by a foreign journalist, also did not help to dispel the image of a neo-Nazi group. After negative media attention, SOO tried to polish its image by removing members with too explicit extremist views, as well as those who had committed crimes while wearing a SOO jacket.[71] Ideologically, SOO focused on countering the alleged Islamisation of Finland, and claimed that Islam is a political ideology, not a religion.[72] When the process of proscribing the NRM in Finland started in 2017, SOO affiliated strongly with the group despite its openly national socialist ideology, and also began to attract former or current NRM members, who openly patrolled with it. SOO as an organisation has not assumed as radical position as the NRM but is open to militant neo-Nazis also, contradicting its earlier attempts to show a more mainstream position. Instability and ideological incoherence have not, however, been a decisive matter to SOO, as it has survived several splits[73] and periods of membership decline, and its ideology was not very coherent to begin with. The pull factors for joining SOO seem to be elsewhere. In its internal messaging as well as its public Facebook posts, SOO stresses the common cause and a sense of brotherhood in particular, and has actively built clubhouses in several cities. Logos and jackets

as well as the gatherings of members also strengthen internal solidarity. Common enemies may have also contributed to a closing of ranks.

Loss of Members

Tensions between local chapters and SOO's leadership culminated in a bigger confrontation in 2016 after which several chapters left the organisation. Based on online observations during the spring of that year, eight local chapters out of twenty-three disbanded or became inactive. These included some bigger cities, such as Turku, Kouvola, and Pori. Those who left were branded traitors, and SOO burned their vests on a video shared on social media.[74]

The quarrels were not solely the result of a lost sense of purpose as several chapters continued to patrol albeit without wearing SOO's insignia. Some also directly challenged the group's leadership.[75] According to Ranta, SOO's membership decreased by perhaps as much as thirty percent in 2016.[76] Considering that new chapters were also founded and new members accepted at the same time, it may be estimated that several hundreds of members left the group that year. Members coming and going seems to be a constant feature of SOO, however. One chapter leader has said, for example, that in 2017 they only had one original member remaining.[77] In this sense, SOO appears as a relatively adaptative organisation. Also, despite having a hierarchical structure on paper, SOO seems quite flexible in comparison to some other groups and has given a lot of room for local initiative.[78]

Some departees, it should be noted, later returned to SOO. One justification for returning was that patrolling without group insignia was ineffective as nobody noticed the participants.[79] This suggests that group identity and visibility were of substantial significance. The aforementioned fights over relatively worthless movable property also indicate some level of emotional attachment to the organisation.

The Nordic Resistance Movement and its Finnish Chapter

History and Structure

The NRM is a neo-Nazi organisation aiming to establish a pan-Nordic national socialist state via revolution. Its first chapter, the Swedish Resistance Movement (*Svenska Motståndsrörelsen*, SMR), was established in 1997, with chapters in other Nordic states founded later.[80] The organisation's leadership structure witnessed major alterations in 2015 with the establishment of a Nordic council comprising members from Sweden, Finland, and Norway. While the NRM retained its official head, the stated purpose of the council was, among other things, to strengthen Nordic cooperation and demonstrate that the NRM is one pan-Nordic entity.[81]

The NRM's Finnish chapter was founded in 2008 and definitively disbanded by order of court in 2020 (see below). It was headed by Esa Holappa until 2012, when Juuso Tahvanainen took over. Tahvanainen continued in this position until 2015, when he handed it over to Antti Niemi. The group also established its own leadership council in late 2015.[82]

The Finnish chapter initially featured cells in Helsinki, Oulu, and Turku, but expanded over

the years and was estimated to include seven cells with around a hundred active members in 2018.[83] The membership structure of the NRM comprised activists, regular members, and support members. Apart from carrying out activities in the public space, the organisation also established so-called "Homes" (Koti), or clubhouse-like centres of activism for members and supporters.[84]

External Factors

Economic Factors

The level of unemployment in Finland would not appear to explain the establishment of the NRM´s Finnish chapter as it improved in 2008 when compared to the previous year.[85] While unemployment began to increase in 2009, it is nevertheless unclear whether this fed into the popularity of the NRM. The Finnish Security and Intelligence Service (*Suojelupoliisi*), for one, characterised the average member of the NRM as a middle-class *working* male with family.[86] Local economic factors also appear of limited utility in explaining the presence or longevity of the NRM in different parts of Finland.[87] Assessing the possible impact of an urban-rural divide is meanwhile complicated by the fact that although the NRM´s local cells were often named after the key cities in their region, some of their members lived beyond such urban areas, with the cells furthermore carrying out activism in less densely populated localities also.[88]

Intergroup Competition

The NRM's early years saw little competition on the streets, and while new groups mobilised especially from 2015 onwards, the organisation remained largely unrivalled in terms of the range and frequency of its offline activities. Apart from spreading propaganda, members of the group engaged in such activities as athletics, combat and survivalism training, ideological education, cultural events, environmental conservation work, charity, demonstrations, and the commemoration of national socialist and other figures – among other things.[89]

A lack of offline competition should not, however, be mistaken for a lack of competition in general. The NRM railed against the FDL, for example, which it characterised as a supporter of Zionism and other values allegedly alien to "true" nationalism.[90] A more formidable competitor, perhaps, was the ethnonationalist organisation Suomen Sisu.[91] While the groups engaged in intermittent cooperation, there were bouts of animosity as well. Whereas members of the NRM and Suomen Sisu cooperated in creating the "612" torchlight procession in Helsinki, for example, the latter group also distanced itself from the NRM on several occasions.[92]

Intergroup competition had a mixed impact on the NRM. Its image of an organisation active offline has been described as a probable source of appeal among some prospective members.[93] The group´s reputation as an ideologically uncompromising, revolutionary national socialist organisation may have, however, directed some nationalists towards other organisations. Suomen Sisu, for example, secured a plethora of new members during the influx of refugees into Finland in 2015.[94]

Just how decisive of a loss the NRM perceived the latter phenomenon is up to interpretation.

While the group sought to grow, it did not aim to evolve into a mass movement in the immediate future. The NRM´s near-term strategy, by its own admission, rather focused on recruiting ideologically reliable and committed members, and preparing the groundwork for revolution by spreading awareness of itself via propaganda.[95] The very process of joining the NRM may have also turned away some recruits. Whereas applying for membership in Suomen Sisu, for example, was a matter of filling out a form and paying the membership fee, the NRM had more restrictive criteria and a possible probationary period for applicants, and occasionally also rejected some candidates as untrustworthy.[96]

Ability to Use Technology

The NRM was adept at furthering its cause online. It published a steady stream of material through its website, operated an internet radio podcast, and employed several social media platforms such as Facebook, VKontakte, Youtube and Bitchute to push propaganda and connect with supporters. Some of these functions likely had a direct bearing on its longevity. The group characterised Discord, for example, as a social media application through which it had reached new recruits.[97]

The group nevertheless also suffered setbacks online. Its accounts were removed from social media platforms such as Youtube during the later 2010s.[98] The NRM was similarly hit by hacking events that revealed information on its membership applications, internal discussions, and the customers of its webstore.[99] Finnish antifascists also published images and personal details of NRM activists online.[100]

Repression

The NRM was the first Finnish RWE group disbanded by order of court since the Cold War.[101] Legal action against it began to take shape after an incident of violence in September 2016. The NRM was distributing propaganda in Helsinki when a passer-by confronted them and was assaulted by an activist. The passer-by suffered trauma to the head and died a week later after exiting the hospital against medical advice.[102] While the activist was cleared of the death and rather sentenced over aggravated assault with racist intent, Finland's National Police Board announced that it would seek the disbanding of the NRM. The case passed through all courts of law during 2017–2020, with the Supreme Court of Finland placing a temporary ban on the NRM in 2019 and definitively disbanding the group the next year. The verdict was based upon the NRM's contravening of the Finnish Associations Act by supporting acts of violence by its members and agitating against minorities, among other things.[103]

The NRM responded to the case with propaganda and by organising demonstrations in support of itself.[104] While it did not explicitly defy the ban, some members continued under the guise of a new organisation – Towards Freedom (Kohti Vapautta). The Helsinki District Court decreed in 2022 that Towards Freedom constituted an attempt to continue the NRM´s illegal activities.[105] Former members nevertheless carried on with the NRM´s functions through other groups as well while also pursuing financial activities such as the selling of RWE literature and merchandise even after the ban.[106]

The NRM also faced extra-parliamentary opposition throughout its existence. Its members occasionally clashed with antifascists, with offline resistance compounded by online measures – Finnish antifascists, as earlier noted, published information on the NRM´s activists online.[107] The impact of such attacks was mixed. With respect to the core members of the NRM, they failed to act as a deterrent. While the head of the group was, for example, injured in a fight with antifascists in October 2012, he took back to the streets less than a month later.[108] Media coverage of violent clashes furthermore stimulated an inflow of membership applications to the group. It has nevertheless also been estimated that the threat of violence or being exposed online may have dissuaded some prospective members from joining.[109]

Social Change

Social change proved of assistance to the group after a setback it suffered in 2015. Members and supporters of the chapter alongside Swedish NRM activists marched through Jyväskylä on 1 August and distributed leaflets to passers-by without incident, yet later assaulted a group of three including a local antifascist.[110] Key members were arrested, with some only released nearly three weeks later. Certain charges against them, such as leading a violent riot, furthermore carried the potential for lengthy prison sentences.[111] The setback momentarily reduced the group´s online activity. While the NRM had published material on its website throughout July 2015, such activism was on hold until 10 August.[112] The group did, however, communicate via Facebook even in the immediate wake of the incident, claiming that its website had crashed.[113] The Jyväskylä case also temporarily reduced the the NRM´s offline activity, as only one cell reported events for the week after it.[114]

The influx of refugees into Finland from the autumn of 2015 onwards, however, opened fresh opportunities for RWE organisations.[115] The NRM, indeed, soon adjusted its message to address the topic of refugees.[116] It also used the demonstrations of other organisations to distribute information on its own ideology and activities.[117] The NRM's offline activities for August–December 2015 ultimately stood at nearly the same level as for March–July of the same year, with activities related to the influx of refugees forming a significant part of the figure. The group also established a new cell in Lahti in December 2015, alluding to the development as a partial result of the refugee situation.[118]

Political Vulnerabilities and Opportunities

The Finnish political establishment generally took a negative view towards the NRM. Its acts of violence were condemned across party lines, with key politicians also calling for measures against the group. The Finnish prime minister, for example, questioned the NRM´s right to exist after the above incident in Jyväskylä.[119]

Some data nonetheless attest to the sympathies of individual figures from the Finns Party in particular. Leaked membership applications, for example, reveal that a municipal politician of the party had considered joining it.[120] Some members of the party also participated in offline events with NRM activists, occasionally causing a public uproar.[121]

The Finns Party also posed a challenge to the NRM, however, as it channelled into a more moderate, parliamentary context pressures that might have otherwise fed into the group´s own popularity. The NRM, indeed, repeatedly challenged the party's commitment to nationalism in its propaganda. The election of Halla-aho as the head of the party did little to temper such criticism as he, too, was characterised by the group as a supporter of hostile values.[122]

Internal Factors

Organisational Size and Age

While the NRM had some hundred active members by 2018, its size paled in comparison to that of Suomen Sisu and was also smaller than SOO´s.[123] The NRM, however, compensated for this by utilising the potential of its activists in a manner unknown to other organisations. These members were obligated to carry out activism regularly, with the group establishing a score sheet system to monitor the execution of such tasks.[124] This bound activists to the NRM more comprehensively than in the case of SOO, for example, whose internal communications from 2016 reveal difficulties in mobilising members offline.[125]

Suojelupoliisi considered the NRM´s longevity as exceptional among Finnish extremist groups.[126] As in the case of SOO, such longevity may have contributed to its ability to respond to various pressures. The group´s longevity might, however, also reflect its ability to evolve and adapt. While the NRM´s early years, as described below, were fraught with problems, it nonetheless evolved into an organisation with sustained and widespread activity.

Financing the Activities

The NRM was primarily supported by the personal wealth of its leadership early on. External revenue began to accumulate in 2010, however, after the group founded Northern Tradition (*Pohjoinen Perinne*), a registered association, to support its economic activities. The NRM established a webstore to sell RWE literature and other material while also utilising skinhead concerts as a venue for such sales.[127] The group's activists, members and support members were similarly required to pay a monthly fee to the organisation.[128] While the NRM also enjoyed close ties to the head of the department store chain Kärkkäinen, it is difficult to ascertain the exact financial impact of this connection.[129] Income from the above functions was channelled into the production of propaganda material and the renting of venues for events, among other things.[130]

The legal process against the NRM revealed specific figures on its finances, as the balance sheet and income statement of Pohjoinen Perinne for 2014 and 2015 were included as evidence. The group appears to have held ample funds to support its activities, as the equity of the association stood at over ten thousand euros in 2014 and had further increased by the end of 2015.[131] Donations, as noted by Kotonen, were a major source of inexpensive income to the group especially in 2015 and likely influenced the decision of its members to establish a Bitcoin wallet to facilitate such inflow of capital even after the banning of the chapter.[132]

Instability and Ideological Incoherence

While the Finnish chapter projected an outward image of cohesion, its internal relations were not free of friction. Esa Holappa, the group´s first leader, relates how one source of division concerned the NRM´s organisational format as a strictly hierarchical group or as a network-like entity with an emphasis on subcultural activities. There was also disagreement as to whether the NRM should follow an orthodox reading of national socialism or adhere to fascism of a more general sort. Some members of the group saw national socialism as somewhat foreign to Finland and fascism as an ideological current with stronger historical roots in the country.[133]

These pressures did not, however, tear the group asunder. The schism between the supporters of national socialism and fascism, for example, eased when the head of the SMR ordered Holappa, who belonged to the former camp, to accommodate the views of the latter.[134] Holappa furthermore notes that his successor, Juuso Tahvanainen, sought to enhance the internal cohesion of the group by placing greater emphasis on activism rather than on ideological questions.[135]

Loss of Members

While several long-standing members of the NRM persisted until the end, others departed over time. A key member from Turku, for example, left the cell in the mid-2010s.[136] The group also sustained deliberate damage by its former leader in 2016. Holappa, who had earlier left the chapter, publicly disavowed national socialism and published an autobiography that revealed much previously unknown knowledge on the NRM.[137] Although the group tried to guard against suspicious characters by placing certain applicants on a probationary period, for example, such measures were of little utility against the departure of members or their actions post-NRM.[138]

The impact of the loss of members was somewhat mixed. The departure of the aforementioned member from Turku was compounded by a change in the leadership of the local cell and quite possibly played a role in the notable reduction of its activity from the mid-2010s onwards.[139] The revelations by Holappa similarly damaged the NRM's reputation and secrecy. Again, however, such adversities failed to bring down the group as a whole. Adversity, in fact, occasionally stimulated an inflow of new members to the group. While Suojelupoliisi estimated in early 2017 that the NRM had around 70–80 active members, this figure, as noted above, had increased to around a hundred in 2018 – all the while that the court case against the NRM was ongoing.[140] Such inpouring of new members might be seen as indicative of the wider support that other elements of the Finnish RWE scene rendered unto the NRM during its legal ordeal.[141]

Conclusion and Further Research Needs

Our analysis on the longevity of SOO and the NRM partly supports and partly challenges earlier findings on the significance of different internal and external factors to RWE group survival. Some elements also impacted the fortunes of the two groups in complex and divergent ways. With respect to the intergroup competition faced by the NRM, its extreme ideological and

strategic profile alongside the range and frequency of its activities ensured that, in contrast to the NRM´s early fortunes in Denmark, there was no comparable organisation in Finland.[142] Ideological extremism may have, however, also set limits to its growth by turning away prospective members. The exponential growth of SOO meanwhile brought financial benefits to it, yet later led to trouble as unsuitable members had to be removed from the organisation. Rapid growth at the expense of the quality of members has been identified as a possible risk by earlier research also, since less-committed characters may later cause a decline in the organisation's membership.[143]

In contrast to the findings by Suttmoeller et al. on the impact of group size on longevity, the relatively small membership cadre of the NRM did not bring about its demise.[144] The group compensated for this by utilising the potential of its activists to the maximum effect. Both the NRM and SOO furthermore survived in spite of internal instability and ideological incoherence. This finding challenges earlier evidence of such factors being conducive to organisational failure.[145] When comparing SOO Finland to its Canadian counterpart, moreover, accusations of ideological extremism did not lead to local chapters of SOO Finland breaking away from the organisation, but rather to the ousting of individual members by the group´s leadership.[146]

The significance of financial resources to group success as noted by Freilich et al. appears straightforward in the case of the NRM.[147] A strong inflow of capital was also important to SOO, although finances proved to be a source of infighting as well. Social change, or the large-scale influx of refugees into Finland in the autumn of 2015, was furthermore of significance to both groups, although the waning of the phenomenon in 2016 also posed a threat to SOO.
The impact of repressions on the NRM is a matter of interpretation. While the Finnish chapter faced opposition from extra-parliamentary political opponents throughout the years, it was only the direct intervention of the state and the verdict by the Supreme Court of Finland that spelled its demise as a group. Even then, however, many members carried on with the NRM´s functions through new organisational formations.

Unlike in Sweden, external repression did not have a marked impact on SOO Finland. While the group was challenged offline by the Loldiers of Odin and other political opponents, such resistance was more of an irritant than a deterrent. It should be noted, of course, that SOO Sweden also faced resistance from a biker gang – a more serious threat, perhaps, than the elements encountered by the Finns.[148] Whether such police measures as employed in Norway[149] would have worked against SOO Finland is an interesting question – as our study demonstrates, some members that departed the group later returned to it as patrolling without SOO insignia was seen as ineffective.

With respect to online repression, SOO was deplatformed by Facebook in 2019, when its activities were already in decline, and the direct impact of the measure is therefore hard to estimate. Our findings on the use of technology by SOO Finland in a more general sense stand in contrast to those concerning SOO Sweden.[150] It does not appear, more precisely, that the use of technology by SOO Finland led its chapters into favouring online over offline activism – at least not to a degree that would have harmed the organisation. In the case of the NRM, the ability to use technology was of significance to attracting new members, yet it also suffered a series of

data breaches. The publication of its members´ personal details online may have also scared off some prospective applicants.

It is worth noting that, in contrast to the findings by Suttmoeller et al., the ability of SOO and the NRM to use the internet did not decisively differ from that of their less fortunate peers.[151] The ability to use internet technology as such does not, in other words, appear to constitute a reliable indicator of organisational survival. Such a finding was, in fact, predicted by Suttmoeller et al., with the authors of that study calling for greater research into *how* the internet is used.[152] Our work covered the online activities of SOO and the NRM on both conventional websites as well as social media platforms, yet even here there is space for further inquiry. Social media continues to gain in importance and future research would benefit from a stronger focus on the ways in which different social media platforms and applications in specific are used and their connection to organisational longevity. It may well be that the ability to shift between platforms in order to neutralise the impact of bans and deplatforming is, for example, of greater relevance than the use of social media *per se*.

Both SOO and the NRM offered a lot to their members, yet future research on organisational longevity should also look into what is demanded of activists. This point pertains to the NRM in particular, as it required continuous participation from activists. Joining the organisation was an investment that raised the threshold of leaving quite a bit.[153]

The breadth of a group´s ideology and the prognostic frames that it offers should furthermore be considered when evaluating commitment. The NRM´s ideology and goals were broad enough to constitute a possible driver of its longevity – organisational studies, that is, suggest that groups with more extensive objectives may survive better than those with limited ones, as the latter often cease to exist when their mission is accomplished or it no longer constitutes an issue.[154] The NRM's vision was additionally a very long-term one, as it did not expect to achieve revolution in the near future. This may have influenced its members' understanding of how long of a commitment they were making while also perhaps tempering the volume of serious violence within the context of the NRM's activities, as any large-scale bloodshed would have been premature.[155]

A final, more general factor, and one related to the banning of the NRM, is the shift in the RWE landscape[156] towards more connective action, changing the meaning of what group survival actually means. Our study interpreted RWE group survival as continuous, collective action by the members of a clearly defined organisation outside the virtual environment also. Yet future research might need to differentiate between survival as a group and survival as a movement or a network. Non-survival of a group, that is, does not necessarily imply that its activists disengage from the movement, let alone deradicalise, as demonstrated by the NRM.[157] A study on RWE in Canada by Perry and Scrivens also demonstrates that activity may remain relatively stable on the movement level even as movement organisations themselves continuously rise and fall, making them a "moving target" of sorts.[158] The meaning of survival has also significance to policies that target or seek to ban RWE organisations. The banning of an organisation is not necessarily very effective if RWE structures and networks alongside the root causes that underlie the emergence of different groups remain the same.

A focus on the factors analysed by our study carries certain limitations that partly pertain to the aforementioned duality between organisations and networks. Such limitations are not absolute, however, as the factors that explain organisational demise or survival do bear relevance on other levels too. Group solidarity building, for example, is relevant on the movement level as well, whereas the financing of activities is of similar importance irrespective of the organisational context through which it is pursued. That former members of the NRM carried on with established forms of fundraising such as the selling of books and other merchandise post-ban is a case in point. Another possible limitation is the applicability of the framework of our study to other contexts. We had to adjust and expand the framework by Suttmoeller et al. to suit the Finnish context, and possible future research trying to replicate our study in a different environment will likely face similar considerations as well.

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Daniel Sallamaa is a PhD candidate in political history at the University of Helsinki. He is an expert in the study of terrorism, political violence, and extremist movements, and is preparing a dissertation on the Finnish chapter of the Nordic Resistance Movement. Sallamaa has previously published on national socialist ideology, extremist narratives, and the 21st century Finnish far-right among other topics.

Endnotes

1 With right-wing extremism (RWE) we refer here to extremists at the right wing of the political spectrum who reject democracy and are willing to use violence or other nonconventional means to achieve their goals. See Tore Bjørgo and Jacob Aasland Ravndal, "Extreme-Right Violence and Terrorism: Concepts, Patterns, and theResponses," *ICCT Policy Brief*, September 2019, https://doi.org/10.19165/2019.1.08.

2 Caterina Froio, Pietro Castelli Gattinara, Giorgia Bulli, and Matteo Albanese, *CasaPound Italia: Contemporary Extreme-Right Politics*, Routledge Studies in Fascism and the Far Right (Routledge, 2020); Tommi Kotonen, "The Soldiers of Odin Finland: From a local movement to an international franchise," in *Vigilantism against Migrants and Minorities*, Routledge Studies in Fascism and the Far Right, eds. Tore Bjørgo and Miroslav Mareš, (Abingdon: Routledge, 2019): 241-256. https://doi.org/10.4324/9780429485619-15.

3 Daniel Sallamaa, *Ulkoparlamentaarinen äärioikeistoliikehdintä ja maahanmuuttovastaisuus 2010-luvun Suomessa*, Publications of the Faculty of Social Sciences of the University of Helsinki 97 (Helsinki: University of Helsinki, 2018): 32, 38, 39; Daniel Sallamaa and Tommi Kotonen, "The case against the Nordic Resistance Movement in Finland: an overview and some explanations," *Right Now!* November 2, 2020, https://www.sv.uio.no/c-rex/english/news-and-events/right-now/2020/the-case-against-the-nordic-resistance-movement.html.

4 Suojelupoliisi, "Asiantuntijalausunto Pohjoismaisesta Vastarintaliikkeestä," 2.

5 Regarding changing landscape and the role of the Internet in shaping social movements and organisations, and emphasising a shift from collective action to more network connective action see esp. W. Lance Bennett and Alexandra Segerberg, *The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics* (Cambridge: Cambridge University Press, 2013).

6 Cf. Sarai B Aharoni and Élise Féron, "National populism and gendered vigilantism: The case of the Soldiers of Odin in Finland," *Cooperation and Conflict,* 55, no. 1 (2020): 86–106, https://doi.org/10.1177/0010836719850207; Kaarina Nikunen, Jenni Hokka, and Matti Nelimarkka, "Affective Practice of Soldiering: How Sharing Images Is Used to Spread Extremist and Racist Ethos on Soldiers of Odin Facebook Site," *Television & New Media* 22, no. 2 (2021): 166–185, https://doi.org/10.1177/1527476420982235; Daniel Sallamaa and Leena Malkki, "Ethnocultural and Racial Ambiguities of National Socialist State-Building. Finland and the Nordic Resistance Movement," in *Nordic Fascism. Fragments of an Entangled History*, eds. Nicola Karcher and Markus Lundström (Abingdon: Routledge, 2022): 188–211, https://doi.org/10.4324/9781003193005-9.

7 Mattias Gardell, "Pop-up Vigilantism and Fascist Patrols in Sweden" in *Vigilantism against Migrants and Minorities*, Routledge Studies in Fascism and the Far Right, eds. Tore Bjørgo and Miroslav Mareš, (Abingdon: Routledge, 2019): 293–294.

8 Tore Bjørgo and Ingvild Magnæs Gjelsvik, "Sheep in wolf's clothing?: The taming of the Soldiers of Odinin Norway," in *Vigilantism against Migrants and Minorities*, Routledge Studies in Fascism and the Far Right, eds. Tore Bjørgo and Miroslav Mareš, (Abingdon: Routledge, 2019): 268.

9 Emil Archambault and Yannick Veilleux-Lepage, "The Soldiers of Odin in Canada. The failure of transnational ideology," in *Vigilantism against Migrants and Minorities*, Routledge Studies in Fascism and the Far Right, eds. Tore Bjørgo and Miroslav Mareš, (Abingdon: Routledge, 2019): 272–285. The Quebec chapter of SOO Canada, the authors nonetheless note, maintained ties with SOO Finland even after its mother chapter had severed them.

10 Tommi Kotonen, "Proscribing the Nordic Resistance Movement in Finland: Analyzing the Process and its Outcome," *Journal for Deradicalization* 29 (Winter 2021/2022): 184–189, https://journals.sfu.ca/jd/index.php/jd/article/view/533/321.

11 Jacob Aasland Ravndal, "The Emergence of Transnational Street Militancy: A Comparative Case Study of the Nordic Resistance Movement and Generation Identity," *Journal for Deradicalization* 25 (Winter 2020/21): 11–13, https://www.duo.uio.no/bitstream/handle/10852/85203/2/407-1289-1-PB.pdf.

12 See, for example, Pietro Castelli Gattinara and Andrea L. P. Pirro, "The far right as social movement," *European Societies* 21, no. 4 (2019): 447-462, DOI: 10.1080/14616696.2018.1494301.

13 Donatella della Porta, *Social movements, political violence, and the state: a comparative analysis of Italy and Germany*. (Cambridge: Cambridge University Press 1995), 107.

14 Sarah A. Soule and Brayden G King, "Competition and Resource Partitioning in Three Social Movement Industries," *American Journal of Sociology* 113, no. 6 (2008): 1572, 1593, https://www.jstor.org/stable/10.1086/587152.

15 Brian J. Phillips, "Do 90 Percent of Terrorist Groups Last Less than a Year? Updating the Conventional Wisdom." *Terrorism and Political Violence*, 31, no. 6 (2019):1255–1265, https://doi.org/10.1080/09546553.2017.1361411.

16 Referred to in Joshua Freilich, Steven Chermak, and David Caspi, "Critical Events in the Life Trajectories of Domestic Extremist White Supremacist Groups," *Criminology & Public Policy* 8, no. 3 (August 2009): 510.

17 Freilich, Chermak, and Caspi, "Critical Events."

18 Michael Suttmoeller, Steven Chermak, and Joshua D. Freilich, "The Influence of External and Internal Correlates on the Organizational Death of Domestic Far-Right Extremist Groups," *Studies in Conflict & Terrorism* 38, no. 9 (2015): 734–758, https://doi.org/10.1080/1057610X.2015.1038106.

19 Michael Suttmoeller, Steven M. Chermak, and Joshua D. Freilich, "Is More Violent Better? The Impact of Group Participation in Violence on Group Longevity for Far-Right Extremist Groups," *Studies in Conflict & Terrorism*, 41, no. 5 (2018): 365-387, https://doi.org/10.1080/1057610X.2017.1290429; Michael Suttmoeller, Steven M. Chermak, and Joshua D. Freilich, "Only the Bad Die Young: The Correlates of Organizational Death for Far-Right Extremist Groups," *Studies in Conflict & Terrorism* 39, no. 6 (2016): 477-499, https://doi.org/10.1080/105761 0X.2015.1116269.

20 Freilich, Chermak, and Caspi, "Critical Events," 497.

21 Ibid., 516.

22 Suttmoeller, Chermak and Freilich, "The Influence," 743–745.

23 Ibid., 748.

24 Ibid., 745–748.

25 Suttmoeller et al. focus on the United States – a political system that differs from the Finnish one in several respects. Whereas their study uses the presidential voting history in different US states as one indicator of political vulnerability, a corresponding administrative division into states let alone a political system dominated by two parties does not exist in Finland. This indicator could therefore not be replicated in our study. The lack of an administrative division into states with governments matching those of the US model also made it impossible to employ the level of liberalism or conservatism in state governments as an indicator in our study. We accordingly chose to look at the general take of the Finnish political establishment towards SOO and the NRM when discussing vulnerability. Certain data used by Suttmoeller et al. were also lacking for Finland. While their study employs racial heterogeneity in US counties as a measure of social change, Finland does not gather such data. There was, however, a major shift concerning the influx on non-Westerners into Finland during the years covered by our study. This took place in the autumn of 2015, when Finland received a record-breaking number of asylum seekers from such countries as Iraq and Afghanistan. We used this event as a means of assessing how social change impacted SOO and the NRM. A further category of data lacking for Finland was the overall number of RWE groups in different locations. It was, in other words, impossible to use group density as a measure of competition in a way reminiscent to that of Suttmoeller et al. We therefore reflected on the general nature of competition between SOO and the NRM on the one hand, and other Finnish RWE groups on the other.

26 Finland lacks RWE groups with a predominantly religious ideology. While some groups may occasionally employ Christianity as an identity marker to separate the majority population from people of a non-Western background, the authors of this study are not aware of domestic RWE organisations that would prioritise Christianity as a key component of their ideology. Similarly, while some members of the RWE scene express interest in paganism, no group has thus far prioritised such a worldview in its ideology. Finnish RWE groups are either political, as in the case of SOO and the NRM, or youth/subcultural as in the case of small, local skinhead organisations. The latter, however, seldom leave traces in open sources and therefore largely lie beyond our reach. We therefore excluded a discussion on the ideological leanings of SOO and the NRM as a possible indicator of their longevity.

27 Freilich, Chermak, and Caspi, "Critical Events," 513–514. We included more general instability and ideological incoherence, with internal cohesion and ideological clarity pointed out as factors of significance to success in Freilich, Chermak, and Caspi, "Critical Events" also. While organisational age is not analysed by Suttmoeller et al. as an independent factor, it is mentioned by them as a possible indicator of the ability to survive and therefore merited more extensive discussion in our research. See Suttmoeller et al., "The Influence," 742.

28 Freilich, Chermak, and Caspi, "Critical Events," 518–519.

29 See especially Kotonen, "The Soldiers of Odin Finland"; Sallamaa, *Ulkoparlamentaarinen äärioikeistoliikehdintä*; Sallamaa and Malkki, "Ethnocultural and Racial Ambiguities."

30 On qualitative thematic analysis, see Victoria Clarke, Virginia Braun, and Nikki Hayfield, "Thematic analysis," in *Qualitative psychology: A practical guide to research methods*, 3rd ed, ed. Jonathan A. Smith (SAGE Publications Ltd., 2015): 222–248.

31 Besides the quantitative study "The Influence" by Suttmoeller, Chermak, and Freilich, and the qualitative analysis "Critical Events" by Freilich, Chermak, and Caspi, the ethnographic approach of Sabine Volk also demonstrates the importance of these factors. See Sabine Volk, "Explaining PEGIDA's 'strange survival': an ethnographic approach to far-right protest rituals," *Political Research Exchange* 4, no. 1 (2022): 1–22, https://doi.org/10.1080/24 74736X.2022.2136036.

32 On "externalist" and "internalist" approaches, see Pietro Castelli Gattinara, "The study of the far right and its three E's: why scholarship must go beyond Eurocentrism, Electoralism and Externalism," *French Politics* 18 (2020): 314–333, https://doi.org/10.1057/s41253-020-00124-8.

33 Cf. Volk. "Explaining PEGIDA's 'strange survival.'"

34 The evolution of the Soldiers of Odin Finland is outlined in Kotonen, "The Soldiers of Odin Finland." See also Sallamaa, *Ulkoparlamentaarinen ääriokeistoliikehdintä*, 32–39.

35 Kotonen, "The Soldiers of Odin Finland," 245–246; Sallamaa, *Ulkoparlamentaarinen ääriokeistoliikehdintä*, 32–33, 35–37.

36 Finnish Register of Associations, association number 216.621 (Soldiers of Odin ry).

37 Sara Rigatelli, "Henkilökuva: Kemin katujen pikkukingi – kuinka Mika Ranta tuli perustaneeksi Soldiers of Odinin," *Yle*, May 7, 2016, https://yle.fi/a/3-8822027.

38 The category of supporters was previously also used, although this system does not seem to exist anymore.

39 "Tietoa meistä," Soldiers of Odin, https://soldiersofodin.fi/tietoa-meista/.

40 Kotonen, "The Soldiers of Odin Finland."

41 See "Labour Force Survey," *Statistics Finland*, https://stat.fi/en/statistics/tyti#graphs; "Työttömyys kasvoi vuonna 2015," *Tilastokeskus,* April 12, 2016, https://www.stat.fi/til/tyti/2015/13/tyti_2015_13_2016-04-12_tie_001_fi.html; "Työllisyys ja työttömyys vuonna 2016," *Tilastokeskus*, April 12, 2017, https://www.stat.fi/til/tyti/2016/13/tyti_2016_13_2017-04-12_kat_002_fi.html.

42 On the profiles and employment of SOO leaders, see Kotonen, "The Soldiers of Odin Finland."

43 In some cases, chapters were founded in cities with refugee centers, but there is no clear pattern here either. Sometimes chapters were, in fact, founded after the local center had already closed. Cf. Maahanmuuttovirasto, "Vastaanottokeskuksista vähennetään vajaat 6 000 majoituspaikkaa," *Migri.fi*, May 30, 2016. https://migri.fi/-/vastaanottokeskuksista-vahennetaan-vajaat-6-000-majoituspaikkaa.

44 Tommi Kotonen, "Smörgåsbord of Vigilantism in Finland: Motivations, Competition and Strategies," Paper presented at ECPR General Conference in Wroclaw, University of Wroclaw, September 4-7, 2019.

45 Kotonen, "The Soldiers of Odin Finland."

46 "Soldiers of Odineilla riittää siivottavaa. Tampereen kerhotila vandalisoitu," *Takku.net*, May 25, 2016, https://takku.net/article.php/20160525190242210.

47 Sara Rigatelli, "Soldiers of Odinin johto yllyttää salaisissa Facebook-viesteissä: 'Hakatkaa jokainen joka nojaakin vasemmalle'" *Yle*, June 10, 2016, https://yle.fi/uutiset/3-8941509; regarding anonymous patrols, see also interview with a SOO chapter leader, November 29, 2017.

48 Facebook message by SOO vice-chairman, September 17, 2016.

49 Salla-Maaria Laaksonen, Joonas Koivukoski, and Merja Porttikivi, "Clowning around a polarized issue: Rhetorical strategies and communicative outcomes of a political parody performance by Loldiers of Odin," *New Media & Society* 24, no. 8 (2022): 1912-1931, https://doi.org/10.1177/1461444821989621.

50 "Heinolan Odinien vetäjä kerhon kaatumisesta: Partiointi alkoi koetella jäsenten parisuhdetta," *Etelä-Suomen Sanomat*, May 26, 2016, https://www.ess.fi/paikalliset/240372; Harri Aalto, "Soldiers of Odinin toiminta lopahti Porissa – harkitsee paikkakunnan vaihtoa," *Satakunnan Kansa*, May 20, 2016, https://www.satakunnankansa.fi/satakunta/art-2000007138135.html.

51 STT, "Soldiers of Odin vastaa: "Alamme järjestää enemmän tapahtumia ja marsseja," *Keskisuomalainen*, November 6, 2016, https://www.ksml.fi/paikalliset/2536761.

52 Della Porta, *Social movements*, 162.

53 Matias Vainio, "*Soldiers of Odin. Suomalaisen fasismin uusin aalto?*" (Master thesis, University of Joensuu, 2017).

54 Keijo Salokangas, "Soldiers of Odin aktivoitui jälleen Itä-Suomessa – poliisi tyrmää: Tarpeetonta ja rasistista toimintaa," *Yle*, August 24, 2017, https://yle.fi/a/3-9794877; see also the expanded political programme of SOO, published, e.g., by SOO Helsinki, Facebook, June 8, 2017.

55 See Gardell, "Pop-up vigilantism."

56 Rigatelli, "Soldiers of Odinin johto yllyttää"; "Soldiers of Odinin rivit harvenevat ja ärhäköityvät - Supo huolestunut," *Etelä-Suomen Sanomat*, July 4, 2016, https://www.ess.fi/art2283647.

57 Della Porta, *Social movements*, 134.

58 Esa Koivuranta, "Katupartiot herättäneet ristiriitaisia kommentteja – näin hallitus on ottanut kantaa," *Yle*, January 13, 2016, https://yle.fi/a/3-8592738; Esa Koivuranta, "SDP:n Rinne: Yksityiset katupartiot voivat lisätä turvattomuuden tunnetta," *Yle*, January 13, 2016, https://yle.fi/a/3-8592166.

59 Tommi Kotonen, "Local Dynamics of Vigilantism – Anti-Immigrant Street Patrol Groups and the Finns Party

in Local Context," Paper presented at ECPR General Conference in Hamburg, Universität Hamburg, August 22-25, 2018.

60 Interview with a Finns Party member, August 3, 2018.

61 Interview with a SOO chapter leader November 29, 2017.

62 Observing e.g. their VKontakte pages, it seems that especially after 2019 several members have held openly national socialist views, although this may also be a result of a lack of moderation on that platform.

63 Volk, "Explaining PEGIDA's 'strange survival,'" 13.

64 See e.g. Jouni Nikula, "Kokkolalainen Yrsa Slotte hämmästyi joulukuisena lauantai-iltana törmätessään Soldiers of Odinin katupartioon," *Keskipohjanmaa,* January 22, 2021, https://www.keskipohjanmaa.fi/uutinen/609378.

65 See Kotonen, "The Soldiers of Odin Finland."

66 Tommi Kotonen, "Simone: Soldiers of Odin lähikuvassa," *Politiikasta.fi,* August 16, 2018, https://politiikasta.fi/simone-soldiers-of-odin-lahikuvassa/.

67 Field notes June 7, 2018; the general mood also comes through in several patrol videos, and group spirit was emphasised in calls for patrolling as well; see SOO Helsinki, Facebook October 4, 2016 and August 24, 2016. Cf. also Volk, "Explaining PEGIDA's 'strange survival.'"

68 Cf. Gardell, "Pop-up vigilantism"; Bjørgo and Gjelsvik, "Sheep in wolf's clothing?"

69 Ostrobothnia District Court November 24, 2017, Verdict in case R17/441; see also "Heinolan Odinien vetäjä kerhon kaatumisesta."

70 See e.g. North Karelia District Court August 1, 2017, Verdict in case 717/731.

71 See e.g., Imatra Police Station, Pre-trial investigation file 5620/R/4495/16.

72 See, for example, undated SOO leaflet "Muslimit on ongelma" (Muslims are the problem).

73 Factional splits relatively common especially during the first year. See Kotonen, "Smörgåsbord of Vigilantism in Finland".

74 Kotonen, "The Soldiers of Odin Finland," 251.

75 Rigatelli, "Soldiers of Odinin johto yllyttää."

76 STT, "Soldiers of Odin vastaa." https://www.ksml.fi/paikalliset/2536761

77 Interview with a SOO chapter leader November 29, 2017.

78 Interview with a SOO chapter leader November 29, 2017; T3, "Streetpatrol-katupartio on kriisissä jo ennen partioinnin aloittamista – ei kilpailijaksi Soldiers of Odinille," *MV-lehti,* January 30, 2016, https://mvlehti.net/2016/01/30/streetpatrol-katupartio-on-kriisissa-jo-ennen-partioinnin-aloittamista-ei-kilpailijaksi-soldiers-of-odinille/.

79 Leader of SOO Turku, Facebook May 29, 2017.

80 Sallamaa, *Ulkoparlamentaarinen äärioikeistoliikehdintä*, 39, 43, 46; Magnus Ranstorp, Filip Ahlin, and Magnus Normark, "Kapitel 5. Nordiska motståndsrörelsen – den samlande kraften inom den nationalsocialistiska miljön i Norden," in *Från Nordiska motståndsrörelsen till alternativhögern. En studie om den svenska radikalnationalistiska miljön*, eds. Magnus Ranstorp and Filip Ahlin (Försvarshögskolan, Centrum för Assymmetriska Hot- och Terrorismstudier, 2020), 192, https://fhs.diva-portal.org/smash/get/diva2:1461644/FULLTEXT02.pdf.

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89 Sallamaa, *Ulkoparlamentaarinen äärioikeistoliikehdintä*, 46–51; Maria Pöysti, "Runebergin päivän toimintaa Turussa," *Kansallinen Vastarinta*, February 11, 2016, https://www.vastarinta.com/runebergin-paivan-toimin-taa-turussa; Toimitus, "Horst Wessel – paikalla!" *Kansallinen Vastarinta*, February 26, 2017, https://www.vastarinta.com/horst-wessel-paikalla-2; "Aktivismia Pirkanmaalla," *Kansallinen Vastarinta*, May 25, 2016, https://www.vastarinta.com/aktivismia-pirkanmaalla-138; Vastarintaliike, "Tampereen mielenosoitus ja kansallismieli-nen yhtenäisyys," *Kansallinen Vastarinta*, October 23, 2017, https://www.vastarinta.com/tampereen-mielenosoi-tus-ja-kansallismielinen-yhtenaisyys. The group carried out several thousands of such activities during its existence with an emphasis on the spreading of propaganda. The activism reports and more extensive descriptions of certain activities can be accessed through "Taisteluraportti – Kansallinen Vastarinta," *Kansallinen Vastarinta*, Web Archives snapshot for November 8, 2011, https://web.archive.org/web/20111108215332/ http://patrio-otti.com:80/taisteluraportti/; "Artikkelikirjasto," *Kansallinen Vastarinta*, Web Archives snapshot for November 3, 2011, https://web.archive.org/web/20111103182609/http://patriootti.com/artikkelikirjasto; "Aktivismirapor-tit," *Kansallinen Vastarinta*, https://www.vastarinta.com/category/raportit/; "Artikkelit," Kansallinen Vastarinta, www.vastarinta.com/artikkelit/.

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RESEARCH ARTICLE

Doubling Down on Accountability in Europe:
Prosecuting 'Terrorists' for Core International Crimes and Terrorist Offences Committed in the Context of the Conflict in Syria and Iraq

Tanya Mehra[*]

Abstract: This article examines the prosecution of members of ISIL/Da'esh and other designated terrorist groups for both core international crimes and terrorist offences in the context of the conflict in Syria and Iraq. It discusses the different core international crimes that both male and female terrorists have been convicted for, the different prosecutorial strategies that have been used, and the sentences that have been imposed in several European countries. While prosecuting membership offences and other terrorist offences has certain advantages, this article argues that pursuing charges for core international crimes in addition to terrorist offences leads to a more complete accountability.

Keywords: Prosecution, foreign fighters, accountability, international crimes, membership of a terrorist organisation, prosecutorial strategies

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Introduction

ISIL/Da'esh has carried out attacks against civilians, spread terror, and committed human rights violations at an unprecedented scale. Many of the individuals who joined the ranks of ISIL/Da'esh have been involved in desecrating corpses, and systematically committing sexual and gender-based violence crimes against Yazidi population, ranging from enslavement, rape, selling, and forcibly transferring them to different ISIL/Da'esh controlled territories.[1] Several of the crimes that have committed by terrorist groups amount to war crimes, crimes against humanity, or genocide. The Independent International Commission of Inquiry on the Syrian Arab Republic (CoI on Syria) has reported that other designated terrorist groups such as Hay'at Tahrir al-Sham, Jabhat Fatah al-Sham, and Ansar al-Sham committed war crimes in the conflict in Syria.[2] In Iraq, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) has continued its investigations into the commission of core international crimes perpetrated by ISIL/Da'esh against the Yazidi community, but also reported on core international crimes committed against other minorities.[3] As a result of the conflict, millions of Syrians and Iraqis have been internally displaced or sought refuge abroad, with European countries being the second largest hosts to the Syrian and Iraqi diaspora.[4]

The international community is still struggling to hold members of ISIL/Da'esh and other terrorist groups accountable. In the last few years, the number of prosecutions for war crimes, crimes against humanity, and genocide committed in Syria and Iraq has been steadily increasing in several European countries. This includes crimes committed by members of terrorist groups, non-state armed groups that have not been designated, and by Syrian or Iraqi government forces.

So far, no proper data has been collected on how many terrorists have been convicted for core international crimes and terrorist offences in different countries, which core international crimes men and women have been convicted for, which prosecutorial strategies have been used, or which sentences they have received. This article fills this data gap by providing an analysis based on an extensive dataset of criminal cases focusing exclusively on prosecutions of alleged terrorists who have been charged for terrorist offences and core international crimes. This analysis only looks at the prosecution of core international crimes committed by alleged terrorists, including European citizens who have travelled to the conflict zones – also referred to as 'foreign fighters', as well as Syrian and Iraqi nationals who joined designated terrorist groups and have now settled in Europe. By analysing recent European case-law, this article will demonstrate how alleged terrorists are being prosecuted for terrorist offences and core international crimes – war crimes, crimes against humanity, and genocide – committed in Syria and Iraq and how this contributes to achieving accountability. Section 1 explains the most common core international crimes men and women in Europe have been convicted for. Section 2 focuses on membership of a terrorist organisation as the most common terrorist offence. Section 3 explains the different prosecutorial strategies that have contributed to the successful prosecution, whilst section 4 provides a snapshot of the evidence that has been used in these cases. The final section addresses penalties and sentencing.

Table 1: Case Status of Cases Including Terrorism and Core International Crimes Charges (n=75, as of 15 November 2023)
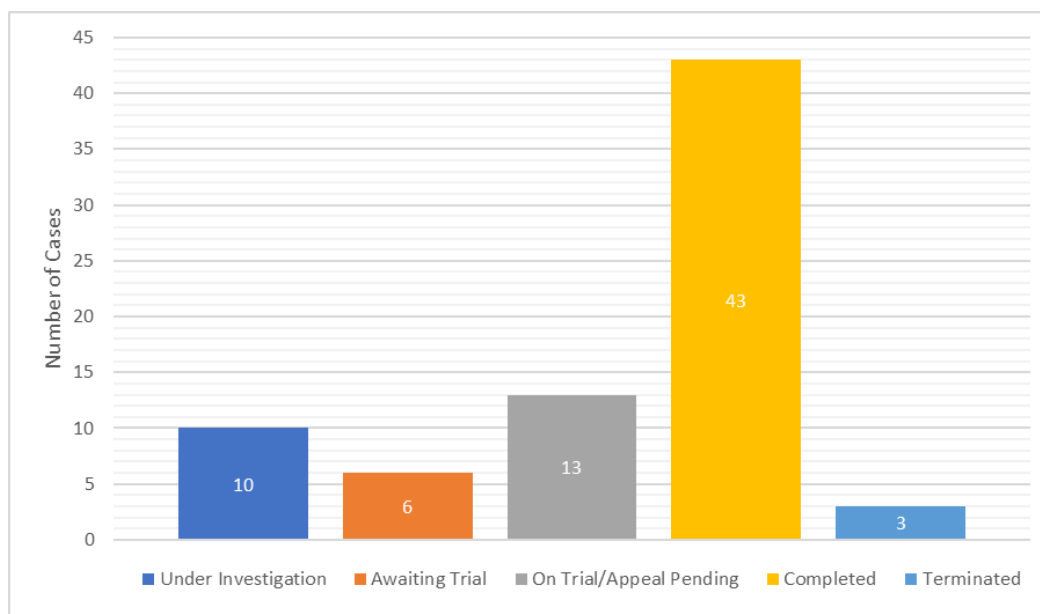
Methodology

The assessments made in this article are based on the same dataset which was already used for a previous paper by this author. The 75 cases included in this dataset were quantitatively analysed, including 41 cases with final convictions and two acquittals. Additionally, this article has taken into account other relevant cases concerning issues on admissibility of terrorism and core international crimes charges such as for example the proceedings against Lafarge SA in France or Nils D. in Germany, decisions regarding questions of double jeopardy in relation to a potential second trial against him.[5] A list of all cases with at least a first instance verdict considered for this article can be found in the annex. This analysis is based on an assessment of open-source information, including press releases and corroborative media reporting as well as where possible, full written judgements.

For What Core International Crimes Have Terrorists Been Prosecuted?

ISIL/Da'esh alone has attracted nearly 40,000 foreigners from 60 different countries. It is estimated that around 5,000 men, women, and children from Europe have travelled to conflict zones, many of which have died. After the fall of Baghuz in 2019, more than 55,000 women and children are currently still detained in make-shift camps while young boys and men are being held in prisons in North-eastern Syria, without adjudication or even informal assessment of their cases. While many European countries were reluctant to repatriate their citizens, the number of repatriations were steadily increasing throughout 2022. In the last three months of 2022, France, Germany, and the Netherlands repatriated 31 women and 75 children from the camps.[6] So far, no men have been actively repatriated by European countries due to perceived high(er) security risks. This trend is also reflected in the dataset, illustrating that after 2019, predominantly women have been prosecuted, while the prosecution of men mostly relates to Syrian and Iraqi nationals and not European men.

Table 2: Gender-Aggregated Chronology of New Cumulative Indictments per Year (n=61, as of 15 November 2023)
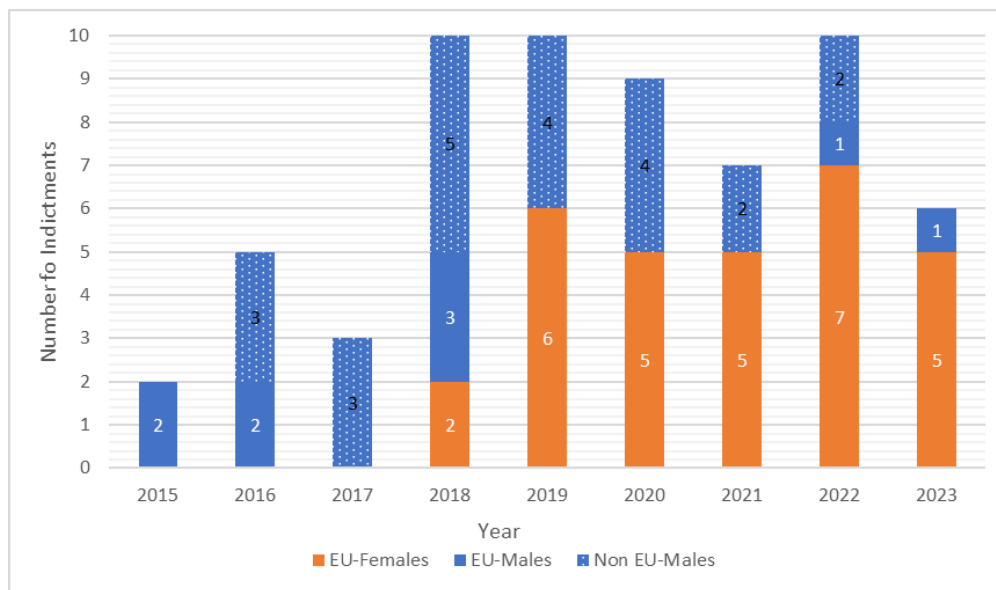
To establish individual criminal responsibility a perpetrator must be linked to the commission of specific core international crimes. Each international crime contains three elements. The first is the material element, also referred to as *actus reus,* which contains the prohibited conduct. The second is the mental element, also referred to as *mens rea,* which refers to the intent or knowledge of the perpetrator. Third, is the contextual element which is what distinguishes core international crimes from ordinary crimes as it reflects the seriousness of the crimes. In order to qualify as war crimes, the crime must have a nexus with an armed conflict. For crimes against humanity, the contextual element requires that crime is linked to a widespread or systematic attack against the civilian population. Lastly, the contextual element for genocide requires the intent to destroy in whole or in part a group. To successfully prosecute core international crimes, all three elements need to be proven. One of the challenges is linking the crimes to an individual perpetrator, also referred to as linking evidence. The section will provide a gender-aggregated analysis of the types of core international crimes that terrorists have been convicted for, before assessing how terrorism is being prosecuted as a terrorist offence, most notably as membership of a terrorist organisation.

Although terrorism is not recognised as a separate core international crime, certain terrorist acts could qualify as a war crime, crimes against humanity, or genocide. Practically all European countries have ratified the Rome Statute of the International Criminal Court, which serves as a blueprint for criminalising core international crimes in their legal system. The Rome Statute and Elements of Crimes have been negotiated by all state parties building on both treaty and customary international law, as well as relevant jurisprudence of international courts and tribunals.[7]

For What Core International Crimes Have Men Been Convicted?

As can be seen from the data, as of 15 November 2023, 23 cases concerning male defendants charged with both, terrorism, and core international crimes, were completed by a final verdict. At the same time, six more cases were pending on trial or appeal. The majority of the convicts - 13 men - are foreigners to the prosecuting states, meaning Syrian or Iraqi members of a terrorist group who are now residing in Europe.

Table 3: Case Status of Cases Including Terrorism and Core International Crimes Charges Concerning Alleged Male Perpetrators (n=43, as of 15 November 2023)
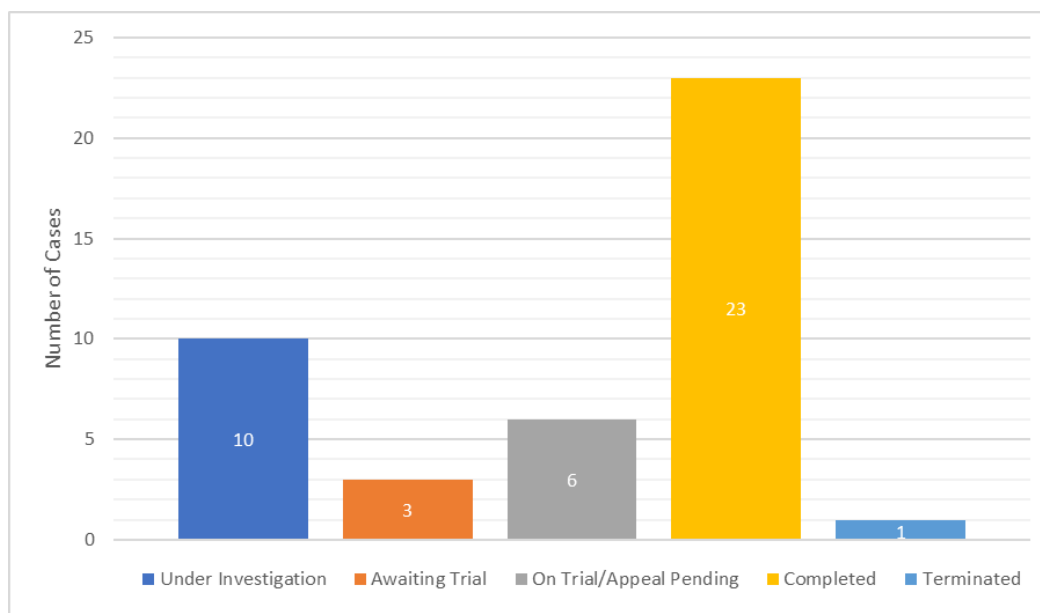
The 21 convicted males have faced various core international crimes charges with underlying crimes ranging from murder, inhumane treatment, and torture to enslavement.

Table 4: Core International Crimes Convictions Rendered Against Male Defendants Charged with both, Terrorism and Core International Crimes (n=21, as of 15 November 2023)
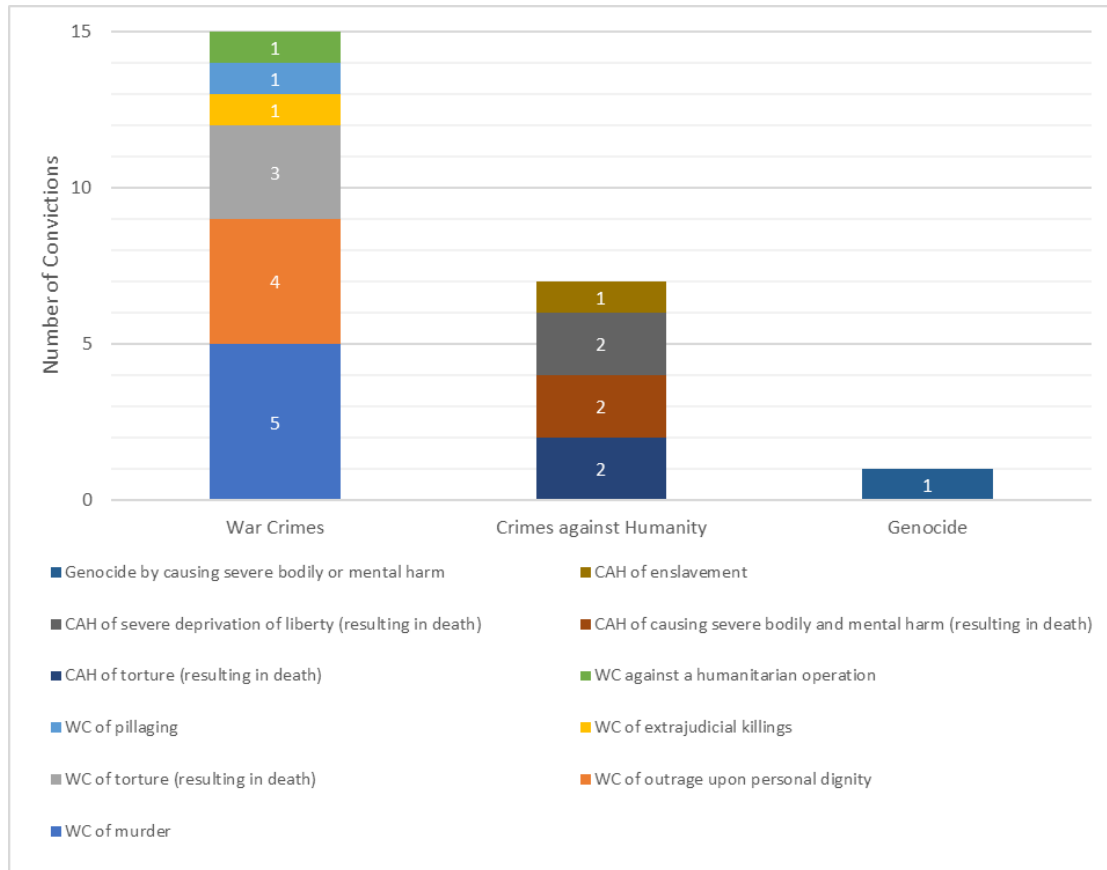
Murder

The most common core international crime that men have been convicted for in the context of the Syrian and Iraqi conflict, is murder as a war crime. Members of ISIL/Da'esh but also of other non-state armed groups designated as terrorist organisations have carried out brutal attacks in the context of the armed conflicts in Syria and Iraq. ISIL/Da'esh has systematically carried out mass executions, murder, and suicide-bombings and engaged in hostage-taking. The investigations carried out by UNITAD confirm that the killings were carried out at a large scale by ISIL/Da'esh against Yazidis, but also against Christian, Kaka'I, Shabak, Sunni, and Shia Turkmen communities.[8] The investigations into the massacre at Tikrit or mass executions at Badush prison in Mosul, both in 2014, demonstrate the extent to which killings took place under ISIL/Da'esh.

These acts took place during a non-international armed conflict in Syria and Iraq. Murder is prohibited during international and non-international armed conflict under international humanitarian law.[9] In order to prove that unlawful killings constitute war crimes, it is not only necessary to establish that the perpetrator intentionally committed the killings of protected persons such as *hors de combat* - combatants that have been captured, surrendered, or otherwise incapable of fighting – or civilians, medical or religious personnel that are not taking part in hostilities, but was also aware of their protected status.[10] The intentional killing of a protected

person constitutes a grave breach under the Geneva Conventions.[11] Furthermore, there must be a clear link between the killings and the armed conflict without being motivated by private motives. Factors that can be taken into account are how the armed conflict has facilitated the perpetrator to carry out the unlawful killings, the nature, and ability to carry out the unlawful killings, but also how the murder was perpetrated and for which purposes.[12] Abdul Jawad A.K. was one of the founding members of a fighting unit (Katiba) which was part of the terrorist organisation Jabhat al-Nusra between 2012 and 2014. Among others, the Higher Regional Court of Stuttgart, Germany found Abdul Jawad A.K. guilty of several counts of murder as a war crime. Abdul Jawad A.K. claimed he carried out the executions of persons who were sentenced to death by a local Sharia judge.[13]

Outrage Upon Personal Dignity

Several persons have been prosecuted for outrage upon personal dignity as a war crime in the context of the conflict in Syria and Iraq.[14] Outrage upon personal dignity can be committed not only against living persons but also against deceased persons, for example by mutilating or decapitating the heads of the deceased, or taking pictures and videos of the dead in humiliating positions for propaganda purposes.[15] Under international humanitarian law outrage upon personal dignity is prohibited during an international and non-international armed conflict.[16] To prove outrage upon personal dignity, the degrading acts must have been committed against combatants which are *hors de combat* or civilians, medical or religious personnel that are not taking part in hostilities. The perpetrators must be aware of their protected status and of the existence of an armed conflict.[17] In order to prove this crime has been committed, prosecutors need to establish whether an act or omission constitute an outrage upon personal dignity taking into account what is generally recognised as meeting this standard on an objective basis, but also taking into account a more 'subjective' view relating to the cultural background of the victim. The latter can be assessed by expert witnesses to ensure the cultural and religious circumstances are taken into account. The mental element requires that the perpetrator intended to commit the offence and was aware that their conduct or omission was likely to humiliate, degrade, or violate the dignity of a person.[18] Finally, the contextual element consists of proving a nexus to the conflict.

Already in 2014, the CoI for Syria reported that ISIL/Da'esh beheaded and executed prisoners and apostates in public, that citizens were encouraged to watch the executions, and that the bodies were denied a decent burial in accordance with religious rituals. ISIL/Da'esh deliberately recorded executions and shared the clips online for propaganda purposes. This practice also contributes to humiliating and degrading the deceased.[19] These recordings of individual ISIL/Da'esh members involved in desecrating bodies can now be used as evidence against them in criminal proceedings. This information does not always prove they have killed a person but can be used to prove outrage upon personal dignity.

One of the challenges of introducing evidence in criminal proceedings is to prove the authenticity of a photo or a post on social media. How this is done in practice can be illustrated in the case against Abdelkarim el B., who filmed, encouraged, and contributed to the desecrating of a dead Syrian soldier by cutting his ears and nose, and standing on his body. He was arrested in Turkey

and extradited to Germany to stand trial. The phone with the footage was obtained through mutual legal assistance(MLA) request from Turkish authorities and was further analysed by forensic experts in Germany who were able to confirm the authenticity which contributed to a successful conviction for outrage upon personal dignity as a war crime. Although not concerning a male member of a terrorist organisation, in a remarkable case a Dutch woman, Yousra L., was convicted on first instance for a war crime of outrage upon personal dignity committed while being present in the Netherlands.[20] Yousra L. who had not travelled to the conflict zone, was one of the hosts of a Telegram ISIL/Da'esh group "GreenB1rds" and in this capacity was involved in spreading ISIL/Da'esh ideology and calling for armed jihad in 2019. She was accused of distributing a video of prisoners of war being burnt alive by ISIL/Da'esh in Iraq and adding her own degrading comments, which is considered degrading the deceased. According to the court, it should have been clear to Yousra L. from the videos that the persons were prisoners of war, who are protected under international humanitarian law. To prove the nexus with the armed conflict, the judges did not consider it necessary that the accused had to be present in the conflict zone but established the nexus by the fact that Yousra L., a firm supporter of ISIL/Da'esh contributed to the continuation of degrading the personal dignity of the prisoners by sharing the videos as part of the ISIL/Da'esh media strategy. Although Yousra L. was not posing herself in the photo, evidence proved that Yousra L. had disseminated the photos and shared them with over 80 persons in the chat group that she was the host of. Yousra L. was sentenced to six years imprisonment and compulsory psychiatric treatment. As of writing, her appeal is pending to date.

However, not all prosecutions are successful. In the case against Ahmad Al-Y. in the Netherlands, the accused was acquitted of outrage upon personal dignity, because even though the judges considered his behaviour to be disrespectful, it did not amount to a degrading treatment.[21] These cases illustrate that domestic courts are well equipped to assess the authenticity of digital evidence, leading to convictions for the war crime of outrage upon personal dignity even when committed far away of the conflict zone.

For What Core International Crimes Have Women Been Convicted?

Although the number of prosecutions of men exceeds those of women, there is a shift taking place as women are being prosecuted more frequently for terrorist offences and now also cumulatively for core international crimes. Zooming in on the relevant case-law in European countries, as of November 15, 2023, 19 women have been convicted after facing terrorism and core international crimes charges, with seven more being still on trial or having an appeal pending.

Table 5: Case Status of Cases Including Terrorism and Core International Crimes Charges Concerning Alleged Female Perpetrators (n=31, as of 15 November 2023)
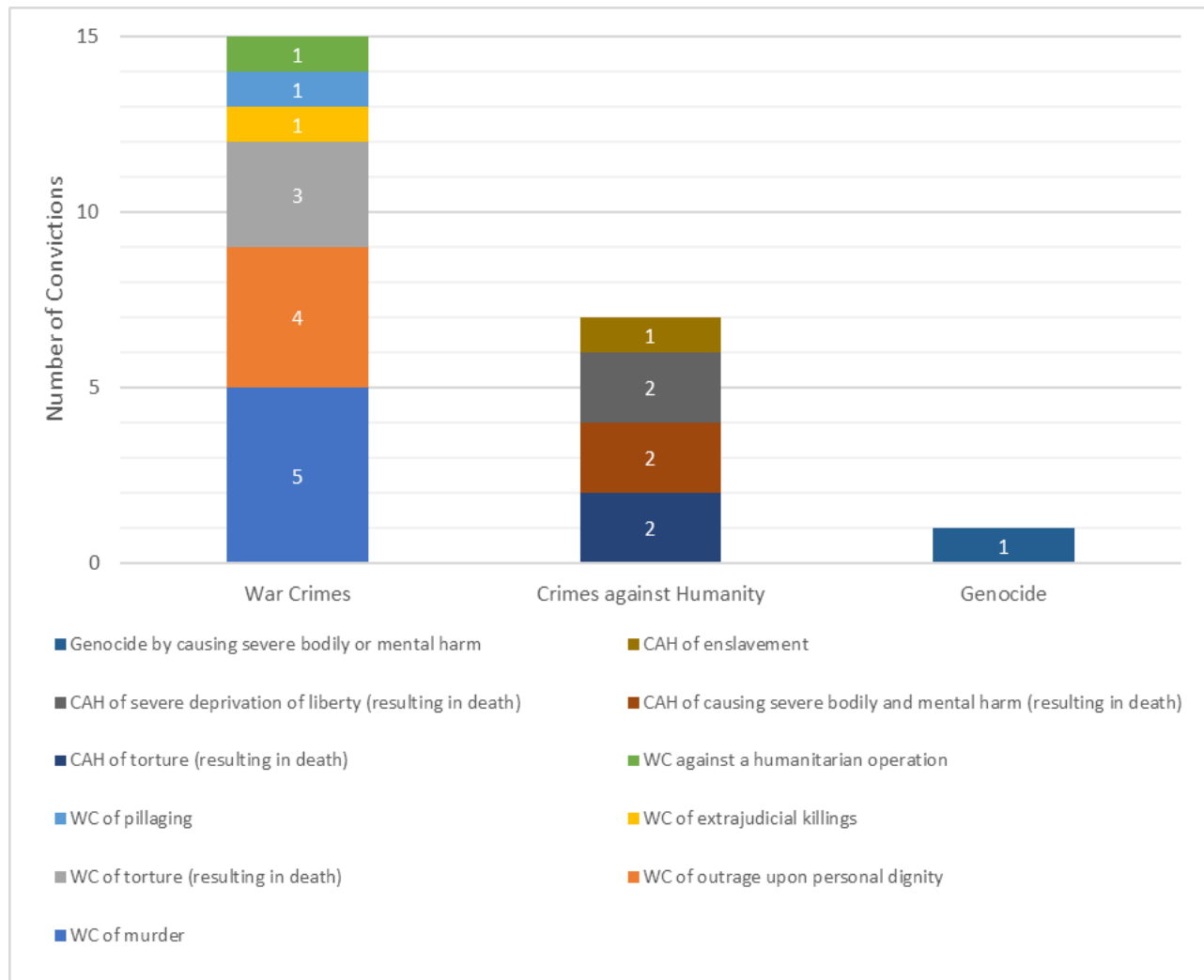
As can be seen from the data, these women were mainly convicted for pillaging as a war crime, their involvement in slavery and rape as a crime against humanity or enlisting their own children as child soldiers. All the women are nationals of European countries who have travelled to the conflict zone and returned to their home country.

Table 6: Core International Crimes Convictions Rendered Against Female Defendants Charged with Both, Terrorism and Core International Crimes (n=18, as of 15 November 2023)
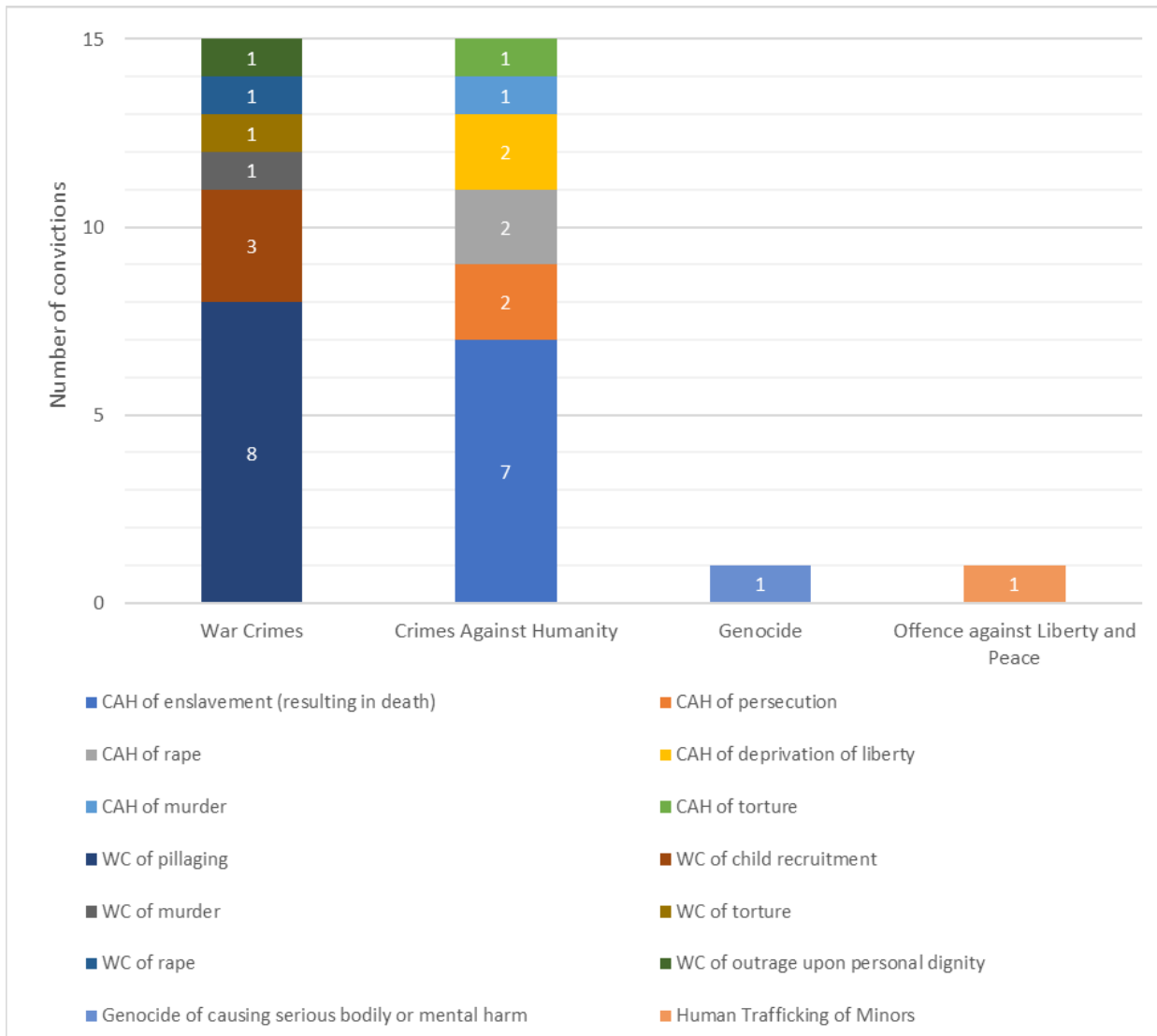
While most of the children of females were born in Syria and Iraq, several children have been taken to conflict zone by their mothers who are now being prosecuted for the harm they have inflicted upon their children by enrolling them as fighters for ISIL/Da'esh or another terrorist group. The recruitment of children is prohibited in both international or non-international armed conflict under international humanitarian law.[22] As of November 15, 2023, Sweden, Germany, and the Netherlands have convicted female ISIL/Da'esh members for child recruitment as war crime. In March 2022, the Stockholm District Court found Lina I. guilty of complicity in the war crime of child recruitment as she failed to prevent her underage son from being used as a child soldier for ISIL/Da'esh.[23] In other cases, German prosecutors also successfully relied on charges of child neglect under domestic law, for example in the cases against Romiena S., Carla-Josephine S., Fadia S., and Stefanie A.[24]

Pillaging

Under international humanitarian law, pillaging is prohibited during international and non-international armed conflicts.[25] To prove that pillaging has been committed as a war crime, one needs to prove that the property has been taken without permission of the legal owner, that the property is being used for personal use, that the person was aware the property was unlawfully taken from the owner, and that there is a nexus with an armed conflict.[26] As part of its strategy to create a state-like Caliphate, ISIL/Da'esh systematically confiscated property belonging to Yazidis, Shia Muslims, and Christians in the context of armed conflict. ISIL/Da'esh created a real estate department, *Diwan al-Aqarat wa al-Kharaj*, that granted apartments, houses, and household items to ISIL/Da'esh fighters. By occupying and often paying rent for the confiscated property, ISIL/Da'esh members – whether male or female – were financially contributing to ISIL/Da'esh during the period it had territorial control.[27] Furthermore, courts need to establish that the defendant knew or could have known that the house has been unlawfully obtained from the legal owners. Such knowledge was either directly admitted by the defendants or could be established through the extensive propaganda of ISIL/Da'esh on their housing policy which was also known to many defendants.

In the case against Mine K. the Higher Regional Court Düsseldorf ruled in 2019 that although the property in question was already confiscated earlier on by ISIL/Da'esh and being administered by their real estate branch, the continuation of the appropriation of property by ISIL/Da'esh members also constitutes pillaging as a war crime.[28] So far, only Germany has prosecuted for pillaging. On first instance, seven women were convicted of all pillaging counts, five women were convicted only for some counts (each count stands for a different property), and three women were acquitted of all counts. The (partial) acquittals resulted from the fact that it could not be established that ISIL/Da'esh had appropriated the property.[29]

(Sexual) Slavery

Sexual slavery and other forms of sexual violence can be committed as a tactic of war and terrorism. ISIL/Da'esh, but also other terrorist groups and non-state armed groups, have committed such crimes at large scale in Syria and Iraq. The United Nations (UN) has on numerous occasions reported how ISIL/Da'esh has committed sexual and gender-based violence crimes in particular against Yazidis.[30] ISIL/Da'esh separated Yazidi women and girls, forcefully displaced them multiple times, traded them at slave markets, and subjected them to various forms of physical, sexual, and mental abuse. Yezidi women and girls who were captured by ISIL/Da'esh were considered 'property', with 80 percent of them being at the disposal of ISIL/Da'esh fighters.[31] Even though several UN Security Council Resolutions (UNSCR) recognise how sexual violence is being instrumentalised as a tactic of war, prolonging armed conflict, and being part of the ideology of terrorist groups, it has rarely led to any prosecutions.[32] The UN Secretary General, in a Report to the Security Council on Women, Peace and Security (S/2017/861) has specifically urged governments to take the full extent of international criminal law into consideration when prosecuting alleged terrorists for sexual and gender-based violence crimes when sufficient linkages exist to other crimes and not exclusively rely on terrorist offences. [33]

Not all gender-based violence crimes have a sexual component: it can also be physical, mental, or both, or a combination of all three. In Germany, in particular, women have been successfully prosecuted for directly perpetrating or aiding and abetting slavery and rape as crimes against humanity while being part of terrorist groups.[34] In May 2023, Camilla O. was sentenced on appeal for human trafficking of minors and aiding and abetting aggravated rape of a minor. She had taken her own under-aged daughters to Syria and agreed to marry one of them to an ISIL/Da'esh fighter who raped her multiple times.[35]

In the Netherlands, Hasna A. is awaiting trial, facing charges of slavery as a crime against humanity, amongst other charges.[36]

The Most Common Conviction Across All Genders: Membership of a Terrorist Group

A closer look at the cases in which the accused were prosecuted for terrorist offences and for core international crimes, shows that the most commonly prosecuted terrorist offence is membership of a terrorist group. In the 61 cases filed against individuals for both terrorism and core international crimes charges, 40 convictions were rendered finding the defendants guilty of membership of a terrorist organisation.

Table 7: Types of Terrorism Related Charges Filed and Convicted at Least on 1st Instance in Cumulative Criminal Proceedings (n=55, as of 15 November 2023)
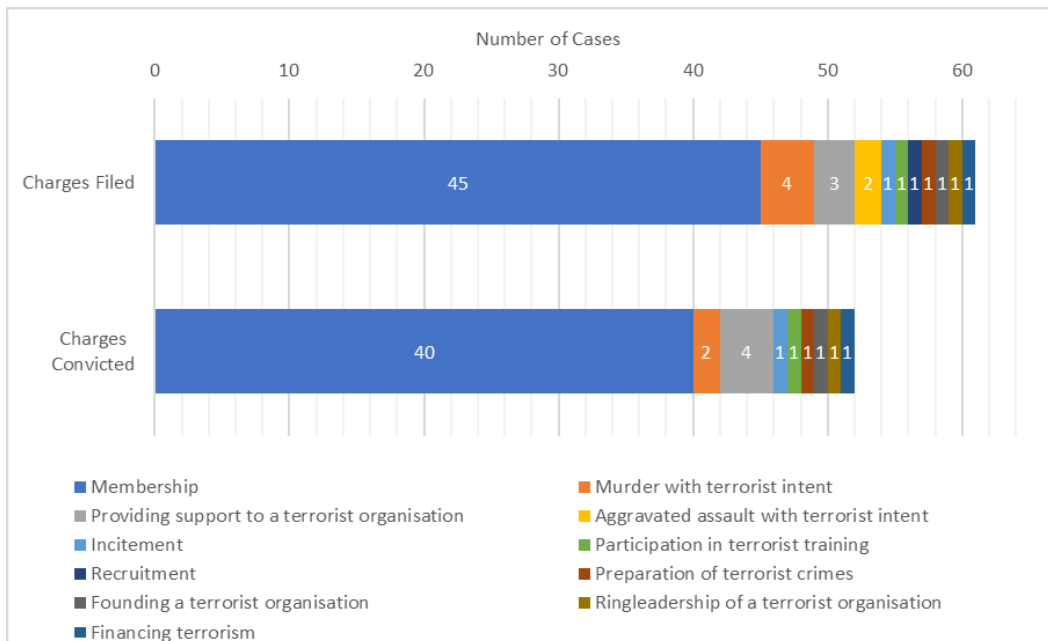
Pursuant to EU Directive 2017/541 on Combatting Terrorism,[37] and the Additional Protocol to the Council of Europe's Convention on the Prevention of Terrorism,[38] all EU Member States are required to criminalise participation in a terrorist group, which has been implemented across the EU in different ways.

Often, membership of a terrorist group presupposes that a structured group exists and that the group has a terrorist intent. When a terrorist group is listed by the UN, EU, or placed on a national list, courts tend to rely on the designation. Sometimes 'terrorist' groups are not listed because they are not considered to pose a threat to national security and only pose a terrorist

threat in a local context or for other political reasons, such as the Taliban. In such a situation, courts have to determine whether a group meets the criteria of a terrorist group. In several instances, in France,[39] Germany,[40] and the Netherlands,[41] courts had to determine whether Ahrar al-Sham, an armed opposition group operating in Syria against Syrian government forces, constitutes a terrorist group.[42]

To establish individual criminal responsibility, the mental element and material element need to be proven. To prove membership in a terrorist organisation, often the individual is not required to personally have terrorist intent, but only needs to know of the terrorist intent of the group like in the Netherlands[43], resulting in a weak version of *mens rea.* For example, in Belgium, persons can be convicted for membership of a terrorist organisation if they knew or could have known that their participation would contribute to the commission of criminal offences by a terrorist group.[44]

Additionally, there must be a link showing how the conduct of an individual contributes to the terrorist aim of the group, the material element of the crime. One of the problems with the implementation of this is that many countries have adopted a very broad definition of membership in a terrorist organisation. Consequently, it is left to the discretion of prosecutors and judges on how to interpret participation in a terrorist group. In practice, the question of what constitutes contribution to the aims of a terrorist group remains vague: is it cooking, praising the group, running a household, carrying out violent acts, being present in areas controlled by a group, or simply being affiliated with the terrorist group?

Membership offences and other terrorist offences do not constitute a separate category and are bound by the general principles of criminal law. Membership offences and other terrorist offences in the EU are not always defined clearly, thus violating the principle of legality.[45] The principle of *nulla poena sine culpa* – also referred to as individual criminal responsibility- is being eroded when the membership offence it not firmly based on conduct and intent. This is a slippery slope given the far-reaching implications that suspected membership in a terrorist group can have on the rights of individuals.[46] It can lead to an overreach of convictions for membership offences. The *actus reus* criteria should therefore be defined as narrowly as possible, ensuring that there is a genuine link with a terrorist group, and only intentional and substantial contributions to a terrorist group are considered as membership.

Despite several differences, in the Netherlands and Germany the criteria for membership in a terrorist organisation are based on participation in a (domestic) criminal organisation: it needs to be a structural association of two or more persons with some form of continuity. Case-law in Germany provides that the mere presence of an individual in the territory controlled by a terrorist group, such as ISIL/Da'esh, does not qualify as a contribution in furtherance of the group's objective which is required to establish membership.[47] However, Sibel H. who was initially released from pre-trial detention based on the Court decision mentioned here, was eventually found guilty of, among other offences, membership of ISIL/Da'esh. Additional evidence proved beyond reasonable doubt that she had not merely lived everyday life in ISIL/Da'esh territory, but running the household enabled her husband to fight for ISIL/Da'esh. She also possessed weapons on behalf of ISIL/Da'esh and unlawfully occupied property of Yazidi owners,

constituting a war crime.[48] According to the dataset, membership charges have not successfully been proven in several cases because the accused was either a member of a non-state armed group or there was not sufficient evidence to prove membership of a terrorist group at a specific time.[49]

Looking at the countries that have charged alleged terrorists for core international crimes, Finland has only criminalised membership of a terrorist organisation in early 2022,[50] and Sweden has criminalised membership of a terrorist group in June 2023,[51] which means that it cannot be applied retroactively to alleged terrorists who committed crimes in Syria or Iraq.

Initiating Investigations and Effective Prosecutorial Strategies

Adopting effective and sometimes innovative prosecutorial strategies is vital to advance accountability for the full range of crimes that have been committed by alleged terrorists. Under the principle *aut dedere aut judicare,*[52] the obligation to prosecute means there is only an obligation to initiate investigations and submit the case to the prosecuting authorities.[53] While there is a necessity to hold perpetrators accountable for core international crimes, in many countries, prosecutors have broad discretion in deciding whether to prosecute a case. Factors, such as availability of evidence or willingness of witnesses to testify, are taken into account by prosecutors to determine whether a case should be brought to trial. Some countries that have a large number of refugees from Syria, such as Sweden and Germany, have a higher chance to successfully prosecute core international crimes as victims, witnesses, and even potential perpetrators are among the community.[54] These circumstances have also led to the adoption of special investigative and prosecutorial strategies in bringing alleged terrorists to justice. The following section briefly highlights some of these strategies and approaches, such as prosecutorial discretion, cumulative charging, and structural investigations that advance accountability.

Prosecutorial Discretion: To Prosecute or Not To Prosecute

In Germany – one of the countries at the forefront of prosecuting alleged terrorists for core international crimes – there is generally no prosecutorial discretion. However, an exception is made when it comes to core international crimes without a link to Germany and a suspect that will likely not be apprehended by German authorities. In such circumstances, the prosecutors may choose not to open investigations and prosecutions.[55] Although the United Kingdom has a very narrow concept of universal jurisdiction, in an attempt to create consistency and transparency, it has developed guidelines on when to consider opening an investigation. This is done through a so-called scoping exercise by the Metropolitan Police Counter Terrorism Command (SO15) in which the identity, nationality, and location of the perpetrator need to be established before looking into the identity of victims and witnesses.[56] Other factors that can be taken into consideration include the gravity of the crimes, chances of a successful conviction, access to evidence located abroad, the impact on victims, the public perception and interest, whether the identity of the suspected perpetrators are known, applicable immunities, and the need and availability of mutual legal assistance. Prioritisation of which cases to prosecute is also needed because such trials are resource intensive.[57]

Investigations can be initiated by competent authorities such as the (judicial) police or the prosecutor's offices. In addition, in several countries victims such as Yazidis and civil society organisations (CSOs) can file a (written) complaint to trigger the start of investigations. Strategic litigation, meaning CSOs representing the rights of victims in pursuit of accountability, is increasingly being used in light of universal jurisdiction in European countries.[58]

Structural Investigations

CSOs in Germany and France have been particularly active and lodged several criminal complaints against alleged perpetrators.[59] Although not all complaints have led to the initiation of proceedings against individual perpetrators, evidence submitted as part of CSO complaints has been integrated into ongoing investigations, in particular structural investigations.[60] In some countries structural investigations are permitted where no perpetrator has been identified, allowing investigators and prosecutors to collect evidence to prove for example the contextual elements of core international crimes or command structure which may later on lead to identifying and successfully prosecuting specific persons for core international crimes. Countries like Germany, Sweden, and France are familiar with structural investigations which are proactive and victim-centric and conduct them not only in relation to crimes committed in Syria and Iraq,[61] but more recently also in relation to crimes committed in Ukraine.[62]

The aim in structural investigations is to build a case and secure evidence at an early stage, through actively collecting evidence, for example by reaching out to affected communities to obtain witness statements or conducting open-source investigations without any time constraints. In Germany, asylum seekers are systematically being asked if they have witnessed any core international crimes and are able to identify perpetrators. Only in 2015, the Federal Office for Migration and Refugees submitted over 2,500 testimonies to the German Federal Prosecutor's Office.[63] Structural investigations are part of a prosecutorial strategy that do not require any changes in the law, nor do they provide the prosecutors with any 'new' investigative tools.[64] Considering the complexities of prosecuting core international crimes, structural investigations can help to prove the contextual elements of core international crimes, and uncover patterns and command structures, which can help later, once the alleged perpetrators are known. Structural investigations are not only accelerating future prosecutions, but information can also be shared through mutual legal assistance (MLA) with other countries. In this way, prosecutors can build a solid case and obtain necessary evidence before the perpetrator is identified and charged, while observing the right to fair trial and due process.[65] Ultimately, structural investigations contribute the prosecution of core international crimes and in achieving accountability in the long-term. [66]

Cumulative Charging

Ever since 2015, the prosecutorial strategy of so-called 'cumulative charging' has gained traction among prosecution authorities, especially in European countries.[67] Cumulative charging allows prosecutors to charge a defendant with multiple different crimes thus ensuring that a person is being held accountable for the full range of crimes they have committed. This type of charging should be distinguished from alternative charges, for example for murder or death by manslaughter, which are mutually exclusive. Cumulative charging contributes to bringing the accused to justice for the full of range of crimes they have committed, although it does not

automatically lead to cumulative sentencing. Cumulative charging is a common practice in both in civil and common law countries and in international criminal law.[68]

When cumulative charging is being applied, it could constitute a violation of the *ne bis in idem* principle (better known as double jeopardy in common law countries), which prohibits a person from being prosecuted twice for the same crime.[69] The aim is to provide protection from continuous prosecution and legal certainty once a decision is final, also referred to as *res judicata*. In Europe, this principle is enshrined in Art. 4 of Protocol No. 7 to the European Convention on Human Rights (ECHR).[70] The principle consists of different aspects: are both the proceedings criminal in nature? Does it concern the same facts, same legal qualifications or the same interests?[71] Does it concern the same offender? Has a final decision been reached?[72] In the *Akayesu case*, the Trial Chamber of the International Tribunal for Rwanda (ICTR) concluded that

> *"it is acceptable to convict the accused of two offences in relation to the same set of facts in the following circumstances: (1) where the offences have different elements; or (2) where provisions creating the offences protect different interests; or (3) where it is necessary to record a conviction for both offences in order fully to describe what the accused did."*[73]

In Germany, the Higher Regional Court of Hamburg dismissed a case against Harry S. based on an indictment concerning war crimes, after the defendant had already been found guilty of membership in a foreign terrorist organisation, based on the same facts.[74] Other underlying facts could also be used considering that different elements of crimes need to be proven. In the Netherlands, a Dutch district court convicted Ahmad Al-Khedr for war crimes, but acquitted him for membership in a terrorist organisation, because the underlying facts proved murder was a war crime but not that at the time that the Amhad Al-Khedr battalion was affiliated with Jabhat-Al-Nusra.[75] The underlying acts, legal qualifications and interest may in some cases be the same, overlap or differ. As alleged terrorists are being prosecuted for both terrorist offences and core international crimes, further research is needed to see which underlying facts can be used to prove different crimes.

Charging an alleged terrorist for terrorist offences and core international crimes – where possible – is now more frequently applied. According to our data, out of 41 persons who stood trial and have been charged for both, in seven cases the core international crimes charges could not be proven beyond reasonable doubt, notably pillaging as a war crime.[76] In another case, Swedish courts pursued terrorism charges that were filed in alternative to war crimes charges.[77] While the stacking of offences is permitted, it is important to ensure that the accused has a fair trial and is given enough time to prepare their defence.

The vast majority of crimes in Syria and Iraq have been committed during a non-international armed conflict, which is governed by international humanitarian law. There is no formal hierarchy between terrorism laws and IHL, but several counter-terrorism conventions contain a so-called exclusion clause that regulates the relationship between counterterrorism legislation and IHL during an armed conflict. In addition to the Terrorist Financing Convention, six counter-terrorism conventions have adopted as similar exclusion clause.[78] An exclusion clause only regulates the relationship between terrorist offences and war crimes and technically does not
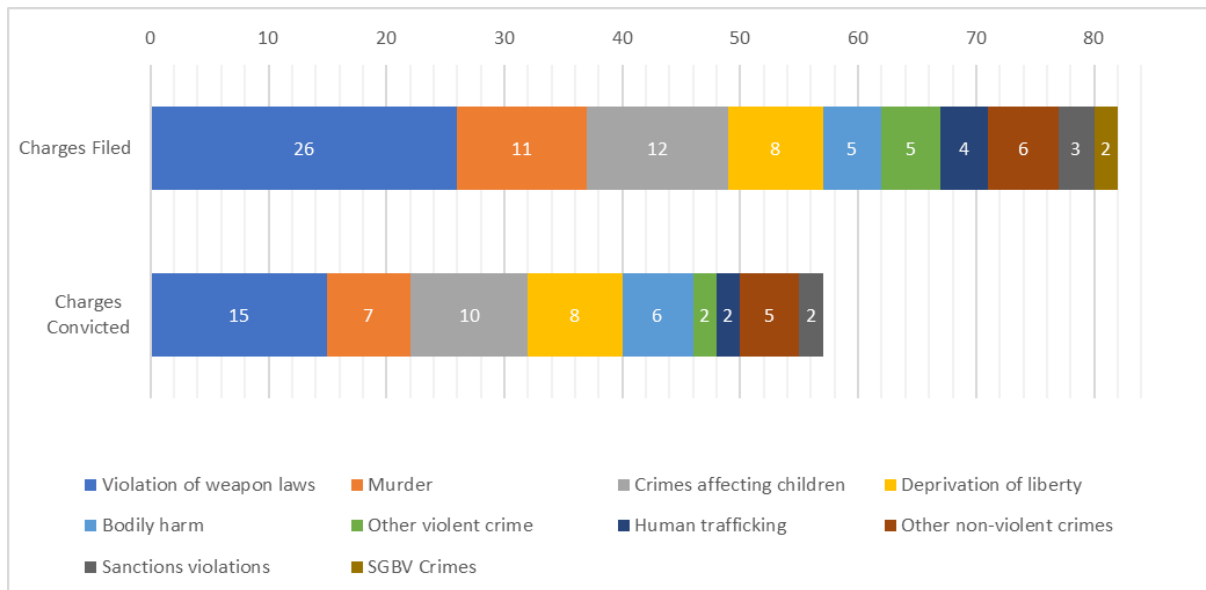
preclude cumulative charging for terrorist offences and crimes against humanity or genocide. The scope of how such an exclusion clause is implemented regionally or domestically varies considerably and can impact cumulative charging.[79] In some countries, the exclusion only applies to state armed forces and thus excludes the application of counter-terrorism legislation. In the Netherlands, the court ruled in the *Context* case that the exclusion clause in the preamble of the Framework Decision on Combatting Terrorism is not binding and does not prevent the application of both terrorism and IHL as long as it does not contravene the purpose of the Framework Decision. Furthermore, the court determined that only activities of state armed forces are excluded from terrorism provisions.[80] This means that members of terrorist groups and non-state armed groups can be cumulatively held accountable for terrorist offences and war crimes.

In Belgium, it is slightly different. Article 141bis of the Criminal Code excludes all activities of armed forces which are governed by IHL during armed conflict.[81] In the *Sharia4Belgium* case, the court held that Jabhat al Nusra cannot considered non-state armed group in a non-international armed conflict because they did not meet the organisational threshold to be regarded as a non-state armed group and thus did not apply the exclusion clause. In 2019 the Court of Appeal in Belgium ruled that the acts committed by Kurdistan Workers Party (PKK) are closely linked to an armed conflict and the exclusion clause is applicable. As result, PKK is not a terrorist group and participation in its activities connected to the conflict, such as financing and recruiting members is not an offence. Acts committed by the ISIL/Da'esh and other terrorist groups could only be prosecuted as terrorist offences and not as war crimes. In November 2022, Y.S., who was convicted in absentia for membership of a terrorist group in 2015, invoked her right to a retrial. The court confirmed that there was a non-international armed conflict in Syria and ruled that ISIL/Da'esh does meet the threshold of non-state armed group, and that the exclusion clause should be applied. According to the court, the specific activities Y.S. is charged with do not qualify as war crimes– although the court does not explain why – and thus can be prosecuted for membership in a terrorist group.[82] In a later decision, a court concluded that Jabhat al Nusra is not considered organised enough to qualify as a non-state armed group, but that ISIL/Da'esh is a party to a non-international armed conflict and a terrorist group. The court distinguished between terrorism and combat activities, and ruled that online recruitment activities do not constitute direct participation in the hostilities, but rather only constitute a terrorist offence and does not fall under IHL.[83] It appears now that cumulatively charging for war crimes and terrorist offences of certain non-state armed groups, such as ISIL/Da'esh, is possible for activities that are not directly related to the hostilities. Whether this reasoning will be upheld in appeal and in other trials remains to be seen, but it could be a turning point in Belgium potentially paving the path for cumulatively prosecuting alleged terrorists for some of their activities as both terrorism and war crimes.

Cumulative charging is also being applied for terrorist offences and domestic crimes, such as murder, violation of domestic weapon laws, and child neglect. In fact, the first person who travelled to Syria in the Netherlands was convicted for preparation of arson or explosion, in addition to participation in training for terrorism purposes.[84] Since the data set only includes court cases with one of the charges being core international crimes, it will does not include cumulative charging for terrorism and domestic crimes. In Germany, weapon offence charges are often

filed in addition to terrorist and/or core international crimes charges. In May 2022, the German Federal Court of Justice confirmed on appeal that Kim Teresa A. is guilty of membership in a foreign terrorist organisation, pillaging as a war crime, and domestic weapon offences. Among others, she had received AK-47 assault rifles from her husband and learnt how to use them to defend attacks against herself or against ISIL/Da'esh.[85] Out of (final and non-final convictions of) 39 individuals who faced cumulative charges in Germany, 29 were convicted for domestic offences.

Table 8: Types of Domestic Charges Filed and Convicted at Least on 1st Instance in Cumulative Criminal Proceedings (n=55, as of 15 November 2023)

Cumulative charging could also lead to cumulative jurisdiction. To assert jurisdiction, a court will need to examine whether it can prosecute the alleged perpetrator for a terrorist offence, a domestic offence, and core international crimes under domestic law. For example, a foreign national could be charged for degrading a person as a war crime under universal jurisdiction, for a terrorist offence if universal jurisdiction or active nationality personality applies, but not for all domestic offences. This is because domestic law is only applicable to those who are nationals and/or have committed crimes in the territory of a state. Cumulative charging contributes to closing the impunity gap and addresses a more complete range of underlying crimes that have been committed which does more justice to the victims.

Evidence

In order to establish individual criminal responsibility, a prosecutor needs to link the crime to an individual. The evidence for core international crimes is often located in the conflict zone. While several defendants have provided extensive confessions,[86] prosecutors have relied on many different types of evidence to successfully secure convictions. Digital evidence in the form of social media postings, photos, and videos have by far been used in most of the cases, which often needed to be authenticated through forensics as discussed earlier in the case of Abdelkarim El B.[87]

Europe hosts the second largest number of Syrian refugees, with 70 percent located in just

two countries, Germany, and Sweden.[88] Among them are victims, witnesses, and sometimes perpetrators. Over the years, Swedish and German prosecutors have strengthened their engagement with Syrian refugees and civil society who have a played an important role in holding alleged terrorists accountable. Several of the Yazidi victims have testified in court and actively participated in the trials in Germany as so-called joined plaintiffs (*NebenklägerInnen*), for example in the cases against Jennifer W., Nurten J., Omaima A., and Sarah O.

With the establishment of two distinct international mechanisms, UNITAD and IIIM that have been mandated to collect evidence of core international crimes committed in Syria and Iraq, the possibilities to prove international crimes have increased. For example, UNITAD has assisted the prosecution of Lina I. in Sweden by having an expert testify in court on evidence collected and analysed by UNITAD.[89] Lina I. was convicted for failing to prevent the recruitment of her own child as a war crime and sentenced to six years of imprisonment. Although neither UNITAD[90] nor IIIM[91] provides specific information about which cases they have assisted domestic prosecutions in, the number of requests for assistance is increasing each year.

Finally, 'battlefield' evidence, information obtained by the military from the conflict, has also successfully been used in the case of Oussama A., who was convicted for outrage upon personal dignity as a war crime. Part of the evidence included a payroll from ISIL/Da'esh that was obtained by the U.S. containing 40,000 names of foreigners which indicated that Oussama A. was employed as part of a sniper battalion.[92] Some of the challenges in using 'battlefield evidence' include the lack of experience of the military actors to collect evidence for criminal proceedings and the risk that the right to a fair trial, in particular equality of arms, is limited because the accused cannot challenge the evidence in a meaningful way.[93] While recognising these challenges, 'battlefield' evidence should be used with great caution but can help to piece together a complete picture and be used to prove the contextual elements and/or in addition to other types of evidence.[94]

Penalties and Sentencing

Some important observations can be drawn on the number of convictions, duration of proceedings, length of sentences for prosecutions of core international crimes and terrorism, and mitigating as well as aggravating factors.

Cumulative charges can lead to multiple convictions or a single combined conviction. When the same underlying criminal acts lead to the conviction of two or more different crimes, this can be taken into account during sentencing. Depending on the sentencing rules in a country, the most severe sentence can be imposed and/or increased with part of the other sentence. The court may also choose to sentence a person concurrently or cumulatively. The latter allows a judge to impose separate sentences which are served consecutively when the accused has been convicted for two or more crimes that are unrelated to each other.[95] Concurrent sentencing refers to serving the sentences at the same time and is often applied when the same underlying criminal act qualifies as two distinct crimes. The kind of sentence a court would impose when cumulatively convicting for terrorist offences and core international crimes depends on many factors including mitigating or aggravating circumstances. In some (common law) countries,

like the UK,[96] and the US,[97] sentencing guidelines have been adopted and can also contribute to advance consistency in sentencing of similar sentences. The GCTF has adopted the Interlinkages Memorandum that also provides some guidance on the aggravating and mitigating factors that could be taken into consideration.[98]

Duration of the Proceedings and Length of Sentence

Given that Germany and the Netherlands are the two countries with the most prosecutions for cumulative charges so far, a comparison can only be drawn with respect to these two countries. Based on relevant data available on 45 cases of cumulative charges proceedings offering relevant data points as well as a randomised selection of 34 terrorism-only proceedings in Germany and the Netherlands, it appears that the length of proceedings increases from 14,5 months in terrorism-only proceedings to 23,77 months when charged cumulatively. [99] The dataset further indicates that when there is sufficient evidence to prosecute an alleged terrorist for core international crimes and terrorist offences, this may lead to higher sentences compared to the sample dataset on terrorism-only proceedings in Germany and the Netherlands.[100] The average sentence when convicted cumulatively is 6,43 years and for terrorism only 4,08 years.

Table 9: Comparison of Length of Prison Sentence for Terrorism Only and Cumulative Charges Convictions in Germany and the Netherlands (ncum=45, nterror=34; as of 15 November 2023)
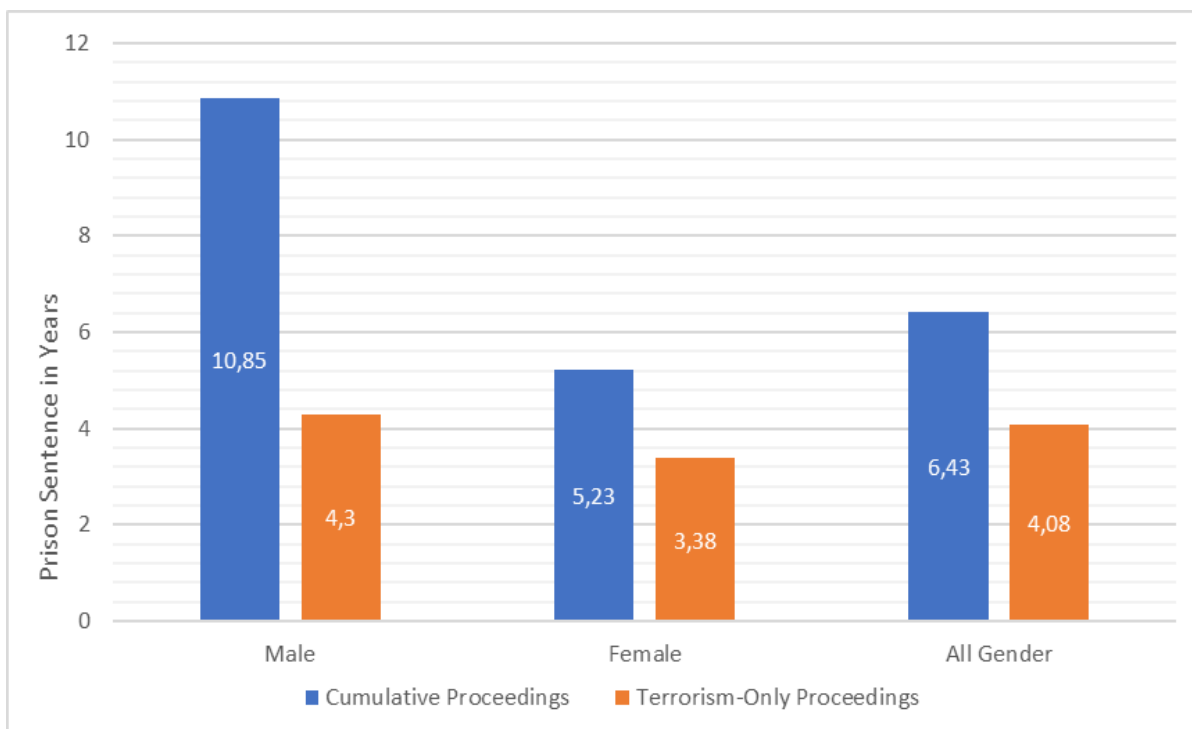
However, longer sentences are an outcome, not the objective. Under international law, states have the obligation to penalise both terrorist offences and core international crimes in a manner that duly reflects the seriousness of the crimes.[101] A distinction should be drawn between a sentence imposed by a court and the maximum sentence available by law. Core international crimes are considered the most heinous crimes and European countries in general have established long(er) sentences ranging from 15 years to life imprisonment, whereas the maximum sentences

for terrorist offences tend to be shorter.[102] Sentences for membership in a terrorist organisation range between one and fifteen years, with the exception of leading a terrorist organisation.[103] The tendency to increase maximum sentences for membership offences is not uncommon. In France, the penalties for leading or directing terrorist attacks have gradually been increased to life imprisonment.[104] In the Netherlands, a legislative proposal has been submitted in early 2023 to increase the maximum sentence for membership of a terrorist group from 15 to 20 years, although in reality, sentences given for only terrorist offences range between 5 to 7 years, and in many cases even lower.[105] The Dutch Council of State also noted that such an increase of maximum sentence would mean that membership, with a person not being engaged in the commission of terrorist offences, would be equally punishable as an attempt to and complicity in the commission of serious offences.[106]

Mitigating and Aggravating Factors

Despite not all judgements being made available, open-source research and the analysis of fully available judgements, have led to the identification of some of the prevailing mitigating and aggravating factors that have been taken into account in trials against terrorists convicted for core international crimes and terrorist offences. Some of the factors can be both a mitigating as well as an aggravating factor, such as remorse or (not) having a criminal record. In some judgements the court would consider not showing remorse an aggravating factor, whereas in other judgements took a sign of remorse into account as a mitigating factor. Circumstances relating to (pre-trial) detention have been considered several times as a mitigating factor. This not only relates to the length or the type of detention to which the defendant was subjected between the commission of the crimes and the trial, but also to the conditions of the detention. In other judgements the detention in camps in North-eastern Syria, Iraq, or Turkey have been taken into account. Furthermore, the conditions in these camps, but also Covid-19 related restrictions which led to a tighter detention regime, were factors that judges took into consideration.[107] Although less frequently mentioned, the (over)exposure in the media[108], and the risk of being expelled for foreign nationals following a criminal conviction, have also been taken into account by courts.[109] These sentencing considerations vary within a court, between courts within a country and across countries to draw any further conclusions.

Table 10: Most Commonly Applied Mitigating and Aggravating Factors in Sentencing Considerations Following Criminal Trials of Alleged Terrorist for Terrorism and Core International Crimes Charges in Europe (as of 15 November 2023)

Mitigating factors	Aggravating factors
• (Partial) confession	• Length of membership in terrorist group
• Criminal record	• Cruelty of the crimes
• Crimes occurred long time ago	• Number of crimes
• Participation in rehabilitation programme	• The brutal nature of a terrorist group
• Attempted/voluntarily left terrorist group/ controlled territory	• Role within/contribution to the terrorist group
• Short duration of stay with terrorist group	• Number and age of victims
• Contribution to investigations in other criminal cases	• Criminal record
• Length and conditions of detention	• Remorse
• Remorse	

While recidivism of convicted terrorists for new terrorist offences is a major concern, especially in European countries, where several terrorist offenders have been released from prison since 2021, the recidivism rate appears to be low.[110] The fear that convicted terrorists may commit another terrorist offence has already led to increasing the length of sentences and also withdrawing or limiting automatic early release for terrorist offences in the UK.[111] In France, automatic early release for convicted terrorists was already withdrawn by law in 2016, and in practice it is rarely granted when it is requested.[112] Furthermore, several countries such as France,[113] the Netherlands,[114] and the UK[115] have or are expanding post-release monitoring of convicted terrorists, including travel restrictions, reporting duties at police station, mandatory religious counselling or obligations to notify when changing jobs. Considering the duration and impact some of these measures have on human rights such as the freedom of movement or the right to work, it raises several issues: who decides and reviews these measures, for what specific purposes are these measures imposed and how can these measures be challenged.

The tension between protecting society from the risk of recidivism by convicted terrorists on the one hand and upholding the essence of the non bis in idem principle that a person should neither be prosecuted twice, nor punished twice for the same conduct, becomes evident. Measures imposed as part of the post-release monitoring can be, just like administrative measures, punitive in nature and thus infringe upon the right not to be punished twice for the same offence.

Conclusion

The current research has certain limitations. First of all, the dataset excludes the prosecution of core international crimes committed by non-state armed groups and state officials such as the Syrian or Iraqi government forces. Another drawback is that the dataset contains predominantly German cases, followed by the Netherlands and Sweden. This does not necessarily need to limit the relevance of the findings. All the EU countries that have ratified and implemented the Rome Statute have defined the core international crimes in line with the definitions of the Rome Statutes. When other EU countries decide to charge alleged terrorists cumulatively, they can rely on the case-law for the interpretation of the core international crimes. Furthermore, countries can adopt a more pro-active prosecutorial strategy that does not always require amendments to the law. Finally, not all judgements can be obtained, thus we can only rely on press releases issued by the court. As more prosecutions take place in different countries and more judgments become available, it will be possible to draw more conclusions. Despite these limitations, certain observations and key trends can be made.

There are several advantages of relying solely on terrorism offences when holding alleged terrorists accountable in criminal proceedings. Firstly, over the years, the range of offences such as financing of terrorism, (facilitating) travel, and providing and receiving training has increased.[116] The evidence required to prove such terrorist offences is often not located in a conflict zone. Secondly, prosecuting for terrorism-related offences often permits the use of specialised investigative powers, longer pre-trial detention, and in some cases a lower standard of proof.[117] Finally, the symbolic function of prosecuting terrorism offences should not be underestimated. Membership in a foreign terrorist organisation has been criminalised by all EU member states, including more recently by Finland and Sweden. More than two thirds of the alleged terrorists who were charged with core international crimes, among others, also found guilty of membership in a terrorist organisation.

At the same time, membership offences are status offences and do not adequately distinguish between active and passive membership, nor do they properly reflect the full range of crimes that have been committed in the conflict zone. As noted earlier, the genuine link between the individual and the terrorist group as well as the precise degree of contribution of the alleged perpetrator is not always clear. While it may be logical to increase the maximum sentence for membership offences, they do not identify and recognise victims and the harm that is inflicted upon them. Membership offences are 'faceless' crimes. The (maximum) sentences imposed by law and imposed by courts should therefore not be higher than sentences following core international crimes convictions or carrying out terrorist attacks, considering the seriousness of the latter crimes.

The present dataset has further shown that women are being charged and convicted for different crimes than men. While women are being sentenced for their involvement in SGBV crimes and crimes committed against children such as child neglect, men are predominantly charged and convicted for inflicting physical harm resulting in death, and outrage upon personal dignity of a deceased person. Whether this constitutes gender-biased prosecution of female returnees is difficult to conclude based on the limited data available from a limited number of countries.[118]

However, women have indeed played different roles in FTOs than men, ranging from running a household and taking care of children to fulfilling different functions such as trainers, recruiters, teachers, doctors, or fundraisers. Women are predominantly involved in non-violent activities, whereas men are more often involved in fighting, killing, and other violent activities.[119] If evidence is available that an ISIL/Da'esh fighter has committed (more) violent crimes leading to physical harm and/or death, it is the prerogative of the prosecutor to charge them for the more violent war offences instead, or in addition to, pillaging as a war crime. Whether the same analogy can be applied to child recruitment and SGBV crimes is doubtful. Enlisting your own child as a fighter, and committing rape of Yazidis, causes such physical and mental harm, and is as serious and violent as many of the violent crimes that males have committed. As few men are being repatriated, it is difficult to compare which crimes they would be prosecuted for were they to return, making it difficult to draw any conclusions on whether there is indeed a gender-biased approach in prosecutions.

Another observation that can be drawn from the dataset is that the sentences are longer when terrorists are convicted cumulatively for terrorist offences and core international crimes. When terrorist offences and core international crimes are charged cumulatively, it is important to determine whether the same underlying facts can be considered as proof for both offences. Considering the different elements of crimes that need to be proven, prosecutors should carefully assess which underlying facts genuinely support and prove the commission of the crimes. When the crimes – such as membership in a terrorist group and war crimes – are intrinsically linked, a more integrated approach is required and could support the use of the same underlying acts to prove both crimes, which will be reflected in the sentencing. Prosecuting for the full range of crimes that have been committed is a recognition of the harm that has been inflicted on the victims and helps to establish a historical record.

Longer sentences are not a goal, but an outcome of prosecuting cumulatively for both terrorist offences and core international crimes. Provided that there is a political will and that the pre-requisites of criminalising core international crimes and establishing jurisdiction are in place, this trend of prosecuting cumulatively is promising.[120] This article demonstrates what different prosecutorial strategies can be employed that facilitate holding perpetrators accountable for the full range of crimes they have committed. Cumulative charging and structural investigations do not require any changes in the legal system but need to be incorporated through practice. By analysing existing court cases, (other) prosecutors can build on proving the different elements of crimes. While in some cases evidence needs to be obtained from the conflict zone, which can be obtained through cooperation with international mechanisms such as UNITAD and IIIM, in other cases prosecutors could rely on digital evidence such as photos and videos that have been lawfully obtained and authenticated by a forensic institute to prove the crimes.

Given the continuous repatriations of women from North-Eastern Syria by an increasing number of countries[121] and the existing expertise in cumulative proceedings, the number of repatriations will likely continue and expand to more countries in the coming years. So far, members of ISIL/Da'esh and other terrorist groups were mainly prosecuted through a terrorism legal framework. As several countries in Europe have successfully started to also hold ISIL/Da'esh members accountable for core international crimes, this should encourage other countries to

cumulatively charge for both core international crimes and terrorist offences. When countries are doubling down on their efforts to bring terrorists to justice for the full range of crimes, it contributes to achieving a more complete accountability.

Tanya Mehra is a Senior Research Fellow and Programme Lead (Rule of Law Responses to Terrorism) at the International Centre for Counter-Terrorism. Tanya's main areas of interest are international (criminal) law and rule of law approaches in countering terrorism, with a special focus on accountability of terrorism-related crimes, human rights implications of countering terrorism approaches. Other topics of interests include the repatriation of foreign terrorist fighters, military evidence and the use of administrative measures in judges, prosecutors and other actors of the criminal justice sector as well as international organisations such as UN CTED and GCTF. Tanya has previously worked at the T.M.C. Asser Instituut and has published in various academic and policy outlets.

ANNEX

Prosecuting Country	Name/Case No.	Nationality Defendant	Gender	Date of latest Verdict
Finland	Ahmad S. 16/6930; 17/1229	Iraqi	Male	Friday, 28 February 2020
Finland	Daham S. 16/6930; 17/1229	Iraqi	Male	Friday, 28 February 2020
Germany	Abbas R. 1 – 3/18	Iraqi	Male	Friday, 4 June 2021
Germany	Abdalfatah H. A. 5-2 StE 5/17-4	Syrian	Male	Monday, 13 January 2020
Germany	Abdelkarim el B. 5-3 StE 4/16-4-3/16	German	Male	Tuesday, 8 November 2016
Germany	Abdelkarim el B. 5-3 StE 4/17-4-3/17	German	Male	Monday, 24 September 2018
Germany	Abdoulrahman A. A. 5-2 StE 5/17-4	Syrian	Male	Monday, 13 January 2020
Germany	Abdul Jawad A. K. 5-2 StE 5/17-4; 3 StR 394/20	Syrian	Male	Tuesday, 10 August 2021
Germany	Amin M. 5-2 OJs 15/20 - 1/22	Syrian	Male	Wednesday, 5 October 2022
Germany	Carla-Josephine S. 7 StS 4/19	German	Female	Wednesday, 29 April 2020
Germany	Derya Ö. III - 5 StS 2/19	German	Female	Tuesday, 17 December 2019
Germany	Fadia S. 7 StS 3/20	German-Lebanese	Female	Thursday, 1 July 2021
Germany	Fares A.B. 5 - 3 StE 6/19/3 StR 212/21	Syrian	Male	Tuesday, 10 August 2021
Germany	Jalda A. 3 St 2/22	German	Female	Wednesday, 27 July 2022
Germany	Jennifer W. 8 St 9/18; 3 StR 246/22	German	Female	Tuesday, 29. August 2023
Germany	Khaled A. (1) 2StE2/21-4 (1/21)	Syrian	Male	Tuesday, 4 May 2021
Germany	Khedr al-K. 6 StS 2/20; 3 StR 16/22	Syrian	Male	Tuesday, 5 April 2022
Germany	Kim-Teresa A. 5-2 OJs 29/20-1/21; 3 StR 89/22	German	Female	Tuesday, 3 May 2022

Germany	Leonora M. N/A	German	Female	Wednesday, 18 May 2022
Germany	Marcia M. 5 St 1/23	German	Female	Friday, 1 September 2023
Germany	Mine K. 2 StS 2/19	German	Female	Wednesday, 4 December 2019
Germany	Mohammed Rafea Yaseen Y.	Iraqi	Male	Wednesday, 3 June 2020
Germany	Monika K. III-6 StS 3/22	German - Polish	Female	Tuesday, 14 February 2023
Germany	Mustafa K. 5 StS-1/18	Syrian	Male	Thursday, 13 December 2018
Germany	Nadine K. 2 StE 9/22	German	Female	Wednesday, 21 June 2023
Germany	Nasim A. 5-2 OJs 24/19 - 4/20	German	Female	Friday, 28 May 2021
Germany	Nils D. III-6 StS 5/18; 3 StR 187/22	German	Male	Wednesday, 10 August 2022
Germany	Nurten J. 7 StS 2/20	German	Female	Wednesday, 21 April 2021
Germany	Omaima A. 3 St 1/20; 3 StR 26/21	German	Female	Monday, 22 March 2021
Germany	Omaima A. 4 St 1/21	German	Female	Thursday, 22 July 2021
Germany	Raad A. 1 – 3/18	Iraqi	Male	Friday, 4 June 2021
Germany	Raed E. 1 – 1/22	Syrian	Male	Thursday, 13 July 2023
Germany	Romiena S. 4 StS 3/21	German	Female	Wednesday, 1 June 2022
Germany	Sabine Ulrike S. 5-2 StE 11/18	German	Female	Friday, 5 July 2019
Germany	Sami al-S. 6 StS 2/20; 3 StR 16/22	Syrian	Male	Tuesday, 5 April 2022
Germany	Sarah K. III-5 StS 4/22	German	Female	Tuesday, 14 February 2023
Germany	Sarah O. 7 StS 3/19	German-Algerian	Female	Wednesday, 16 June 2021
Germany	Sibel H. 7 St 9/19 (4)	German	Female	Wednesday, 29 April 2020

Germany	Stefanie A. 3 St 2/21	German	Female	Thursday, 24 March 2022
Germany	Suliman Al S. 6 - 3 StE 5/16; 3 StR 149/18	Syrian	Male	Wednesday, 23 January 2019
Germany	Sultan K. 5 StS - 1/18; 3 StR 262/19	Syrian	Male	Wednesday, 16 October 2019
Germany	Taha al-J. 5-3 StE 1/20-4-1/20; 3 StR 230/22	Iraqi	Male	Wednesday, 30 November 2022
Germany	Zeynep G. 6 – 2/20	German	Female	Friday, 23 April 2021
Hungary	Hassan F.	Syrian	Male	Monday, 11 October 2021
Latvia	Mārtiņš G. K30-1047-17/15/11840003615	Latvian	Male	Monday, 3 December 2018
Netherlands	Oussama A. 09/748003-18; 09/748003-19; 2200392619; 21/00479	Dutch	Male	Tuesday, 5 April 2022
Netherlands	Ahmad al Y. 09/748011-19; 2200128321	Syrian	Male	Tuesday, 6 December 2022
Netherlands	Ahmad al-K. 09/748001-18; 22-002229-21	Syrian	Male	Tuesday, 14 November 2023
Netherlands	Yousra L. 09/748012-19; 09/748012-19-P	Dutch	Female	Tuesday, 29 June 2021
Sweden	Al Amin S. B 9086-15; B 5306-15	Swedish	Male	Wednesday, 30 March 2016
Sweden	Fatosh I. B 4663-22; B 7721-21	Swedish	Female	Wednesday, 29 March 2023
Sweden	Hassan Mostafa al-M. B 9086-15; B 5306-15	Swedish	Male	Wednesday, 30 March 2016
Sweden	Lina I. B 20218-20	Swedish	Female	Friday, 4 March 2022
Sweden	Nathan B. B 2759-21	Swedish	Male	Wednesday, 4 January 2023

Endnotes

1 UN Human Rights Council, "They came to destroy: ISIS Crimes Against the Yazidis", A/HRC/32/CRP.2, 15 June 2016, available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf.

2 UN Human Rights Council, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", A/HRC/44/61, 3 September 2020, available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/224/45/PDF/G2022445.pdf?OpenElement.

3 UN Security Council, "Tenth Report from the Special Adviser and Head of UNITAD", S/2023/367, 22 May 2023, available at https://www.unitad.un.org/sites/www.unitad.un.org/files/general/unitad_10th_report_to_the_unsc-eng.pdf.

4 UN High Commissioner for Refugees Cyprus, "Syrian Refugee Crisis – Globally, in Europe and in Cyprus", 18 March 2021, available at https://www.unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus/; European Union Agency for Asylum, "Latest Asylum Trends", September 2023, available at https://euaa.europa.eu/latest-asylum-trends-asylum.

5 Case 19-87.367, *LaFarge*, Judgement, Court of Cassation, 7 September 2021; Case StB 52/18, *Nils D.*, Federal Court of Justice, Order, 18 December 2018.

6 'Global Repatriations Tracker | Rights and Security International', accessed 8 July 2023, available at https://www.rightsand-security.org/action/resources/global-repatriations-tracker.

7 Only Italy and Denmark have not yet implemented the Rome Statute. See the commentary of the Rome Statute on how the core international crimes have been drafted, available at https://www.legal-tools.org/doc/aa0e2b/pdf/.

8 UN Security Council, "Sixth Report of the Special Adviser and Head of UNITAD", S/2021/419, 3 May 2021, available at https://www.unitad.un.org/sites/www.unitad.un.org/files/general/s.2021.419_-_sixth_unitad_report_en.pdf.

9 Common Article 3 to the Geneva Conventions I-IV; Article 75(2)(a) Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), 7 December 1978, UNTS 17512; Article 4(2)(a) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict (Additional Protocol II), 7 December 1978, UNTS 17513; Article 8(2)(a)(i) and (c)(i) Rome Statute of the International Criminal Court (Rome Statute), 1 July 2002, UNTS 38544. Willful killing is also prohibited under international customary law. See International Committee of the Red Cross (ICRC), Customary IHL Database, "Rule 89", available at https://ihl-databases.icrc.org/en/customary-ihl/v1/rule89.

10 International Criminal Court (ICC), "Elements of Crimes", Article 8(2)(c) (i)-1, 2013, available at https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf.

11 Certain violations such as murder, torture and inhuman treatment are considered so serious that they constitute grave breaches under international humanitarian law. On torture and inhumane treatment: Article 50 Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 21 October 1950, UNTS 970; Article 51 Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 21 October 1950, UNTS 971; Article 130 Convention (III) relative to the Treatment of Prisoners of War, Geneva, 21 October 1950, UNTS 972; Article 147 Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 21 October 1950, UNTS 973.

12 In the Appeals Judgment against Kunarac, the ICTY determined: "In determining whether or not the act in question is sufficiently related to the armed conflict, the Trial Chamber may take into account, inter alia, the following factors: the fact that the perpetrator is a combatant; the fact that the victim is a non-combatant; the fact that the victim is a member of the opposing party; the fact that the act may be said to serve the ultimate goal of a military campaign; and the fact that the crime is committed as part of or in the context of the perpetrator's official duties". Case IT-96-23 and IT-96-23/1-A, *Prosecutor v. Kunarac, Kovač and* Vuković, Judgement, International Tribunal for the Former Yugoslavia, 12 June 2002, paras 57-58.

13 Under international humanitarian law non-state armed group can set up courts in the area they control, however such trials need to meet fair trial standards. In the current case the court ruled that the death sentence was solely based on the fact that the radical beliefs of the judge who considered the prisoners of war to be disbelievers based on their affiliation with the Syrian government. According to the court, the prisoners of war were denied having their case heard, denied a defence, and denied any legal remedies with the sentence being executed immediately, thus their deaths not only qualified as murder but also extrajudicial killings; Case 5-2 StE 5/17, *Abdul Jawad A.K.*, Judgement, OLG Stuttgart, 13 January 2020, paras 121-128.

14 Eurojust, "Prosecuting war crimes of outrage upon personal dignity based on evidence from open sources – Legal framework and recent developments in the Member States of the European Union", February 2018, available at https://www.eurojust.europa.eu/sites/default/files/assets/2018-02-prosecuting-war-crimes-based-on-evidence-from-open-sources-en.pdf.

15 International Criminal Court, Elements of Crime, under Article 8 (2) (c) (ii), para. 1.

16 Common Article to the Geneva Conventions I-IV, Article 8 (2) (b) (xxi) of the Rome Statute. Outrage upon personal dignity is also prohibited under international customary law. See International Committee of the Red Cross (ICRC), Customary IHL Database, "Rule 90", available at Willful killing is also prohibited under international customary law. See International Committee of the Red Cross (ICRC), Customary IHL Database, "Rule 89", available at

17 International Criminal Court (ICC), "Elements of Crimes", Article 8(2)(c)(ii), 2013 available at available at https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf.

18 International Criminal Court (ICC), "Elements of Crimes", Article 8(2)(b)(xxi), 2013 available at https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf.

19 UN Human Rights Council, "Rule of Terror: Living under ISIS in Syria, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 November 2014, available at https://reliefweb.int/report/syrian-arab-republic/rule-terror-living-under-isis-syria.

20 Yousra L. was convicted on first instance by the District Court of The Hague for war crime of outrage upon personal dignity (Section 6 Paragraph 1 I ICA in conjunction with Article 3 Geneva Conventions). In addition, Yousra L. was found guilty of a range of terrorist offences: membership in a terrorist organisation (Section 140, 140a Criminal Code of the Netherlands), Incitement to terrorism and dissemination of jihadi material (Section 131, 132), training to commit terrorist offences (Section 134a), transferring money to terrorists (Sanctions Act 1977, Art. 2 and 3, Terrorism Sanctions Regulation 2007-II). See: Cases 09/748012-19 and 09/748012-19-P, *Yousra L.*, Judgement, District Court of the Hague, 29 June 2021.

21 Case 09-748011-19 and 2200128321, *Ahmad al Y.*, Judgement, Court of Appeal of the Hague, 6 December 2022.

22 Child recruitment is prohibited in international and non-international armed conflict under Article 77(2) Additional Protocol I and Article 4(3)(c) Additional Protocol II and Article 8(2)(b)(xxvi) a€(e)(vii) of the Rome Statute. Child recruitment is also prohibited under international customary law, see International Committee of the Red Cross (ICRC), Customary IHL Database, "Rule 136", available at https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136.

23 Case B 20218-20, *Lina I.*, Judgement, Stockholm District Court, 4 March 2022.

24 Case 3 St 2/21, *Stefanie A.*, Judgement, Hans OLG Hamburg, 25 March 2022 (on file with the author).

25 Pillaging is prohibited under Article 33(2) Geneva Convention IV, Article 4(2)(g) Additional Protocol I, Article 8(2)(b)(xvi) an€(2)(e)(v) of the Rome Statute. Pillaging is also prohibited under international customary law, see International Committee of the Red Cross (ICRC), Customary IHL Database,, "Rule 52", available at https://ihl-databases.icrc.org/en/customary-ihl/v1/rule52.

26 International Criminal Court (ICC), "Elements of Crimes", Article 8(2)(e)(v), 2013 available at https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf.

27 A. Jawad Al-Tamimi, "The ISIS Files, The Islamic State's Real Estate Department: Documents and Analysis", George Washington University Program on Extremism, June 2022, available at https://isisfiles.gwu.edu/downloads/jm214p12r?locale=en.

28 Case 2 StS 2/19, *Mine K.*, Judgement, OLG Düsseldorf, 4 December 2019, paras 149-252.

29 Final convictions for all pillaging counts: Case 5-2 StE 11/18, *Sabine Ulrike S.*, Judgement, OLG Stuttgart, 5 July 2019; Case 2 StS 2/19, *Mine K.*, Judgement, OLG Düsseldorf, 4 December 2019; Case 5-2 OJs 29/20-1/21, *Kim-Teresa A.*, Judgment, OLG Frankfurt, 29 October 2021; Case 5 2 OJs 24/19 4/20, *Nasim A.*, Judgment, OLG Frankfurt, 28 May 2021. Convictions for all pillaging counts with appeal pending: Case 5 St 1/23, *Marcia M.*, Judgment, OLG Celle, 1 September 2023, Case III-5 StS 4/22, *Sarah K.*, Judgment, OLG Düsseldorf, 14 February 2023, Case III-6 StS 3/22, *Monika K.*, Judgment, OLG Düsseldorf, 14 February 2023 . Final acquittals for all pillaging counts: Case 7 StS 3/19, *Sarah O.*, Judgement, OLG Düsseldorf, 16 June 2021;Case 6-2/20, *Zeynep G.*, Judgement, Kammergericht Berlin, 23 April 2021; Case 2 StE 9/22, *Nadine K.*, Judgment, OLG Koblenz, 21 June 2023. Final convictions for single pillaging count(s): Case 7 St 9/19 (4), *Sibel H.*, Judgement, OLG Munich, 29 April 2022; Case 3 St 2/22, *Jalda A.*, Judgement, HansOLG Hamburg, 27 July 2022; Case III 5 StS 2/19 *Derya* Ö., Judgment, OLG Düsseldorf, 17 December 2019; Case 7 StS 3/20, *Fadia S.*, Judgment, OLG Düsseldorf, 1 July 2021. Convictions for single pillaging count(s) with appeal pending: Case 7 StS 2/20, *Nurten J.*, Judgement, OLG Düsseldorf, 21 April 2021.

30 UN Human Rights Council, "They came to destroy: ISIS Crimes Against the Yazidis", A/HRC/32/CRP.2, 15 June 2016, available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf.

31 Ibid, para 55.

32 See: UN Security Council Resolution 1820(2008), S/RES/1820, 19 June 2008, available at https://www.un.org/shestandsforpeace/sites/www.un.org.shestandsforpeace/files/unscr_1820_2008_on_wps_english.pdf;: UN Security Council Resolution 2331(2016), S/RES/2331, 20 December 2016, available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/451/58/PDF/N1645158.pdf?OpenElement; UN Security Council Resolution 2242(2015), S/RES/2242, 13 October 2015, available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/311/09/PDF/N1531109.pdf?OpenElement;UN Security Council Resolution 2388(2018), S/RES/2388, 21 November 2017, available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/393/19/PDF/N1739319.pdf?OpenElement.

33 UN Security Council, "Report of the Secretary General on women and peace and security", S/2017/861, 16 October 2017, para 61, available at https://www.un.org/shestandsforpeace/content/report-secretary-general-women-and-peace-and-security-2017-s2017861.

34 See for example: Case 7 StS 3/19, *Sarah O.*, Judgement, OLG Düsseldorf, 16 June 2021; Case 3 St 1/20, *Omaima A.*, Judgement, Hans OLG Hamburg, 2 October 2020; Case 3 St 2/22, *Jalda A.*, Judgement, Hans OLG Hamburg, 27 July 2022 (on file with the author).

35 In January 2023, the court of first instance found Camilla O. guilty of several counts of aiding and abetting aggravated rape of minors and sentenced her to 8 years and 6 months in prison. In May 2023, the court of appeal confirmed the sentence, but amended the guilty verdict to two counts of human trafficking of minors as an offence against liberty and peace and increased the sum of the previously ordered payment of victim compensation to both plaintiffs. She was sentenced to 6 years and 10 months imprisonment including making payments to the victims and Swedish Victims Fund. Case B 1070-23, *Camille O.*, Judgment, Court of Appeal Stockholm, 11 May 2023. On file with author.

36 Dutch Public Prosecution Service, "Teruggehaalde vrouw uit IS-kamp verdacht van misdrijven tegen Yezidi's [Retrieved woman from IS camp suspected of crimes against Yazidis]", News Item, 10 February 2023, available at https://www.om.nl/actueel/nieuws/2023/02/10/teruggehaalde-vrouw-uit-is-kamp-verdacht-van-misdrijven-tegen-yezidis.

37 According to the EU Directive on Combatting Terrorism, Member States shall take the necessary measures to ensure that the following acts, when committed intentionally, are punishable as a criminal offence: (a) directing a terrorist group; (b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group. See: Art. 4, Directive (EU) 2017/541 of the European Parliament and of the Council on combatting terrorism, 31 March 2017, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L0541.

38 "[p]articipating in an association or group for the purpose of terrorism" means to participate in the activities of an association or group for the purpose of committing or contributing to the commission of one or more terrorist offences by the association or the group. […] each Party shall adopt such measures as may be necessary to establish "participating in an association or group for the purpose of terrorism, as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law." See: Art. 1 and 2 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, 22 October 2015, available at https://rm.coe.int/168047c5ea.

39 Le Figaro, "Deux ans ferme requis à Paris contre l'imam Bassam Ayachi [Two years in prison requested against imam Bassam Ayachi]", 8 April 2022, available at https://www.lefigaro.fr/flash-actu/deux-ans-ferme-requis-a-paris-contre-l-imam-bassam-ayachi-20220408.

40 Case 5 StS 6/19, *Sabri B.*, Judgement, OLG Düsseldorf, 12 June 2020.

41 Case 09/748011-19, *Ahmad al Y.*, Judgement, District Court of the Hague, 21 April 2021.

42 Ahrar al-Sham has worked under larger coalitions and has closely cooperated with other designated terrorist groups such as former Jabhat al-Nusra and ISIL/Da'esh making it difficult to determine role and activities of Ahrar al-Sham. The fact that Ahrar al-Sham appears to pursue a political agenda that also clearly discriminates against minorities that are thus being targeted, has been one of the considerations to qualify Ahrar al-Sham as a terrorist organisation. For more information, see Mapping Militant Organizations, "Ahrar al-Sham." Stanford University, last modified March 2022, available at https://cisac.fsi.stanford.edu/mappingmilitants/profiles/ahrar-al-sham.

43 This has also been repeatedly concluded in terrorism only trials in the Netherlands and also confirmed by the Supreme Court in 2022. See Case 21/01122, Judgement, Supreme Court, 21 November 2022, para 28.

44 Furthermore, in addition to being member or leader of a terrorist group, in Belgium a third category has been created criminalizing a person for participating in any decision within a terrorist group knowing that this participation could contribute to the commission of an offence by the terrorist group. See: Art. 140(1), Criminal Code of Belgium, available at https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1867060801&table_name=wet.

45 H. Duffy, R. Pillay and K. Babická, 'Counter-Terrorism and Human Rights in the Courts', International Commission of Jurists, November 2020, p. 13, available at: https://icj2.wpenginepowered.com/wp-content/uploads/2020/11/Guidance-counter-terrorism-ENG-2020-1.pdf.

46 When membership is defined very broad it could affect CSO that are providing humanitarian assistance and restricting the right to association, peaceful assembly, and freedom of expression. While UNSC 2264(2022) carve out a humanitarian exemption, at national level not all States included such an exemption, making it very difficult for NGOs to provide humanitarian assistance in conflict areas where terrorist groups operate. See: UN Human Rights Council, "Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders", A/HRC/40/52, 1 March 2019, paras 21f. and 43f., available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/057/59/PDF/G1905759.pdf?OpenElement.

47 Case AK 18/22, Order, Federal Court of Justice, 21 April 2022, paras 6 and 21.

48 Case 7 St 9/19 (4), *Sibel H.*, Judgement, OLG Munich, 29 April 2022.

49 In one case the charge was dropped, in two other cases membership could not be proven in Germany because the accused was member of the Free Syrian Army, a non-state armed group which has not been designated as a terrorist organization. In another case the accused had flipped sides from a non-state armed group to a terrorist group, without conclusive evidence when this switch occurred. The fact that several armed oppositions groups have merged or loosely cooperate under an umbrella organization make it difficult to prove whether and during which period a group could meet the criteria of a terrorist organization, like in the case against Ahmad Al K. in the Netherlands. Furthermore, individual fighters can switch alliances during the course of a conflict making it difficult to prove their affiliation. See: Case 5-2 OJs 15/20, *Amin M.*, Judgement, OLG Frankfurt, 5 October 2022, Case 5-3 StE 5/16, *Suliman Al S.*, Judgement, OLG Stuttgart, 20 September 2017; Case 3 StR 149/18,

Suliman Al S., Judgement, Federal Court of Justice, 23 August 2018; Case 6-3 StE 5/16, *Suliman Al S.*, Judgement, OLG Stuttgart, 23 January 2019; Case 5-3 StE 1/20-4-1/20 Taha Al. J., Judgement, OLG Frankfurt 30 November 2021; *Ahmad Al-K.*, Judgement, District Court of the Hague, 16 July 2021.

50 The law now provides that anyone "carries out a task that is essential for the said criminal activity of the terrorist group" is contributing to the activities of a terrorist group; See: Act 1267/2021 amending Chapters 17 and 34a of the Criminal Code (2021), available at https://www.finlex.fi/fi/laki/alkup/2021/20211267.

51 On 1 June 2023 membership of a terrorist organization became an offence in Sweden. The newly adopted law also criminalises aiding a terrorist group, financing participation, and travelling for the purpose of joining, as well as recruiting members for the terrorist group. Library of Congress, "Sweden: New Terrorist Crimes Legislation Enters into Force", available at https://www.loc.gov/item/global-legal-monitor/2023-06-13/sweden-new-terrorist-crimes-legislation-enters-into-force/

52 Under the Geneva Conventions, there is an obligation to extradite or prosecute grave breaches. There appears to be no conventional basis however for the obligation to prosecute or extradite for crimes against humanity, genocide, war crimes other than grave breaches and war crimes in non-international armed conflict. See T. Mehra, "Improving the prospects of prosecuting 'terrorists' for core international crimes committed in the context of the conflict in Syria and Iraq", ICCT Report, October 2023, available at https://www.icct.nl/sites/default/files/2023-10/Improving%20prospects%20of%20prosecuting%20terrorists.pdf.

53 International Law Commission, "The obligation to extradite or prosecute", Yearbook of the International Law Commission II, no. 2 (2014): 103, para 21, available at https://legal.un.org/ilc/publications/yearbooks/english/ilc_2014_v2_p2.pdf.

54 Human Rights Watch, "These are the Crimes we are Fleeing: Justice for Syria in Swedish and German Courts" Report, October 2017, available at https://www.hrw.org/report/2017/10/03/these-are-crimes-we-are-fleeing/justice-syria-swedish-and-german-courts#_ftn79.

55 Sect. 153f Criminal Code of Germany.

56 The UK clearly favours prosecution on the basis of territorial jurisdiction and has extensive mutual legal assistance (MLA) agreements in place to ensure that suspects, including own nationals can be extradited provided certain safeguards are met. Other factors why there no prosecutions for core international crimes in the UK include strong counter-terrorism legislation with severe penalties and the high evidentiary threshold making it difficult to use evidence from abroad in court. See UK Ministry of Justice, "Note on the investigation and prosecution of crimes of universal jurisdiction", Policy Paper 21 May 2018, available at https://www.gov.uk/government/publications/universal-jurisdiction-information-note.

57 According to the Eurojust Genocide Network, the countries with the most human and financial resources within law enforcement and prosecution services are the ones that are most effectively prosecuting core international crimes cases. See: Genocide Network, "20 Years On: Main Developments in the Fight Against Impunity for Core International Crimes in the EU", May 2022, pp. 12-15, available at https://www.eurojust.europa.eu/sites/default/files/assets/developments-in-the-fight-against-impunity-for-core-international-crimes-in-the-eu.pdf.

58 B. McGonigle Leyh, "Using Strategic Litigation and Universal Jurisdiction to Advance Accountability for Serious International Crimes" *International Journal of Transitional Justice* 16, no. 3 (November 2022): 363-379, available at https://academic.oup.com/ijtj/article/16/3/363/6763559#382082469.

59 In 2019, the France based Syrian Center for Media and Freedom of Expression together with the International Federation of Human Rights (FiDH) filed a complaint against Islam Alloush, spokesperson of Jaysh al-Islam for his alleged involvement in war crimes committed by the group. He was consequently arrested in January 2020 and remained in investigative detention ever since. See: 'Islam Alloush', *TRIAL International* (blog), accessed 9 March 2023, available at https://trialinternational.org/latest-post/islam-alloush/.

60 For example, information submitted to the German Federal Prosecutor General as part of a CSO complaint concerning alleged aiding and abetting of crimes against humanity and war crimes by the German telecommunication firm Utimaco has been added to the ongoing structural investigation into crimes committed in Syria since 2011. See: European Center for Constitutional and Human Rights, "Surveillance in Syria: European firms may be aiding and abetting crimes against humanity", available at https://www.ecchr.eu/en/case/surveillance-in-syria-european-firms-may-be-aiding-and-abetting-crimes-against-humanity/#case_context.

61 Eurojust, "Conclusions of the 31st Genocide Network meeting, 6-7 April 2022", 3 May 2022, available at https://www.eurojust.europa.eu/publication/conclusions-31st-genocide-network-meeting-6-7-april-2022.

62 beck-aktuell, "Ermittlungen zu möglichen Kriegsverbrechen in der Ukraine [Investigations into possible war crimes in Ukraine]", 8 March 2022, available at https://rsw.beck.de/aktuell/daily/meldung/detail/ermittlungen-zu-moeglichen-kriegsverbrechen-in-der-ukraine.

63 Ben Knight, "Refugees in Germany reporting dozens of war crimes", Deutsche Welle, 4 November 2016, available at https://www.dw.com/en/refugees-in-germany-reporting-dozens-of-war-crimes/a-19179291.

64 Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?", *Journal of International Criminal Justice* 16, no. 1 (March 2018): 165-191, available at https://academic.oup.com/jicj/article-abstract/16/1/165/4956463; Miriam Ingeson, "Structural Criminal Investigations in Sweden

– Reinventing Investigations of International Crimes", *Scandinavian Studies in Law* 66, (5 October 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3979458.

65 Once the accused has been indicted, judicial authorities need to ensure that the trial will take place within a reasonable time and if applicable observe the limitations of pre-trial detention. See: Article 14, International Covenant on Civil and Political Rights (1966), available at https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

66 Several countries such as Germany, Sweden and France have relied on the use of structural investigations and indicated that this has improved the investigations of core international crimes. This has also been confirmed by a prosecutor in an interview with the author. Genocide Network, "Conclusions of the 31st meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes", Eurojust, 6-7 April 2022, available at https://www.eurojust.europa.eu/sites/default/files/assets/eurojust-31-genocide-network-meeting-conclusions.pdf.

67 Eurojust, "Cumulative prosecution of foreign terrorist fighters for core international crimes and terrorism-related offences", 19 May 2020, available at https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2020-05_Report-on-cumulative-prosecution-of-FTFs_EN.PDF.

68 Bongani C. Majola, "Cumulative Charges under International Criminal Law Issues and Perspectives", in *Promoting Accountability under International Law for Gross Human Rights Violations in Africa,* eds. Charles Chernor Jalloh and Alhagi B.M. Marong (Leiden: Brill, 2015), 202, available at https://brill.com/edcollbook/title/25389.

69 In the United States, the Blockburger test is used to determine whether cumulative charging would be a violation of double jeopardy. The court will look at the elements of the crimes on the basis of the relevant law, without taking the actual evidence into account to determine whether there is at least one different element of the crime. If so, the onus is on the prosecutor to prove one or more differentiating elements of the crimes. So for example, murder and murder as a terrorist act can be cumulatively charged, provided that the prosecutor could prove terrorist intent. The underlying notion is that prior to the start of the prosecution, it may not always be clear whether the evidence will hold in court, so if the charge for terrorism leads to acquittal, double jeopardy prevents the prosecutor trying the same person for the same underlying act but now for murder.

70 It is also contained in Art. 50 EU Charter of Fundamental Rights (CFR), 1 December 2009, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT; and in Art. 54 The Schengen acquis - Convention implementing the Schengen Agreement (CISA), available at https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=celex:42000A0922(02).

71 Terrorism and core international crimes can, but do not always necessarily, violate the same interests. Domestic terrorism poses a threat to *national security*, whereas core international crimes pose a threat to the *international community*. See the Preamble of the Rome Statute of the International Criminal Court recognising the grave nature of core international threaten the peace, security and well-being of the world and are a concern to the international community as a whole, see Preamble of the Rome Statute. Since 9/11 the UN Security Council has adopted over 40 resolutions to counter terrorism: UN Security Council Counter-Terrorism Committee, "Security Council Resolutions", available at https://www.un.org/securitycouncil/ctc/content/security-council-resolutions. The Preamble of one of the first Security Council Resolutions on terrorism also states that terrorism poses a threat to international peace and security, see UN Security Council Resolution 1373 (2001), S/RES/1373, 28 September 2001, available at https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf.

72 In context of terrorism, the imposition of administrative measures such as deprivation of nationality as result of criminal conviction for a terrorist offence raises the question whether this is a violation of the ne bis in idem principle. Especially when administrative measures are punitive in nature. It appears that the ECtHR concluded in Case 24130/11 and 29758/11, *A and B v. Norway,* Judgement, ECtHR, 15 November 2016 that where dual proceedings represent "complementary responses to socially offensive conducts" and are combined in an integrated manner so as to form a "coherent whole" in order to address the different aspects of the offence, they should rather be considered as parts of one single procedure, and not as an infringement of the ne bis in idem principle.

73 Case ICTR-96-4-T, *Prosecutor v. Jean-Paul Akayesu*, Judgement, International Criminal Tribunal for Rwanda, 2 September 1998, para 468.

74 The Court – also confirmed on appeal – ruled that a second trial would violate the *ne bis in idem* principle. Such a narrow interpretation of *the ne bis is idem* principle will have an impact on holding alleged terrorist accountable for the full range of crimes they have committed; See: Case 3 St 2/16, *Harry S.*, Judgment, HansOLG Hamburg, 5 July 2016; Case 3 St 2/17, *Harry S.*, Decision, HansOLG Hamburg, 12 October 2017; Case StB 27/17, *Harry S.*, Decision, Federal Court of Justice, 8 February 2018; (all decisions unpublished due to privacy rights of Accused).

75 Case 09/748001-18, *Ahmad Al-K.*, Judgement, District Court of the Hague, 16 July 2021.

76 Case 5 StS-1/18, *Mustafa K. and Sultan K.*, Judgement, OLG Celle, 13 December 2018; Case *Mohammed Rafea Yaseen Y,* Judgement, OLG Düsseldorf, 3 June 2020; Case 6-2/20, *Zeynep G.*, Judgement, Kammergericht Berlin, 23 April 2021; Case 5 - 2 StE 5/17, *Abdoulrahman A.A. and Abdalfatah H. A.*, Judgement, OLG Stuttgart, 13 January 2020,; Case *Leonora M.*, Judgement, OLG Naumburg, 18 May 2022.

77 Case B 5306-15, *Hassan Mostafa Al-M. and Al Amin S.*, Judgement, Court of Appeal of Western Sweden, 30 March 2016.

78 Convention for the Suppression of Unlawful Seizure of Aircraft, 14 October 1971, UNTS 12325.; Convention on the Physical Protection of Nuclear Material, 1 February 1987, UNTS: 24631.; Convention for the Suppression of Unlawful Acts against the

Safety of Maritime Navigation, 1 March 1992, UNTS 29004.; International Convention for the Suppression of Terrorist Bombings, 23 May 2001, UNTS 37517; International Convention for the Suppression of Acts of Nuclear Terrorism, 7 July 2007, UNTS 44004.; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 26 January 1973, UNTS 14118.

79 For more information on the application of the exclusion clause see: T. Van Poecke, F. Verbruggen, W. Yperman, "Terrorist offences and international humanitarian law: The armed conflict exclusion clause", *International Review of the Red Cross* 103, no. 916-917 (February 2022): 295, available at https://international-review.icrc.org/articles/terrorist-offences-and-ihl-the-armed-conflict-exclusion-clause-916; B. Saul, "From conflict to complementarity: Reconciling international counterterrorism law and international humanitarian law", *International Review of the Red Cross* 103, no. 916-917 (February 2022): 157, available at https://international-review.icrc.org/articles/from-conflict-to-complementarity-916..

80 Case 09/842489-14, *Unknown*, Judgement, District Court of the Hague, 10 December 2015, para 7.14.

81 Art. 141bis, Criminal Code of Belgium.

82 Case on file with author.

83 Case on file with author.

84 By consulting relevant websites on a regular basis and purchasing items such as aluminium powder, Omar H. was found guilty for obtaining knowledge and skills to commit terrorist offence. See: Case 2200477013, Judgement, Court of Appeal of the Hague, 27 January 2015.

85 Case 3 StR 89/22, *Kim-Teresa A.*, Order, Federal Court of Justice, 3 May 2022.

86 Case (1) 2StE2/21-4, *Khaled A.*, Judgement, Kammergericht Berlin, 4 May 2021; Case 4 StS 3/21, *Romiena S.*, Judgement, OLG Celle, 1 June 2022; Case 7 St 9/19 (4), *Sibel H.*, Judgement, OLG München, 29 April 2020.

87 C. Paulussen and T. Mehra, "Evidentiary and Charging Matters in the Context of Prosecuting Returning Foreign Fighters Before National Courts", in: F. Capone, C. Paulussen and R. Mignot-Mahdavi (eds.), *Returning Foreign Fighters: Responses, Legal Challenges and Ways Forward*, The Hague: T.M.C. Asser Press/Springer Verlag (2023), pp. 119-141.

88 UN High Commissioner for Refugees Cyprus, "Syrian Refugee Crisis – Globally, in Europe and in Cyprus", 18 March 2021, available at https://www.unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus/.

89 UNITAD, "UNITAD Welcomes Swedish Court Ruling of ISIL Woman Committing Grave Violations of International Law", Press Release, 7 March 2022, available at https://www.unitad.un.org/Swedish%20Conviction%20Press%20Release.

90 UNITAD has received requests for assistance from 17 third countries and 39 competent judicial authorities including states that do not prosecute for core international crimes but in a manner that reflect the seriousness of the crime. In the US Musaibli was convicted to 14 years imprisonment for providing, attempting and conspiring to provide material support to ISIL/D'aesh and attending an ISIS training camp; UNITAD, "Tenth Report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant", S/2023/367, 22 May 2023, para 97, available at https://www.unitad.un.org/sites/www.unitad.un.org/files/general/unitad_10th_report_to_the_unsc-eng.pdf.

91 According to the latest reports IIIM has received 242 requests for assistance from 15 countries. See: IIIM, "Report of the 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", A/77/751, 16 February 2023, para 4, available at https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F751&Language=E&DeviceType=Desktop&LangRequested=False.

92 Case 2200392619, *Oussama A.*, Judgement, Court of Appeal of the Hague, 26 January 2021, p. 26.

93 The challenges mentioned are mainly concerning the different non-binding documents that have been developed on the use of battlefield evidence. There is no comprehensive overview (yet) on the use of battlefield evidence in courts, but the Special Rapporteur points out to risks posed by these non-binding documents. See: United Nations Human Rights Special Procedures, "Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the use of "Battlefield" or military produced evidence in the context of investigations or trials involving terrorism offences", April 2021, available at https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/UNSRCT_Position_Battlefield-evidence-2021.pdf.

94 B. van Ginkel, C. Paulussen and T. Mehra, "Diversifying the Sources of Evidence in Terrorism Cases before Criminal Courts in (Post-)Conflict and High-Risk Situations: The Role of the Military" in: C. Finkelstein, C.J. Fuller, J.D. Ohlin and M. Regan (eds.), *Between Crime and War: Hybrid Legal Frameworks for Asymmetric Conflict*, New York: Oxford University Press (2023), pp. 491–518.

95 B. C. Majola, "Cumulative Charges", p. 201.

96 Sentencing Act (2020), available at https://www.legislation.gov.uk/ukpga/2020/17/contents.

97 United States Sentencing Commission, Guidelines Manual, §3E1.1 (Nov. 2021), available at https://www.ussc.gov/sites/default/files/pdf/guidelines-manual/2021/GLMFull.pdf..

98 GCTF, "Memorandum on criminal justice approaches to linkages between terrorism and core international crimes, sexual and gender-based violence crimes, human trafficking, migrant smuggling, slavery, and crimes against children", September 2021, available at https://www.thegctf.org/Portals/1/Documents/Links/Meetings/2021/19CC11MM/CJROL%20Memorandum/CJ-ROL_Memo-ENG.pdf?ver=BqP5OK_Txt0tY8JFGamBzw%3d%3d.

99 A date of arrest relevant for the calculations made here was only known for 34 of the 84 cases of the sample terrorism dataset. For more information on the terrorism cases dataset used for comparison, see endnote 100. The findings on increasing length of proceedings of cumulative charging cases compared to only terrorism charges cases was also identified in relation to Syria-related prosecutions in Germany, see Syria Justice and Accountability Centre, "Universal Jurisdiction Under Scrutiny a Quantitative Analysis of 250+ Syrian Cases." June 2023, p. 12f., https://syriaaccountability.org/content/files/2023/06/UJ-Report-EN.pdf.

100 The randomised dataset relates to 84 (50 men and 34 women) individuals who were sentenced in the Netherlands and Germany after having faced only terrorism charges in the context of the conflicts in Iraq and Syria. The dataset is based on a quick search of relevant online jurisprudence databases identified by the author in researching the topic of this paper. This dataset includes cases completed between December 2014 and November 2022. It is not exhaustive and was compiled for general comparative reasons only.

101 Geneva Conventions I–IV, articles 49, 50, 129 and 146, respectively; and Genocide Convention, article 5; See: UNSC 1373(2001), article 2(e), UNSC 2178(2014), para 6, UNSC 2396(2017), para 1.

102 If we look at the eight countries in the database, the maximum sentences for leading a terrorist organisation could be 30 years or life imprisonment in France, Netherlands, Hungary and Latvia. Nonetheless, these sentences are rarely given. A rare exception is Salah Abdeslam, the only surviving attacker of the 2015 attacks in Paris, who was sentenced to life imprisonment. France24, "Salah Abdeslam sentenced to life in prison as Paris attacks trial winds up", 29 June 2022, available at https://www.france24.com/en/france/20220629-live-french-court-to-issue-verdicts-in-landmark-2015-paris-attacks-trial.

103 See: Article 140a(1), Dutch Criminal Code; Section 129a(1), StGB (German Criminal Code); Article 421-5, French Penal Code.

104 S. Weill, "French foreign fighters: The engagement of administrative and criminal justice in France", *International Review of the Red Cross* 100, no. 1-2-3 (2018): 230, available at https://international-review.icrc.org/sites/default/files/reviews-pdf/2019-10/100_12.pdf.

105 In fact, according to the Council of Judiciary in the 85 cases dealing with membership offences, 27 are terrorist offences only and in 58 cases the perpetrators was charged for multiple offences leading to a sentence reflecting the combination of offences; See: Raad voor de rechtspraak [Council of the Judiciary], "Advies wetsvoorstel verhoging strafmaximum deelname terroristische organisatie [Advisory bill increasing the maximum sentence for participation in terrorist organisations]", Letter, 19 January 2023, available at https://www.rechtspraak.nl/SiteCollectionDocuments/2023-03-advies-verhoging-strafmaximum-deelname-terroristische-organisatie.pdf.

106 Raad van State [Council of State], "Wijziging van het Wetboek van Strafrecht in verband met de verhoging van het strafmaximum voor deelneming aan een terroristische organisatie [Amendment of the Criminal Code in connection with the increase of the maximum sentence for participation in a terrorist organization]", W.16.23.00080/II, 22 May 2023, available at https://www.raadvanstate.nl/adviezen/@136706/w16-23-00080-ii/.

107 On Covid-related detention conditions see: Case (1) 2StE2/21-4 (1/21), *Khaled A.*, Judgement, Kammergericht Berlin, 4 May 2021; and Case 5-3 StE 1/20-4-1/20, *Taha Al. J.*, Judgement, OLG Frankfurt 30 November 2021; On Al Hol camp detention conditions see: Case 7 StS 2/20, *Nurten J.*, Judgement, OLG Düsseldorf, 21 April 2021; and Case 4 StS 3/21, *Romiena S.*, Judgement, OLG Celle, 1 June 2022; On detention conditions in Turkey or Iraq see: Case 2 StS 2/19, *Mine K.*, Judgement, OLG Düsseldorf, 4 December 2019; and Case 5-2 StE 11/18, *Sabine Ulrike S.*, Judgement, OLG Stuttgart, 5 July 2019.

108 Over-exposure to the media was considered a mitigating factor in some cases the large-scale media reporting caused stress (Abdelkarim el B.), the broad media coverage that also included personal details of the defendant and in fact also violates the right to privacy (Suliman al S.), and because of stigmatization through the reporting (Sarah O.) See: Case 5-3 StE 4/16-4-3/16, *Abdelkarim el B.*, Judgement, OLG Frankfurt, 8 November 2016; and Case 7 StS 3/19, *Sarah O.*, Judgement, OLG Düsseldorf, 16 June 2021;

109 The fact that a person does not have the Dutch nationality nor a legal status to stay in the Netherlands and very unlikely to obtain permit to stay is taken into account as a mitigating factor in Case 09-748011-19, *Ahmad Al Y.*, Judgement, Hague Court of Appeal , 6 December 2022 See also on risk of expulsion see: Case 6-3 StE 5/16, *Suliman Al-S.*, Judgement, OLG Stuttgart, 23 January 2019;. and Case 3 StR 16/22, *Sami al-S.*, Judgement, Federal Court of Justice, 5 April 2022.

110 R. Basra and P.R. Neumann, "Prisons and Terrorism: Extremist Offender Management in 10 European Countries", ICSR Report, 22 July 2020, p.44, available at https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Prisons-and-Terrorism-Extremist-Offender-Management-in-10-European-Countries_V2.pdf; E. Rodermond, "Het leven na een terroristisch misdrijf: Recidive en re-integratie van extremistische ex-gedetineerden [Life after a terrorist crime: Recidivism and reintegration of extremist ex-prisoners]", *Judicial Explorations* 3 (2022): 68-85, available at https://repository.wodc.nl/bitstream/handle/20.500.12832/3219/JV202203_artikel5.pdf?sequence=7&isAllowed=y.

111 Usman Khan's attack at Fishmongers' Hall in 2019 and Sudesh Amman's attack in Streatham Hill in 2020 lead to the adop-

tion of the Sentencing Act (2020), both the men were minors when they were convicted for terrorist offences but were treated as adults and not under the juvenile justice system. The Counter Terrorism Sentencing Act (2021) also introduced a new 'Serious Terrorism Sentence' for most dangerous offenders' a sentence of minimum of 14-year imprisonment and up to 25 years spent on licence (probation), ended early release for the most serious terrorist offenders and also increased the maximum penalty from 10 to 14 years for a number of terror offences, including membership of a proscribed organisation.

112 R. Mignot-Mahdavi, "Le Silence des Agneaux: France's War Against 'Jihadist Groups' and Associated Legal Rationale", ICCT Perspective, 15 May 2020, available at https://www.icct.nl/publication/le-silence-des-agneaux-frances-war-against-jihadist-groups-and-associated-legal.

113 Art. 706-25-16 Code of Criminal Procedure of France, available at https://www.legifrance.gouv.fr/codes/section_lc/LEG-ITEXT000006071154/LEGISCTA000006138124/#LEGISCTA000006138124.

114 Art. 38z(1)(c) Criminal Code of the Netherlands; Dutch Ministry of Justice and Security, "Possibilities and scope of the Long-Term Supervision Act with regard to (convicted) terrorists", Letter to President of the House of Representatives of the States General, 5 June 2020, available at https://open.overheid.nl/documenten/ronl-f5e57fd2-d811-4447-be5c-fa36667baa10/pdf.

115 Part 4, Counter-Terrorism Act (2008), available at https://www.legislation.gov.uk/ukpga/2008/28/part/4.

116 These offences are preventive in nature as they precede the commission of a terrorist attack While there are several human rights concerns on moving (too) much into the pre-crime space, the fact remains that in many countries terrorist prosecutions rely on these crimes; See: T. Mehra and J. Coleman, "The Role of the UN Security Council in Countering Terrorism & Violent Extremism: The Limits of Criminalization?", SFI Research Brief, RESOLVE Network, October 2022, available at https://resolvenet.org/system/files/2022-10/SFI-RESOLVE_Mehra%20Coleman%20Brief_26%20Oct%202022_0.pdf.

117 B. Saul, "From conflict to complementarity: Reconciling international counterterrorism law and international humanitarian law".

118 UN CTED, "Analytical Brief: The prosecution of ISIL-associated women", 2020, p. 4, available at https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/cted_analytical_brief_the_prosecution_of_isil-associated_women.pdf.

119 G. Vale, "Women in Islamic State: From Caliphate to Camps", ICCT Policy Brief, 17 October 2019, available at https://www.icct.nl/publication/women-islamic-state-caliphate-camps.

120 T. Mehra, "Improving the prospects of prosecuting 'terrorists' for core international crimes committed in the context of the conflict in Syria and Iraq", ICCT Report, October 2023, available at https://www.icct.nl/sites/default/files/2023-10/Improving%20prospects%20of%20prosecuting%20terrorists.pdf.

121 In 2023 France, Norway, Spain, and Canada have repatriated some of their citizens from North-eastern Syria. 'Global Repatriations Tracker | Rights and Security International', accessed 8 July 2023, available at https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker.

National Security Dynamics:
From Administrative to Preventive Detention in Israel's Counter-Terrorism Landscape

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Abstract: Administrative detention, a controversial counter-terrorism measure, empowers authorities to detain individuals without charge or trial, drawing criticism for potential rights violations. This article addresses these concerns, focusing on the unique challenge of separating powers. It provides a detailed overview of administrative detention, exploring its historical, legal, and rational foundations and characteristics. Advocating for comprehensive reform in the Israeli-Palestinian conflict, including court-ordered preventive detention and special advocates, the article strives to harmonise detainees' rights and national security. This reform aspires to ensure the equitable application of administrative detention, with potential implications for other states.

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Introduction

Administrative detention is a form of arrest carried out by the executive authority, primarily security forces, without criminal charges or legal proceedings, based on the perceived threat a suspect for terrorism poses to national security.[1] In contrast to conventional criminal proceedings that primarily address past criminal acts, administrative detention is oriented mainly toward preventing future harm and safeguarding innocent lives. This is particularly relevant in the context of offenses such as attempted crimes and various counterterrorism measures, which aim to proactively thwart potential threats and mitigate the risk of harm before they occurs.[2] Many countries, both democratic and authoritarian, have adopted administrative detention as a tool in their counter-terrorism efforts, including the United States, Canada, Australia, France, Germany, Spain, Israel, China, Pakistan, Russia, Saudi Arabia, Egypt, Thailand, and India.[3]

Critics have argued that administrative detention violates detainees' rights and lacks proper legal procedures.[4] For example, the OHCHR (UN Office of the High Commissioner for Human Rights) has stated that administrative detention presents severe risks of arbitrary deprivation of liberty. Prolonged detention without charge is presumptively arbitrary under human rights law. The OHCHR has called on states to ensure administrative detention conforms strictly to international legal safeguards and avoid arbitrary application.[5]

The main criticism is related to the fact that administrative detention relies on secret evidence that the detainee cannot disclose due to concerns about compromising intelligence sources and methods.[6] However, even countries that face criticism for using administrative detention continue to employ it due to the ongoing threat of terrorism in one form or another.[7] This creates a delicate balance between national security considerations and the detainees' human rights.

Current studies on administrative detention have primarily focused on justifications for its use (especially their absence), highlighting the violation of due process, and the right to liberty and equality.[8] Other studies have examined the political dimension of administrative detention, particularly its impact on minority groups, including ethnic and religious minorities.[9] Historical and sociological aspects of administrative detention in different countries have also been explored,[10] as well as comparisons between democratic and authoritarian states using this measure.[11]

Various scholarly works contend that substantial continuities persist in implementing detention within counter-terrorism and armed conflict, notwithstanding alterations in the legal framework. Additionally, these studies accentuate contemporary challenges that have surfaced in recent years, including the utilisation of drones and the growing engagement of private military contractors in this milieu.[12] Additionally, studies have examined the application of administrative detention to immigrant populations, particularly those arriving in Europe.[13] In general, a substantial body of literature supports the abolition of administrative detentions, citing concerns about human rights violations against individuals suspected of terrorism.[14]

Scholarship critiquing administrative detention remains fragmented, with few comprehensive reform proposals balancing security and rights. Suggested changes are limited in scope -

increased transparency, judicial review enhancements, or abolition.[15] The lack of overarching frameworks persists partly due to conceptual challenges integrating competing interests. Additionally, viable reforms require nuanced legal changes not yet fully explored. The article presents a comprehensive reform model by conducting in-depth interviews with senior judges and professionals with extensive experience in the field, coupled with observations of administrative detention hearings in the West Bank military courts. This model addresses core tensions by incorporating critiques and general principles identified in prior literature.

Administrative detention, by its nature, poses several problems.[16] One of the main problems, which has profound lateral implications, is that it relies on secret evidence against the detainee, which is unknown to him, about activities and future dangerousness, thus violating the right to due process. The second problem that academic literature is silent about and not fully discussed is the separation of power. Security agencies, as part of the executive authority, make decisions regarding persons' incarceration for an extended period, whereas judicial authorities should make sensitive and far-reaching decisions of this type.[17]

This article aims to address the gaps in the existing literature by conducting a case study on the use of administrative detention for terrorists belonging to Palestinian organisations, primarily Hamas, Islamic Jihad, and Fatah (and recently, also suspects belonging to the terrorist organisation ISIS). The two main reasons for using administrative detentions of suspects belonging to Palestinian terrorist organisations are: first, the extended history of using administrative detentions dates to the 1930s, when the British mandatory government detained terrorists, both Jewish and Arab, and Israel adopted this legislation in its domestic law. Second, since the 2000s, especially after the 2002 Operation "Defensive Shield" that followed the "Second Intifada", there has been an increase in administrative detentions from a few dozen to several hundred detainees annually.[18]

It is conceivable that after the Hamas attack on Israel on October 7, 2023, and the commencement of the "Iron Swords" war, there may be an increase in the number of administrative detainees affiliated with the Hamas terrorist organisation. Additionally, warrants regarding administrative detainees who belong to the military wing of Hamas and the Islamic Jihad are frequently issued multiple times in the same year for the same suspect.

The convergence of the factors mentioned above, including the longstanding duration of administrative detention laws, the cumulative number of detainees since 1967, the frequency of administrative detention orders per detainee, and the extensive legal proceedings addressing this issue in both the military courts and the Israeli Supreme Court, has resulted in the development of a comprehensive and extensive codex. This codex encompasses legislation, judicial decisions, as well as directives and orders issued by the military commander in the West Bank concerning the subject.[19]

This article aims to explore ways to overcome criticisms of administrative detention and improve its procedures while creating a balance between counter-terrorism methods and terrorists' rights, with a focus on the Israeli-Palestinian conflict. The suggested reforms (including the intelligence procedure underlying the confidential evidence) have applicability

beyond the borders of Israel, extending to other countries utilising administrative detention as part of their counter-terrorism strategies. Although the article focuses on Israel, the analysis and recommendations presented hold broader significance for nations contending with the application of administrative detention. The insights furnished can prove invaluable as a resource guiding essential legal system reforms and shaping public policies in these countries.

The article is structured as follows: the research methodology and data sources are presented, followed by an analysis of the laws and practices used in administrative detention proceedings and the challenges inherent in the existing regime. The article then explores how other countries handle these challenges in their counter-terrorism efforts. Finally, the findings are discussed, and theoretical and practical implications are presented, including proposed reform that can be applied to other countries that employ administrative detentions in their counter-terrorism strategies.[20]

Method and Approach

The primary data sources utilised in this study on administrative detention consist of Israeli archives, encompassing verdicts rendered by the military courts in the West Bank (also called "Judea and Samaria") from 1987 to 2022,[21] as well as bills from the Israeli Knesset and theoretical literature. These sources were supplemented by in-depth interviews conducted with two distinct groups. Firstly, six retired military judges, including two from the military Court of first instance and four from the military Court of Appeals, who served at the "Ofer" military camp (In Arabic, it is called "*Beithonia Prison*") near Ramallah, where administrative detention hearings take place. Secondly, four former senior officials of the Israeli General Security Service comprised three individuals with expertise in intelligence and one from the field of law.[22]

The interviews with the retired military judges provided a comprehensive and nuanced understanding of the judicial review process for administrative detentions, encompassing the considerations, dilemmas, and constraints involved in such detentions. The interviews with the retired General Security Service officers shed light on the processes, the categories of intelligence information constituting the confidential evidence concerning terrorist suspects, threats, dynamics, and procedures associated with administrative detention. These interviews were conducted through face-to-face interactions and visual conferencing, following a semi-structured protocol that allowed for follow-up questions. The ethical research guidelines the Institutional Review Board set forth were strictly followed throughout the interviews. Furthermore, observations were conducted in the West Bank Military Court between 2020 and 2023. Because of information security limitations, these observations focused mainly on the style of the hearings, the types of questions posed by defence attorneys during these proceedings, and the conduct of the participants within the hearings.

The Context and Use of Administrative Detention in Israel's Counter-terrorism

The state of Israel inherited the practice of administrative detention from the British mandatory regime, which ruled the area until 1948. This tool was rarely used between 1948-1967.[23] In the 1970s, the inherited British rules were abolished and replaced by two new structures. The first dealt with administrative detainees within the State of Israel, which the Minister of Defense used to address Arab and Jewish terrorists (a few cases a year).[24] The second structure, established by the Israel Defense Forces, is the focus of this article. The article discusses the administrative detention concerning individuals identified as terrorist suspects affiliated with Palestinian terrorist organisations held in the West Bank territories (also called "the occupied Israeli territories," "the occupied Palestinian territories," or "Territories under Belligerent occupation") which are hereafter referred to as "the area" or "the West Bank."[25]

Since 1967, when Israel took over the West Bank, thousands of terrorists have been detained and brought to the military court in the area, which was entrusted with supervising these proceedings.[26] Given that it is a militarily occupied territory, international law dictates that the applicable legal framework in the area is comprised of past laws, namely British (mandatory) law, Jordanian law (enforced between 1948 and 1967), and orders from the military commander of the region (today he is the commander of the IDF Central Command, an officer with the rank of general).[27]

Accordingly, the original authority of administrative detentions in the area is based on Regulation 111 of the emergency protection regulations enacted in the United Kingdom. A few years after enacting the British Mandate's defence regulations in 1945, international law also recognised administrative detention. Article 78 of the Fourth Geneva Convention gives the occupying power the authority to take security measures, including "designating them a place of residence or detaining them."[28] International law also states that the exercise of authority is conditional on the existence of the right of appeal to arrest.[29] In addition, a proactive periodic review of the arrest warrant was determined every six months "on behalf of a qualified body to be established by the said power." [30]

While Article 78 provides for administrative detention, states have implemented it differently.[31] For instance, The International Committee of the Red Cross's Commentary on the Convention noted that administrative detention should only be used in exceptional cases of imperative security, not as an alternative to criminal proceedings.[32] Most states retain Article 78, suggesting acceptance if limited. However, human rights law also governs liberty restrictions.[33] In practice, this draconian regulation, which granted legal authority to administrative detentions in the West Bank, was not used much, and the legislator of the area (the "military commander") enacted corresponding legislation that granted the authority of administrative detention in the area.[34]

Since 1967, significant changes have been made to the administrative detention laws in the area, and today, the administrative detention powers of terror suspects in the area are regulated by the 2009 Security Instructions Order (henceforth, "the order").[35] According to the order, if the

area's military commander had reasonable grounds to assume that security reasons require that a particular person be detained, he may order administrative detention. The detention will be for a period specified in the order, which will not exceed six months. The order also states that those arrested in administrative detention will be brought before a military judge for judicial review within eight days of arrest.[36]

The 2009 Security Instructions Order constitutes the current legal framework governing administrative detention in the region. Under this military order, which serves as the area's primary legislation, the region's military commander authorises the arrest warrants, and legal proceedings, including hearings for warrant approval or appeals against the warrant, are conducted accordingly in the courts.[37] Usually, individuals suspected of terrorism are detained under the military courts' criminal justice system. The transition to administrative detention occurs subsequent to the completion of the criminal investigation, mainly when there is an absence of substantial criminal evidence to support prosecution. This shift is often prompted by concerns related to the disclosure of classified evidence during the legal proceedings.[38] The customary procedure involves an initial attempt to apprehend the suspect through standard criminal channels. If this proves unsuccessful, often due to concerns about exposing intelligence sources and following the criminal investigation's conclusion, the case transitions to the administrative route. Within eight days of the administrative arrest of the detainee (as noted, the individual is typically apprehended several days before, up to 30 days, in a standard criminal procedure), a hearing is held in the military court regarding the suspect. The military court's decision is confidential and maintained within the military court system under the "top secret" classification.

The military judge's decision can be appealed before the military court of appeals, located in a military camp called "Ofer" near Ramallah when the hearing occurs behind closed doors.[39] In addition, the order states that there is an obligation to conduct a hearing in the case of an administrative detainee, even if the detainee is not interested in its existence.[40] After the Military Court of Appeals hearings, the detainee may petition the Supreme Court in Israel. Indeed, after a hearing in the two military courts, hundreds of petitions of administrative detainees are submitted to the Supreme Court every year.[41]

The security agency that decides on administrative detention (intelligence officers in the General Security Service, also called the *"Shin Bet"*) bases the arrest decision on secret evidence that is not usually admissible in criminal proceedings and even on evidence that, if presented in criminal proceedings, would not necessarily have been sufficient to establish a conviction. Exceptions may be made to admit results from hearsay testimony. For example, intelligence information was brought by an intelligence source (undercover agent) who listened to a conversation in which he was not a party.

The process for issuing an administrative detention warrant begins with a junior desk officer in the General Security Service, who is responsible for a particular geographical area (for example, Jenin city sector) where the suspect is located. Subsequently, the treatment continues with the head of the branch in the service, whose approval is also required. The next step in issuing the warrant is the head of the area, equivalent to the rank of general, and in some cases, the request

goes to the head of the General Security Service for approval. In exceptional circumstances, such as when the timing of the arrest conflicts with a diplomatic event or the risk of arresting the suspect is exceptionally high, the final approval is given by the Minister of Defense and the Prime Minister of Israel.[42]

The formal decision to detain a terrorist suspect in administrative detention is made after the General Security Service submits an "administrative detention request form" for the signature of the area's military commander, known as "Tabalam."[43] This document contains the General Security Service's primary evidence against the suspect, including his dangerousness, recommendations regarding the desired length of detention, and the intelligence material regarding that suspect. Sometimes, the request for administrative detention summarising secret evidence spans tens of pages, and the confidential materials (intelligence reports) accompanying it span hundreds.[44]

When an arrest warrant is issued, the main allegations against the administrative detainee are detailed in a document known as a *paraphrase*. This paraphrase often includes the detainee's organisational affiliation and general suspicions regarding the detainee. For example, a standard paraphrase would be written like this: "The detainee is an active member of the military wing of the Islamic Jihad," "The suspect's membership in the Hamas organisation endangers the security of the area," or "The suspect was arrested for his military activities in the Hamas organisation and risking the security of the region." This information allows the detainee's defence attorney to present questions to the prosecution about the arrest.

For instance, the defence attorney may ask questions such as "When was the last information collected regarding the suspect?" or "Are the suspicions that are attributed to my client from several sources or one?"[45] Sometimes, the general questions raised by the defence attorney lead the judge to understand the intelligence evidence differently from the security officials who issued the arrest warrant.[46] In some cases, specific questions may arise, as the detainee is often aware of the reasons for their arrest, even if the suspicions were not fully disclosed.

The military court's decision regarding the administrative detainees is made based on secret evidence when the court examines the evidence and requests explanations or asks questions about specific information to the military attorney (prosecutor in the military attorney's office), who receives the materials from the legal department of General Security Service after omitting the names of the sources.[47] The prosecution's representative answers in writing before the judge only or refers to secret evidence.

In the past (until 2002), representatives of the General Security Service, both the relevant desk officer and the legal advisor, attended every administrative detention hearing. However, with the increase in terrorism and because of a lack of human resources in light of the growing number of detainees, this practice has changed, and the person who appears at the hearing is only military prosecution.[48] However, General Security Service representatives may be invited to the hearing in certain situations, such as when the evidence is unclear or does not show substantial danger.[49] During the Supreme Court hearings concerning appeals of administrative detainees, senior Shin Bet representatives are in attendance. They present intelligence information to the judges using a classified computer.[50]

The secret evidence underlying the administrative detention is grounded in three interconnected intelligence sources. One of these sources is human intelligence (HumInt). In essence, an agent of the General Security Service conveys intelligence information to their operators, disseminating the information to authorised parties. Signal Intelligence (SigInt) is the second source of secret evidence. These were mainly the interception of telephone conversations, e-mail correspondence, WhatsApp correspondence, and various social networks (Facebook, Instagram, TikTok, etc.). A third source is Visual Intelligence (VisInt) gathered from optical sources, such as observations (termed "Deep Reconnaissance"), and aerial and satellite imagery (Imagery Intelligence).[51] The secret evidence regarding administrative detainees includes detailed and cross-referenced evidence from two types of sources, human and technological, allowing for an up-to-date and detailed picture of the security risk posed by suspects.[52]

Sometimes, the secret evidence may also contain positive information regarding the detainee to raise doubts regarding the danger posed by him or a specific time when the threat may end (for example, the suspect's travel abroad).[53] Generally, gathering intelligence information regarding the suspect takes many months and even years.[54] Various intelligence agencies are usually involved in this process – General Security Service, Intelligence Corps, and especially military unit 8200, The Intelligence Division of the Prison Service, the intelligence division of the police, etc.[55]

The main reason for not revealing the secret evidence to the suspect is the fear of the security of human sources if their identities are revealed.[56] For example, in the context of administrative detentions in the West Bank, disclosing the content of the evidence could expose the identities of these sources, putting their lives at risk. In some cases, the source of the intelligence information is a relative (parent, brother, or wife), an acquaintance of the suspect, or an operative in the terrorist organisation (for example, who wants to take his place), which leads to a fear of hinting about the source because it may lead to his death.

Additionally, revealing operational methods of information collection, whether through human agents or technological means (signals or visuals), could jeopardise ongoing operations and allow hostile parties to evade detection. It may also necessitate changes in operational practices, such as code names or encryption methods, to maintain effectiveness.[57]

In light of the difficulties inherent in administrative detention, the authority of judicial review of administrative detention warrants – both the military court's first instance, the Military Court of Appeals, and the Supreme Court in Israel – is considered broad and profound.[58] While the legislation in the area (the 2009 security order) stipulates that a judge can only cancel an administrative detention warrant if it is proven that the reasons were not based on security considerations, the established practice involves a comprehensive examination of the evidence and security service's considerations.[59]

Partial Solutions to Administrative Detention: A Global Perspective

Administrative detention poses several significant challenges.[60] The first is the violation of the due process that exists in every democratic regime. The due process of law is anchored in international treaties such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the European Convention on Human Rights (1950), and the constitutions of the majority of the world's countries.[61] In contrast, administrative detention is based on secret evidence not exposed.[62] Conducting a legal proceeding without ensuring that the concerned party is fully apprised of all evidence that might be employed against them amounts to a violation of a due process.

The second problem with administrative detention, not given enough attention, is that it violates the principle of the separation of powers. This harm manifests in the fact that security bodies, as a part of the executive authority, decide to arrest a person for an extended period. At the same time, it is appropriate that judicial power should make such a sensitive decision as the deciding body and not as a ratifying body.[63]

In addition to the criticism mentioned, alternative perspectives assert that within the Israeli-Palestinian conflict context, administrative arrests serve as a swift and straightforward alternative to the regular legal procedure, not out of necessity. Critics contend that, given the absence of evidence shown to the detainees, the existence of such evidence becomes uncertain. Furthermore, it is argued that the periods of administrative detention are prolonged compared to the criminal punishment that would have been imposed on the accused had they undergone criminal prosecution.[64]

To address these challenges, various countries that incorporate administrative detention in their counter-terrorism strategies have devised diverse models, the best known of which are the *judicial management* and the *special advocate* models.[65] According to the judicial management model, an arrest hearing is conducted in the presence of the judge and the state's representative. In such a hearing, and without disclosing the evidence to the detainee, the court serves as a defence attorney for the detainee. In this model, the court suggests to the detainee that the secret evidence be presented to the judges on a one-party basis, that is, behind closed doors and not in the presence of the detainee or his defence attorney, and the court is the direct party responsible for checking them and their validity, reliability, and quality.[66] In this model, the court examining administrative detention takes an active line that deviates from the classic adversarial method in common law, serves as a defence attorney for the detained, and challenges whether there is relevant information that may help the detainee.[67] The Military courts in the West Bank have adopted the judicial management model for administrative detainees.[68]

The special advocate model, on the other hand, is used (full or partial) in the United Kingdom, Canada, New Zealand,[69] the European Court of Human Rights (ECtHR)[70], and some of the procedures conducted by the military commissions held at the Guantánamo camp.[71] In these systems, a special advocate authorised by the state authorities to reveal secret evidence to him can represent the detainee at the detention hearing, subject to the prohibition of talking to the detainee about confidential evidence.[72] The special advocate is exposed to secret evidence, fully participates in the legal process, interrogates witnesses, and can argue before the court.

However, he may not have transferred the evidence to which he was exposed to the suspect or any other person.[73] Essentially, special advocates are granted access to confidential national security information and advocate for excluded parties by presenting representations to the court.

Canada and the United Kingdom initially formulated the special advocate model in procedures related to immigration.[74] However, this procedure increased following September 11, 2001, as part of the deportation process of those suspected of activities that endangered national security.[75] Part IV of the Anti-Terrorism, Crime, and Security Act 2001 established a framework for preventive detention, allowing the imprisonment of foreign nationals suspected of involvement in terrorism, particularly within prison facilities. Following a successful legal challenge to internment, the Prevention of Terrorism Act 2005 replaced the prevailing system with control orders.[76] These orders authorise the *de facto* confinement of individuals to their residences. After a thorough legal examination of the control orders legislation, Parliament is on the verge of substituting the current system with 'Terrorism Prevention and Investigation Measures' (TPIMs). These TPIMs have informally been denoted as 'control orders lite.'[77] In 2013, legislation was enacted in the United Kingdom permitting the appointment of special advocates in civil proceedings, particularly in cases involving confidential evidence, such as lawsuits against the state alleging detainee torture. [78]

In the UK, when the government seeks to use classified evidence for preventive detention, it must provide the affected individual with the "gist" of the confidential information. This summary should be sufficient for the individual to instruct a special advocate. If the government cannot provide this summary, it cannot rely on classified evidence for preventive detention.[79] The use of special advocates in counter-terrorism has raised notable concerns, particularly regarding their effectiveness, given restrictions on communication with detainees. The limited ability to meet suspects impedes the building of trust and hinders the acquisition of potentially exculpatory information.[80] While special advocates ostensibly enhance participation rights on paper, empirical evidence suggests their impact has been limited.[81]

Critics also contend that the introduction of special advocates might inadvertently legitimise the use of secret evidence instead of fostering a reduction in reliance on such evidence in detention proceedings.[82] Some argue that states may use special advocates as mere "fig leaves," offering the semblance of fairness while preserving fundamentally flawed systems.[83] Experts assert that special advocates are not a panacea for the challenges associated with counter-terrorism detention. They argue that meaningful reform requires substantive limits on detention powers rather than having lawyers present at hearings.[84] These limitations highlight that, regardless of the special advocate's skill, significant challenges will be encountered in their endeavour to uphold the principles of the rule of law.

Either way, one of the main distinctions between these models lies in the detainee's representation level. In the judicial management model, the hearing takes place without the detainee's representation, with the judge thoroughly examining the material. In the special advocate model, a special advocate participates on behalf of the detainee after being exposed to secret evidence.[85]

The Future of Administrative Detention in Conflict Zone - From Administrative Detention of Terrorists to Preventative Detention for Security Reasons

As mentioned, the military courts in the area have adopted a judicial management model for administrative detainees. According to this model, the court suggests to the detainee that secret evidence be presented to the judges unilaterally, behind closed doors, and not in the presence of the detainee or their attorney.[86] The court itself is responsible for checking the credibility of the evidence. However, this method has several disadvantages. The detainee's defence attorney is not exposed to the evidence, and they must trust the judge to do the defence work, which is often difficult given the judge's perceived bias as part of the occupying forces.[87]

Moreover, in the adversarial system, the judge cannot assume the "dual role" of both the judge and defence attorney. Even if the judge could have such a role, utilising an adversarial approach would be inappropriate. This detrimentally affects, among other things, the judicial neutrality expected of the court and the appearance of justice.[88] Given these shortcomings and the imperative to balance detainees' rights and national security, this article proposes reforming the present state of affairs. The reform consists of two components.

The Transition from a Judicial Management Model to a Special Advocate Model

Considering the difficulties described, military courts dealing with administrative detention should adopt the mechanism of a special advocate tailored to the type of terrorism. This involves expanding the disclosure of secret evidence to special advocates rather than the detainee and their usual representative. It is possible to extend the exposure of the secret evidence, but not before the detainee and his representative,[89] but before special advocates.[90] For instance, Canadian law established the appointment of a special advocate from a list of attorneys with security clearance participating in the arrest hearings and handling the detainee's confidential information.[91] To prevent the leakage of secret information, the special advocate is prohibited from contacting anyone, including the detainee, regarding the disclosed evidence.[92] The British established a similar arrangement in the Anti-terrorism, Crime, and Security Act of 2001, which was partially replaced by the Prevention of Terrorism Act of 2005.[93] In the context of the Israeli-Palestinian conflict, special advocates can assist in locating defence claims in favour of their clients or refuting arguments put forward by the prosecution and General Security Service. These attorneys might suggest alternatives to administrative detention. In addition, they might provide compromise proposals regarding increasing evidence that can be disclosed without endangering sources.

Nonetheless, there is a need to refine the Canadian and British models, as they are more apt for singular hearings involving the accumulation of confidential intelligence information, deciding whether the individual will face deportation or be permitted to stay in the country. The probability of secret evidence being employed in subsequent legal proceedings is minimal. Moreover, administrative detention in the region possesses unique features, with numerous detainees undergoing multiple periods of incarceration and affiliating with terrorist organisations. Each terrorist organisation typically retains permanent lawyers with whom they have an ongoing relationship.

Another issue that deserves consideration is the professional identity of special advocates. It presents a nuanced and potentially contentious issue, offering three feasible alternatives upon initial examination. Firstly, the assignment of public defenders, specially appointed following a security clearance. Secondly, the designation of military defence attorneys, a significant portion of whom already hold security clearances. Thirdly, the appointment of retired judges, excluding those with a military judicial background. Upon closer consideration, the option of retired judges emerged as the most preferable, given their extensive legal experience and established reputation. In addition, a comprehensive committee responsible for selecting special advocates should embody diverse perspectives concerning the appointment process. This committee could include representatives from the Ministry of Justice, the Supreme Court, the Bar Association, the Public Defender's Office, military justice officials, and other relevant stakeholders.[94] To alleviate concerns about the leakage of secret evidence, the model should be adjusted to appoint special advocates from a restricted list approved after security investigations. Additionally, periodic inspections should be conducted to prevent the dissemination of secret evidence to terrorist organisations.

From Administrative Detention Ordered by the Security Forces to Preventive Detention Ordered by the Court

The shift to the special advocate method partially alleviates the due process problem by enabling the disclosure of secret evidence to special advocates instead of the detainee. However, it only partially resolves all the challenges associated with administrative detention. The second issue, involving detaining a person based on the order of a security official rather than a judicial decision, still requires resolution. The transition from the judicial management model to the special advocate model also falls short in addressing this concern. This is because an "unknown" security officer still decides to initiate the administrative detention procedure within the executive authority. While the military courts may provide retrospective approval, the initial decision lies with the security bodies. This raises concerns as some executive branch elements are responsible for the arrest rather than the judiciary.

A fundamental change is needed to address these concerns - a transition from administrative detention ordered by security authorities to preventive detention ordered by a judge for security reasons. In this model, the court would be able to pre-determine the detention procedure. Instead of the security forces making an arrest decision followed by a judicial review, the court would decide in advance on the preventive arrest based on the suspicion of national security.[95]

The suggested modification involves a shift in the procedural framework governing administrative detention. Rather than military courts retroactively endorsing determinations made by security entities, the envisaged alteration proposes that these courts proactively assess requests from the aforementioned security bodies. Consequently, the authority to mandate detention would transition from administrative entities, such as security forces, to the court's jurisdiction. This proposed model seeks to eliminate detentions authorised by administrative authorities, ensuring that the prerogative to order preventive arrests rests exclusively with the court.[96]

It is crucial to highlight that the procedure for warrant approval aligns closely with that of criminal

warrants, such as search or surveillance warrants. Moreover, it is pertinent to underscore that the intelligence-gathering process concerning terrorist suspects is a protracted one, spanning many months, even years. Consequently, the Shin Bet officer may seamlessly petition the court for an arrest warrant as an integral component of the intelligence-gathering process on the suspect.

Beyond the outlined alterations, additional measures can complement this initiative, albeit with some limitations. These measures encompass (a) enhancing the transparency of administrative detention procedures through the proactive dissemination of summaries detailing detention decisions on online platforms and document-sharing sites. Notably, in recent years, military courts have undertaken efforts to augment transparency by actively publishing administrative detention rulings from the military court of appeals on publicly accessible databases. Nonetheless, it is noteworthy that the judgments issued at the initial trial level are typically not disclosed to the public. It appears plausible to publish, at a minimum, the pivotal sections of these judgments while conscientiously excluding any information prohibited from public dissemination. (B) expanding the information provided in the paraphrase given to the detainee and their representative[97]; and (c) Investigating the feasibility of transforming certain administrative procedures into criminal processes, thereby subjecting detainees to the evidence amassed against them and facilitating a criminal legal proceeding.[98]

Overall, transitioning from administrative detention by security authorities to preventive detention under the order and management of a court could align the process more closely with a conventional criminal procedure, resembling an arrest hearing preceding the filing of an indictment, wherein the detainee remains uninformed about the evidence against the. However, the procedural disparity lies in the underlying intent of the arrest. In criminal proceedings, the arrest aims to uncover the truth concerning a committed crime, whereas in preventative detention, apprehension is motivated by concerns about potential future acts of terrorism.

Conclusion

Counter-terrorism efforts frequently employ the highly assertive measure of administrative detention. This article aims to clarify the procedures associated with administrative detention and explore potential strategies for addressing its challenges while balancing the need for security with the rights of detainees. The proposed framework consists of two interdependent aspects: a shift from a judicial model where judges act as defence attorneys to one featuring special advocates with access to classified information, and a transition from detention authorised by the executive branch to preventive detention authorised by the judiciary.

The transition to a model of special advocates carries wide-ranging implications. Primarily, this model safeguards individual rights by ensuring that individuals subjected to administrative detention can avail themselves of legal representation and contest the evidence presented against them. This is especially crucial in cases where the evidence is confidential and would otherwise remain inaccessible to the individual. As aptly noted by the European Court of Justice, "the right to a fair trial includes the right to access the evidence."[99]

Secondly, the special advocacy model enhances transparency within the detention process. Special advocates can review classified evidence and provide feedback to the court, thereby fostering a more balanced and transparent approach. This empowers individuals to challenge the evidence presented, a fundamental tenet of the due process. As the UK Joint Committee on Human Rights highlighted, "the special advocate model provides a means of ensuring that the individual is not left entirely in the dark about the case against him."[100]

Thirdly, the special advocacy model mitigates the risk of wrongful detention. Special advocates can scrutinise the evidence and ascertain the justifiability of detention, thus safeguarding against the potential wrongful incarceration of innocent individuals.[101] Moreover, this model enhances the due process of law by ensuring that individuals held under administrative detention are treated equitably and have access to legal representation.[102]

The transition from detention authorised by security agents to detention ordered by the judiciary engenders complementary implications. Firstly, it signifies a shift from administrative warrants issued by administrative officials within the executive authority, which is part of security bodies, to warrants issued by senior judges as part of the judiciary. This ensures that a judge, rather than a security official, decides to incarcerate an individual, aligning with the notion that judicial authorities should be responsible for determining detention.

Secondly, a judicial decision determining detention, rather than merely supervising a detention warrant, facilitates the exploration of less coercive alternatives to detention. Under the current system, the court lacks precise information regarding the potential risk reduction posed by the detainee or the feasibility of alternative measures such as house detention, electronic monitoring, temporary or permanent relocation, or area restrictions. Consequently, the judge's role is limited to approving the order and, at most, advising the prosecution that further detention is unwarranted. In contrast, when the court assumes a proactive role in decision-making (rather than approving warrants already issued), it is suggested that judges possess the authority to order any suitable alternative to regular detention. These alternatives may include house detention, assigned residence, electronic restraints, release on bail with probationary conditions, or restrictions on entering specific areas.[103] For instance, if full powers are transferred to the courts, a judge could authorise a detainee, with their consent, to reside abroad for a specified period instead of being held in administrative detention.[104]

In the context of Palestinian terrorist organisations, this alternative could involve relocating the detainee from the West Bank area controlled by the Palestinian Authority to the territories of the Gaza Strip controlled by the terrorist organisation Hamas, thereby geographically removing the detainee from the area associated with illicit activities. Additionally, in cases where the detainee poses a low level of danger (e.g., when their primary involvement pertains to money laundering for a terrorist organisation), the court would be empowered to release the detainee under restrictive conditions, accompanied by independent and third-party guarantees.[105] Another viable alternative is residential demarcation, whereby the detainee remains within a designated geographical area under the authority's control.[106]

This approach guarantees the detainee's relocation from their residence, typically distancing

them from areas where intelligence indicates terrorist organisation activities and the planning of attacks are prevalent.[107] Moreover, the proposed reform would strengthen the detainee's right to be heard, a fundamental principle within democratic systems and international law.[108] Currently, administrative detainees implore the court not to grant a detention warrant issued by security forces. Conversely, if the court orders detention, the detainee's rights would be expanded, enabling them to persuade the judge to consider alternative measures. This occurs before the security forces make any judicial decision in their case.

Nevertheless, it is essential to acknowledge that the proposed reform is not without its critics. Concerning the utilisation of special advocates, constraints on meetings between defence attorneys and detainees may result in reduced effectiveness. Special advocates are prohibited from meeting detainees, making it challenging for them to uncover alibi claims or alternative versions of events that could refute secret evidence. Furthermore, there is a concern that detainees may perceive special advocates as "state attorneys" or view their involvement as an investigative ploy, potentially hindering cooperation and undermining the perception of justice. Additionally, the prohibition of meetings between special advocates and administrative detainees may impede the establishment of trust.

Finally, including special advocates may lead to an increase in the number of administrative detention hearings and their subsequent continuation. This could result in more appeals being filed, imposing higher costs on the state, which would be responsible for financing these legal professionals. A possible response to these criticisms is that the efficacy of the proposed model will become evident over time, particularly when combined with the transition to detention ordered by judges. Although direct meetings between special advocates and detainees may not occur, the professional work of these advocates will ultimately foster trust in their capabilities. This, in turn, may enhance public confidence in the judiciary's handling of administrative detention.[109] Furthermore, the associated expenses are reasonable and do not significantly burden the legal system. Nonetheless, even if the proposed reforms may burden the legal system and budget, they seem to be a reasonable cost to enhance the strength of the protection of the rights of administrative detainees.

While the proposed reforms may present implementation challenges, their value lies in providing frameworks to strengthen rights protections incrementally. Responses could acknowledge difficulties like limited special advocate-detainee interactions but emphasise merits such as enhanced detainee representation. Regarding costs, legal policy typically involves trade-offs between rights and efficiency. However, reforms can be designed to minimise burdens where feasible. With continued empirical testing and refinement, the efficacy of these models will become evident over time. In the context of counter-terrorism, the judiciary plays a pivotal role in upholding democratic values and preventing undue harm to fundamental rights. Hence, adopting a suitable model strengthens the court's authority, gives precedence to the judicial system over security agencies, and improves the due process of law.

Although this article specifically addresses Israel's utilisation of administrative detention, the envisaged reforms could be applied to other countries employing similar measures, including the UK, Canada, and Australia.[110] Tailoring the special advocate and judicial order

models to specific legal systems and security challenges would enhance procedural fairness and rights protections. For instance, the UK could expand the disclosure of evidence to special advocates in terrorism cases. Moreover, the transition from executive to judicial detention orders facilitates exploring alternatives to detention, as more proportionality is possible with independent judicial oversight. The proposed reform, although not a comprehensive solution to the challenges inherent in the system, has the potential to improve the situation without eliminating administrative detention, which remains a necessary tool while simultaneously balancing national security considerations. Acknowledging the validity of specific criticisms directed at administrative detention, policymakers are urged to refine it diligently, recognising the enduring threat of terrorism.

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5 Office of the High Commissioner for Human Rights. 2014. "Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers." https://www.ohchr.org/documents/publications/training9chapter5en.pdf. The UN Special Rapporteur on Counterterrorism and Human Rights has recommended that administrative detention comply with international law, including prompt detainee notification, regular reviews, and reduced secrecy provisions. See Martin Scheinin, 2012. "Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism." United Nations General Assembly. https://undocs.org/A/HRC/22/26.

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15 See, for example, Shirin Sinnar, "Procedural Experimentation and National Security in the Courts." *California Law Review* 106 (2018): 991-1060.

16 See Stella Burch, *supra* note 7.

17 Gus Van Harten, "Weaknesses of Adjudication in the Face of Secret Evidence," *International Journal of Evidence*

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18 The use of administrative detention significantly increased after 2002, following a series of suicide attacks that killed hundreds of people. The IDF launched a military operation against Palestinian terrorist organisations, known as "Operation Defensive Shield," which resulted in a dramatic surge in the use of administrative detentions. As of June 2023, there were 1,131 administrative detainees in Israeli prisons. "Statistics on administrative detention in the Occupied Territories," *B'Tselem*, November 16, 2023, https://www.btselem.org/administrative_detention/statistics. Most of the detainees were detained for up to a year. See Israel and Hamas October 2023 Conflict: Frequently Asked Questions (FAQs), R47754 (Washington, DC: Congressional Research Service, 2023), https://crsreports.congress.gov/product/pdf/R/R47754.

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32 International Committee of the Red Cross (ICRC), Commentary on the Fourth Geneva Convention, 1958, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=1F46420F7AB5B-992C12563CD0041B9F3 (accessed November 14, 2023).

33 Emanuel Gross, "Democracy in the War Against Terrorism--The Israeli Experience." *Loyola of Los Angeles Law Review* 35 (2001): 1161.

34 First, this was done in the order regarding security instructions from 1967, and later additional amendments were made, which were regulated in the order from 1970. Shimon Shetreet, "A Contemporary Model of Emergency Detention Law: An Assessment of the Israeli Law," 14 *Israel Yearbook on Human Rights* (1984).

35 For a comparative view in the United States, see Al Maqaleh v. Gates, 605 F. 3rd 84 (2010). Boumedience v. Bush, 553 US 726 (2008). Ashley Siegel, *supra* note 11. A predominant portion of the judicial review for administrative detainees under the jurisdiction of the United States military occurs through military tribunals, with Guantanamo detainees retaining the entitlement to appeal to federal courts.

36 The military judges receive legal training from law faculties in Israel. A professional committee chooses them after meeting the eligibility conditions and selection procedures. For a comprehensive overview of the activity of the military courts, see Shai Farber and Nethanel Benichou, "Between Victims of Crime and Victims of Terrorism: Victims' Rights in the Military Courts in the West Bank," *New Criminal Law Review* 24.4 (2021): 568-600.

37 The "Security Order," originating in 1967, serves as the primary legal framework governing various aspects of the West Bank, encompassing court procedures, evidence laws, crime categories, penalties, and the rights of victims. These orders issued by the Military Commander constitute primary legislation applicable to the territory's residents, considered as occupied territory. The normative foundation for this legislation is rooted in international law. See Yoram Dinstein*, Supra note 27.*

38 Interview with a retired military judge known as A (January 19, 2023).

39 Art. 284-294 of the Security Order (2009).

40 Numerous detainees opt not to attend the hearing in person and instead choose legal representation without physical presence or participation through a visual meeting. Interview with a retired military judge known as A (January 19, 2023).

41 See Prize and Nun, *supra* note 19. The dynamic in the Supreme Court is a kind of mediation between the General Security Service representatives and the detainee's lawyers (for example: "We have recorded before us the commitment of the General Security Service that as long as no new evidence is received against the suspect, an extension will not be requested"). See, for example, HCJ 7097/09 Taha v. Military Commander (2009). Krebs showed that for a decade, the Supreme Court did not receive a petition for administrative detention (out of 322 petitions). Thirty-six percent of the petitions were deleted considering the understanding with the General Security Service before a hearing, 19 percent were deleted for the same reason only after the hearing, and 44 percent were rejected. Krebs, *supra* note 6*.*

42 Interview with a former senior official of the General Security Service known as A (February 17, 2023).

43 The official mandate to issue administrative detention in the area is vested in the Commander of the Central Command, a position held by an officer with the rank of general. However, due to the escalation in terrorism and administrative detentions since 2002, these authorities have been delegated to various officers, predominantly those with an intelligence background, holding the rank of colonel and serving under the commander. An example of such an officer is the Command Intelligence Officer. Interview with a retired military judge known as A (January 19, 2023). Interview with a former senior official of the General Security Service known as B (January 11, 2023).

44 Interview with a former senior official of the General Security Service known as B (January 11, 2023). In the case of Abu Akar, it was argued that the state should be obliged to transfer the number of reports in the secret evidence material to it. The court rejected the claim, noting that specifying the number could lead to revealing the source of the information. Administration detention 1568/08 Commander of the IDF forces v. Abu Akar (2008).

45 Based on observations made at the military court in the "Ofer" camp.

46 Interview with a retired military judge known as A (January 19, 2023).

47 The use of secret evidence is not exclusive to administrative detention proceedings for individuals associated with terrorism; it is also a feature of other systems. For instance, during parole board hearings, the board may receive information regarding the prisoner's conduct while incarcerated.

48 A practice approved by the Supreme Court in the case of 88/02 Military Prosecutor v. Avis (2002).

49 Mostly, the General Security Service representatives (intelligence and legal counsel) appear mainly at hearings in the Supreme Court. Interview with a former senior official of the General Security Service known as B (January 11, 2023).

50 An interview with a former senior official of the General Security Service known as C (January 10, 2023).

51 An interview with a former senior official of the General Security Service known as C (January 10, 2023). Furthermore, technologies based on artificial intelligence play a role in gathering intelligence information.

52 The judge's discretion is crucial in determining which type of knowledge, human or signals, has a higher impact, and there is no exact answer. Generally, material originating from human Intelligence is examined more thoroughly due to the fear of bias or inaccuracy. Interview with a retired military judge known as B (March 11, 2023).

53 Historically, the General Security Service had a practice of indicating the reliability level of the classified information provided to the judge (for example, "Agent X is doubtfully loyal"), but this practice stopped. An interview with a former senior official of the General Security Service known as A (January 19, 2023)

54 Interview with a former senior official of the General Security Service known as D (January 16, 2023).

55 See, for example, administrative detention appeal 29/00 Barghouti v. IDF Commander (2001). However, there is great difficulty in determining the exact point at which the threat attributed to the detainee is removed. In his book, Eli Becher, the General Security Service's former legal advisor, wrote, "The cases in which positive information is received from which it appears that the detainee has turned from his dangerous path are rare." Eli Becher, *General Security Service under test: security, law and the values of democracy* (Israel Democracy Institute Press, 2020).

56 Emanuel Gross, "Human Rights in Administrative Proceedings: A Quest for Appropriate Evidentiary Standards," *California Western International Law Journal* 31 (2001).

57 In certain cases, the military prosecution presents both visible and confidential evidence to the judge, including statements from police investigations or reports made to the suspect before their administrative arrest. This is accomplished by providing a computer containing the information, classified as "Top Secret." Interview with a former senior official of the General Security Service known as D (January 16, 2023).

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59 Administrative detention appeal 1826/11 Military Prosecutor v. Mardawi (2011). HCJ 5897/07 Aruj v. The Military Court (2007).

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62 For a comparative discussion of the gist approach as an essential requirement, see Daphne Barak-Erez and Matthew Waxman, "Secret Evidence and the Due Process of Terrorist Detentions," *Columbia Journal of Transnational Law* 48 (2009): 3. The article argues that the special advocate model enhances participation overall, while the judicial management model is designed to improve accuracy (p. 10-18).

63 "Legal basis for Administrative Detention", *B'Tselem*, https://www.btselem.org/english/Administrative_Detention/Index.asp.

64 Ibid.

65 Craig Forcese and Lorne Waldman, *Seeking justice in an Unfair Process: Lessons from Canada, the United Kingdom, and New Zealand on the use of 'Special Advocates' in National Security Proceedings* (2007).

66 Barak-Erez and Waxman, *supra* note 62.

67 88/02 Military Prosecutor v. Ebis, Military Court of Appeals (2002). Mashniot and Ben Natan believed that it is appropriate to consider adopting a particular model of the special advocate in administrative detention procedures in Israel. See Samdar Ben-Nathan, Ilan Saban, Hadar Mednik, and Kala Sapir, "An Unbearably Heavy Burden: Appointment of Special Lawyers to Deal with Secret Evidence," *Laws* 16 (2022). Aharon Mashniot, "The Constitutionality of Administrative Detention," *in Law, society, and Culture in Justice Trial? The criminal procedure in Israel - failures and challenges* (Alon Harel ed., 2017). (Hebrew).

68 Nathanael Benisho and Meir Vigeser, "Secret evidence and special attorneys in administrative detention proceedings in the Judea and Samaria military courts," *Shhari Mishpat* 9 (2017) (Hebrew).

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70 European Court of Human Rights. Chahal v. United Kingdom. Application no. 22414/93. Judgment of November 15, 1996. Eva Nanopoulos, (2015) European human rights law and the normalization of the 'closed material procedure': Limit or source? *Modern Law Review* 78(6): 913–944. See also: Joint Committee on Human Rights (2008) Counter-Terrorism Policy and Human Rights (Eighth Report); Counter-Terrorism Bill. 2007–08 HL 50, HC 199. 7 February.

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75 Craig Forcese and Lorne Waldman, *supra* note 52. Cian C. Murphy, "Counterterrorism and the Culture of Legality: The Case of Special Advocates," *King's Law Journal* 24.1 (2013): 19-37.

76 See para 7 of the Schedule to the Prevention of Terrorism Act 2005.

77 Terrorism Prevention and Investigation Measures Bill 2010–11. Cian Murphy, supra note 75 8.

78 Justice and Security Act, 2013. Shiri Krebs, *supra* note 6, p. 182. Kent Roach, "Must We Trade Rights for Security? The Choice between Smart, Harsh, or Proportionate Security Strategies in Canada and Britain," *Cardozo Law Review* 27 (2006): 2192. See also Secretary of State for the Home Department v AF (No 5) [2012] UKSC 29.

79 Cian Murphy, supra note 75, 26.

80 In Baroness Kennedy's view: "to call the [special advocate] an advocate is a denial of what the role of advocacy is all about. The whole purpose of advocacy is that on behalf of your client, you are able to contest the allegation made and to do it acting as—if you like—the spokesperson for that person and to challenge the evidence in a way that they would do themselves were they able to and versed in the law. The special advocate has no such possibility. ...To call such a lawyer an advocate for the person is a corruption of language as we know and understand it within our system of law." HL Deb 15 February 2006, col. 1224 in the House of Lords debate on the Prevention of Terrorism Act 2005 (continuation in force of sections 1 to 9) Order 2006 (renewing control orders).

81 "Procedures That Allow for Use of Intelligence in Terrorism-Related Trials Differ Greatly." ICCT, October 18, 2023. Web. Accessed November 16, 2023. https://www.icct.nl/multimedia/procedures-allow-use-intelligence-terrorism-related-trials-differ-greatly.

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83 Tanya Mehra, Matthew Wentworth, and Bibi van Ginkel. "The Expanding Use of Administrative Measures in a Counter-Terrorism Context: Part 1 - In Need of Rule of Law Safeguards." ICCT Policy Brief, November 2021.

84 Cian C. Murphy, supra note 77. For a summary, see C Walker, *Terrorism and the Law* (Oxford University Press, 2011) 267–9.

85 See also *A and Others*, in which the European Court of Human Rights determined that the special advocate has a vital role in administrative detentions if he is provided with sufficient information about the charges against him. A. and others v. the United Kingdom, 3455/February 5 19 2009, ECtHR (Grand Chamber).

86 Nethanel Benichou and Meir Vigeser, *supra* note 54.

87 See Neta Ziv, "Navigating the Judicial Terrain under Israeli Occupations: Palestinian and Israeli Lawyers in the Military Courts." *Fordham International Law Journal* 42 (2018): 729.

88 Leonard S. Rubenstein, "Procedural Due Process, and the Limits of the Adversary System," *Harvard Civil Rights-Civil Liberties Law Review* 11 (1976): 48.

89 The legal representation given to terrorism suspects in the military courts is usually given according to organizational affiliation. Generally, every terrorist organization (Hamas, Fatah, or the Islamic Jihad) has permanent lawyers with whom it works.

90 See also HCJ 3267/12 Halala v. The Military Commander (2012).

91 Kent Roach, "Secret evidence and its alternatives". In: Masferrer A (ed.) *Post 9/11 and the State of Permanent Legal Emergency*. Dordrecht: Springer, pp.179–200 (2012).

92 See Samdar Ben-Nathan and others; *supra* note 53. The Green Paper "Justice and Security" proposes enabling communication between special advocates and their clients through a "Chinese wall" separating government counsel from officials overseeing such communications. However, the practicality of this separation is questionable, and the proposal does not address concerns about the potential disclosure of strategy to the judge. Another limitation is that special advocates can't participate in subsequent proceedings if the closed materials they've seen in one case might risk information leakage. Measures to prevent leaks or 'tainting' are therefore extensive. HM Government. Justice and Security: Green Paper. The Stationery Office, 2011. Para 2.33.

93 Joel Todoroff, "Verisimilitude in National Security Cases," NYU *Journal of Legislation and Public Policy* 6 (2013): 1223.

94 It is crucial to emphasise that this proposal serves as a preliminary framework for the appointment process.

95 As previously indicated, in most cases, the suspect is initially apprehended within the criminal justice system. The transition to the administrative detention procedure occurs when sufficient criminal evidence for prosecution

is absent. The detainee is held in temporary detention before the commencement of the 8-day countdown leading to the administrative detention hearing.

96 See also Amit Prize and Eyal Nun, *supra* note 19.

97 Since 2002, secret materials were expanded to the judge, encompassing comprehensive evidence from all the intelligence agencies concerning the suspect. Interview with a former senior official of the General Security Service known as C (10.12.2023).

98 Prize and Nun proposed upgrading the hierarchy of the judicial body that decides on administrative detention cases to the most senior body in the trial court, the court's president. However, this proposal creates various difficulties, such as the ability of the court's president to hear these cases himself. Additionally, most hearings are conducted by military judges who are members of the Reserve forces: Prize and Nun, *supra* note 19.

99 Al-Nashif v. Bulgaria, 50963/99, June 20, 2002, European Court of Human Rights.

100 Joint Committee on Human Rights. (2007). Legislative scrutiny: Counterterrorism Bill. Retrieved from https://publications.parliament.uk/pa/jt200708/jtselect/jtrights/186/186.pdf.

101 The Human Rights Committee noted, "Administrative detention should be used only in exceptional circumstances and should be subject to adequate procedural safeguards" (UN Human Rights Committee, 2014).

102 As the UK House of Lords noted, "the special advocate system provides a means of ensuring that the individual is not left entirely at the mercy of the executive" (House of Lords, 2004).

103 As exemplified by the Halakhala case, where a hunger strike was undertaken in objection to administrative detention, it was established that the act of a hunger strike alone does not suffice as grounds for revoking administrative detention. The court asserted its independence from being held hostage to such actions. Nevertheless, it was adjudged that, grounded in medical evidence, an evaluation of potential parole is admissible for individuals whose continued detention threatens their lives. HCJ 3268/12 Halakhala v. The Military Commander (2012).

104 For example, in the HCJ 5920/96 Saba v. The Military Commander (1996), The possibility of leaving the detainee abroad for university studies was considered.

105 See also Shai Farber, "Countering the Financing of Terrorists' Salaries," *Studies in Conflict & Terrorism* (2023): 1-21.

106 The relocation of suspects from the West Bank to the Gaza Strip raises inquiries about whether it amounts to a delineation of residence or deportation, both of which are very problematic under international law. Before the disengagement from the Gaza Strip in 2006, Israel executed the transfer of terrorist suspects residing in the West Bank to the Gaza Strip through a "residential demarcation" order, treating the two territories as a single unit. However, since 2006, the Gaza Strip is no longer under Israeli authority, posing challenges in transferring suspects from the West Bank to the Gaza Strip.

107 Previously, attempts were made by the court to address the issue. However, it was determined that the court did not have the legal authority to order release as an alternative when discussing the judicial review of administrative detention. This was highlighted in the appeal case of administrative detention of 3145/06 Military Prosecutor v. Schlamish (2006).

108 A v United Kingdom [2009] ECHR 301, (2009) 49 E.H.R.R. 625, E.C.H.R.

109 Judge A emphasised that justice must not only be done but also be seen to be done. While the current system is effective, special advocates can increase trust and may even reduce the diplomatic pressure on the State of Israel regarding administrative detentions. An interview with a retired military judge known as A on January 19, 2023.

110 See European Union Agency for Asylum and Migration (EUAA), Study on Detention, (2022), https://home-affairs.ec.europa.eu/system/files/2022-05/EMN_Study_on_detention_0.pdf. Accessed November 14, 2022.

R E S E A R C H   A R T I C L E

The Punishment of the Grave:
A Neglected Motivation for Jihad and Martyrdom

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Abstract: This article explores the role of a spiritual punishment unique to Islam, the punishment of the grave, in motivating jihadi terrorism. It argues that the exemption from this spiritual punishment granted to jihadi martyrs may be a 'pull' factor in the radicalisation of some Muslims. To date the punishment of the grave has been discussed only in passing in the research literature on jihadist radicalisation. To address the resultant gap in our knowledge, this article describes the concept, documents its neglect in the study of jihadist radicalisation, investigates the prevalence of this concern amongst believers, ranging from the nominally affiliated to violent extremists, and the use of the concept by prominent jihadist figures and organisations to attract and train new martyrs. Arguing that a concern with the punishment of the grave is a crucial but overlooked aspect of the heightened religiosity — and based on its expression perhaps uniquely instrumental in identifying believers left with limited options, including violence — the article advocates recognising it as a significant and useful additional marker of radicalisation, especially in the context of prisons. Increased awareness of the concept and the extraordinary fear it often generates will help to better attune strategies used to prevent and deradicalise individuals to the religious struggles driving some Muslims to sacrifice their lives in lethal acts of terrorism.

Keywords: Al-Qaeda, ISIS, ideology, jihadism, radicalisation, fear, punishment of the grave

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Introduction

"Why was 2017 so violent?"[1] This was a question raised in a *Spectator* article by Duncan Gardham, a security journalist who reports on terrorism, regarding the distinct number of jihadist attacks in the UK. He explains that the looming apocalypse referred to by ISIS was compelling to jihadists "motivated by the need to prove themselves to Allah before the Day of Judgement, lest they spend eternity in Hell."[2] "This may sound fanciful to a secular audience," Gardham sagely cautions the readers, "but we know from decrypted online conversations between jihadis that this fear is very real."[3] Interestingly, he cites two "Hollywood-style videos on YouTube" that were reportedly used in tandem with the notion that the world was about to end: "*The End of Times* and *The Punishment of the Grave*."[4] Although the end of times would be recognisable to many because the idea is loosely shared by three of the world's major religions, the punishment of the grave is a spiritual punishment unique to Islam and is therefore increasingly missed – even tellingly by Gardham himself when noting the fear of hell.

This kind of overlooking of the punishment of the grave, a kind of purgatorial punishment inflicted on sinners, is not new; in fact, this preexisting neglect is what seemingly compelled Leor Halevi, a historian of Islam, to publish an article with the *New York Times* — about twelve years prior to Gardham's publication. In response to the frequency of "front-page news of Muslims dying somewhere in the world in a violent way," he notes, "there is little understanding among non-Muslims of Islamic views of death and the afterlife."[5] Providing a brief primer on this spiritual punishment, Halevi explains that martyrs are spared from this fate — and implicitly suggests martyrdom to be a motive for jihadists wanting to escape this grave torment. Tradition indeed places its exemption among the other rewards of martyrdom, such as securing instant "forgiven[ess]," bypassing the "Day of Judgement," confirming one's seat in "Paradise," wearing a "crown" that signifies "dignity," wedding seventy-two virgins, and being able "to intercede for seventy … relatives."[6] Almost fifteen years after that article, the motivational relevance of the punishment of the grave continues to be missed – and this neglect extends beyond investigative journalism.

This article argues that the exemption from the punishment of the grave for martyrs may be a 'pull' factor towards jihadism for individuals perceiving the inevitability of the spiritual torment because of their sins.[7] Though the data available is limited, this article shows that we do have evidence of jihadists citing the punishment of the grave as a real concern and a reason for partaking in the jihad and seeking martyrdom, with many more seemingly being inspired by similar concerns. It also appears that prominent jihadist figures and organisations take this spiritual punishment into consideration, and whether or not this is due to genuine religious concern or reflects a cynical exploitation of the idea to support recruitment, this finding points to the utility of the belief in either promoting or understanding jihadist radicalisation. Yet, the consideration of the punishment of the grave is nearly absent in the terrorism and radicalisation literature. It is missing from the scholarly attention given to some of the other martyr's rewards, even the so-called "'seventy-two virgins' theory of terrorism,"[8] and it is missing from the research on the role of fear in terrorism.[9] It even seems to be missing in the many published accounts of jihadists that mention the spiritual punishment without awareness it is being described.

This article addresses this gap in the literature by exploring the Islamic conception of the punishment of the grave and its role in jihadism. Providing a serious treatment of the topic will at least create greater familiarity with this possible motivation for jihadism amongst radicalisation and terrorism scholars and practitioners alike. This in turn may lead to others noting its presence and significance. The concern for the punishment of the grave is a possible radicalisation marker – since it seems to emerge in tandem with other well-known manifestations of heightened or extreme religiosity that commonly presage radicalisation (though not necessarily so). It also appears to be uniquely instrumental in marking a segment of believers left with little recourse, including violence. Hence an initial case is made to explore this possibility more fully and in additional ways and contexts. One such context discussed in this article is prisons, where marked increases in religiosity and despairing utterances about the punishment are reportedly commonplace and may portend for those struggling with sins a turn to violent extremism. As this study has important implications for the field, its broad contributions to the understated relevance of ideology and religion to religious terrorism and the amelioration of the specificity problem will be considered at the end.

This article has five parts. First, it covers the topic of the punishment of the grave – up to and until its present consideration by many Muslims. Second, it describes the neglect of this religious concept in the radicalisation and terrorism literature. Third, it explores the prevalence of the concern for the punishment of the grave among jihadist individuals and organisations. Fourth, it investigates the concern of the punishment of the grave as a likely manifestation of religiosity and, thereby, a possible marker of radicalisation. Fifth, it briefly looks into the curious prevalence of expressions about the punishment of the grave in prisons where religious transformations are common. The implications of this study will be discussed in the conclusion.

What is the Punishment of the Grave?

To understand the jihadist concern for the punishment of the grave, it is important first to know how this concept is understood in Islam. Contextually, it takes place in *al-barzakh*, a period "between death and the resurrection," which can be compared to the purgatory of Christianity.[10] The following passage from Halevi succinctly explains the nature of the Muslim teachings about this punishment:

> *According to Islamic doctrine, between the moment of death and the burial ceremony, the spirit of a deceased Muslim takes a quick journey to Heaven and Hell, where it beholds visions of the bliss and torture awaiting humanity at the end of days.*
>
> *By the time corpse handlers are ready to wash the body, the spirit returns to earth to observe the preparations for burial and to accompany the procession toward the cemetery. But then, before earth is piled upon the freshly dug grave, an unusual reunion takes place: The spirit returns to dwell within the body.*
>
> *In the grave, the deceased Muslim - this composite of spirit and corpse - encounters two terrifying angels, Munkar and Nakir, recognized by their bluish faces, their huge teeth and their wild hair.*
>
> *These angels carry out a trial to probe the soundness of a Muslim's faith. If the dead Muslim answers their questions convincingly and if he has no sin on record, then the grave*

is transformed into a luxurious space that makes bearable the long wait until the final judgment.

But if a Muslim's faith is imperfect or if he has sinned during life by, for example, failing repeatedly to undertake purity rituals before prayer, then the grave is transformed into an oppressive, constricting space.

The earth begins to weigh down heavily upon the sentient corpse, until the rib cage collapses; worms begin to nibble away at the flesh, causing horrible pain.

This torture does not continue indefinitely. It occurs intermittently and ends at the very latest with the resurrection – when God may well forgive Muslims who have endured the punishment.[11]

Essentially, the punishment of the grave is a torturous "purgative drug" that rids Muslims of their minor sins and ascends them to heaven.[12] Broadly speaking, "the severity and duration of the punishment in the grave depended above all on the measure of a Muslim's sins and the extent to which these were counterbalanced by repentance, pious works, and a sound faith."[13] However, not all is necessarily forsaken should these prophylactic measures be insufficient because, in the end, "the receipt of torture may well lead to divine forgiveness."[14] "This hope was based on the optimistic belief that God might ultimately forgive Muslims who had committed grave or venial sins."[15]

While the above description explains the nature of the punishment of the grave in Islam, it does not quite capture the graphic nature of the torment involved. The following paraphrasing of a passage from Ibn Abi al-Dunyā's book *Kitāb al-mawt* (9th century) helps to illustrate what is at stake:

What happens to God's enemy ('adūw)? Ugly angels approach the dying spirit with various instruments of punishment, including "embers from Gehenna" and burning skewers with thorns that penetrate every hair and vein. The angels strike his face and buttocks. They twist the corpse perversely as they clamor for the spirit, which they extract from the heels and the toenails. When the spirit makes its painful exit, it says to the body, "May God requite you in my stead with evil [sharr], for you hurried to do acts of disobedience." The spirit is deposited in the earth; the earth curses the deceased. The grave begins to constrict God's enemy oppressively (ḍuyyiqa 'alayhi qabruhu), so that the ribs appear to quarrel with one another until the right and left sides of the ribcage collapse. When the angels ask basic doctrinal questions, the deceased answers, "I do not know" (lā adrī). They rejoin, "May you not know." They strike him. Sparks fly. Above him, a door opens to the Garden. Below him, seventy-seven doors open to Hell, and a hot wind blows into his grave, to remind him that God will resurrect him in the Fire.[16]

While the torture's gruesome nature is one concern, the seeming simplicity of becoming subject to it is another. Abū Hāmid al-Ghazālī's *al-Durra al-fākhira* (11th century) shows that the punishment can result from a "single misdemeanour rather than indicating the general

outcome of a life of error."[17] Works like this are among the popular medieval eschatological manuals whose "function as a whole was didactic and homiletic, implementing the divine injunction to command the good and prohibit the evil … [essentially] instruct[ing] the faithful by means of stories and descriptions which fully explicate the ramifications of following or not following God's plan for humankind."[18]

The punishment of the grave is a concept unique to Islam. It is certainly distinct from the closest concept of Christianity, which is Purgatory. While the medieval notion of Purgatory was reserved for believers who were slated for salvation and ultimately Paradise, the punishment of the grave was "predicated upon a keen sense of retributive justice and did not necessarily guarantee salvation … [and sometimes instead] provided a foretaste of Hell."[19] The punishment of the grave also differs in small – but no less fundamental – ways with the closest notion in Judaism. Before the time of Islam, "at least some of the rabbis" did advance the notion that everyone would suffer in the graves, but this torment was not caused by the "moral makeup" of the deceased.[20] Rather, the suffering seemed to stem from the belief that since the corpse is sentient, it would feel pain from the processes of biological degradation. This contrasts with Islam, where the punishment of the grave is reserved for "only sinners and infidels," and the deterioration of the corpse is not a biological phenomenon but rather a "religious event governed by ethical rules."[21]

The concept of the punishment of the grave appears in early Islam. It can be traced back to "the first quarter of the eighth century," and it was during the early history of the religion that "traditionists elevated their belief in the punishment of the tomb to the status of dogma."[22] It was a "reality" that "all Sunnī schools affirmed on the basis of numerous ṣaḥīḥ [authentic] traditions" and understood by "the great majority of Muslims."[23] There was, ultimately, a strong authoritative basis for the punishment of the grave in the religion. Al-Bukhārī referenced it by name in his hadiths compilation, which is regarded as "the most authoritative collection of Sunni traditions."[24] To cite another example, one highly esteemed Islamic scholar of the period "exclaimed that if traditionist reports (akhbār) concerning Muhammad's prayers to be spared the punishment of the tomb were false, then none of 'our religious decrees' and none of 'the reports about our Prophet' were sound."[25] It is unsurprising to learn that even some of the Muslim groups on the fringe struggled at times to deny it.[26] A prominent outlier was the Mutazilites, which prioritised reason in religious interpretation. Yet, this group's rejection of the punishment of the grave was not unequivocal; efforts emerged from within the movement to reverse it.[27]

Who is spared from the punishment of the grave? Muslim traditions provide answers: "Prophets were granted a reprieve … Martyrs, as well as those who earned the status of martyr due to their physical suffering in the moments before death, were also granted an exemption. … Similarly, Muslims who had spent every night reading *Sūrat al-Mulk* (Qur'ān 67) bypassed the inquisition."[28] Why did reading that chapter (*Sūra*) afford believers protection? It seems to have to do with the role of suffering. "Having feared God's sovereignty, his wrath, fire, and woeful scourge—the principal themes of the *Sūra*—and having persevered night after night in this activity even as their eyes grew dim and weary, they had already endured the necessary hours of darkness."[29] Traditions also indicate that "disease" and posthumous "self-annihilation" led to

exemption from the punishment.[30] Essentially, suffering seems to be the currency of expiation. Critical physical suffering can especially clear one's slate because it essentially satisfies the key requirement of martyrdom, a category by no means exclusive to death while fighting for Allah: "According to Islamic tradition, Muslims who die in a fire, by drowning, in the collapse of a building or in some other way involving great physical suffering merit the rank of martyrs in the afterlife."[31] Even more ambiguously, the believer could escape the punishment of the grave by dying on a Friday.[32] Some believed that rituals, such as prayers, involving the dead may help grant them some reprieve from the punishment. But, "it was never altogether evident that a ritual performed for the benefit of the dead would have the desired effect," rather, "its efficaciousness depended on whether or not a given individual deserved God's mercy."[33] Ultimately, the suffering required to expiate outstanding sins would await many in the grave.

Nearly all believers are susceptible to the punishment of the grave. After all, the punishment of the grave "was meted out for all manner of peccadilloes, and everyone feared it. Even the prophet Muhammad had prayed frequently for forgiveness and hoped for indemnity. Such sins as slandering others and soiling oneself with urine brought about purgatorial tortures."[34] In fact, one authoritative classical work catalogues a long list of seemingly inescapable sins, spanning pages, that result in the grave torment.[35]

How is the punishment of the grave considered in present times? An entry from the encyclopaedia of Islam explains that it is a "common belief upheld among average Muslims" and "a belief that attracts a great deal of attention from average practicing Muslims."[36] According to Jane I. Smith and Yvonne Y. Haddad's detailed study on death and the afterlife in Islam, contemporary thinkers and writers agree on the reality of the punishment of the grave, though they differ on the nature of its suffering (i.e., physical or psychological).[37] Robust data show that many fear it in present times. Psychological studies report that many Muslims continue to fear the grave torment – and always at significant levels.[38] To illustrate just one example, the majority of the participants ranked the fear of the punishment of the grave higher than losing "someone dear" to them, "getting cancer," or contracting a "serious disease."[39] Although current research is limited when it comes to understanding the role of this fear, a rich ethnographic study of Muslims participating in Egypt's Islamic Revival provides useful insight. The study found that, at least for these ardent believers, a fear of the punishment of the grave is instructive when it comes to attitudes and behaviour; it "serves as a disincentive to immoral conduct" and is essential to "the enactment of one's divinely mandated duties."[40] What, however, happens to individuals who fear the spiritual punishment and are afraid to incur the major sin from not carrying out the perceived obligation of jihad, or more crucially (and which is the focus of this article), those with sins already on record? Before examining the compelling evidence that the punishment of the grave is a concern for many jihadists, we will turn to its neglect in the literature.

The Gap in the Radicalisation and Terrorism Literature

Terrorism and radicalisation scholars have largely overlooked the punishment of the grave. Its significance is absent from the writings that to varying degrees consider the importance of sin or hell for jihadists.[41] When the punishment of the grave happens to be mentioned, it is mostly done in passing – often by name only as part of the infamous list of martyrdom

rewards.[42] A few scholars attempt to succinctly instil clarity by, for example, renaming the term, such as "penalties of purgatory," when listing it among the martyr's rewards,[43] and others strive to capture its essence by adding a few more words.[44] More problematically, however, others manage to miss its essence altogether. For example, Phil Gurski does not note the punishment of the grave among the list of rewards for martyrdom; however, he does note the reward of "having one's body remain intact forever without corruption (there are analogies here to Christian saints)," which may involve a reference to the punishment of the grave, but incompletely and rather misleadingly.[45] This neglect is similar to those who do an incomplete job of defining this punishment. Devin R. Springer et al., for example, discuss it problematically by simply saying: "martyrs are said to be spared 'the torments of the grave,' so that their bodies will not decompose after death."[46] As we have seen in the previous section, much more is at stake: the painful torment that believers are made to suffer for their sins.[47]

In the rare occurrence of discussions about the punishment of the grave, it continues to be neglected. Farhad Khosrohavar misses it when examining a fictitious dialogue between an ardent believer and a dead martyr that he found on a French jihadist website, which he explains "is useful for understanding the underlying feelings and beliefs among would-be martyrs."[48] Inside the dialogue, the believer asks the martyr, "'How do you endure the ordeals of the tomb? Have you been interrogated [by the angel of death who makes human beings suffer]?'"[49] Khosrohavar, however, seems to miss this concern for the punishment of the grave and instead only considers the concern with the interrogating angels that would precede it: "In traditional Islam, the first night in the tomb is the most dreadful: the asking of questions by the angel of death entails the anguish of those who do not know whether they will spend the time between their death and the Day of Reckoning in a *Barsakh* (the equivalent of Christian purgatory) and its aftermath."[50] By referring to the 'first night' in which the questioning of angels takes place as the 'most dreadful,' it essentially precludes the consideration of the grave torment that would follow for many, an omission made all the more glaring when Khosrokhavar is apparently unpacking "all [of] the [dialogue's] enticements" to jihadism and martyrdom.[51]

When David Cook describes the list of rewards for martyrdom, he provides perhaps the lengthiest discussion about the benefit of exemption from the punishment of the grave.[52] Yet it remains comparatively thin. His single statement on the torment of Muslims by two angels is subsumed in a paragraph focused primarily on the positive physical effects of martyrdom on the condition of the martyr's body:

> *First of all, the martyr is free from the "torment of the grave" and his body, unlike the bo-dies of other Muslims, does not need to be washed but is placed within the grave as is.* Un-like other Muslims, the martyr will not be tormented by the two angels Munkar and Nakir, whose hostile questioning in the immediate wake of death is of great concern to Muslims (hence the process of extreme unction, or talqin) [emphasis mine]. *When this fact is cou-pled together with the idea that the martyr will continue to be garbed in blood at the Day of Resurrection, smelling of musk, we can see the roots of the belief in the incorruptibility of the martyr's body and its concurrent sweet smell that was to be developed so markedly during the medieval period and then marketed by Abdallah Azzam … It is even possible to extrapolate from the exemption from the torment of the grave the idea that the ground in which the martyr is buried is itself holy and free from evil.*[53]

Since the reward of martyrdom under discussion is specifically about the exemption from the 'torment of the grave', it is curious that comparatively little attention is afforded to the very detail that would give rise to the most concern, especially when considering that the rewards of martyrdom have, as Cook argues, "profound ramifications for this world."[54]

We even seem to be neglecting the consideration of the punishment of the grave when the data suggests its importance. This, for example, seems to be the case with the curious involvement of the grave in the training of jihadists. In Samuel Shay's *The Shahids*, the grave appears in the description of the training of suicide terrorists:

> *The religious training is mainly characteristic of Islamic terror organizations and is conducted by clerics who grant religious authorization to conduct a suicide mission and provide explanations regarding the shahid's reward in the world to come. … The religious training provides the candidate with emotional support and alleviates his fear of death.* Candidates have sometimes undergone additional training including lying inside an open grave in a cemetery for several hours [emphasis mine]*. Clerics play a decisive role not only in the emotional training of the potential suicide attackers, but also in the creation of a social atmosphere that encourages martyrdom and contributes to the motivation to recruit suicide terrorists.*[55]

The role of the grave in this 'additional training' remains unexplained. This oversight is made all the more glaring when Shay notes that the clerics discuss the martyr's rewards to the recruits, which would have to include the exemption from the punishment of the grave.

Ami Pedahzur similarly notes the presence of the grave in the training of Hamas: "the training process in Hamas included psychological elements and religious indoctrination. The prospective perpetrator went through long sessions with the recruiters, who talked about the religious importance of the [martyrdom] act and also tried to remove the fear of dying. This would include taking the recruit to a cemetery and placing him or her inside a grave."[56] Here, it is unclear if Pedahzur is suggesting that the training is primarily psychological or religious, but in either event the role of the time spent in a grave requires further explanation.

Daniel Byman also documents the "bizarre training" of the Somalian jihadist terrorist group al-Shabaab, which, according to one recruit, includes "dig[ging] their own graves with their hands … [and then laying] in their graves while the trainer jumped from grave to grave, stepping on their stomachs."[57]

The punishment of the grave is not mentioned in any of these accounts. Yet its relevance is far from spurious, as is made evident by another account: "the new Lion of Hamas lowers himself into a makeshift coffin as he recites verses from the Qur'an describing 'the torment of the tomb,' the interrogation of the deceased by the angels Munkir [*sic*] and Nakir."[58] Here, the jihadist being cited clearly shows an awareness of the teachings on the punishment of the grave – and he also happens to be slated for a martyrdom operation. A familiarity with the doctrine would have encouraged further inquiry into the motivational significance of being physically placed in a grave and presumably made to imagine the pain to come without the redemption promised by martyrdom. Introducing a serious consideration of the concept to the research on jihadist terrorism can help make the 'bizarre' more understandable.

Evidence that Fear of the Punishment of the Grave May be a Motivation for Jihadist Terrorism

We now turn to the jihadist consideration of the punishment of the grave. Based on an assortment of data from academic studies, books, and investigative reports, the composite findings show that there seems to be at least a concern among some jihadists for the punishment of the grave. Despite the challenges of interviewing jihadists and, as a result, the limited data in the field, we have statements by jihadists citing the punishment of the grave as a real concern and as a reason for partaking in the jihad and seeking martyrdom.

One instance of real concern for the punishment of the grave as a jihadi motivator can be found in the interviews Lorne Dawson and Amarnath Amarasingam completed with Western foreign fighters in Syria and Iraq. A British fighter affiliated with Jabhat al-Nusra commented:

> *Before this jihad, I like the idea of shahada [martyrdom]. The idea of no accountability in the grave and on the day of judgment, but I wasn't ready to leave the confines of my life in UK. In 2011, it was announced that a local brother was Shaheed [martyr] in Syria—that's when it started. I started thinking and asking to myself—"you know what, if he can do it, why can't I? He's in Jannah now while you are sitting here living a mundane life of simply university, work, making money."*[59]

Here, we can see that this British foreign fighter is concerned with the grave torment for which he would be painfully made accountable — and is aware that the way out is through jihad and, ultimately, martyrdom.

Another account shows how the concern for sin, and ultimately the punishment of the grave, is prioritized over the other martyrdom rewards. This distinct consideration can be found in the secret undercover recording of Daniel Patrick Boyd's private sermon on the importance of fighting for Allah, specifically from the following part of a passage that discusses the rewards of the martyr:

> *As I told you before there are so many rewards There's no way I could put them all in one khutbah, but I found these seven that are particularly special, and are particular only to the Shahid [martyr], no one else. Listen to this, all of his sins are forgiven, from the first drop of their blood. Astaghfir biLlah Who doesn't need that? The drop hasn't even exited and it's done. The sins are over. He is saved from the punishment of the grave. If any of you have read anything about the punishment of the grave, this one point alone is enough to go and fight for Allah and hope for Shahada [martyrdom]. Just this one point. If you never see Janna [Paradise] but are saved from the punishment of the grave WaLlahi it is good [emphasis mine].*[60]

This recording, done by an FBI informant, would be part of an effort to arrest and eventually imprison Boyd and the members of his North Carolina jihadist terrorist cell on the charge of "suspicion of plotting a 'violent jihad' overseas."[61] His emphasis on the clearance of sin (e.g., usury) and, ultimately, the exemption from the punishment of the grave as a sufficient reason to fight and hopefully die for Allah is telling. Save for the reward of interceding on the behalf of

relatives to save them from hell, none of the other rewards he discusses seem to come close in importance, not even the attainment of Paradise.

Sometimes the concern of the punishment of the grave is blended in with the need to intercede for sinned relatives doomed to suffer it. This is undoubtedly the case with the captured female Palestinian jihadist who sought martyrdom through suicide bombing:

> *There is nothing that is missing in paradise; everything what I would need is within reach. You can see the prophet, Allah,* and you save seventy relatives from the grave torment. Every shahid *[martyr]* atones for the sins of family members. Every shahid liberates seventy relatives from suffering, and atones for their sins *[emphasis mine].[62]*

While we would be unable to deduce with absolute certainty which of these rewards would concern this jihadist the most, it would be hard to ignore the emphasis she places by way of repetition on the clearing of the relatives' sin, which without the martyrdom would force them to 'suffer' the 'grave torment.'

Some jihadist accounts reveal a genuine concern with the punishment of the grave in general. This can be seen, for example, in *The Way of the Strangers* in an exchange the journalist Graeme Wood recounts with Musa Cerantonio, a Muslim convert dubbed to be "perhaps the most famous jihadist in Australia"[63]:

> *One morning, when he picked me up from the apartment I was renting, he told me that his aunt, who was not a Muslim, had just died. We had spoken the day before about the Day of Judgment. He had informed me that before Paradise or damnation, most mortals would face the Punishment of the Graves ['adhab al qabr], a palate cleanser for the coming eternity of either pleasure or pain. Even Muslims and righteous people—with the exception of martyrs and prophets, who go straight to Paradise—will have their ribs squeezed until they touch each other and crack. His aunt would have been experiencing this process now. According to scripture, her howls of pain could be heard by animals and genies but not by humans.[64]*

Woods noted that before this conversation, they "had spoken of little besides deaths for days," and for this particular conversation, Musa was "subdued and pensive."[65] "I sensed sadness and a hint of regret—although I'm sure he would deny it—that he was obliged to believe in, and celebrate, his aunt's torture."[66]

The concern with the punishment of the grave is found with other jihadists. Raed Jaser, the suspect involved in the 2013 Canadian Via Rail bombing plot, is one good example. According to a close friend who regularly prayed with him (even hours before his arrest), Jaser had been particularly "afraid of the punishment of the grave – it was something on his mind."[67] Jaser wanted to know how long he would be made to suffer it, and, as his friend's account also suggests, sometimes struggled to come to terms with this gruesome reckoning, "He would question 'What is the punishment of the grave?' Is there a punishment of the grave?'"[68] Since the punishment of the grave is directly related to sins on record, it is perhaps no surprise to learn,

then, that according to an undercover FBI agent, Jaser was distressed about sin. This concern was made evident during their onsite scheming to derail a train when Jaser was disconcerted about the amount of attention they were drawing, "Jaser said if we made a mistake and got caught because we didn't take the plot seriously then we were committing a sin."[69] "'I don't need *this* kind of sin, man [emphasis mine],' Jaser said."[70] This hyper-attentiveness to accruing sin is consistent with his concern for the duration of his spiritual torment.

Such a fear of the punishment of the grave, and a desire for the other rewards of the martyr, is relevant in tandem with other jihadi motives, of course, such as specific political grievances, in explaining their actions. In the case of Jaser, he was, according to "some sources … outraged about the U.S.-led invasions of Afghanistan and Iraq.'"[71]

The punishment of the grave figured among the works consulted by jihadists. It was part of the leadup to the suicide bombings in Casablanca on May 16, 2003. "On 14 May, the terrorists prepared for the attacks by praying and watches [*sic*] videos like the 'The Journey to the Afterlife,' and 'Death and the Horrors of the Grave.'"[72] In a separate case, the "Punishment of the Grave" was found to be among the written works left behind by two British foreign fighters who left for Syria to participate in the jihad and apparently sought martyrdom.[73] The presence of this kind of material concerning the punishment of the grave is by no means anomalous. On the contrary, it seems to figure among the materials of even more jihadists. This at least seems to be the finding of Donald Holbrook in his study of the materials typically left behind by jihadists from the UK.[74] Specifically, the high-profile radical preacher Feiz Mohammed's audio lecture on the punishment of the grave, titled 'The Grave,' was among the list of extremist works left behind by convicted or dead jihadists from the UK and discovered in police counterterrorism investigations.[75] A close listening of this lecture reveals the exalting of martyrdom as *the* option to avoid the punishment of the grave, and it is not a surprise to learn that the lecture series to which it belongs, the *Death Series,* resulted in a significant public backlash in Australia.[76] Holbrook's study also cites the even greater prominence of Anwar al-Awlaki's *The Hereafter* lecture series, which notably includes a discussion of the punishment of the grave.[77] In fact, this popular lecture series begins with the "Torment of the Grave."[78] While we may never know if the particular lecture about the punishment of the grave served as an inspiration for the jihadists in Holbrook's study, it is still nevertheless an important detail to consider, especially when Awlaki is thought to have exerted an influence on "more than half of U.S. jihadist terrorism cases in the years since his death."[79]

Even prominent jihadist figures and organisations appear to be concerned about it. It seems to figure, for instance, in the public rebukes of one another regarding their religious sincerity. An ISIS training module explaining which Muslim groups are correct or wrong chastises the non-violent Islamist organisation Hizb-ut Tahrir partly because the group rejects the punishment of the grave. ISIS seems to be incensed that Hizb-ut Tahrir merely "trust[s]" it as a concept, not absolutely "believe[s]" it. In other words, Hizb-ut Tahrir is being faulted for not unconditionally subscribing to the reality of this spiritual punishment. It should be noted that ISIS was not alone in making this criticism. The famous jihadist leader Abdullah Azzam chastised Hizb-ut Tahrir's disbelief in this spiritual punishment decades earlier.[80] An interesting parallel can be drawn between the actions of Azzam and the founder of one of the major schools of Islam,

Ash'arism, who nearly a millennia earlier felt compelled to "denounce Mu'tazilite theologians … for denying the reality of the punishment in the tomb."[81]

Although it is unclear if the jihadist leaders and organisations' concern with the punishment of the grave is genuine, they are (perhaps inadvertently) benefiting from its consideration. To be clear, the utility of this fear-based tool is by no means limited to jihadist entities. Non-violent Muslim groups and individuals appear to use the threat of the punishment of the grave to direct believers towards particular actions, such as making donations,[82] becoming obedient to their (extremist) group,[83] and, according to one ethnographic study, continuing their participation in a personal development training program.[84]

The suggested jihadist instrumentalisation of the fear of the punishment grave is based on two observations. First, while written works concerning the punishment of the grave include martyrdom as one of the different preventatives,[85] jihadist literature heavily emphasises martyrdom for escape. In an organisational sense, jihadist groups would benefit the most from an arsenal of believers primed in such a way to die fighting for their goals. Its psychological effect would be detrimental, however, to the aims of relatively non-violent Islamist organisations. Rather unsurprisingly, Hizb-ut Tahrir had discounted the punishment of the grave.[86] The curious case of Al-Muhajiroun suggests further insight. They had downplayed the spiritual punishment at one point[87] — and the suspected turn to its unconditional adoption broadly overlaps the increasing association with violence. This association may not be entirely coincidental. Alexander Meleagrou-Hitchens, in his discussion on Al-Muhajiroun's "turning to [t]errorism", highlights the "sustained effort to shift members' attentions to the afterlife" and its "fast-track" through "martyrdom".[88] It is possible that the grave torment that awaits even minor sins has a role in this drive to shift consideration toward the afterlife and violence.

Second, the different ways that the primary jihadist magazines of al-Qaeda (*Inspire*) and ISIS (*Rumiyah* and *Dabiq*) reference the punishment of the grave seem to match their distinct organisational aims. Al-Qaeda cites exemption from the punishment of the grave as a reward of martyrdom, and this would have suited their calls for indiscriminate attacks throughout the West.[89] It was believed that these attacks would help end support for the 'corrupt' regimes in the Muslim world and clear the way for 'genuine' Islamic governments. ISIS first references a different tradition that links the exemption from the grave torment to a death that requires a physical presence on the battle fronts of the then-Islamic state (*Ribaat*),[90] but later, much like al-Qaeda, they linked it to the tradition of martyrdom that enables attacks elsewhere in the world.[91] In other words, the promise of overcoming the punishment of the grave was first used to inspire recruits for the territorial struggles of the new Islamic state, and then as this state was in decline to incentivise acts of more widespread retaliation against those fighting the Islamic State.

This means an awareness of the utility of the fears of the punishment of the grave for jihadist organisations and leaders may also be useful for those seeking to detect, gauge, and prevent the resultant process of radicalisation.

The Link between the Punishment of the Grave and Radicalism

A link between the concern for the punishment of the grave and radicalism seems to exist. Although all available evidence stems from Egypt, it nevertheless remains insightful. Many nominal Muslims apparently connect the fear of this spiritual punishment with jihadism. This link was found in Charles Hirschkind's rich ethnographic study: "many of the more secularly oriented people" believed that "the danger of sermons on the grave or Judgement Day owed … to the fact that they are taken as real by their audiences, a category mistake often seen to be responsible for social evils ranging from backwardness to terrorism."[92] There are further indications that this association between the fear of the punishment of the grave and jihadism may be even more widespread. The popular Egyptian film *The Terrorist* from 1994 features an artistic sequence beginning with the scene of a jihadist staring at the bottom of the woman walking in front of him — after which the viewers follow his "footsteps into his dark, barren apartment where he sits on a chest full of grenades reading a book about 'the torture and bliss of the grave.'"[93] This artful juxtaposition of scenes indicating the inescapability of sinful pleasures and a reminder of the torments of the grave reflects an awareness of the intelligibility of the terrorist's dilemma to a Muslim-majority audience.

Many nominal Muslims also have made associations between the concern of the grave torment and the kind of extremism deemed incompatible with a secular society. According to "contemporary Egyptians," Hirschkind reports, "the plethora of sermons and books on the tortures of hell and the horrors of the grave stimulates a morbid fascination among the popular classes that distracts them from the serious issues that they, as national citizens, must confront."[94] "This unhealthy obsession," he was informed frequently, "undermines the positive orientation toward life necessary for everything from social progress to a respect for human rights."[95] Not surprisingly, secondary school teachers who played cassettes for their students of sermons on the punishment of the grave were deemed to be as threatening as teachers who urged female students to wear religious garb — and both were among the "thousands of extremist" educators fired.[96]

The more ardent believers do seem to associate concern for the punishment of the grave with heightened religiosity. This much is evident from the backlash that erupted in the 1990s over an episode of the Egyptian television series *The Family* in which the father challenges "the doctrinal basis of beliefs about the torture in the grave" in a debate with an emir at a mosque.[97] Notable opposition to the show emerged "from well-established moderate Islamist thinkers," with one accusing the show of "not distinguishing between extremism and religiosity," and another claiming it "attacked piety, not terrorism, and destroyed values and doubted religious doctrines, including torture in the grave."[98] A similar association is apparently understood by the Egyptian Islamic Revival participants in Hirschkind's ethnographic study: the "instructive power" of the fear of spiritual punishments seems to be a "primary" factor in their understanding of religiosity.[99]

Further data supports the notion that concern for the punishment of the grave is a manifestation of religiosity. This concern seems to be a hallmark of religious transformation, which emerges

in tandem with other manifestations of religiosity, such as wearing a hijab or growing a beard. We can see this, for example, in an online essay by Lam Abu-Odeh in which she shares, among other things, her experience with the societal resurgence of Islam in her country. Speaking as a "born witness to the rise and mounting influence of this Islamic Awakening among ... [her] peers," Abu-Odeh comments on the emergence of new "Muslim women":

> This "Muslim" woman appeared from within our midst: our family, our school, our workplace, and our neighborhood. She was like us, and then one day, she no longer was. She "separated herself from us" either affectively or socially or both, because she found a God that inspired her to submit to Him. This God asked her to cover herself, so she wore the hijab. She covered her hair, pulled her sleeves to her wrists and her skirt to her ankles. She promised us His rewards if we were to veil ourselves too, and when we ignored her she threatened us with his rage. The torture of the grave was just the beginning of our after-death punishment – ordeal for failing to obey His commands. According to the "Muslim woman," we would be interrogated by an archangel why we refused to veil ourselves during our lifetimes, and as we fail to answer, we would be doomed to the "torture of the grave." Worms and snakes would crawl up our exposed non-hijabi skin and... well, you can imagine where this horror scenario is going.[100]

As we can see, the religious transformation undergone by these women entailed marked changes in their appearance and lifestyle in tandem with a heightened concern with the punishment of the grave, one that compelled them to warn others of the consequences of their sins.

Another example can be found in the observation shared by Muhammad Syed, an American Muslim who grew up in Pakistan. Upon returning to the US and attending college during the 9/11 crisis, he noticed that "some of his Pakistani friends became 'ultra conservative.'"[101] One of them, Syed reports, suddenly grew a beard and seemed to become fixated on the punishment of the grave:

> "There was one guy in particular," says Muhammad. "I knew him through high school.
>
> "We were in the same college. We were similar people - he was liberal like me. Then he grew this foot-and-a-half long beard."
>
> His friend's outlook "scared" Muhammad.
>
> "He was talking about torture in the grave (an Islamic belief in punishment after death)," he says.
>
> "And he was talking about it being a real thing that people have witnessed - a very superstitious type of thinking.[102]

Studies have repeatedly found that individuals undergo a marked increase in religiosity before engaging in jihadism, and this increasing religiosity is arguably the most consistent marker of jihadi radicalisation.[103] Growing of a beard, or the donning of a hijab, are known manifestations of conservative religiosity, and a preoccupation with the punishment of the grave is, at least in proximity and temporality, likely another manifestation.

Considering the concern for the punishment of the grave may be useful in increasing not only the sensitivity of tests for increasing religiosity but also the specificity of those tests. Given how often people turn religious without resorting to violence, the specificity of those tests can help make a difference. Giving charity, "fasting," "showing remorse," "performing the minor pilgrimage," "seeking (religious) knowledge," "frequent and extended visits to [the] mosque, and especially, proper ablutions and prayer" are among the acts, noted by either the Qur'an and hadiths of varying authenticity, that can expiate certain sins (kaffārāt) or counterbalance minor ones (hasanāt).[104] These actions also happen to be similar in appearance to common Muslim practices — many of which are obligatory and all of them done for a variety of reasons — and are thus too imprecise of a religiosity marker to suggest a concern with atonement. A preoccupation with the punishment of the grave is unlike other sharp upticks in religiosity, in that by virtue of the expiatory nature of the spiritual punishment its consideration, particularly expressed concern, may suggest an unease with sin and its gruesome clearing. While the fear of the grave torment does not mark a turn to violence, the limited options to avoid the spiritual punishment, especially with certainty, bring us closer to individuals predisposed to jihad and particularly martyrdom.

In fact, there seem to be very few factors that stand in the way of violence for those expressing concern for the punishment of the grave. As far as the limited available data can suggest, there appear to be two interrelated factors that, depending on the degree, may prevent or facilitate the turn to violence: 1) the certainty and duration of the grave torment; and 2) the proximity to God's forgiveness. The nuanced differences for each point are best illustrated through the comparison of accounts between jihadists, which have already been examined in an earlier section, and radical Muslim women associated with the Hoffstad network in the Netherlands, as reported by Janny Groen and Annieke Kranenberg in their interview-driven study. As we will see, the contrast between those who have passed the threshold of violence and those just before it seems to offer useful insights. Regarding the first factor, the certainty and extent of the punishment of the grave, the women reportedly understood that the spiritual punishment awaits the very minor sins they have trouble avoiding, such as gossiping.[105] And yet, crucially, the only reported account that discusses the concern of the grave torment at length reveals a lack of certainty in its inevitability and takes solace in the finite duration:

> *During the time of the prophet there was a very good sister who died, Um Youssef tells us. "When her brother opened her tomb to extract a ring, an heirloom, all he could see was fire. He went to the prophet because he could not understand it. His sister had been such a good woman. Why should she burn in her grave? The prophet said: 'You will have to ask your mother.' The mother said: 'Your sister had one bad habit. She eavesdropped on people and told others what she had heard.'" Um Youssef shivers at the thought of another punishment of the grave* possibly *awaiting her [emphasis mine]. Islam says a mother should breastfeed her child for two years. Um Youssef didn't because she didn't know about this rule. Later she read that she* may *be punished in the grave: for each gulp of mother's milk that she withheld from her child she can expect a snakebite in her nipple [emphasis mine]. In the meantime she will be held upside down. "But," says Um Youssef, "the punishment will stop at some point. Fortunately…. [emphasis mine]"[106]*

Here, we see Um Youssef's expressing concern for the punishment of the grave, and yet her choice of words like 'possibly' and 'may' belies the imminence of the gruesome reckoning — a stark contrast to the previously examined accounts of jihadists that operate as if the spiritual punishment is a foregone conclusion. Moreover, the solace she takes in the finiteness of the grave torment in the contingent event of occurrence suggests she is approaching the spiritual punishment with minimal sins on record — a stark contrast to the Canadian VIA rail terror plotter, for instance, who was struggling with its indeterminate duration and fearful of accumulating further sins.

This brings us to the second factor, the perceived proximity to God's forgiveness. On this matter, the radical women seem to have a sense of optimism. These women believe that so long as they are sincere in performing the expiatory acts of prayers and the cleansing before it, God can forgive many of their minor sins.[107] This is even in spite of the perceived demands of the expiatory acts: Um Youssef, for example, believes she has to do a particular prayer 100 times a day to clear her minor sins, including the glances taken of men. In contrast, these non-violent expiatory acts were evidently deemed unsatisfactory by the jihadists who instead turned to jihad and sought martyrdom to ascertain God's forgiveness — and escape the consequences of minor sins and, in turn, the grave torment.

All of this to say, the consideration of the concern for the punishment of the grave appears to be uniquely instrumental in delineating a demographic left with very few options. Despairing expressions about its inevitability or duration seem to bring us even closer to those turning to violence. This missed religiosity marker should be explored more fully elsewhere and in additional ways. One place where such research might be fruitful is in prisons. Despairing utterances about the punishment of the grave seem to be prevalent among prisoners who have undergone a religious transformation.

The Curious References to the Punishment of the Grave in Prisons

Many Muslim prisoners seem to express consideration, if not concern, with the punishment of the grave. It is also worth noting that these prisoners seem to belong to the majority that have undergone a marked increase in religiosity.[108] In Mathew Wilkinson et al.'s "Prison as a Site of Intense Religious Change," one Muslim prisoner in the UK whose faith had "intensified" references the punishment of the grave:

> I think I'm just being saved, God's put me through the hardship, but only because he loves me, that's what I believe. So, everyone around me, I try to say to them, "Whether you're Muslim or non-Muslim, reflect on something and become something better." Because this ain't a punishment, the grave is your punishment, so if God's given me the years to say, because there's a saying I say, what would you rather do, ten years in prison or eternity of a hellfire? [...] Allah is saving me, so maybe there was something bad going to happen around the corner or the next years, maybe it was on a plane journey or this or that. So, just have patience, because look where God's put you. This is what you need to understand about life. Don't take prison as a punishment.[109]

This prisoner's consideration above is seemingly driven by optimism and hope. He believes that while he is being made to experience difficulty, Allah is actually saving him by providing a protected path towards redemption — a much better alternative to dying suddenly and becoming subject to the painful reckoning in the grave for one's previous sins.

A major anthropological study of Muslim prisoners in the UK reveals even more instances of utterances about the punishment of the grave — but seemingly from a place closer to despair. Among the many fascinating findings reported by Gabriel Marranci is the discovery that "a surprising number ... compared, metaphorically, their detention to the so-called torment of the grave":

> We are like dead. You know, our families can think of us, but it is like when you think about a dead relative. You can come to visit us, but it is like when you go visit a grave; it is a sad act, something that leaves you with a bitter taste. We are in a grave: look around! We are here to suffer and to feel our wrongdoing on our skin, our soul. But after this, after having paid, we will be free again.[110]

A sense of despair seems to pervade the above account that Marranci provides to represent the many others, especially when he adds that "the 'death theme' was a recurrent one among ... [his] respondents, especially when young."[111]

Further insight to the extent of this despair may be gleaned by the prisoners' management of their sinful behaviour, as the punishment of the grave is directly (and painfully) dependent on it. Many prisoners apparently contented themselves with non-violent means to clear their sins and ultimately held enough faith in God's forgiveness. They sought to perform the pilgrimage (i.e., Hajj) upon being freed, because they believed it "cleanses a person from sin" and helps with "ask[ing] forgiveness" from Allah.[112] Other prisoners, however, felt doomed to sinfulness. It was hard to escape the resulting anguish, as Marranci's analysis indicates:

> In restrictive interpretations of Islam, as in all monotheistic religions, masturbation, homosexuality and homosexual acts are harshly condemned. In both young offenders' and adult institutions, among men and women, masturbation was clearly relatively frequent among Muslim inmates. The above elements, often together with the impossibility, for various psychological reasons, of reaching the level of religious piety desired by the prisoner, were the cause of strong psychological distress and occasional self-harm, as a form of self-punishment.[113]

For these Muslim prisoners, the inability to escape sin (e.g., masturbation) was a source of great psychological distress. It also was a cause of violence in the form of self-harm, which was described elsewhere to be, in part, their desire "to punish themselves for acts that they deemed to be 'sinful.'"[114] Whatever role the punishment of the grave may have, its significance seems inescapable. In explaining how religion can also exacerbate depression in the prisons, Marranci raises a rhetorical yet curiously specific example that "a Muslim prisoner may be reminded by an imam about the afterlife punishment known as the 'torment of the grave' and thereafter lives in continuous fear of it."[115] To this point the present author adds a relevant consideration:

what happens when martyrdom is emphasised as the surest way of escape? This idea could be especially appealing to those prisoners who have already turned to violence in their losing struggles against sin, even if it is only directed towards themselves.

As Basra and Neumann mention in their influential study of the crime-terrorism nexus a "principal difficulty" faced by prison staff is "to 'spot the signs' [of the nexus] and distinguish between (legitimate) religious conversion and (potentially problematic) radicalization."[116] A preoccupation with the punishment of the grave, and the way it is expressed, may be a helpful indicator of the difference. It at least warrants further investigation.

Conclusion

It seems reasonable to conclude that some Muslims are pulled towards jihad and martyrdom because of a fear of sin and, ultimately the punishment of the grave, and jihadist ideologues and groups appear to call on the idea to motivate individuals to join the cause. Yet this motivation has received little attention in the radicalisation and terrorism literature. It is rarely mentioned, beyond passingly in brief discussions of the rewards of martyrdom, and even then, the comments made are often inadequate or even inaccurate. The significance of the punishment of the grave is even missed or misunderstood when it appears to play a role in the training of martyrs (e.g., when trainees are compelled to spend time in a grave). This analysis merely calls attention to this gap in our grasp of the process of radicalisation for jihadists, and points to the need for further research on the significance of this jihadi motive. Provided appropriate consideration is exercised when dealing with statements made by terrorists,[117] additional insight into the relevance of this motive might be obtained from interviews with ex-jihadists or those who are imprisoned. The psychiatric reports filed for the trials and sentencing of jihadists may prove a useful resource as well. This would hold true particularly for jihadists who sought death but were unsuccessful.

More limitedly, this study makes two interrelated contributions to the investigation of the motivations for jihadist terrorism. First, it further off-sets the pronounced tendency in the literature to downplay the role of ideology and religion in motivating religious terrorism in favour of socio-economic or social-psychological factors, and/or political motives.[118] This interpretive tendency rose in response to an earlier reliance on overly simplistic religious explanations of the jihadist threat.[119] But in the following years, the explanatory pendulum swung too far in the opposite direction. Long ago Martha Crenshaw recognised redemption, including religious salvation, as an incentive for terrorism,[120] but few scholars chose to develop this possibility. On the contrary, most analyses of the rationales for jihadist terrorism have given little scope to the independent role of religious motivations, even while citing statements by jihadists about their fears of ignoring God's orders and experiencing eternal hellfire.[121] By identifying the concern for sin, and, in turn, the punishment of the grave as an important influence in the radicalisation of jihadists, this analysis reinforces the argument of those opposed to this dominant interpretive tendency.[122]

Second, the analysis helps ameliorate the overarching specificity problem in terrorism research. It is extremely difficult to "explain why only a few individuals, from among the many subject

to the same [social, political, economic and psychological] conditions, become terrorists,"[123] many scholars see this challenge as the key to gauging progress in the field.[124] By adding a missing part of the drive for jihad and especially martyrdom to the array of hypothesised jihadist motivations, the specificity problem is being incrementally ameliorated. Fear is a powerful motivator in religion, and a concern for the punishment of the grave reportedly motivates ardent believers to avoid immoral acts and follow God's commands. We just seemed to have missed its consideration for jihadism, where some seek the ultimate safeguard of their redemption, martyrdom. This article offers a small, but overdue correction. This can have practical implications for counter-terrorism efforts: it can help to better attune prevention and deradicalisation strategies to the full range and nature of the concerns driving extremist behaviour in the case of jihadists.

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Endnotes

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RESEARCH ARTICLE

Assessing the Nature and Role of Terrorism Risk Models in the Insurance Sector

Jolyon Mitchell and Andrew Silke *

Abstract: Insurance represents an important but often overlooked component to managing and mitigating the impact of terrorism. It plays a key role in enhancing resilience to terrorism especially regarding high intensity terrorist campaigns or high impact terrorist attacks. Extremely little attention however has focused on how the insurance industry assesses and calculates terrorism risk and what the implications may be of this. This research article provides for the first time an overview of the three main terrorism risk-modelling platforms that are used in the insurance market today: Touchstone, RMS Probabilistic Terrorism Mode (PTM), and Sunstone. The article assesses the different approaches to threat and loss calculation that each of the models take. The anlaysis reveals that while the three models all approach the projection of terrorism loss in a broadly similar manner, there are variations in focus, which results in a significant difference in terrorism outlook and projected loss. The discussion concludes by considering some of the implications of these variations as well as potential avenues forward.

Keywords: Terrorism, resilience, modelling, insurance

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Introduction

Terrorism risk modelling tools for insurance began to be developed following the 9/11 attacks of 2001. The extent of loss following the event was unprecedented for a terrorist event and the resulting insurer outlay was enormous – exceeding USD 30 billion across property damage and life insurance lines.[1] The sheer accumulation of value in central Manhattan, as well as the extent to which the Twin Towers were threatened, had not been modelled. The 9/11 attacks resulted in a demand for terrorism risk models that could highlight insured exposures (especially dangerous accumulations of insured values), estimate losses, and assign risk values. There are three terrorism risk models (TRM) that are commonly used in 2021: 1) Sunstone; 2) Risk Management Solutions (RMS) Probabilistic Terrorism Model (PTM); and, 3) the Touchstone Terrorism Model. The following sections will examine the differences between these models and highlight the shortcomings and advantages of each, with a view to identifying key areas for improvement and developing a list of aspirational functionality or inputs that will hone these models.

Data Collection Methodology

This article is a summary compilation of the technical documents for the three TRMs as listed, as part of a wider research initiative into the credibility of these models as an approach to modelling terrorism. All information pertaining to the function of the models was taken from the technical documents themselves.[2,3,4] These represent the only reference points for the model descriptions. There is a dearth of academic literature about the efficacy of commercial TRMs, despite the subject of terrorism modelling being explored extensively since 2001. As such, this analysis serves to lay out the function of models as stated by the model manufacturers, as well as their role in pricing terrorism insurance.

Historical Context of Terrorism Risk Models

The economic impact of terrorism can be enormous.[5] It has long been recognised that terrorism can be a remarkably effective low-cost form of conflict. For relatively modest outlays on the part of perpetrators, terrorist violence can inflict disproportionately high economic costs.[6] This asymmetry in terms of impact has long been an attractive characteristic of terrorism for perpetrators.[7]

Further, many terrorists explicitly target economic and commercial targets to augment even further the impact of attacks.[8] Terrorism's asymmetric nature invites attention towards maximising the economic impact of the violence and many ideologies embrace this and flag it as a priority for the cause.[9] Terrorist groups motivated by Islamist-inspired ideologies or nationalist-separatist causes, for example, have strong histories of highlighting the value of targeting economic and commercial targets.[10] Far right and to a degree environmentalist terrorist ideologies also target economic infrastructure to combat the perceived societal and environmental impact of technological and economic development.[11]

Research on the economic impact of terrorism, however, was relatively sparse in the 20th century. That changed to an extent with the unprecedented impact of the 9/11 attacks in 2001.

The scale of the economic impact of those attacks was unparalleled and it provoked some wider interest among researchers and policy makers on the economic consequences of terrorism.[12] Tied to this, policymakers were particularly interested in potential mitigation measures which could limit or mitigate severe economic impacts.[13]

One relatively overlooked element of such mitigation was the role the insurance sector could play.[14] This was not a subject which had attracted much research attention prior to 9/11 and even since then, it has remained a relatively neglected topic. Yet insurance can play a critical (albeit often overlooked) role in the mitigation of the economic impact of terrorism. This was certainly demonstrated in the 1990s in the UK, for example, the response to the Irish Republican Army's (IRA) bombing campaign in London and other major cities in England. In 1992, an IRA bomb detonated close to the Baltic Exchange in the City of London, causing tremendous damage – estimated at around £800 million – and killing three people[15]   This was one of a series of high impact bombings carried out by the IRA explicitly designed to inflict major economic costs. The Baltic Exchange bombing certainly achieved this and led to a crisis in the insurance sector. Within months, major European reinsurers had announced that terrorism risk would be excluded from their standard policies starting in January 1993. In November 1992, another large IRA bomb was discovered and successfully defused at Canary Wharf before it could explode. In the aftermath of that attempted attack, the Association of British Insurers (ABI) issued a press statement to say it had advised its members to exclude terrorism from commercial policies in line with the new European policy. During a serious and well organised campaign to target the UK's key financial districts, insurance protection seemed to be evaporating.[16]

In response, the UK government introduced legislation to take on the traditional reinsurance risk for terrorism.[17] Crucially, the UK government effectively agreed to meet 90 percent of future claims made which were not covered by collected insurance premiums, effectively using the insurance sector to spread the risk of future high impact terrorist attacks throughout the national economy. Since this time, in both the UK and for many other countries, the insurance sector has provided an important but often overlooked mitigation for managing the risk of terrorist attacks, absorbing billions of dollars of losses resulting from terrorism since the middle of the 20th century.[18]

Table 1 - Ten Costliest Insured Terrorist Attacks, Millions of 2005 US Dollars[19,20,21,22]

Date	Country	Location	Event	Insured Losses*
9/11/01	USA	NYC, DC	WTC & Pentagon Attacks	$20,953 ($35,600)*
4/24/96	UK	London	Bomb explodes near NatWest tower	$1,000
6/15/96	UK	Manchester	Shopping mall explosion of IRA bomb	$820
2/26/92	USA	New York	World Trade Center garage bomb	$800
4/10/92	UK	London	Bomb explodes in financial district	$740
7/24/01	Sri Lanka	Airport	Rebels damage/destroy 14 aircraft	$439
2/09/96	UK	London	IRA bomb in South Key Docklands	$286
4/19/95	USA	Ok. CITY	Truck bomb attack Oklahoma City	$160
2/21/88	UK	Lockerbie	PanAm Boeing 747 bomb and crash	$152
9/12/70	Jordan	Zerq	3 Aircraft hijacke and dynamited	$140

*Insured losses cover only property damage and business interruption losses. The $35,6 billion value for the WTC attack includes all insured losses (such as Workers Compensation)

A key element of this work has revolved around how the insurance sector assesses the risk of terrorist attack for the regions that they cover. The models that are used in this regard have real world implications in terms of the cost of insurance cover and (directly or indirectly) as incentives for the introduction of various target protection and attack mitigation systems and resources. Though clearly important, these models have not been the focus of published academic research to date.

This article represents the first attempt to describe the major terrorism risk models and the data which informs them which are used by the insurance sector. As Johnson and Ackerman recently warned regarding databases on terrorism:

> *"Not all … are of equal quality and uninformed or careless usage of these databases can lead to the drawing of incorrect inferences and thereby to poor policy guidance and specious contributions to our understanding of terrorism."*[23]

The TRMs have remained largely unchanged since their inception, barring minor changes to variable input and calibration. In other words, the fundamental function of the models has remained the same since release, with augmentations added to existing functionality. The TRMs provide 'an answer' to the insurance question and there has yet to be a significant demand for a radical overhaul to the approaches laid out below.

This article then seeks to describe the current range of terrorism risk models in use within the insurance industry, providing insight on how they are used, while remaining cognisant of their separate characteristics, strengths, and limitations.

How Do These Models Work?

A probabilistic analysis in terrorism modelling is, in simple terms, the application of probability to the distribution of deterministic scenarios at pre-selected locations. The locations for these analyses will be informed by a terrorism database, which serves as a set of geographic anchors

against which deterministic scenarios are run at different probabilities according to a variety of factors, explored below. The losses generated by the scenarios are then multiplied by the relevant probability of their occurrence, thus generating the loss projection data.

Broadly speaking, each TRM's probabilistic analysis functions in the same way. Each of the TRMs considered here boasts multiple functionalities, including deterministic event modelling, algorithmic accumulation analysis, as well as the probabilistic analysis. Each of these elements is explained in more detail below. Each element serves a separate purpose, and they are used in tandem with one another to generate an overview of the risk to a given portfolio of insured or insurable assets. This is achieved, in turn, by running these analyses with a financial engine, which will apply the various insurance layers that are relevant to each asset in an analysed portfolio.

Financial Engine

A financial engine, in the context of insurance modelling, is a computational functionality that applies financial terms to any analyses that have been carried out. Financial terms like the limits (the maximum loss that can result from an event), deductibles (value retained by the insured), and attachment points (minimum loss before the (re)insurance becomes relevant) are applied through the financial engine to generate the insured losses that will result from the modelled events, rather than the full financial damage caused alone.
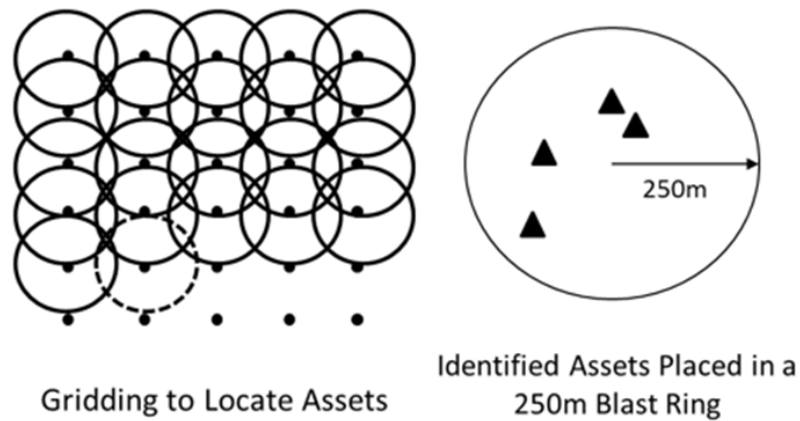
Accumulation Analysis

Accumulation analysis identifies key areas of exposure in a portfolio of assets. Here the TRM will, in conjunction with its financial engine, search for geographic zones which contain the most insured value, rather than the total value of the assets in a geographic zone. Typically, these 'geographic zones' are small enough for them to be relevant to a terrorism analysis – that is, small enough for its totality to be affected by an individual terrorist event. The most common accumulation analysis zone is a ring with a radius of 250m, or a postal (zip) code, although lower resolution (such as city or region constraints) or higher resolution (50m or 100m rings) are used according to the risk appetite of the insurer. While accumulating a portfolio using existing geographic constraints, such as postal codes, is a common functionality across TRM platforms, the ring analyses differ in methodology.

Grid Accumulation Analysis

The RMS model includes a grid-based analysis for its accumulations. A grid analysis places multiple rings across the entire portfolio, constrained only by the geographies of the assets themselves. This methodology is primarily used to identify general geographic 'value hotspots'. The system is shown in figure 1 below:

Figure 1. Example Grid Analysis[24]

Gridding to Locate Assets

Identified Assets Placed in a
250m Blast Ring

The system does not allow for overlapping blast radii so it is possible for assets near each other to fall outside a 250m blast ring and therefore run the risk of not being included in accumulation totals:

Figure 2: Failure of a grid analysis to capture the full value of a portfolio[25]

Lack of Overlap Excludes Assets
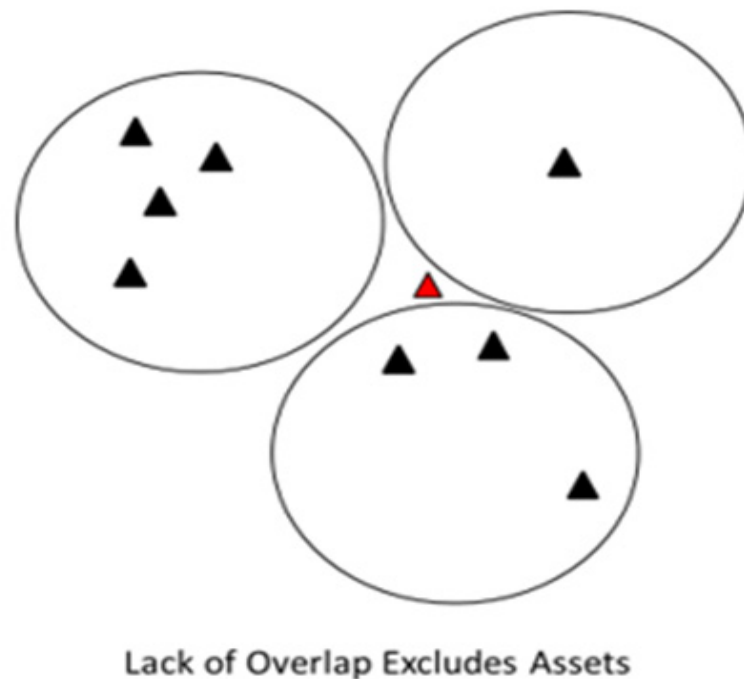
Geometric Accumulation Analysis

Sunstone and Touchstone TRMs use a different approach to asset location and asset accumulation: assets are located and bounded by 250m blast circles:

Figure 3: Overlapping accumulation of geometric analysis[26]
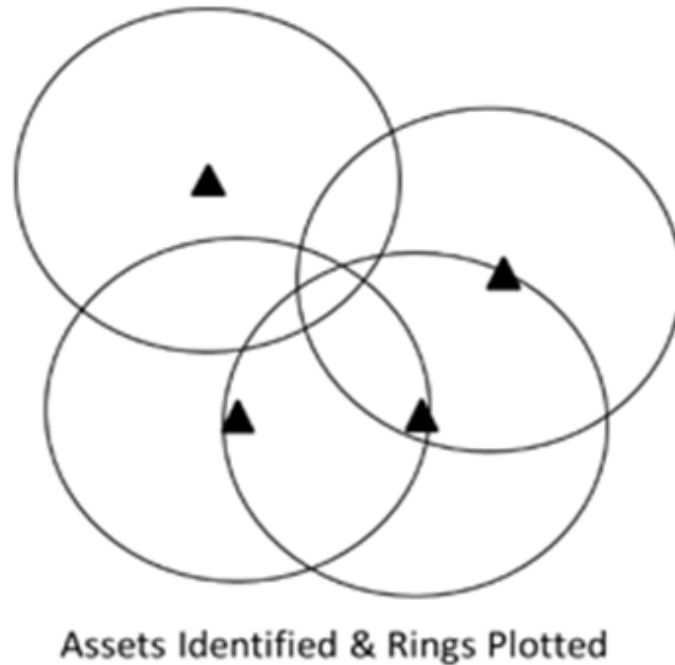

Assets Identified & Rings Plotted

Areas of overlap are then used to locate the mean point between assets and these points are used as centroids for quantification rings. The TRM then automatically identifies areas of significant congestion (accumulation) and places centroids in locations that will allow the maximum number of assets to be incorporated in a ring within agreed maximum limits thereby allowing the maximum risk to be written:

Figure 4: Peak accumulation identification[27]

Mean Point Between Assets   Centroid Identified and Assets
Identified   Accumulated
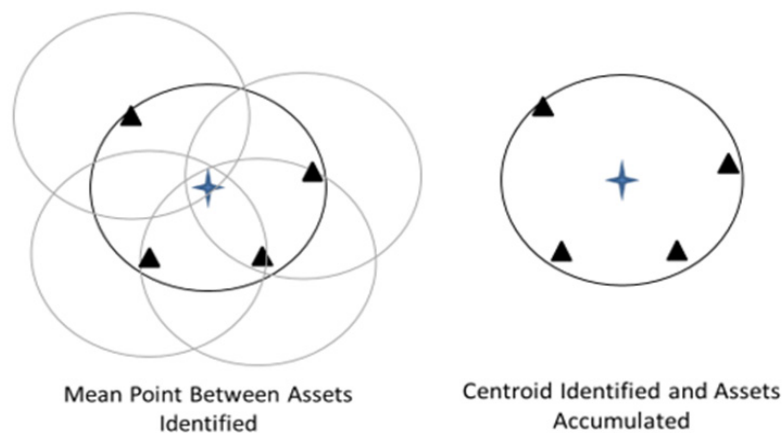
The system will also allow boundaries to overlap and presents this information to users as areas of greatest value accumulation.

Figure 5: Accumulation exclusive overlaps[28]

Areas of Overlap Identified to
Allow Decisions to be Made

Deterministic Analysis

The deterministic analyses focus on the effects of a prescribed terrorist event against a portfolio of assets. The purpos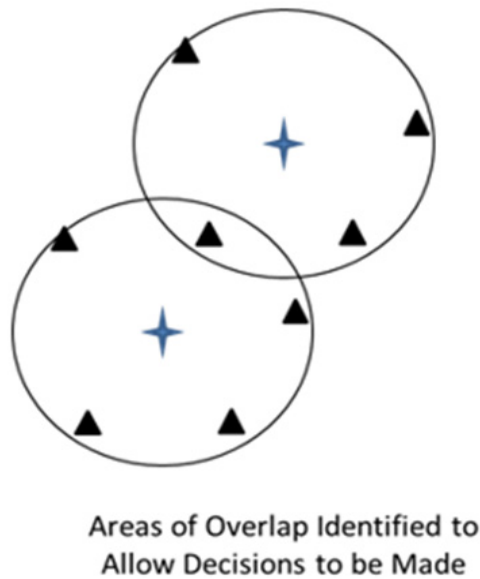e of this analysis is to answer, 'what if?' questions in the terrorism sphere. For example, one might look to examine the likely impact of an active shooter or truck bomb event at a given target against their own portfolio. These analyses do not account for probability or threat and instead simply examine the likely impact of the events themselves.

The terrorism events that are modelled vary between platforms, but all follow a similar method of loss estimation: concentric impact curves; and for RMS PTM, a variable resolution grid system in addition to a concentric approach. 'Impact curves' refers to the distance-based loss function of an event: a concentric step loss from the centre-point of the event. Each event type, from a small IED to a 9/11 scale airplane impact will emanate concentric rings of damage from its epicentre, which will cause varying levels of loss to assets that fall into the concentric rings themselves. An example is shown in Figure 6 below:

Figure 6: Sunstone concentric ring model, Impact curves of a 5-ton device affecting a large portfolio of assets.[29]
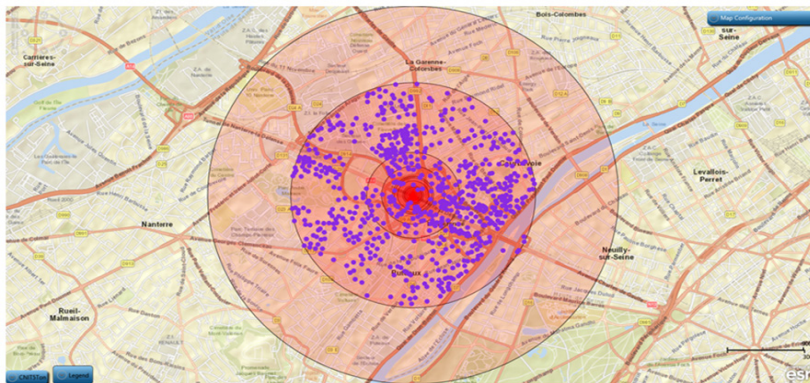
The variable resolution grid used in RMS differs from the concentric ring approach used in

Sunstone or Touchstone. Here, the building density of a given area determines the granularity of the grid. Each conventional attack type will generate decaying impacts from the centre point of the event, which is spread over the relevant grid, for example in Figure 7 below:

Figure 7: A 10 Ton blast in Manhattan – note the grid resolution changes at sea and in central park areas, where building density is low/non-existent.[30]
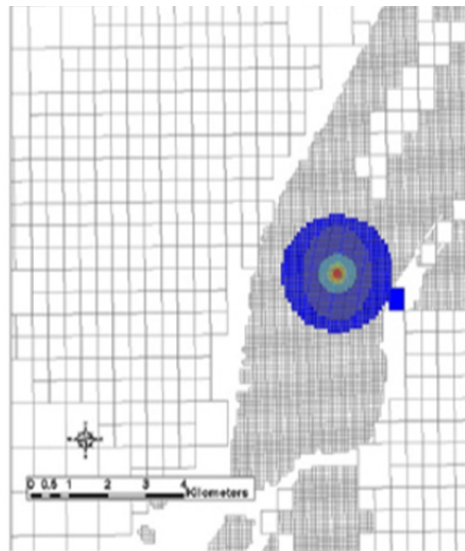
The impacts vary between models but will accommodate three separate value types – property damage, business interruption, and human injury. Each TRM can perform several different deterministic analyses but not necessarily in the same manner. However, the basis of each probabilistic analysis is the linking of these impact curves to target types across their geographies.

Table 2: Summary Differences

Model	RMS PTM	Sunstone	Touchstone
Accumulation Analysis	Grid-based analysis, may exclude highest possible combination of sites.	Geometric analysis, locations can only be part of one accumulation, identifies the highest accumulation of value	Geometric analysis, locations can only be part of one accumulation, identifies the highest accumulation of value
Deterministic Analysis	Focus on large-scale events with devastating potential impact. Building type and occupancy considered in damage function.	Very wide range of attack types, from small-scale to large. Does not consider building type or occupancy in damage function. Most simplistic approach to loss calculation.	Focus on large-scale events with devastating potential impact. Building type and occupancy considered in damage function.
Probabilistic Analysis	Limited target dataset, only 'important' targets, geographically limited to large cities in North America and Western Europe	Extremely large target dataset, both large and small types of target, no geographical limitations	Large target dataset, restricted to the USA only

As such, whilst the fundamental functioning of each model is similar, their practical ability to model risks varies in terms of geography, damage detail, and approach to probability:

Sunstone:

Strengths: very large geographic coverage, very wide range of attack types, tiered and expansive target dataset.
Weaknesses: lacks damage detail from terrorist events, cannot calculate the net of reinsurance terms, simplistic and somewhat arbitrary approach to probabilities.

RMS PTM:

Strengths: detailed approach to damage calculation, most widely used TRM, considers second-order effects such as fire.
Weaknesses: very limited target dataset, heavy geographical restrictions, limited attack types considered.

Touchstone:

Strengths: detailed approach to damage calculation including city density, considers second-order effects such as fire, extensive target list in considered territory.
Weaknesses: Probabilistic model only for the USA, limited attack types considered.

Attack Types by Model

Each of the TRMs listed uses a different array of attack types to model losses – serving as restraints as to the granularity of the modelled loss for each. The modelled potency of each

attack type is, similarly, different across the three platforms. This section will list the attack types deployed by each system and analyse the key differences in the modelled potency of the devices where appropriate.

Conventional Attack Types

Table 3 below lists the attack types that can be simulated on each TRM platform. Each attack type is broken down by the maximum and minimum size of the devices or attack vectors that can be modelled in each platform to demonstrate the difference in the scalability of each platform. All weights are listed as TNT Net Explosive Quantity (NEQ):

Table 3: Attack Types Across the TRM Platforms

Attack Type	Sunstone	RMS PTM	Touchstone
Bombing	<25kg-10,000kg, includes standoff explosive devices such as mortars and grenades.	272kg-10,000kg, consists solely of devices that likely require vehicular delivery	226kg-23,000kg, consists solely of devices that likely require vehicular delivery
Conflagration (Fire)	Limited to 'incendiary' attack type – a catch all for arson attacks.	34,000 litre gasoline truck	N/A
Shooter	Lone shooter – team assault	N/A	N/A
Vehicle as a Weapon	Large explosive aircraft collision, truck collision, ship collision	Large explosive aircraft collision	Large explosive aircraft collision, small airplane collision
Hijack/Hostage (Venue)	Single catch all attack type	Small/medium/large industrial explosion	N/A

All information below pertaining to the function of the models is taken from technical documents Sunstone,[31] Touchstone,[32] and RMS[33].

Neither the RMS PTM nor Touchstone models simulate attacks of <200 kgs, both stating that it is unlikely that attacks of this size could cause catastrophic property losses. Similarly, these models, likely for the same rationale, do not consider non-conventional attacks. Sunstone attempts to capture as wide a range of attack types as possible, to accommodate 'attritional' losses associated with sustained campaigns of low impact, high frequency devices. Indeed, as per the above table, common attack types seen in the West in recent years, such as shooter and truck collision events, are modelled only in Sunstone.

Conventional Attack Type Impacts

The table below breaks down the different approaches between the models. Only the attack types that are common across all platforms will be examined in this table:

Table 4: Conventional Attack Types Across TRMs

Attack Type	Sunstone	RMS PTM	Touchstone
Bombing (Property Damage)	Simple concentric rings – losses range from 100% to 1% at maximum extent. No adjustments for building height, construction or occupancy.	Variable resolution grid emanating from attack centre point. Adjustments for building height, age, construction and occupancy. Building collapse modelled.	Decaying blast curve emanating from attack epicentre distinguished by locations (front, side, rear and interior of a building). Building level property damage is aggregated from damage of every 14 cubic cell that varies by story, construction and occupancy. Building (not contents) totalled modelled. Density of urban environment considered.
Bombing (Business Interruption)	Concentric rings simulating exclusion zones following an explosion, repair to buildings and relevant traffic/pedestrian disruption. Rings reach a different extent to that of property damage.	Variable resolution grid emanating from attack centre point, repair to buildings and relevant traffic/pedestrian disruption. Rings reach a different extent to that of property damage.	As a function of building level property damage and its occupancy.
Bombing (Human Injury)	Concentric ring analysis that applies a decaying rate of death/injury/minor injury. Does not consider construction type or other building characteristics.	Variable resolution grid emanating from attack centre point. Adjustments for building height, age, construction, and occupancy. Masonry failure and collapse accommodated. Losses broken down by medical only, temporary total, permanent partial – minor, permanent partial – major, permanent total, fatal.	Like property damage with additional consideration of cause by collapse. Losses broken down by minor, moderate, major, fatality
Conflagration (Property Damage)	Simple concentric rings – losses range from 100% to 1% at maximum extent. No adjustments for building height, construction or occupancy.	Decay function emanating from attack epicentre. Adjustments for building height, age, construction and occupancy.	Not modelled – fire following is accommodated in nuclear and is built into loss functions.

Conflagration (Business Interruption)	Concentric rings simulating exclusion zones following an explosion, repair to buildings and relevant traffic/pedestrian disruption. Rings reach a different extent to that of property damage.	Losses result from direct damage to structures, as well as relevant exclusion zones imposed by local authorities.	Not modelled – fire following is accommodated in nuclear and is built into loss functions.
Conflagration (Human Injury)	Concentric ring analysis that applies a decaying rate of death/injury/minor injury. Does not consider construction type or other building characteristics.	Death/injury/minor injury calculated by damage to structure and distance from attack epicentre. The model differentiates casualty rates by building construction class and height.	Not modelled – fire following is accommodated in nuclear and is built into loss functions.
Vehicle as a weapon (Property Damage)	Concentric rings for airplane collision as per bombings, no impact curve for truck collision. Does not account for building characteristics.	Decay function emanating from attack epicentre. Does not account for vehicles smaller than airplanes. Adjustments for building height, age, construction and occupancy.	Modelled as an equivalent blast.
Vehicle as a weapon (Business Interruption)	Concentric rings for airplane collision as per bombings, impact curve for truck collision. Does not account for building characteristics.	Losses result from direct damage to structures, as well as relevant exclusion zones imposed by local authorities.	Modelled as an equivalent blast.
Vehicle as a weapon (Human Injury)	Concentric rings for airplane collision as per bombings, impact curve for truck collision. Does not account for building characteristics.	Death/injury/minor injury calculated by damage to structure and distance from attack epicentre. The model differentiates casualty rates by building construction class and height.	Modelled as an equivalent blast.

As per Table 4 above, there is considerable difference between the models with regards to their loss calculation methodologies. The Touchstone model is perhaps the most sophisticated platform, receiving an update in 2021, specifically addressing the impacts of urban density differentials with regards to explosive attacks, with a view to increasing the precision and granularity of the losses generated.[34] Both RMS and Touchstone consider building characteristics and possible structural failure, whilst Sunstone uses a more simplistic approach. This is especially clear with regards to the characteristics of buildings affected by the blast – where RMS and Touchstone adjust their loss calculations based on the construction, height, and occupancy of the buildings, Sunstone makes blanket assumptions. Similarly, Sunstone does not specifically account for structural failure in its calculations of property damage, business interruption, or human injury.

Of the three impact modelling capabilities described here, the Sunstone 2D impact methodology is perhaps the least advanced at the time of writing. The Touchstone system, and to a lesser extent RMS now incorporate systems to estimate portfolio building height and construction type where said data is unknown, based on the industry averages of the considered area.

It is noteworthy that conflagration events in all models do not account for fire spreading, rather that the fires themselves are contained to their immediate target.

Chemical, Biological, Radiological and Nuclear (CBRN) Attacks

The TRMs differ substantially in their approach to the calculations of losses for CBRN events, both in the impacts and the types of attacks modelled:

Table 5: CBRN Attack Types across TRMs

Attack Type	Sunstone	RMS PTM	Touchstone
Chemical	Combines chemical and biological attacks. Differentiates inhalational and ingested releases. Loads range from 'small and sub-optimal' releases to 'Large inhalational/ingestional'. Lethality of the agent is considered. Indoor and outdoor releases considered. Wind assumed to be minimal to maximise concentric impact.	Models sarin gas only. Loads differ between 10kg and 1,000kg release. Different impacts from indoor/outdoor release.	Models sarin/VX gas. Loads differ between 10g and 100kg. same impacts from indoor/outdoor release assumed. Wind is assumed to be minimal to maximise concentric impact.
Biological	As above, non-specific agent	Anthrax and smallpox attacks are modelled. Load sizes range from 1kg to 75kg of slurry.	Anthrax and Smallpox releases considered. Loads range from 10g to 1kg.
Radiological	Single Dirty Bomb scenario – Caesium payload from a 1,500kg explosive device	Dirty bomb sizes range from 1,500 to 15,000 curies of Caesium.	Dirty bombs range from Caesium (low intensity) and Cobalt (high intensity) modelled. Associated explosive force modelled separately.
Nuclear	Explosive loads range from 2kton -10kton. Thermal and blast effects modelled against property – radiological impacts affect human injury.	Explosive loads range from 1kton – 5kton.	Explosive loads range from 1kton – 50kton. Thermal and blast effects are modelled for property losses. Radiological impact modelled for human injury.

The differences in the scale of the attacks between the models is clear, although not regular throughout. Where RMS PTM holds the largest scale chemical, biological, and radiological attacks, Touchstone, and Sunstone hold larger scale explosive loads for nuclear incidents. Critically, it is difficult to adequately justify the scales of the attack types used here – even though there have been mid-scale chemical and biological terrorist attacks in the recent past (1995 Tokyo subway sarin attacks and Amerithrax in 2001). Sunstone is the only platform to model non-lethal and more easily achievable attacks, such as mustard or chlorine gas.

Additional Attack Types

RMS is the only TRM to model direct sabotage attacks on industrial facilities that contain hazardous material. Here the attack vector is not the loss driving impact, but the source of a chemical release or larger explosion. These attack types are necessarily tied to certain locations to an extent that is not replicated in Sunstone or Touchstone.

Target Database Comparisons

All information here is taken from the technical documents of Sunstone,[35] Touchstone,[36] and RMS[37]. The target databases of the three models form the geographical 'anchors' through which the probability matrices and impact curves generate losses against a portfolio of assets. In essence, the targets represent locations that are considered credible locations for attack and, by nature, change to reflect reality. The number of targets that each model contains varies wildly – with each attempting to represent a different modelled reality, as shown in Table 6 below.

Table 6: Target Databases across TRMs

Element	Sunstone	RMS	Touchstone
Number of Targets	~1.3 million	~7,000	~300,000
Countries covered in the model	241	7 (18 countries have targets, but only 7 are useable in the PTM)	USA Only
Number of target categories	40	31	14
Intra-target differentiation	Two tiers, updating to four tiers	5 Tiers, broken down by target type, as opposed to separate tiers of the same target type	Two tiers – standard targets and 'trophy targets'
Associated probability matrices	Annually updated function of historic data and expert opinion	Conditional probability, based on historic data, environmental factors, and active group trends	Function of expert opinion, historic data, and current trends, using the Delphi method

Probabilistic Analysis

All information here pertaining to the probabilistic models is taken from the technical documents of Sunstone[38], Touchstone,[39] and RMS[40]. At a high level, the probabilistic analyses across all three TRMs function in a similar manner. Each is tied to a target database and its associated attack type matrix. The targets are points of interest (POIs) that serve as anchors for the impact curves as described above, which in turn represent the attack types. The models will assign a probability of an attack, or 'rate', at target types and run every applicable attack type at all targets for which the attacks are relevant, taking the loss generated by the attack. They then multiply said loss by the rates to generate an expected loss over a predetermined time period. Typically, the period will be a single year and it is from here that one can scale the losses to determine the size of a 10, 20, 50 year etc. loss to a portfolio. The rates can be, and generally are, geographically distinct, thus creating separate matrices of attack type to target type rate

combinations in different geographic areas. In practice, this means that some attack types can be more likely to occur in some areas or against some targets in different parts of the world to reflect reality more effectively.

These models aim to transpose the impact curves, probabilities, and target databases against the modelled portfolio of assets, generating a financial loss summary, thus allowing for a pricing of a risk. Following the application of impacts and rates, losses resulting from the three values – property damage, business interruption, and human injury – are then compared to the relevant insurance structures: policy limits, deductibles, and reinsurance layers are applied by the models' financial engine.

From here, an exceedance probability (EP) curve is derived. The EP curve is used to assess the probability of the portfolio reaching a particular volume of loss in a given year, as per the time period above. There are two types of EP curves. The first, the aggregate exceedance probability (AEP) curve, examines the probability of reaching or exceeding a given volume of loss from an undefined number of events in a given year. The second, the occurrence exceedance probability (OEP) curve, is limited to the probability of a single event exceeding different levels of loss in a year.

All the TRMs listed below form their probability views based on a combination of terrorism incident data (Global Terrorism Database, GTD, for example) and expert opinion. The implementation and influence of the expert opinion are different between all models and raise a pertinent concern with the approach at large: incident data typically shows terrorist attacks that were to some degree successful. Whilst expert opinion may shed light on the rate of interdiction in some territories to an extent, without relevant intelligence clearance in all countries covered, it is unclear how many plots were interdicted and how countries compare. As a result, there remains a speculation within the approach that will be difficult to address without an overhaul of the input methodology.

Differences between the Probabilistic models
Sunstone
Overview derived from Sunstone Technical Document, 2014[41]

Sunstone is a TRM tool that was originally developed by JLT Towers Re and now owned and maintained by Guy Carpenter. The platform is intended to give a more 'realistic' perspective on terrorism than competing models. Others, most notably the RMS PTM, focus on 'macro' events, like truck bombs and airplane collisions in major urban areas, whilst discarding losses in more rural areas and lower HDI countries. Sunstone, instead, models a wide range of attack types – from melee incidents to nuclear events – across all geographies.

Sunstone, like competing models, bases its probabilistic model on three datasets working in tandem – a target database to which terrorist attacks can be allocated, a frequency matrix of attack types to the target types to establish the rates of different attack types at different target types and impact curves to model the effects of attacks at the target locations. These variables are then modelled against portfolios of assets and employees to generate expected losses.

The incorporation of new variables into the Sunstone model is readily achievable and can be approached from several different angles. However, the existing data inputs that impact the frequency calculations are reliant on historical data and qualitative projections, not accounting for geopolitical developments, among other factors, in a quantitative and measurable fashion.

Target Database

With the largest database by far, in both the number and breadth of locations, Sunstone attempts to model global terrorism in as precise detail as possible. The model aims to achieve global coverage, but there remain gaps to date – most notably in Sub-Saharan Africa and Central Asia. The targets themselves are reviewed and audited annually to account for significant changes in target 'realities'. For example, the mass closure of physical bank branches across the West in recent years is reflected in target database updates.

The database contains large, important, and symbolic targets, as well as smaller and perhaps more vulnerable targets. These are differentiated in the 'tier' category of each target – a large and important government facility, such as the UK's Houses of Parliament is a 'tier 1' target, whilst a small council office is a 'tier 4' target.

The process of 'tiering' targets analyses the attractiveness of the targets from four different perspectives: the capacity to cause shock (through death and injury to large numbers of people), its symbolic value, its potential for mass disruption, and finally hazard caused by its destruction or capture. Each target type is given a score for each category of attractiveness – as per below:

Figure 8: Sunstone target tiering methodology
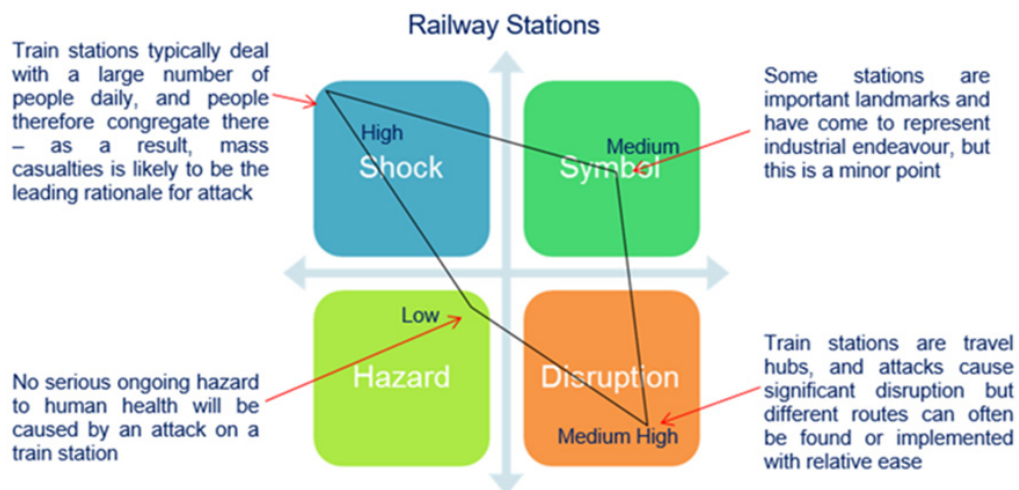
Here, a railway station is given a high shock and disruption score – they are designed to accommodate many people at a given time and are important infrastructure nodes. They have hazard scores since the destruction of a railway station is unlikely to directly result in the release of hazardous material.

As such, the highest tier of railway station requires a large capacity for users, as well as being a particularly important transport hub. An example might be Waterloo or Grand Central Station.

Lower tier targets will invert this – a small rural station, or perhaps an isolated metro station on the periphery of a city.

Where target types have similar attractiveness profiles, tiering is based on similar criteria. Between targets with totally different target profiles, such as industrial facilities and stadia, the relative harm caused by the hazard from attacking said industrial facility will be balanced against the shock of an attack to a stadium, balancing the tiers across all target types.

Probability Calculation

Sunstone holds the largest number of targets and the largest number of attack types of any of the TRMs, with 1.2 million individual target points of interest across 40 different types and 40 different attack types. The attack type and target type matrix are broken down into eight separate geographic areas, dividing the world into the following zones:
- *North America and Australasia*
- *Western Europe*
- *Eastern Europe and Central Asia*
- *East Asia*
- *South and Southeast Asia*
- *Latin America and the Caribbean*
- *Sub- Saharan Africa*
- *Middle East and North Africa*

Each zone holds a different probability matrix, which is updated annually according to changes in the frequency of attacks as shown in the GTD, changes in the qualitative threat outlook in a given territory as well as any updates to the number of targets in a given zone.

Mathematically, this is manifest as an annual rolling review of GTD data, followed by a qualitative inspection of the state of terrorism in a given zone. Each attack type and target type combination will be assigned a 'tier weighting' linking the probability to a target tier. In practice, this allows for a realistic depiction of the threat to a given target type, including the omission of attack type and target type combinations that are unrealistic (boat borne IED against a train station, for example). Some large-scale attack types may be weighted heavily towards small and vulnerable 'low tier' target types. Attack types and target types as listed in the GTD are mapped to their Sunstone equivalents, at which point they are assigned a multiplier of frequency based on the date of the events themselves. These are categorised as follows:

Table 7: Sunstone Attack Frequency Weightings

Time Since the Event	Frequency Weighting
<=5 years	65%
5-10 years	25%
10-25 years	8%
>25 years	2%

In practice, this results in a raw frequency figure for each attack type and target type combination. For example, if a zone had two small IED attacks against police stations in its

history, one in 2018 and one in 1990, the total raw frequency associated with this combination would be 0.67 (0.65+0.02). This figure will then make up a percentage of the total prescribed frequency of attacks for a zone, which will be informed by the total number of attacks that have taken place in a given zone in the year before release. Finally, a qualitative assessment will inform a percentage change in the frequency of each attack type/target type combination, to a maximum of a 20 percent movement up or down.

The probability of different attack type/target type combinations can therefore change radically over a year – a steep decline in the year-on-year number of attacks in a zone, perhaps combined with the disarmament of a major terrorist group, will likely see the overall probability of an attack taking place in a zone declining substantially. This was most notable in the 2018 iteration of the probability matrix for Western Europe, which saw not only the decline of terrorist attack frequency, but also the disarmament of ETA in Spain – one of the key drivers of terror in the country (and by extension, the zone) since the 1950s.

Further, the concentration of terrorism losses resulting from the model can vary between years, based on the updated extents of the target database points of interest. All probability is funnelled through the targets themselves, meaning a relative shift in the number of targets away from high-value urban centres can result in losses falling overall – a balance that Sunstone is somewhat unique in attempting to strike. As such, and as with the other TRMs, the fidelity of the target database to reality is a key component in the credibility of the model.

Perhaps the clearest shortcoming in this methodology is that the frequency inputs for the model do not account for the relative security resilience of different countries with regard to preventing terrorist attacks. Indeed, because the only data input here is the GTD – or records of realised terrorism events – it does not account for changes in the likely proportion of planned attacks to successful, non-interdicted attacks in a quantitative manner.

This method can capture the minutiae of changes in terrorism threat and make reasoned and informed predictions as to the likely shape of terrorism given significant changes to the environment of terrorism itself. The key weaknesses lie in the weighting of the historical frequencies and the annual qualitative review – both rely on qualitative assessment that can vary in quality, depending on user-input.

RMS PTM

Overview derived from RMS, Terrorism Model Methodology, 2012[42]

RMS released the PTM in 2003 and has become the most popular TRM in the terrorism insurance market. The PTM is more limited in geographic scope than Sunstone but attempts a more complex and sophisticated projection of losses from a smaller framework: focusing on large urban centres and 'macro-scale' terrorism events. The PTM is updated periodically, with the most recent version, 4.3, released in October 2020.

The RMS PTM refers to the probabilistic functionality, rather than the deterministic capability that is carried out using RMS's Terrorism Scenario Model (TSM).

Probability Calculation

The RMS PTM uses a similar approach to that of Sunstone in calculating the probabilities of attacks – filtering a defined frequency through several factors to arrive at a probability matrix for its attack types and target types. In assigning these frequencies, three factors are considered:

> *"Each attack scenario, composed of a specific combination of target and attack, is assigned a likelihood of occurrence relative to every other attack scenario for that country. This likelihood assumes that a successful terrorist attack occurs, and it is referred to as the conditional probability for that attack scenario. The conditional probability is based on several inputs, including the relative likelihood of:*
>
> *- Successful weapon usage (Attack Mode Likelihood)*
>
> *- Attack for the city in which the target is located (Target City Likelihood)*
>
> *- Attack for each type of target (Target Category Likelihood)"*

The attack mode likelihood is generated separately for conventional and CBRN attacks. Conventional attack types consider the historical frequency of the attacks, their difficulty in execution and their relative interdiction rates. As such, lower impact attacks are favoured in all categories here because they occur more often, have more easily constructed devices and are harder to detect – the opposite is true of larger, more impactful attack types.

The CBRN attack types are calculated somewhat differently, largely due to the dearth of data available. As such, an event-tree is used to estimate frequency of these attacks – accounting for the difficulty in acquiring CBRN materials and construction expertise, political intent of relevant groups and the interdiction capability of local authority. Both the conventional and CBRN attack types consider a risk outlook in addition – reduced risk, standard (unchanged) and increased.

The second factor, target city likelihood, adjusts the frequency weighting for terrorist targets, thus filtering the attack mode likelihood within a country. Larger, more developed, and important cities are favoured here. As per the RMS PTM weighting factor definitions:

> *- City Population—Total population*
> *- Economic Importance— Gross Metropolitan Product (GMP)*
> *- Known Intent to Attack—These are attacks, attempted attacks, appearance on target-lists, or mentions in debriefings by captured operatives*

Other secondary factors considered in the ranking include:

> *- Radical Islamic Activity and Support—the presence of known radical Islamic organisations and movements*
> *- Symbolic Targets—The presence of symbolic targets or association with a symbolic site nearby*
> *- Level of Anti-Terrorism Security—Qualitative assessment and resources allocated in the US Department of Homeland Security disbursal*
> *- Population of the Metropolitan Area—The population of the larger surrounding region rather than the urban boundaries*

The final step is assigning target category likelihood. Here each target type is assigned a tier and an associated likelihood for targeting, thus completing the filter of probability.

Target Database

As of 2021, the targets that make up the RMS PTM are geographically restricted to the major cities and their metropolitan areas in the developed world. As such, the only areas that can be covered by the PTM are in the cities below:

Table 8: RMS Target Locations

Country	Cities	PTM
United States	All Cities	X
Australia	Canberrra, Brisbane, Sydney	
Belgium	Brussels	
Canada	Montreal, Toronto	X
China	Hong Kong	
Denmark	Copenhagen	X
France	Paris	
Germany	Berlin, Frankfurt, Munich	
Greece	Athens	
Great Britain	London	X
Ireland	Dublin	X
Italy	Vatican, Milan, Rome	X
Japan	Tokyo	
Philippines	Manila	
Singapore	Singapore	
Spain	Madrid	
Switzerland	Geneva, Zurich	
Turkey	Ankara, Istanbul	X

RMS Targets, 2012[43]

The RMS target selection methodology is more exclusive than that of Sunstone's approach. According to the PMS methodology documentation:

> *"Targets are defined as geographic locations, buildings, or structures that, if attacked by terrorists, would result in significant property damage, economic interruption, or loss of human life, and would also have a high symbolic impact."*[44]

The targets must be qualified against their peer group to be among the most attractive locations for terrorists to attack. The criteria for this assessment are broken down into four categories:

> *- The likely total financial damage and total loss of life that could result from an attack at the location*
> *- The possible disruption and resulting economic loss that would result from an attack*
> *- The total 'symbolic' value of the target to the cause of the terrorist's grievance*
> *- The political significance of the city where the target is located*

Whilst these selection characteristics resemble those of Sunstone above, they entirely focus on high profile targets, against which large-scale attack methodologies would be appropriate for terrorists. For example, a 1,000 kg TNT NEQ device would be wasted against a rural bus stop, a possibility that is considered in Sunstone. Another difference is the geographic restriction of the targets themselves: where the 'broad net' of Sunstone targets naturally cluster in large cities, RMS PTM requires its targets to be in cities of significance, thus excluding areas of possible value that are outside of cities from analysis.

The tiering system used by RMS is based on the target preference for terrorist groups using historic data, rather than assigning different threat values to different types of the same target, as per Sunstone. Here, the target preference for worldwide attacks is accounted for by the frequency by which they are targeted over a given period. For example, government buildings occupy a separate tier to that of industrial facilities and military sites because they have a distinct threat profile, based on the number of times that they have been attacked over a given period.

Touchstone

Overview derived from AIR Terrorism Model, 2016[45]

The Touchstone terrorism model is the second most popular TRM deployed in the insurance market. Whilst the deterministic capability of the model is global, the probabilistic functionality is geographically limited to the USA. Like RMS PTM, Touchstone also focuses on catastrophic events, rather than including the attritional loss effects of smaller, more common attack types.

Probability Calculation

The Touchstone model uses the Delphi Method to determine its attack type frequencies:
> *"The Delphi method is a well-known and accepted approach for developing probability distributions from expert opinion. Developed by the RAND Corporation at the start of the cold war, the Delphi method has been used to generate forecasts in many subjects including inter-continental warfare and technological change."* [46]

This method blends the use of historical data – such as the GTD, FBI data, and US State Department data – and expert or operational opinion to project the effect of historical trends and changes to technology to project future terrorist outcomes. In contrast to Sunstone, this approach accommodates some information to the rate at which attacks are foiled.[47] The expert or operational opinion is drawn from counter-terrorism community in the FBI, CIA, Department of Defense, and Department of Energy. The teams are tasked as such:
> *- Team members perform social network analysis and probabilistic plot analysis of the steps required to conduct a successful terrorist operation.*
> *- The exercise is performed for each terrorist group type and each type of weapon being considered. Each step in each plot is quantified by resources, skill, time, and probability of success.*
> *- The outcome is the estimated overall likelihood of success for the attack type, given that it is chosen by the terrorist group.*

Figure 9: Number of terrorist attacks against US targets.[48,49]
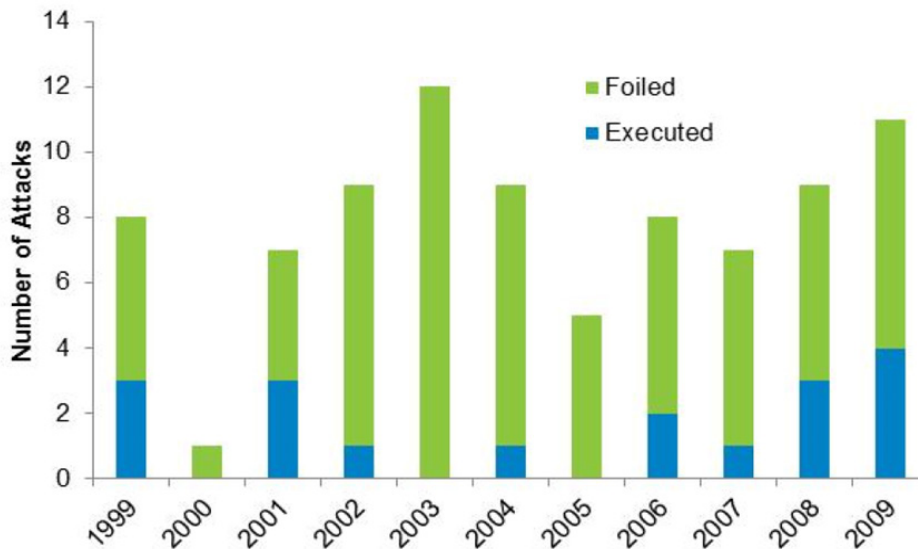
An analysis is then carried out to determine the frequency of attack types to target types in different locales. The possibility of "swarm" events – coordinated attacks that are part of the same plot, using the same weapons type are considered. The access of groups to weaponry, general resources, and the overall impact of counterterrorism activities are all considered in line with the groups' objectives.

This process is more detailed and structured than that of Sunstone, which focuses on key geo-political developments, rather than group specific developments, to drive the forward-looking trend. The Touchstone model considers three types of terrorist organisation – Islamist extremists, state-sponsored groups, and domestic (USA) terrorists. Each of these groups is given a prediction as to the following considerations:
- *Its likely choice of weaponry*
- *How likely it is to commit to 'swarm' events*
- *The likely choice of targets given the likely choice of weapons*
- *The likely location of the attacks (by specific urban area)*

The combination of the above allows for the model to differentiate risk zones within the geographic constraints of the model – directly opposed to Sunstone, which can only differentiate the level of threat within a geographic zone by the density of the target database in a given area.

Target Database

The Touchstone model's probabilistic capability is constrained to the USA. All the approximately 300,000 targets are in the USA. The target types that are used represent all the target types that have been attacked in the USA, and the total of which is distributed as probability drivers for the target categories themselves.

Figure 10: Likelihood of attacks on targets[50]
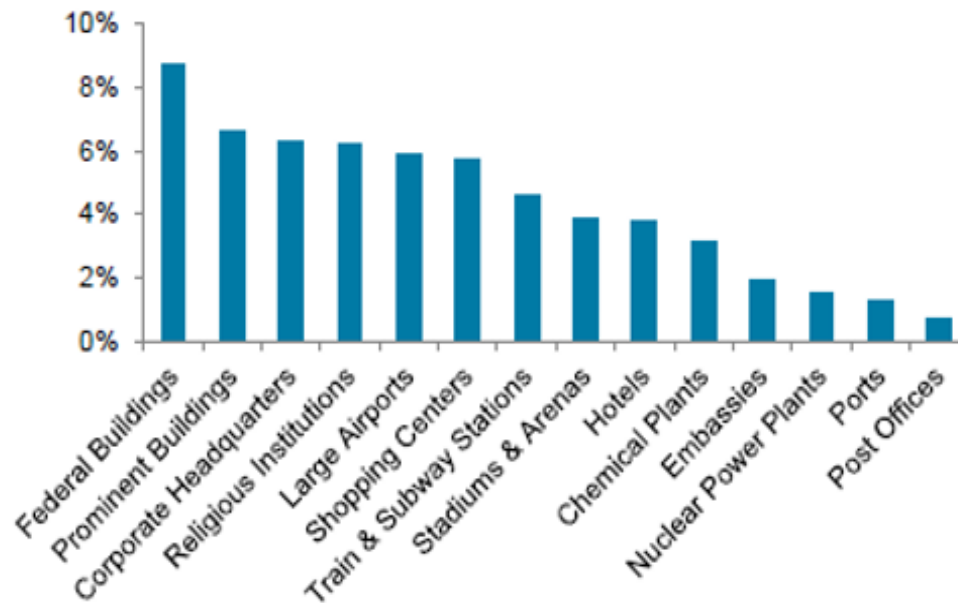
Targets are broken down further in two ways. The first is the designation of 'trophy' targets, or targets that are "usually heavily crowded or may be symbolically or culturally important to a particular... a preferred site for an attack." These targets are more attractive to terrorists and are therefore considered to be a greater source of threat.

The second differentiation is manifest in the geographic location of the targets across the United States. A list of 274 metropolitan areas is broken down into 5 tiers, with Tier 1 representing the most threatened areas, and Tier 5 the least. These urban areas broadly correspond to the economic and political importance of the cities themselves.

Discussion

There are significant implications of the differences between these models. Most obviously, differences in projected losses to a portfolio result in two entirely different insurance pricing prescriptions. Further, the types of attacks that are generating losses in the modelled portfolio will have implications for the sorts of cover that might provide resilience. For example, a model that lacks specific but common attack types, like events that cause high business interruption but limited property damage, is unable to realise these losses where they are appropriate and impactful for the insurance coverage required. In essence, differences in the approaches to loss projection are themselves a source of uncertainty. This uncertainty can precipitate a lack of confidence in the ability of these models to present terrorism 'realistically' and thus higher prices for coverage ensue.

To contribute to financial resilience to terrorism, the use of these models must lead to a clarification of terrorism threat for those using them, allowing them to offer coverage more efficiently. None of the models can reasonably claim to be the most credible in all categories of risk projection. As it stands, there is no great demand for an overhaul of the modelling

approaches laid out here within the insurance industry itself – it appears that the results provided by the models is 'good enough' for insurers to use. To speculate, this is because there is limited understanding of the peril itself within the insurance market and a dearth of significant loss events since 9/11.

The models described in this article differ substantially in their scope and detail, but they do function in a similar way to one another. Sunstone stands out for its breadth and depth of targets and attack types but is less sophisticated in its approach to loss modelling to that of Touchstone and RMS. Crucially, Touchstone and RMS focus exclusively on the catastrophic 'higher end' of terrorist outcomes within a limited geographic sphere. Sunstone alone models smaller events and accommodates their probability as an outcome, rather than acknowledging them as a contributory factor in the determination of more damaging attack types. This design allows for a potentially more precise examination of future losses for large portfolios of assets for the first layer of insurance – the losses suffered by portfolios before reinsurance layers of cover are added, which will typically not suffer loss from small-scale events.

Regardless, the vulnerability factors that are in play with both RMS and Touchstone provide a framework for greater levels of precision in the losses resulting from large-scale events, a feature that is critically lacking in the Sunstone platform. The shielding and channelling effects that urban areas can have on the distribution of explosive load, as well as the vulnerability of buildings based on their construction type is overlooked entirely in Sunstone. Despite this, the models themselves all suffer from the generalisation of effects to an extent – concentric rings and assumed urban density result in the possibility of over or underestimation of projected loss, both of which can lead to inefficient insurance coverage decision making on a deterministic level.

Another common shortcoming of all the models is their reliance on qualitative input and interpretation for their modelled frequencies. Sunstone is perhaps the most simplistic in this regard, not accounting for regional resilience or capability in anything other than a broad stroke fashion. Instead, alternative approaches to frequency calculation should be considered. The question remains as to whether the probability calculation methodologies are adequate for forward projection; it is a combination of precise impact and probability modelling that will allow for the models to project realistic outcomes, after all. The methodologies used here are broadly similar – using a combination of historic data and, to varying extents, expert opinion.

The following research aims to practical steps that would assist in increasing the fidelity of the TRMs to reality:
> - *The deployment of more precise blast and weapons effects modelling in the place of concentric analysis. This may include the construction of 3D models of cities which contain information as to the construction type of the constituent buildings.*
> - *Exploration of alternative approaches to probability calculation – the existing methodology blending expert opinion and terrorist incident data is necessarily limited by the quality of the experts and their foresight. A robust quantitative calculation approach may be more effective here, if yet to be realised.*
> - *Honing these elements of the TRMs allows for more accurate, and therefore efficient, insurance pricing – a societal benefit where terrorism insurance is overwhelmingly*

provided by competing private companies, as well as potentially serving as a useful contributory methodology for assessing terrorism likelihood and geographical distribution on a strategic level.
- The next stage here is to run the models on a standardised portfolio to assess the differences in output. From here, a discussion of the tangible differences in output can be discussed with reference to the respective methodologies described above. Further along this study, the losses will be compared to realised losses where applicable, against which further probability testing can take place.

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A Look at the State of Research on [Counter-] Terrorism and Violent Extremism

Alex P. Schmid, Thomas Renard, James J.F. Forest, and Ishaansh Singh[*]

Abstract: In continuation of a previous survey published in 2021 in *Perspectives on Terrorism*, a new survey exploring the state of [counter-]terrorism research, resulted in 50 responses from researchers and directors of think tanks, centres, institutes and programmes in the field of terrorism studies. We had asked them ten topical questions that are both research- and policy-orientated, based on suggestions we had earlier received from researchers in the field. The responses to the questionnaire are reproduced in this Research Note in italics, supplemented by our comments on the achievements and challenges presently facing terrorism and violent extremism studies.

Keywords: Terrorism research, counter-terrorism research, violent extremism

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Introduction

So much is published on terrorism, counter-terrorism and (violent) extremism that even full-time analysts are unable to keep up with the literature and absorb all new developments. It is with this in mind that we have tried to gain an overview by approaching colleagues in the field and asking them for their views. This is our second recent attempt to take the pulse on the state of research in the field of terrorism and counter-terrorism studies. In late 2020 and early 2021 two of the present authors distributed a questionnaire to colleagues in the field, and the results of that survey were reported in two issues of *Perspectives on Terrorism* published in summer 2021.[1] One of the more striking findings of that earlier survey was the low degree of consensus among researchers about key issues in our field of study. The current survey again revealed a very wide range of different answers, making any statistical analysis (e.g., on how many researchers hold one view or the other) unfruitful, since the diverse views of the respondents could not meaningfully be translated into percentages. Therefore, we present the results of the survey in qualitative terms, mostly in the form of (often lightly edited) quotes from the respondents, identified by *italics*.

For this survey, distributed in late 2022 and early 2023, we asked ten questions relating to relevant research and policy issues (along with a general profile question[2]). These ten questions were inspired in part by responses to a pre-questionnaire which we had sent previously to more than two dozen experts,[3] asking them: "What are, in your opinion, the three most important questions that need to be asked at this moment in time about (counter-) terrorism research and analysis?"

We received a total of 50 responses to the survey, which represents just under 20 percent of the questionnaires sent out – a response rate similar to that of our 2020-2021 survey. The questionnaire was answered by experts from 36 academic institutes, centres and programmes. Another fifteen respondents were working in think tanks, while four respondents worked for non-governmental or civil society organisations, three respondents were affiliated with national government centres, and two were working for international organisations.[4] Respondents to the ten questions included 36 males and fourteen females. With regard to geographical representation, 20 were affiliated with a North American institution, fourteen with a European institution, and sixteen with other regions.

For the remainder of this Research Note, we provide representative lists of the insightful responses we received to each of the ten questions, followed by some brief analysis and comments. In many instances, these responses are provided verbatim, but others have been paraphrased, combined with responses expressing similar observations, and edited for grammar and spelling.

Research Topics, Present and Future

Our 1st question on the survey was: *"What is currently the main focus of research/projects of your organisation related to (counter-)terrorism and (countering) extremism?"*[5] Among the responses to this question, we were informed about almost 100 topics of research. Many overlapped, and the following list covers most of the current research project areas mentioned:

> - *Research on specific terrorist and extremist organisations (PKK, IS, AQ, Taliban, Boko Haram, Hindutva and Buddhist extremist groups).*
> - *Research on specific countries and regions (Afghanistan, South Asia and South East Asia, Central Asia, Sahel, Middle East and North Africa, Balkan and Mediterranean regions).*
> - *Study of specific types of terrorism (right-wing terrorism, white supremacist militancy, jihadist militancy, jihadi governance, mass shootings, lone actor terrorism, CBRN terrorism and nuclear trafficking, gender-based violence, climate protection extremism, and incel terrorism).*
> - *Terrorism and/as irregular warfare, hybrid warfare (including foreign governments fomenting extremism within another country).*
> - *Study of anti-government extremism, including infiltration into military and police forces.*
> - *Research on off- and online radicalisation processes, extremist use of social media, online hate speech, online extremist ecosystems, algorithmic amplification of borderline content, disinformation, use of new technologies by non-state actors, the dark side of social media and generative AI.*
> - *Violent extremists with military or law enforcement experience.*
> - *Evaluation research on P/CVE and de-radicalisation programmes, effects of counter-terrorism, evaluating CT policies and strategies, role of intelligence in CT, multilateralism and counterterrorism, state- and local responses to violent extremism, resilience, protection and surveillance, risk assessment and management, and how police repression affects violent extremism.*
> - *Communication-based (CVE/CT) interventions, counter-radical narratives, content moderation and regulation of online terrorist and violent extremist content, disinformation.*
> - *Role of state failure, state fragility, and grievance-fuelled violence.*
> - *Trends and developments in transnational terrorism, including databases on the size of terrorist groups worldwide, and emerging trends.*

New compared to our earlier survey – but not unexpected – is the focus on the rise of anti-government extremism, especially in open societies. Much of this anti-establishment type of violence is not characterised as terrorism, but the sheer amount of it, especially by hate groups from the far right, is a worrying phenomenon. So far, global databases on terrorism have not fully accounted for it, while the full extent of this phenomenon really shows up in only country-specific monitoring efforts such as the large-scale MOTRA project of the Federal German Criminal Office (BKA) in Wiesbaden.[6] There can be little doubt that this type of anti-establishment violence is fuelled in part by social-media based conspiracy theories, encouraged by the anonymity of the Internet and probably also facilitated by the algorithms used by major internet organisations.[7]

Our 2nd question was: *"On which areas/topics relating to (counter-)terrorism and (countering) extremism do you expect your organisation to invest more time and resources in the near future?"* The answers showed partial overlap with the first one on current research, as can also be seen

from this representative list of answers:

> *- Anti-government extremism and polarisation in the United States and other countries.*
> *- Protection and surveillance of persons that are threatened by terrorism and organised crime.*
> *- Study of the mainstreaming of far-right ideology.*
> *- Hybrid forms of extremism.*
> *- Transnational trends and connections between extremists.*
> *- Research on extreme right-wing groups and Racially and Ethnically Motivated Violent Extremism (REMVE].*
> *- Violent extremists with military or law enforcement experience.*
> *- Research on conspiracy theories and their connections to offline violence.*
> *- Countering conspiracy-based extremism (e.g., QAnon).*
> *- Cross-cutting ideologies and beliefs that cover all forms of extremism.*
> *- The collective nature of lone-actor terrorism.*
> *- How social media and its permeation lowered entry barriers to terrorism.*
> *- Radicalisation and social media and AI content moderation tools.*
> *- Effects of emerging technologies (e.g., AI, drones, biotechnology) on the tactical capabilities of terrorist organisations and on CT efforts.*
> *- Counter-narratives and promotion of moderation.*
> *- Nexus of terrorism and organised crime.*
> *- Building more comprehensive and empirically rich datasets.*

Remarkably, there was no explicit mention of state terrorism as a subject of new studies, despite the fact that the ongoing war of aggression of Russia against Ukraine uses terror tactics by deliberately attacking civilians and civilian infrastructure targets on a very large scale. State-sponsored terrorism or foreign influence on extremist milieus are equally absent from the responses, in spite of its clear manifestations in various geographical contexts and possible further expansion in light of the return to geopolitics and great powers rivalry. Other forms of extremism, such as left-wing extremism or the radicalisation of certain movements (like some environmental groups) seem also largely ignored. While a number of the themes listed above are being studied by several organisations, other themes – not listed here – are investigated by only one or two organisations—e.g., *how violence affects CT practitioners* (a growing problem) or *how to do Red Teaming with Emerging Technologies*.

Assessing the State of Research

Our 3ʳᵈ question was: "*In the course of the past two years, where do you see real progress in our understanding of drivers and causes of radicalisation, extremism and terrorism?*" Here we received a great many responses, including:

> *- Better insights into the role of social media (and other digital media) in radicalisation*
> *- Greater reliance on evidence, data, and rigor.*
> *- Increasing focus on the overlapping topics of right-wing extremism, racism, misogyny, incel, etc.*
> *- Realisation that policing and 'war on terror' approaches largely failed and the switch to a community resilience approach.*
> *- The use of machine-learning techniques to analyse social media data.*

- More definitive empirical testing of the role played by socio-economic marginalisation in fomenting different types of extremism and radicalisation.
- Significant and sophisticated empirical studies of the links between mental illness, social maladjustment, and violent extremism.
- Dataset development designed to facilitate comprehensive cross-national comparisons of potential radicalisation factors.
- Instead of focusing only on ideological drivers of violent behaviour, now equal attention is also being paid to underlying socio-economic and political grievances.
- We are now also discovering more about the insidious intersections between mainstream political polarisation, global disinformation campaigns and the propagation of extremism.
- Much more attention to, and research on, right-wing terrorism, extremism and radicalisation, especially (in the US) in the wake of the 6 January, 2021 attacks.
- Research on conspiracy theories and how they develop and can be countered.
- Researchers have made strides in understanding how extremist content spreads online, how individuals are influenced by online networks, and the mechanisms of online recruitment.
- The importance of inclusion/exclusion of individuals or groups in, or from, the political process as a driver or protective factor of the radicalisation process.
- We know a lot more about what works and doesn't work for positive intervention and counter-extremism campaigns.
- Stochastic terrorism as a helpful concept to understand terrorism manifestations and occurrences.

While ten years ago, Marc Sageman, an American researcher, could claim that there was stagnation in terrorism research,[8] nobody would make such a claim today. There has been progress on many fronts. For instance, to comment on the last item on this list, we have seen a clearer connection between hate speech by political leaders and subsequent attacks on "public enemies" identified by them. Demonisation of certain individuals and groups by populist and other political leaders in and out of government clearly increases the chances that one or more lone actor attacks take place on targets so identified, although the exact when and where cannot be predicted. Jihadist groups also rely on this incitement mechanism, hoping that one or more of their ideological followers at home or abroad will be inspired by their call to action. This phenomenon has been termed *stochastic terrorism,* and its occurrence has been statstically proven in a number of instances.[9] Related to this, imitation and contagion by lone actors (and also by terrorist groups) has been observed many times, even before the Internet became the preferred channel for direct and indirect incitement to violence.[10] One related finding from recent research is this: While it was long held by a number of researchers that most terrorists are quite normal persons (in a clinical, not a moral sense), more recent research has shown that at least some mental health problems tend to be more widespread among certain types of terrorists than in the general population.[11] Mentally unstable lone actors, in their quest for personal significance, seem to be especially receptive to distant calls for terrorist attacks.

Our 4th question was*: "What fundamental research and knowledge gaps remain in terrorism and counter-terrorism studies?"* With so much research on terrorism already, one might expect

that there are few research and knowledge gaps left. However, we received many suggestions including the following:

> *- How climate change is impacting terrorism is understudied.*
> *- There is a lack of research on far-left extremism.*
> *- More research on victims of terrorism is needed.*
> *- What are the negative unintended consequences of CT?*
> *- We need to conduct research on the past 20 years of CT failures.*
> *- How to measure the effectiveness of counter-terrorism?*
> *- What are the relations between extremism and violence?*
> *- P/CVE methods and programmes: we understand very little about how programmes work, what they do and why, what is effective, etc.*
> *- How the shift to great power competition in the strategic priorities of most countries is going to affect both terrorism and counterterrorism.*
> *- The links between state terrorism and insurgent terrorism.*
> *- The relationship between empowerment of women and girls and national and international security.*
> *- The interface between communication technology and the use of violence by state and non-state actors.*
> *- Nefarious role of intelligence services and other state agencies.*
> *- The knowledge transfer and reciprocal integration between academics and intelligence bodies.*
> *- Strategies for involving media in CT efforts.*
> *- Literature on CT remains very Global North-centric and lacks real understanding of regional divergencies, differences and peculiarities.*
> *- How best to understand algorithmic transparency and whether there is undue influence on extremism by algorithms.*
> *- Need further analysis of youth identity issues.*

The first item on the list is a sign of the times. The climate emergency is affecting almost every issue. Some research has explored various links to terrorism, notably the exacerbation of local grievances or migration, as well as the manipulation of environmental concerns among far-right narratives.[12] The second topic – the study of far left terrorism – has largely disappeared from research agendas. While it is true that terrorism from left wing groups is less frequent than forty and fifty years ago – and remains far less severe than far-right terrorism – it is likely to increase again, if only in response to rising right-wing extremism. If anything, this confirms the cyclical nature of terrorism – and terrorism research. The topic of state terrorism is partly covered by genocide studies, the study of human rights violations, research on war crimes, and the study of crimes against humanity. Nevertheless, it should also be integrated into mainstream terrorism research, not least because there is a link between state terrorism and insurgent terrorism, fuelled by revenge leading to reciprocal escalation. Finally, several respondents referenced the problem of measuring effectiveness of counter-terrorism. This is an especially complex issue that we feel warrants much further exploration, in spite of a number of important studies already published on this topic.

Our 5th question was: "*What is most needed to improve the quality of research in the field of counter-)terrorism studies?*" Here is a representative list of the responses we received:

- *High-quality and reliable data are essential for conducting research.*
- *More funding to collect data.*
- *Researchers would benefit from better access to data on law enforcement/intelligence actors in counterterrorism.*
- *Improved exchange of information between intelligence and academia.*
- *Greater access to the perpetrators of terrorism.*
- *First hand interviews.*
- *There is far too little serious, truly interdisciplinary research.*
- *The use of more rigorous methodologies, such as experimental designs and randomised controlled trials (evaluation of CT efforts).*
- *Drive toward consensus on basic definition, components of extremist beliefs, distinguishing extremism from radicalisation and/or fringe beliefs.*
- *Being able to study the underlying causes of radicalisation of any ideologies or movements to push back against flawed government policies which indirectly contribute to terrorism.*
- *Ongoing dialogue between academics and practitioners to inform empirical research with feedback from frontline workers, and to empower frontline workers with empirically-based tools to practice P/CVE.*
- *Collaboration between researchers and practitioners in the field of CT is crucial. (Such collaboration ensures that research findings are relevant, applicable, and useful in informing policy decisions, shaping counter-terrorism strategies, and implement effective practices).*
- *More integration of studies outside of terrorism and extremism that directly impact counterterrorism studies.*
- *Terrorism studies is very Euro-centric with very few voices getting space from the global south.*
- *A truncated focus on non-state actors divorces terrorism studies from a plethora of fruitful research avenues and research findings from disciplines not traditionally associated with terrorism research.*
- *Terrorism studies should look at the commonalities between domestic and international forms of political violence.*
- *The establishment of Open Source standards (e.g., sharing data publicly to allow for transparency/replicability of studies; pre-registration of studies' fostering of diamond open-access publishing; and fostering of publication ethics.*

As the first response on this list indicates, the quality of research on terrorism – and counter-terrorism – stands and falls with the quality of data. While this is less of a problem with qualitative, field research and in-depth case studies, it is a big problem when it comes to cross-country comparisons requiring matching quantitative data. There are a number of long-running international data gathering effors like ITERATE [International Terrorism: Attributes of Terrorist Events, by Ed Mickolus][13] and the Global Terrorism Database [GTD by the University of Maryland's START project][14] which are widely used, although their shortcomings become evident when one compares their coverage of a particular country with the much more in-depth

coverage of national databases (e.g., the MOTRA database of the German Federal Crime Office[15] mentioned earlier). The fact that different databases use different definitions of terrorism, and change collection practices, complicates data-gathering and the making of valid longitudinal comparisons. Due to the high costs of maintaining databases, many promising systematic data gathering efforts (e.g., WITS and MIPT) have ceased to exist.[16] In fact, discontinued databases litter the road of terrorism research.

Respondents also offered a number of additional suggestions as to how to improve the quality of research. The issue of funding came up repeatedly in the answers we received: when researchers and institutes depend on outside, usually governmental funding, the research priorities are generally shaped by the policies of the day. When funding dries up, as it has in certain countries, it is difficult to maintain acquired expertise. Finally, the need for greater collaboration and information sharing between scholars and practitioners was frequently mentioned as well.

Translating Research into Policies and Actions

Our 6th question was: *"Which insights from terrorism research have not been (sufficiently) translated into operational instruments that can be used by policy-makers to have a measurable impact on preventing/reducing/countering/terrorism?"* Here is a representative sample of the answers we received:

> - Most insights are not translated into operational instruments because politics tends to overrule research findings. Only insights that align well with preferred politics at any point in time seem to get traction.
> - The gap is in some respects growing, just as the field of study is hitting its stride (empirically and theoretically), partly because of the complexity of new findings and the rising and incompatible institutional pressures in the intelligence and academic communities.
> - How technology can be used more effectively for combating terrorism, beyond the removal of extremist materials from social media platforms and websites
> - Researchers rarely provide conclusions and insights that are actionable. The question would be much easier to answer if it were put the other way: What research has successfully made the transition? Another risk is that some policymakers like to cherry-pick conclusions from terrorism research that support desired actions, and researchers go along with this.
> - Some scholars have argued for a public health approach to countering radicalisation/violent extremism, but we've seen relatively few policies or actionable recommendations in this regard.
> - Most policy recommendations from academia and think tanks are too broad to be implemented or too aggressive to work within the trappings of government processes.
> - Mental health issues have been identified in the research, but almost nothing is being done to address mental health as part of P/CVE.
> - In general terms, research that demonstrates the importance of restraint and respect for human rights tends to gain little traction.
> - The insight that terrorism is a relatively small security risk when compared to other dangers. Many CVE/CT measures (such as aerial bombardment, drone strikes, or surveillance programmes like PREVENT) are too expansive and invasive and therefore produce blowback effects. Instead, more resources should be provided for the actual prevention of terrorism.

In various quarters of our field, the sentiment exists – as reflected in several of the responses we received – that academic research is further ahead than policy, and that many governments adhere to policies based on outdated insights. While some academics complain that their recommendations are not sufficiently listened to, CT professionals and policy-makers in government often complain that the advice they receive from academics is not implementable, given the political (and financial) constraints that determine counter-terrorism policies and measures to prevent and counter violent extremism. As a result, there is still a clear gap between research and practice – one that still need to be further addressed.

Our 7th question was: *"What preventative measures work best to discourage (young) people from radicalising and entering terrorist/extremist trajectories?"* Here is a representative list of the responses we received:

> *- Integrating young persons into communities – through work, education and social options.*
> *- Measures that improve (young) people's quality of life and their sense of meaning and belonging. Effective social policies reducing political grievances and experiences of marginalisation. Fair and just societies.*
> *- Not sure preventative measures have that effect, but making known the negative effects of involvement has been shown to play a deterring role.*
> *- Restrictions on traveling to hotspots of terrorist activity.*
> *- Providing non-extremist, non-violent opportunities for self-fulfillment, identity formation, group belonging, developing career paths. Examples include volunteer work, community work, international travel, organised sports, including extreme sports.*
> *- Aarhus model works best to my knowledge.[17]*
> *- The creation of viable and relevant alternative futures. Providing susceptible individuals with a sense of hope that their future will improve if they de-radicalise and disengage from terrorism requires real solutions*
> *- When we discuss this issue with our colleagues, we find three preventative measures to discourage especially young people: the first is to develop local communities' capabilities.*
> *- The second one is increasing the level and quality of education. The third one is to inspire them to engage in nonviolent social activities.*
> *- Providing a solid information literacy in schools, and integrating minority groups as much as possible.*
> *- Jobs, food and the effective delivery of needed public services would eliminate 90% of what "radicalises" people.*

Not all preventative measures work the same way, so comprehensive measures are needed to address the various motivations underlying youth radicalisation. Firstly, measures which educate, empower and support families, educators and the broader community are necessary as an alert system on what radical signs to look out for as well as how to mitigate against them. Secondly, criminalising participation in radical extremist groups, penalising consumption, and dissemination of extremist materials, online and offline, and travel restrictions to terrorist hotspots send an unambiguous and strong message to young people to stay away from terrorism. Prevention is best looked at in stages - at the general level policies that promote democratic

values and critical thinking along with strategies such as preemptively removing terrorist content online work well. For an at-risk group prevention needs to be more targeted and direct and involve contact points who have access to the population such as parents, religious/ community leaders or social workers. These persons also need to be supported through psychological counseling and other activities. Finally, for already radicalised individuals the focus needs to be on rehabilitation, exit strategies and reintegration.

While everybody agrees (at least in theory) with Benjamin Franklin's observation that "an ounce of prevention is worth a pound of cure", the questions of when, where and how to prevent radicalisation to violent extremism and terrorism are often lacking clear answers. Prevention becomes more controversial – and costly – as one moves from late downstream prevention to midstream and upstream prevention.[18] The more one moves upstream, terrorism prevention, crime prevention, and prevention of other socially undesirable behaviour among young people merge and become one and the same. Upstream prevention is admittedly expensive, as it means whole-of-society interventions at an early age on the family- and school-level, and involves the taking of pro-active state measures for integrating marginalised young people into society.

Themes of justice, empowerment and societal integration appear in many of these responses. What needs to be done is quite clear to many respondents: giving young people the tools and opportunities to integrate into society, so that they can find a meaningful role for themselves. However, where governments and political parties are weak and corrupt, and where the market forces are unable to create decently paid jobs for millions of young people wishing to enter the labour market and build for themselves decent lives, a number of less desirable alternatives offer themselves. If avenues to lead a normal life are blocked, tempting alternatives include emigration to become a foreign fighter, joining a criminal gang at home or an organised crime network abroad, seeking a sense of belonging in a religious cult or becoming part of a terrorist group. If the solution to radicalisation is to create – as one respondent suggested – "fair and just societies" – the reality is that there is either a lack of political will, an absence of economic opportunities, or a shortage of necessary resources in most countries to do so. While many of the "have-nots" are living lives of quiet desperation or drown their unachievable aspirations in alcohol and narcotic drugs, a few radicalise, determined to change a system which they (and others) perceive as unfair. Some young people radicalise constructively, becoming social carriers for constructive change, while others turn to destruction. For governments, repression of calls for justice and equality is often more tempting and – in the short run – cheaper than accommodating reasonable demands from sectors of the public that are marginalised. Historically, the choice of terrorism as a strategy of protest and revolt has, despite occasional tactical gains, generally had a very low probablility of success.[19]

Our 8th question was: *"Which [non-violent] CVE interventions can, in your view, best persuade already radicalised militants to disengage from violent extremist and terrorist groups?"* Here are some of the answers we received:

> *- Most extremists and terrorists – if circumstances allow – simply mature out of their involvement, unless they have reached a point where it is straightforwardly rewarding to perpetuate or deepen one's involvement. We need to make sure the costs exceed the rewards, and provide logical alternative life choices and careers that are meaningful for*

those that will inevitably be seeking to moderate their involvement.
- Getting people to disengage after they've already been radicalised is extremely difficult. Interpersonal interventions are probably best; I think the significance of engaging formers in this activity has been overstated, but they are more motivated and probably not worse at it than others.
- Countering radical ideologies and narratives by promoting moderation, pluralism and peaceful co-existence. These ideas can be inculcated in militant rehabilitation programmes and counternarratives messaging. The first is to provide an effective counter-ideology narrative that investigates the promotion of moderation, pluralism, and peaceful co-existence counter-narratives, and for the "right" messenger to deliver this message – someone who resonates with the militant in question.The second is to put in place a well-resourced deradicalisation programme that is long- term in nature as the radicalised person is likely to require continuous monitoring, mentoring and support at an ideological and social level.
- Good governance; opportunity; in the case of religiously linked ideologies debunking their religious claims; and amnesty.
- A client-centric, individually tailored approach addressing individual risk factors and needs, focusing on behavioral learning and experiences with a multi-professional team and based on voluntary participation. However, there is very little evidence for any of the tools and methods used in this field (lack of Randomised Control Trials, quasi experiments etc.).
- One-on-one interventions using whatever tools may address that person's issues, from mental health counseling, to ideologically countering narratives, to taking the individual away from the environment of radicalisation so they're out of the echochamber.
- Engaging their families in the disengagement effort.
- I fear that deradicalisation is largely not as effective as it should be. I believe that is mostly because we do not have enough resources allocated to deradicalisation processes. - Another major challenge is that we do not have credible and genuine Islamic and religious scholars that are committed to deradicalisation. From my decade-long experience in Afghanistan, I come across many so-called pro-government Islamic scholars that held the same views as Daesh and the Taliban. With such a mentality, how could we expect them to engage in a serious discussion with a hardcore terrorist and convince him to give up fighting?
- The best approach is, of course, often very challenging, addressing the root causes of the conflicts or the justifications terrorists utilise in addition to offering a kind of immunity to the members of terrorist organisations, in a way extending them an olive branch while offering them a sense of reaching at least part of their objectives.
- There is likely no one way – it is an intersection of many different approaches, that include inclusion, safety, community, and the like.

In recent years, the gradual shift from armed interventions against terrorism, driven in part by the evident lack of lasting results of kinetic approaches in many instances, has led to a multitude of de-radicalisation projects and countering violent extremism (CVE) programmes, not only in Western democracies. To be effective, these need to be well-designed, well-funded, well-staffed and well-implemented. Most experts recognise that this is indeed challenging. Comprehensive,

tailored, community-based approaches, such as the so-called Danish "Aarhus model", appear to be most promising.[20] In recent years a veritable CVE industry has developed in some countries, yet the evaluation of the methods used lags behind. This is not to imply that most CVE initiatives lack effectiveness, but period evaluations from the outside would certainly make them more effective, as well as provide meaningful insights for other efforts. Many responses to our survey also referred explicitly or implicitly to Islamist-inspired radicalisation. However, the ability of CVE efforts to adjust to new extremist threats is also a significant challenge for research and practice – one that remains so far unanswered.

Our 9th question was: *"What are the best ways to counter the narratives that militant individuals and organisations use to justify the use of terrorism as acceptable for redressing grievances?"* If terrorism is viewed as a combination of violence and communication[21], countering terrorism should focus as much on countering the communicative narratives of terrorists as on their indiscriminate violence. Sadly, this has not been the case. This is arguably the biggest mistake of past and present counter-terrorist policies. Here we received many valuable – and sometimes sceptical – suggestions, to include the following:

> *- Taking these justifications seriously, examining the sources of these justifications (whether they are based on some aspect of reality or simply conspiracy theories) – being able to question individuals on their sources for the information upon which they base their justifications is key and involves an ability to listen without interrupting. Then, based on the findings, developing a counter-narrative that 1) acknowledges the factual bases of the justifications (yes, we made mistakes; atrocities were indeed committed; policies were hasty, ill-judged, had unexpected consequences); 2) addresses issues such as apologies, alternative forms of redress such as compensation, policy reform; 3) demonstrates the non-factual basis of conspiracy theories and the untrustworthiness of information sources while acknowledging why militant individuals and organisations might be drawn to them, albeit erroneously.*
> *- Have a robust and rapid ability to push counternarratives out along multiple channels. Counternarratives must not only refute the claims of militants, but must also highlight their hypocrisy and the downsides of violence (i.e., both "offensive" and "defensive" or proactive AND reactive counternarratives).*
> *- De-legitimisation of their ideology + explanation of non-efficiency of terrorism as a method of promoting interests. Present evidence showing that most terrorist groups fail, that many members – leaders and followers – will eventually be defeated, either being killed or ending up in prison. Give examples of terrorist groups in democracies that eventually entered the legitimate political process.*
> *- Mass counter-narrative activities usually don't reach the target populations as they might be deemed as enemy propaganda. Instead, offering them an exit strategy that significantly reduces possible sentencing and also giving them a sense of success by providing some kind of changes in policies which would, as a result, diminish the grievances or other possible justifications.*
> *- Different groups have different narratives. The best way is to deeply analyze the narratives, understand them in a serious way, then disprove, neutralise or delegitimise key points.*
> *- The most persuasive counter narratives are those which are organic, short, crisp and*

colloquial. Moreover, they should appeal to human emotions, aspirations, fears and expectations instead of just offering counterfactual accounts in response to radical concepts and ideologies.
- Available evidence suggests there is no effective way, except maybe inocculation of people long before exposure. Winning the hearts and minds of local community leaders is the cure for terrorist narratives.
- To counter the narratives of terrorists and their outfits, I think we have to properly expose them in things that they do against their own principles. We, as a CT force that intends to counter the narrative of terrorists, have to gain the trust of our audience and promote narratives that are genuine. Promoting false narratives against terrorist organisations can always backfire and cost the counter-terrorists their credibility.
- Use insider voices, be emotionally compelling, use religion when necessary, offer redirection and alternative answers.
- This [i.e. counter-narratives] works best when a private tech company partners with a local credible voice entity that has digital literacy.
- We are all familiar with the lack of empirical evidence to support the effectiveness of counter or alternative narratives. There is some recent research that suggests that online interactions can be used to put individuals at risk of radicalisation in contact with local providers of support services. The findings suggest there is some cause for optimism here.
- To counter extremist narratives governments should govern well, in the interests of their citizens.
- I don't believe these [i.e. counter-narratives] have been remotely effective, nor do I believe there is convincing evidence for their effectiveness.

One of the more depressing aspects of countering violent extremism is that some of the narratives of terrorists have such a high degree of credibility with some vulnerable members and groups in society. It remains amazing how more than forty thousand young men and women from more than sixty countries believed the narrative of the Islamic State (Daesh) in 2014 and moved to Syria and Iraq. It remains equally amazing that after the military defeat of the Islamic State in its heartland and the exposure of its inability to live up to the promises Daesh made to its followers, there are still thousands in and outside the camps in Syria and Iraq who continue to adhere to the IS narrative.

Counter-narratives to undermine extremist narratives must – to be credible – be genuine and authentic (rather than slick PR marketing campaigns), backed up by deeds that match words. Many of the recommendations made by our respondents make good sense, yet their adoption and implementation by government agencies and civil society organisations remains a challenge. However, it is undeniably cheaper to invest in the development of persuasive narrative strategies than to invest in large scale armed operations.

Future Contexts Shaping Research on Terrorism and Counter-terrorism

Finally, our 10th question was about "horizon scanning": *"What are the main issues or developments (related to terrorism, counter-terrorism, national security, global politics, financing, etc.) that could affect your organisation in the coming years – positively or negatively?"* In other words, what are the good and the bad things that we can expect in the near future when it comes to research on countering terrorism and which developments are likely to have an impact on it? Here is a representative list of the answers we received which focus on "<u>positive</u>" developments:

> *- The quality of terrorism research will rise further as the scientific standards of the field have been evolving over the last years.*
> *- A broader focus on extremism and terrorism than mainly jihadism.*
> *- Student interest in terrorism and extremism remains strong; there is an ongoing demand for research.*
> *- We are more and more used by the government to advise on counter-terrorism.*
> *- In the last decade there has been a surge in the number of well-informed, well- trained, and gifted scholars in the field – and many are well integrated internationally. The human capital is in place, as never before, to foster significant advances on all fronts.*
> *- Many organisations have gained considerable experience over the last 20 years since the adoption of Resolution 1373 (2001). The UN should discharge some of the mandate of its different CT Committees to regional organisations, in the framework of subsidiarity, complementarity and comparative advantage.*
> *- Recognition of the importance of security issues in national, European, and trans-Atlantic policy; regional development; needs of security institutions to cooperate with the academic sphere; and new developments in cyberspace.*

There was a near consensus among the respondents that the quality of much terrorism research is good and continues to improve. But on the other hand, many concerns were expressed about the future, including widespread agreement that funding for terrorism research will more than likely decline as other priorities take precedence.[22] Here is a representative list of the answers we received which focus on "<u>negative</u>" developments:

> *- Less focus on, and resources for, CT/CVE due to government focus on great power competition and other topics, and as the concept of national security evolves.*
> *- How the shift to great power competition in the strategic priorities of most countries is going to affect both terrorism trends and counterterrorism responses.*
> *- In the US, unfortunately, the administration matters. If Trump were elected again, it would be another giant pause in our ability to do scientific research.*
> *- Finding sufficient stable funding is an ongoing challenge.*
> *- The possible decline of financing of security research as a consequence of austerity measures to stabilise public finances.*
> *- Due to the actual political developments, the focus of attention will change from non-state actors to state actors. Therefore, I suppose that researchers will leave the field to focus on other issues (so the problem of "transient" researchers, that terrorism research always had, will even more increase).*
> *- A limited number of new young researchers in the research on terrorism/extremism,*

limiting research innovation.
- For us in the US, extremism has seeped into mainstream politics to such an extent that empirical research is less valued or is politicised in some quarters.
- The politicisation and polarisation of extremism research, in that everyone already comes with pre-conceived notions and a refusal to change minds based on research findings.
- The loss of interest by Donors and Technical Assistance Providers, as International Terrorism is not perceived as a global threat as it was 20 years ago. So there will be less action, less funding and less support to capacity building programmes, run by multilateral institutions. Priority will be given to bilateral support.

The crucial question is: how much should governments and civil society invest in countering terrorism, and how much should one invest in other life-threatening events? While terrorism is not the deadliest danger to our way of life in most countries, its brutal, norm-violating nature, involving unprovoked attacks by lawless perpetrators on unarmed civilians and its proven ability to provoke massive overreaction by governments, leading to infringements on fundamental rights and liberties and undermining the rule of law – warrants more attention than simple casualty figures suggest.

There is also still plenty of research that needs to be done. Here, for instance, are six crucial topics proposed by experts who responded to our pre-survey questionnaire:
- What will be the short-, medium- and long-term effects of the return of the Taliban to power in Afghanistan on terrorism/counter-terrorism?
- With its rising terrorism levels, will Africa pose a major threat beyond the continent?
- How to tackle the root causes for radicalisation abroad?
- What explains the rise of right-wing terrorist threats around the world?
- How does polarisation in liberal Western societies feed terrorism?
- How can we fight terrorism that is supported from within the political mainstream?

Conclusions

The subject under review – terrorism and violent extremism – is difficult and at times even dangerous to research. Studying terrorism has proven difficult, both in terms of fieldwork and access to government data. Counter-terrorism is difficult to research, as secrecy and lack of transparency are major obstacles. Governments do not like to see shortcoming and failures exposed. Counter-terrorism, especially "Counter-productive counter-terrorism" – a term coined by the late Paul Wilkinson – is therefore a field that is still under-explored. In many countries, more is publicly known about terrorism than about counter-terrorism.

Nevertheless, there has been very substantial progress in both quality and quantity of research, as many respondents to our survey highlighted. This is encouraging for our field. Yet, much more needs to be done, as the field continues to evolve with new trends emerging, more data becoming available, and new research skills and methodologies being required.

The level of cooperation between governments and academia in analysing terrorism and

violent extremism has improved over the years as well in a number of countries, but still leaves much to be desired. While many government agencies possess formidable in-house research capabilities – not infrequently of equal quality as those in academia – their ability to think outside the (political and security) box is more limited. However, both sides would benefit from greater cooperation and cross-fertilisation. Scientific research should guide evidence-based policies and practices, but for that policy-makers and practitioners should be better at sharing priorities and making data accessible.

Another important trend in the past decade has been the shift away from purely kinetic counter-terrorism responses in many countries, dominated by the military, police and special forces, to include nonviolent measures of countering violent extremism. However, the difficulty of showing measurable results in this area has kept funding for countering violent extremism policies limited, and even more so for measuring the prevention of terrorism. Arguably one of the biggest problem of counter-terrorism has been its over-reliance on force and its under-reliance on communicative and preventative instruments to address terrorism and violent extremism.

To conclude, our central goal in this effort was to take the pulse on the state of research in the field of terrorism and counter-terrorism studies. In addition to providing food for thought or ideas for debate, we also hope that these insights will inspire new avenues of research, especially for the emerging generation of scholars in this field.

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Endnotes

1 Alex P. Schmid, James J.F. Forest and Timothy Lowe. "Terrorism Studies: A Glimpse at the Current State of Research (2020/2021)", *Perspectives on Terrorism*, Vol. 15, Issue 3 (June 2021), pp. 142-152. URL: https://pt.icct.nl/article/terrorism-studies-glimpse-current-state-research-202021; Alex P. Schmid, James J.F. Forest and Timothy Lowe. "Counter-Terrorism Studies: A Glimpse at the Current State of Research (2020/2021)", *Perspectives on Terrorism*, Vol. 15, Issue 4 (August 2021), pp. 155-168. URL: https://pt.icct.nl/article/counter-terrorism-studies-glimpse-current-state-research-20202021.

2 The profile question focused on the respondents' background and position within their organisation/institute/centre, think tank or programme.

3 For a list of the 28 respondents to the pre-questionnaire, see the Acknowledgments at the end of this Research Note.

4 Due to the fact that ten respondents indicated being in more than one category, more than 50 affiliations had to be counted. The names of the 50 respondents to the main questionnaire can also be found in the Acknowledgments.

5 In this and the following questions "organisation" can – for brevity's sake – also refer (unless otherwise specified) to institutes, centres, think tanks, programmes or (international) organisations.

6 MOTRA is an acronym standing for 'Monitoringsystem und Transferplattform Radikalisierung'. It is a 5 year project of five project partners, led by the Bundeskriminalamt (BKA). Project coordinator is Dr. Uwe Kemmesies from the German Federal Criminal Office. For information, see: https://www.motra.info.

7 Cf. Francis Haugen. *The Power of One. How I found the strength to tell the truth and why I blew the whistle on Facebook.* New York: Little, Brown and Co., 2023.

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Examining Ideology, Asymmetry, and Ethnonationalism in the 2023 Israel-Gaza Crisis

Tahir Abbas[*]

Abstract: This research note provides an in-depth analysis of the complex interplay between Zionism, Jewish identity, power dynamics, and the Israeli-Palestinian conflict. It traces the emergence of Zionism in the late 19th century, examining how early Zionist ideology aligned with prevalent nationalist and colonial ideologies while also encompassing diverse strands that challenged exclusionary perspectives. The analysis explores the contested notion of Jewish racial "whiteness", probing how Zionist aspirations intersected with racial paradigms and hierarchies. It also analyses how class divisions and capitalist development have impacted Zionist goals. The study draws on the current 2023 Israel-Gaza crisis to demonstrate how exclusionary ethnoreligious nationalism still takes precedence over ethical considerations for some in Israel, yet also highlights Israeli efforts across the spectrum to find just resolutions. Overall, the analysis emphasises the need for new frameworks that affirm the equal dignity of all involved while understanding the diversity of voices within Israel regarding this enduringly complex topic.

Keywords: Zionism, Jewish identity, power dynamics, Israeli-Gaza crisis, ethnoreligious nationalism

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Introduction

The Israeli-Palestinian conflict has persisted for over a century, with roots tracing back to the rise of Zionism in the late 19th century. This analysis aims to provide a nuanced assessment of the complex interplay between Zionism, Jewish identity, whiteness, and power dynamics. It analyses how early Zionist ideology aligned itself with prevalent nationalist and colonial ideologies during its emergence. It also explores the diversity of Zionist thought, including strands that pushed back against exclusionary nationalism. The article examines the contested notion of Jewish whiteness, both within Israel and the diaspora, probing how Zionist goals of building a refuge intersected with prevailing racial paradigms. Additionally, it looks at how class divisions and capitalist development have shaped the priorities and policies of successive Israeli governments. Most pertinently, this piece uses the current 2023 Israel-Gaza crisis in response to the 7 October 2023 Hamas terrorist attacks on Israel to demonstrate how exclusionary ethnoreligious nationalism can still take precedence over ethical considerations for some factions of Israeli society. However, it also highlights efforts by Israelis across the political spectrum to achieve a just resolution to the conflict. Overall, this analysis emphasises the need for new frameworks that affirm the humanity and dignity of all groups involved while remaining cognisant of the diversity of perspectives within Israel. The aim is to further nuanced discourse on this enduringly complex topic.

The Origins of Zionism

Throughout the course of history, spanning from ancient Israel to the Roman era and medieval Europe, Jewish communities have encountered complex undercurrents while existing as a minority population within diverse cultural contexts. The recurring occurrences of anti-Semitism, persecution, marginalisation, and exclusion have had a profound influence on the way Jewish individuals perceive and construct their own identities. The period of Enlightenment and the subsequent Jewish emancipation sparked weighty discourses regarding the preservation of a distinct Jewish identity as opposed to the process of acculturation or assimilation into the prevailing society.

Zionism is a nationalist movement that emerged in the late 19th century,[1] led by figures such as Theodor Herzl, who advocated for establishing a Jewish homeland and state in Palestine. Core tenets of Zionism include the belief that Jews constitute a nation deserving of self-determination and that a Jewish state would provide refuge from antisemitism. Zionism blended nationalist ideology with the longstanding Jewish religious and cultural ties to the land of Israel, though it also included secular strands. Early Zionists like Herzl and Chaim Weizmann promoted Jewish immigration and settlement in Palestine while seeking international legitimacy for Jewish national aspirations, helping obtain the 1917 Balfour Declaration expressing British support. Socialist Zionists like Nachman Syrkin fused socialist ideas with Zionist goals of building an egalitarian Jewish state. Religious Zionists saw Zionist aims as fulfilling Biblical prophecy regarding the Jewish return to Zion. David Ben-Gurion led the mainstream Zionist movement in the 1930s and 1940s, overseeing Israel's establishment in 1948 as a Jewish-majority state and haven. While diverse, core Zionist figures promoted the nationalist project of re-establishing a Jewish homeland and safe haven in the land of Israel.

Simultaneously, the advent of racial science[2] and the rise of ethnicity-based nationalism during the 19th century influenced Zionist perspectives on the Jewish people as a unified nation deserving of political self-determination. The Zionist ideology reflected prevailing ethnic nationalist paradigms during that period, with its vision of creating a Jewish national homeland by bringing together exiled members of the diaspora. The rejection of the diaspora experience can be seen as a manifestation of Zionism's objective to promote a redefined Jewish identity that is free from perceived vulnerabilities that have been developed over centuries of living without a homeland.[3] From this perspective, we can perceive the intricate integration of Zionism within the wider ideological trends of its time. While drawing inspiration from the prevailing nationalist models of the 19th century, Zionism also exhibited unique ideological characteristics that shaped its expression of Jewish collective identity. The primary factor at play was the process of secularising Jewish identity within the dominant Zionist movements, which led to conflicts with traditional religious understandings of Jewish nationhood.

Despite its apparent rejection of diasporic divisions, Zionism gave rise to internal Jewish ethnic hierarchies. The main ethnic divisions among Jews are the Ashkenazim, who trace their ancestry to Europe, and the Sephardim, who originated in Spain and Portugal before later settling across the Middle East and North Africa after expulsion in 1492. In the early 20th century, Ashkenazi Jews were the dominant force within Zionism, while Sephardic Jews held traditional cultural influence in the Middle East. The predominantly Ashkenazi Zionist pioneers put forth visions for the new Jewish state that placed heavy emphasis on importing European high culture and Hebrew language while simultaneously undermining the legitimacy of long-established indigenous Jewish communities across the Levant who traced their roots back to ancient Judea.[4] The notion of the dominant influence of the Sephardic Jewish community was perceived by the Ashkenazi Zionists to contribute to a hegemonic power structure at odds with their staunchly Eurocentric cultural outlook, which intersected with the racial hierarchies and orientalist perspectives prevalent in Europe during this era.[5] This led to cultural tensions as Zionist state-building marginalised Levantine Jewish heritage. Consequently, by redefining Jewishness as a contemporary ethnic nationality, Zionism simultaneously perpetuated specific characteristics associated with diasporic identity. The selective integration of modern ideologies highlights the complex nature of Zionist formulations of Jewish peoplehood.

The Concept of Whiteness in Israel and Across the Diaspora

The contested nature of the Zionist movement in Mandate Palestine and Israel is evident through the immigration of Zionists, who principally originated from Eastern Europe. This immigration posed challenges to the European colonial notion of a "civilising mission," known as the "white man's burden".[6] The Zionist immigrants did not neatly fit the colonial construct that positioned Western Europeans as superior bearers of culture who had a duty to civilise inferior peoples. While some strands of Zionism implicitly or explicitly linked Jewish racial identity or whiteness to European ideals and values, the Zionists were not comprising the ruling colonial power in Mandate Palestine. Their immigration and nationalist goals disrupted the existing colonial order and power dynamics. Therefore, the influx of Zionist immigrants and their aims challenged the European colonial idea that Western powers had the right and duty to rule over and "civilise" supposedly inferior native peoples like Palestinian Arabs. The Zionists pursued

their own nationalist goals that did not align with the governing British colonial administration. During its nation-building process, Israel consciously adopted Western discourses of modernity, technology, and liberal democracy as indicators of advancement and developmental supremacy. In order to understand this absorption of colonial racial hierarchies, it is important to consider the complex historical position of Judaism in navigating white privilege and occasional racialisation. Though claiming Jewish proximity to whiteness when expedient, Zionism also relied on Orientalist dichotomies that valued Ashkenazi over Sephardic/Mizrahi identity. As such, the situational flexibility of Zionist claims to whiteness shifted based on circumstances and proved an ideological foundation for present-day tensions rooted in ethnicity and racialisation. Overall, analysis of Zionist constructions of Jewish racial identity elucidates Israel's fraught balancing act: seeking Western liberal legitimacy while maintaining a Jewish ethnoreligious character, though built in part on now-outdated racial frameworks.

Internal ethnic stratification, in which Ashkenazi Jews held dominance, impacted other non-European Jews within this Zionist project[7]. The hierarchical structure has had negative consequences for Mizrahi, Ethiopian, and Palestinian communities, in terms of cultural marginalisation and socioeconomic exclusion. The amalgamation of Eurocentrism and Ashkenazi hegemony within Zionism resulted in 'Jewish whiteness', which reinforced disparities. An analysis of the relationship between Zionism and whiteness provides an understanding of conflicts related to ethnicity, privilege, marginalisation, and power within Israel. When examining the Jewish diaspora, there are similarities and differences in the Zionism-whiteness relationship. In contrast to Israel's challenges, diasporic communities grappled with assimilation, acculturation, and minoritisation. Identification with Zionism increased in order to preserve Jewish distinctiveness against pressures to assimilate into white-dominant environments, particularly in the United States. Diasporic Zionism was a strategic approach to preserving Jewish identity abroad.

Nonetheless, categorising diasporic Jewish whiteness as definitive was debated due to Jews' uncertain position within racial frameworks. Some perceived Jewish association with whiteness or reactionary ideologies as departing from inter-ethnic unity. Perceiving Jews as having a dual loyalty to Jewish and national identities, and also to Zionism contributed to beliefs that their position in the diaspora was unsustainable. Debates arose regarding the clear categorization of Jews as "white" due to their ambiguous status in racial classifications. Some individuals believed that Jews aligned themselves with whiteness or conservative politics, thereby undermining solidarity between ethnic groups. The perception that Jews had loyalty to both their Jewish identity and national identity (e.g., American, British, etc.), as well as loyalty to the Zionist project, led some to believe the position of Jews in the diaspora outside of Israel was untenable. These "identities", therefore, refer to Jews' dual identities as both Jews and members of their host nation, and the "position" refers to the place and status of Jews within the diaspora, outside of a Jewish homeland.

Ideology, Zionism, Social Class, and the Israeli-Palestinian Conflict

As the process of Zionist nation-building took place[8] during the period of British colonial rule in Palestine, where it combined capitalist development with an imbalanced colonial dynamic, Zionist entities strategically utilised the burgeoning principles of liberal nationalism and self-determination discourses in order to promote their political aspirations for sovereignty. However, Zionist identification also facilitated a degree of acceptance and integration, reducing pressure for Jews to conceal their ethnic and religious identity in order to assimilate. This highlights Zionism's dual and somewhat contradictory nature: on the one hand, advocating for the integration of Jews within European society through shared identification with nationalism and civilizational values, yet on the other hand, reaffirming Jewish uniqueness and difference by promoting emigration to a distinctly Jewish homeland.

Class had an impact on the alignment of Zionist ideologies, as Zionist leaders frequently originated from bourgeois backgrounds strongly associated with capitalist development.[9] This bourgeois background led Zionist ideologies to emphasise capitalist goals like building infrastructure and settlements, hold paternalistic views towards Jewish workers they sought to "modernise,", and align with imperial powers for top-down nationalist projects rather than grassroots approaches. The bourgeois origins of many Zionist leaders impacted Zionist ideologies by prioritising capitalism, paternalism, and imperial alignment over socialist visions or empowering the existing Jewish Palestinian community in a bottom-up manner. Their class backgrounds shaped ideological development to focus on capitalist nation-building in alignment with imperial powers, rather than working-class solidarity or anti-colonial approaches.

The emergence of tensions among anti-Zionist Jewish leftist movements, primarily located in working-class communities, revealed divisions based on ideology and social class. Examining the historical intersections among race, ethnicity, nationality, and class within the development of Zionism provides a crucial context for understanding the complex and shifting interpretations of Jewish identity that emerged. This legacy has significant ramifications for Israeli society and politics today. Specifically, the early privileging of secular Ashkenazi Jews over more traditional Sephardic and Mizrahi Jews influenced lasting socioeconomic stratification and tensions within Israel. It also affected Israel's conception of its relationship to the Arab world, informing policies that marginalised Palestinian nationalism and claims in ways that sowed seeds for today's conflict. The fluid positionalities of Jewish racial identity reinforced exclusionary tendencies. The ideological foundations of early Zionism can provide insight into understanding some currents of nationalism today that promote uncompromising responses to Hamas and Arab militant groups, often instead of pursuing political solutions. Despite the existence of more nuanced perspectives, some of the rhetoric used to justify current policies occasionally echoes similar conceptualizations of identity and power from earlier Zionist ideologies. By examining these ideological origins, we may find opportunities to reflect on the complex roots of nationalism and identity politics in order to work towards resolving contemporary conflicts through open-minded political engagement.

The interconnection among Zionism, Jewish identity, and social class also carries significant

implications for Israel's protracted conflict with the Palestinians and helps us consider the implications of this for the Israeli response to Hamas today. The dispossession and exclusion of Palestinians during and after the establishment of Israel can be attributed to the ethnonationalist principles that underpinned mainstream Zionism. The process of nation-building in Israel involved the utilisation of religious nationalist discourses and symbols to strengthen the Jewish population, sometimes resulting in the marginalisation of non-Jewish communities.[10] These ideological currents persist in exerting influence on the politics of Israel, which encompasses the ongoing tensions with Hamas in the Gaza Strip. Hamas originated from preceding Islamist movements that garnered support within economically disadvantaged Palestinian refugee camps subsequent to the 1948 Nakba. The ideological foundations and internal tensions within Zionism significantly shaped the conditions enabling the later emergence of Hamas. Specifically, the privileging of secular European Jewish identity led to the marginalisation of Levantine Jews and Palestinian Arabs, fuelling grievances. Early Zionist goals of ensuring a Jewish majority informed policies limiting Palestinian land and nationalism. Meanwhile, socioeconomic disparities between Ashkenazi and Mizrahi Jews mirrored Palestinian hardships.

Historic conceptions of Jewish racial identity also contributed to unyielding perspectives in responding to Palestinian militancy. In the past, some Zionist leaders believed that Jewish identity was tied to racial attributes[11] or a sense of Jewish peoplehood as separate from others. Although racial science has been discredited, remnants of these inflexible notions of identity may continue to impede nuanced political engagement today. By understanding how past views hardened into intransigent stances, we may uncover opportunities for greater openness and dialogue moving forward. There are always multiple perspectives, but examining the roots of identity politics can enlighten situations where compromise seems elusive on either side of a conflict. Together, these currents of exclusion and competing nationalism stemming from Zionist ideological origins contributed to conditions conducive to the rise of Hamas. Israeli leaders have frequently used the confrontation with Hamas, specifically its rocket attacks and tunnel networks, to mobilise Jewish citizens around militarised Zionist conceptions of nationhood.[12]

Critical scholars contend[13] that these discourses exploit Jewish historical anxieties as a means to rationalise the utilisation of extensive asymmetric violence in Gaza, as well as the implementation of the Gaza blockade today. According to their argument, the Zionist inclination to mitigate perceived threats takes precedence over humanitarian concerns for Palestinians. Furthermore, the prevailing influence of Israel's privileged Ashkenazi capitalist class reinforces military-economic strategies that marginalise both Mizrahi Jews and Palestinian citizens.[14]

Beyond Ethnoreligious Nationalism

The ongoing increase in violence between Israel and Hamas in the Gaza Strip presents a thought-provoking example that demonstrates the ideological forces and power previously discussed. According to data from the Hamas-run health ministry in Gaza, over 14,000 Palestinians have died in Gaza as a result of Israeli bombing as of 22 November 2023. The deaths include at least 6,000 children, while hundreds more remain unaccounted for beneath the rubble. Some view[15] these civilian casualties as connected to particular strands of Jewish nationalism and

militarism that historically contained elements of racial bias. However, the situation stems from deeply complex historical and current tensions between multiple perspectives. The suffering and loss of human life on all sides of this conflict are profoundly distressing. The government led by Prime Minister Netanyahu rationalises its military airstrikes as a crucial measure to cease the rocket assaults conducted by Hamas, which pose a threat to the safety and well-being of Israelis, as well as in response to the killing of 1,200[16] persons in Israel including civilians (majority), army, police, and others by Hamas fighters on 7 October.

The prolonged period of occupation and blockade in Gaza has resulted in the impoverishment of its predominantly Palestinian inhabitants, creating favourable conditions for the rise of Hamas.[17] The threat has been exploited by Israel's far right leaders in order to generate anti-Palestinian sentiment and strengthen their domestic backing, utilising ethnonationalist narratives that portray Jewish victimisation.[18] The use of excessive force by Israel can be attributed to its significant military advantage, which is further bolstered by its alliances with global superpowers.[19] Moreover, the aforementioned racial and class hierarchies contribute to the pervasive dehumanisation of Palestinians within Israeli society, thereby providing a rationale for the occurrence of significant civilian casualties in the Gaza Strip. Israeli propaganda extensively utilises ethnocentric tropes, which privilege Jewish Israeli perspectives[20] and humanity while minimising that of Palestinians. Many of Israel's claims about activities in Gaza hospitals and by Hamas during its bombing campaign have ostensibly proven false or misleading upon closer inspection.[21]

In conjunction with lobbying efforts in support of Israel, this phenomenon distorts the manner in which the media presents, and policy responses are formulated in relation to, the crisis. The outcome manifests as a disparity in narratives and power, facilitating the prolonged establishment of occupation, blockade, and recurring instances of mass violence. The current crisis serves as a manifestation of the prioritisation of Jewish nationalism and systemic inequality over ethical considerations regarding the well-being and dignity of the Palestinian population. Although the growing international criticism of Israel may serve as a constraint on its actions, it is crucial to carefully consider Zionism's numerous historical effects to reach a fair and equitable resolution.

State Violence Through the Lens of State-Sanctioned Terrorism

Critical scholars argue that the military operations conducted by Israel against Palestinians, including the ongoing bombardment of Gaza, can be understood as a manifestation of state-sanctioned terrorism that is deeply rooted in Zionist ideology. It is contended that the Israeli state's against Palestinian civilians exhibits[22] a resemblance to non-state terrorism in terms of its systemic, disproportionate, and indiscriminate characteristics[23] operations in Gaza throughout the years and presently, serve the purpose of instilling fear and exerting pressure on the populace as a means of achieving certain objectives.' operations in Gaza throughout the years and presently, serve the purpose of instilling fear and exerting pressure on the populace as a means of achieving certain objectives.

The presence of embedded power asymmetry allows for the unilateral application of force, irrespective of the capabilities of Palestinian militants. Hamas' status as both a terrorist group and an elected government actor in a mandated piece of land versus its own nation-state creates more complexities for the resolution of the current conflict. The consequences of civilian casualties, injuries, displacement, and extensive infrastructure damage effectively achieve the objectives of state-sanctioned terrorism, which involve instilling fear and hopelessness, despite being labelled as counter-terrorism efforts.[24] Just as radical Islamist ideology provides an ideological foundation that helps drive groups like Hamas to extremism, certain strands of Zionist ideology similarly provide an ideological foundation that can help enable and legitimise racial extremism and violence among fringe elements in Israel. In other words, a parallel exists between how core tenets of radical Islamism fuel Hamas' terrorist actions, and how certain principles of Zionism can help lend legitimacy to the extremist racism and violence of Israeli Jewish hate groups, even if they do not directly advocate for it. The comparison suggests that problematic currents within dominant Zionist ideology indirectly provide fertile ground for the emergence of ultra-nationalist Jewish racism among extremist fringes, much like radical Islamist thought more directly spurs Hamas. The imperative to establish demographic dominance and maintain the existence of a Jewish state, as advocated by the Zionist movement, is reflected in security doctrines that consistently diminish the value of Palestinian lives.[25]

The phenomenon of Palestinian dispossession and exclusion is often portrayed as a regrettable, yet unavoidable, consequence of the pursuit of Jewish self-determination. The emphasis on employing superior military power to suppress Palestinian militant groups like Hamas, as observed in the current situation in Gaza, stems from Zionist principles prioritizing Jewish security and dominance. However, this heavy-handed militarism also disproportionately impacts broader Palestinian resistance movements and the pursuit of Palestinian sovereignty and statehood, going beyond suppressing terror. The emphasis on employing superior military power to suppress Palestinian resistance, as observed in the current situation in Gaza, is a direct consequence of the foundational principles of Zionism.[26]

Concluding Thoughts

This analysis explores the multi-faceted intersections between Zionism, Jewish identity, racialisation, and power dynamics reveals the complexities involved in understanding and evaluating the ideological foundations and evolution of Zionism and its legacy in Israel. It demonstrates that Zionism encompassed diverse ideological currents, sometimes perpetuating marginalisation while also asserting liberation. Zionism's nation-building aligned with colonialism while proclaiming anticolonial ideals. It reinforced ethnic identity yet also introduced internal hierarchies. The current Israel-Gaza crisis exemplifies how exclusionary nationalism and structural inequality have taken precedence over ethical considerations, enabling extensive violence against Palestinians. However, acknowledging Zionism's diverse legacies is vital for justice, and amplifying marginalised Jewish and Palestinian voices can promote greater equity. Jewish identity has involved diverse expressions beyond Zionist paradigms, and affirming Palestinians' equal humanity and dignity remains essential for peaceful coexistence.

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Individual and Contextual Factors of Radicalisation

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Abstract: This bibliography contains journal articles, book chapters, books, edited volumes, theses, grey literature, bibliographies and other resources on individual and contextual factors of radicalisation to terrorism and violent extremism. It focuses on recent publications (up to November 2023) and should not be considered as exhaustive. The literature has been retrieved by manually browsing more than 200 core and periphery sources in the field of Terrorism Studies. Additionally, full-text and reference retrieval systems have been employed to broaden the search.

Keywords: Bibliography, resources, literature, radicalisation factors, risk factors, individual, contextual, terrorism, violent extremism, terrorist perpetrators, pathways, profiles

NB: All websites were last visited on 12.11.2023. For an inventory of previous bibliographies, see: https://archive.org/details/terrorism-research-bibliographies

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The Rule is for None but Allah. Islamist Approaches to Governance
Joana Cook and Shiraz Maher

Reviewed by Alex P. Schmid

Joana Cook and Shiraz Maher (Eds.). *The Rule is for None but Allah. Islamist Approaches to Governance.* London, England, UK: Hurst & Company/New York, NY: Oxford University Press, 2023. 468 pp., £ 50/US $ 65.00 [Hardcover], ISBN: 978-1-7873-8816-1. 468 pp.

The contributors to this comprehensive edited volume seek to provide a broad examination of Islamist governance in all its varieties. It consists, next to an erudite introduction by Shiraz Maher and Joana Cook, of 16 historical and contemporary case studies, many by experts on particular Islamist movements (like Aaron Zelin on Tunisia's al-Nahdah or Matthew Lewitt on Hezbollah in Lebanon). In addition to Western scholars like Christopher Anzalone, Julie Coleman, Méryl Demuynck, Martyn Frampton, Ashley Jackson, Nina Musgrave, Alexandra Phelan, Cameron Sumpter and Inga K. Trauthig, the volume also includes contributions from non-Western researchers such as Emadeddin Badi, Nadwa Al-Dawsari, Dareen Khalifa, Ayse Lokmanoglu, Tehmina Aslam Ranjha, Abdullah K. Al-Saud and Yuslikha Kusuma Wardhani. The book is divided into four parts: I. Constitutional Approaches (chapters 1-3), II. Legitimising Governance (chapters 4-9), III. Social Welfare Activism (chapters 10-13), and IV. Relations between States and Islamist Actors (chapters 14-16).

The Rule is for None but Allah covers, among other movements and rebel groups, the Egyptian Muslim Brotherhood, al-Shabaab, Hamas, Taliban, Islamic State and the Houthis in Yemen. Their relationship with the state (and in a few cases their [temporary] capture of state power) is discussed for a range of countries, including Mali, Somalia, Libya, Afghanistan, Syria, Yemen, Pakistan, Indonesia and Saudi Arabia. As in the case of militant movements embracing secular revolutionary ideologies like Communism and Fascism, it turns out that there is considerable variation in the way religious non-state actors have sought to give form to theocratic rule in the name of Allah.

The editors use as point of departure a definition of 'rebel governance' as 'the set of actions insurgents engage in to regulate the social, political, and economic life of non-combatants during war' (p.17). They conclude that "Islamist governance is an uneven, ambiguous affair: It is constructed in different ways, in different environments, at different time"(p.26). Sharia (Islamic) law and the professed rule of Allah apparently lose much of their doctrinal Islamic purity when it comes to political practicalities. However, despite occasional pragmatic concessions, Islamist governance does not seem to have benefited the majority of the governed people – especially non-Muslims and women. ISIS, for instance, held approximately 3,500 women and children in slavery (p.226), and sold girls under nine years old for around US$ 165, and older women for lower prices (p.183).

Most readers of the case studies are unlikely to come away with the impression that Islamist approaches to governance are preferable to democratic and pluralist rule of law. Practices like the amputation of limbs for thieves, flogging for illicit extra-marital intercourse, as well as for the consumption of alcohol, stoning for adultery and the execution of apostates, are unlikely to endear non-Muslims to Islamist governance.

The volume is the result of a project launched in 2017 by the London-based International Centre for the Study of Radicalisation (ICSR). Some of the chapters, – e.g., the one on the Taliban, which

regained state power in August 2021 – have not been able to cover more recent developments in any depth. In the chapter on Hamas, we find a quote from its strategy document of May 2017 ("General Principles and Policies"): "Hamas does not wage a struggle against the Jews because they are Jewish but wages a struggle against the Zionists who occupy Palestine" (p.144). Cited by the chapter's author as "possibly the starkest example of Hamas' more balanced approach to Israel", this assessment rings odd in the light of the 7/10 attack and the massacres on Jews and non-Jews in southern Israel.

The volume could have gained from a summarising concluding chapter. However, this does not detract from the fact that the editors and authors have managed to produce an extraordinarily well-documented volume about an under-explored subject. It can also serve as an eye-opener for what jihadist have in mind for moderate Muslims and non-Muslims alike once they come to power.

Dr Joana Cook is Associate Professor of Terrorism and Political Violence at Leiden University and Senior Project Manager the International Centre for Counter-Terrorism (ICCT) in The Hague.

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Counter-Terrorism Bookshelf: Eleven Books on Terrorism and Counter-Terrorism-Related Subjects

Reviewed by Joshua Sinai[*]

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Naved Bakali and Farid Hafez (Eds), *The Rise of Global Islamophobia in the War on Terror: Coloniality, Race, and Islam* (Manchester, England, UK: Manchester University Press, 2022), 264 pp, US $ 140.00 [Hardcover], ISBN: 978-1-5261-6175-8

The contributors to this important edited volume examine the role of Islamophobia in shaping governments' counter-terrorism campaigns. The case studies cover the impact of Islamophobia, as well as the activism and resistance against Islamophobia, in Australia, Austria, Brazil-Argentina-Paraguay, Canada, China, France, India, the Netherlands, South Africa, United Kingdom, and the United States. A separate chapter examines the Myanmar government's genocide of the Muslim Rohingya insurgency through the prism of Islamophobia. As pointed out by the editors, Islamophobia became pervasive following 9/11 and the War on Terror, as part of the global pattern of "power structures of the contemporary world," with the United States issuing the ultimatum: "'you're either with us or against us'… which reiterates the centrality of coloniality and race in the making of the world today" (pp. 8-9). While some might disagree with this characterisation of the War on Terror, it is important to understand the impact of Islamophobia on governments' counter-terrorism campaigns against their Islamist terrorist adversaries to ensure they are based on real threats and not misunderstanding of the terrorist adversaries and their grievances. Naved Bakali is an Assistant Professor of Anti-Racism Education at the University of Windsor, Ontario, Canada. Farid Hafez is a Class of 1955 Visiting Professor of International Studies at Williams College, Williamstown, MA.

James Crossland, *The Rise of Devils: Fear and the Origins of Modern Terrorism* (Manchester, England, UK: Manchester University Press, 2023), 376 pp., US $ 29.95 [Hardcover], ISBN: 978-1-5261-6067-6.

This is a fascinating, well-written and extensively detailed account of the origins of terrorism in 19th century Europe, in what David Rapoport has conceptualised as the First Historical Wave of Modern Terrorism, and its impact on contemporary terrorism. As the author explains in the preface, his objective is to examine "What drives people to become terrorists? What are their goals and why do they see violence and fear as the best ways to achieve them? How serious is the threat they pose? What is a 'war on terror' and how are you meant to fight it?" (p. xxi). To answer these questions, the account spans the period of 1860s through the 1890s, when the anarchist terrorists were able to take advantage of new weapons, such as firearms and explosives, to carry out their attacks. The author characterises "These progenitors of modern terrorism …[as – JS] an eclectic bunch – philosophers, cult-leaders, ruthless criminals, shameless charlatans and dangerous fantasists. Others were earnest revolutionaries, seduced by the idea that terrorism was a remedy for the ills of a world they resolved to heal" (p. xxv). This account is also valuable for its listing of the dramatis personae who appear in the book, and a chronological timeline of the events that made up the first historical wave of modern terrorism. The author is Reader in International History at Liverpool John Moores University, England, UK.

Bruce Hoffman and Jacob Ware, *God, Guns, and Far-Right Terrorism in America* (New York, NY: Columbia University Press, 2023), 448 pp., US $ 28.95 [Hardcover], ISBN 978-0-2312-1122-2.

This is an important and detailed account of the rise of far-right militant movements and terrorists, whether as groups or lone actors, in the United States. Their militancy culminated on January 6, 2021 with former President Donald Trump's urging his thousands of followers to launch a violent takeover of the US Capitol Building to overturn the certification of his defeat

in the November 2020 elections. This incident, and the follow-up attacks and plots by far-right terrorists, who are group-based or lone actor assailants, as the authors point out, are part of a process that had been brewing for several decades by a variegated mix of extremist ideologies, such as white supremacism, racism towards blacks, Jews, Muslims, and other minority communities; as well as conspiracists such as QAnon and other anti-government extremists.

To examine these issues, the account begins by discussing how far-right extremism is influenced by the notion of accelerationism, with mass violence by militants expected to lead to civil war with their victory ushering a return of "the United States to some long-lost halcyon days defined by hierarchies dividing people by race, gender, religion, and even regional identity – with white masculinity reigning supreme" (p. 9). The next four chapters discuss the emergence of a neo-Nazi Order, the events leading to the 1988 Fort Smith trial, the expansion of the militia movement in the early 1990s, the watershed 1995 bombing attack by Timothy McVeigh of the federal building in Oklahoma City, and the presidency of Barack Obama (2009-2016), which mobilised the far-right militants into greater political violence. Chapters 7 and 8 assess the impact of the role of Donald Trump and his presidency in mobilising the far-right into violent action on his behalf, which culminated in the January 6, 2021 violent takeover of the US Capitol Building in an attempt to prevent the Senate from certifying the results of his defeat in November 2020 presidential election.

To counter far-right terrorism, the authors propose a three-prong strategy, based on short-term, medium-term, and long-term measures. These include legislating domestic terrorism laws to formally criminalise hate-filled plots and violence against various minority communities, lengthening prison terms for those convicted of such crimes, and establishing programs to counter violent extremism that would rehabilitate them to become more accepting of the tenets of American democracy.

This book is extensively researched, with the 254-page text accompanied by 96 pages of endnotes, making it a valuable analytic and reference resource for academics and policy-makers.

Bruce Hoffman is the Shelby Cullom and Kathryn W. Davis Senior Fellow for Counterterrorism and Homeland Security at the Council on Foreign Relations. He is also a professor at Georgetown University's Walsh School of Foreign Service. Jacob Ware is a research fellow at the Council on Foreign Relations and an adjunct professor at Georgetown University's Walsh School of Foreign Service and at DeSales University

Paul Jackson, *Pride in Prejudice: Understanding Britain's Extreme Right* (Manchester, England, UK: Manchester University Press, 2022), 248 pp., US $ 21.95 [Paperback], ISBN: 978-1-5261-5672-3.

This is a terrifically written concise introduction to understanding the origins and current dynamics of Britain's extreme right militant movements. The first part surveys the extreme right's origins in the early 1900s, including their support of fascism and Nazism during the post-World War One period. It eventually led to the establishment of the British Union of Fascists (formed in 1932 by Oswald Mosley), the British National Party (established in 1982) and the English Defence League (founded in 2009). The book's second part examines the nature of the far-right organisation and the people who joined them. The author explains that they appealed to people "searching for an alternate sense of meaning and purpose" by offering "them an

emotional sense of home" (p. 11). In the current period, the author notes, issues such as mass migration from countries such as Pakistan, the Middle East, and other regions, have served to rally the right-wing into violent action. Interestingly, over the years, not only have they appealed to disaffected men seeking "hypermasculinity ideals," but there were also "examples of LGBTQ forms of extreme right activism" (p. 11). The emergence of the Internet and social media was exploited by the far-right militant groups, who were early adopters of digital communications. Right-wing militants also include lone actors, who have engaged in violent attacks. To mitigate right-wing militancy, the author recommends that the responses "need to be based on the principles of strengthening multicultural liberal democracy…" (p. 198). The author is Professor in the History of Radicalism and Extremism at the University of Northampton, England, United Kingdom.

Lee Jarvis and Tim Legrand, *Banning Them, Securing Us?: Terrorism, Parliament and the Ritual of Proscription* (Manchester, England, UK: Manchester University Press, 2020), 256 pp., US $ 130.00 [Hardcover], ISBN: 978-1-5261-4492-8.

This is an authoritative and detailed legal account of the origins, evolution, and current legal practice of the British legal instrument to proscribe (e.g., ban) organisations that are considered to be terrorist in order to mitigate the threat of terrorism facing the United Kingdom. To examine these issues, the book's chapters discuss the historical, geographical, and political dynamics involved in proscribing terrorist organisations, the debates, especially in the British Parliament over the balance of the need for security while maintaining civil liberties in a liberal democracy, and the effectiveness of its use in decreasing the terrorist threat facing the country. The authors conclude that one needs to take into account that banning a group as terrorist can also prevent "dialogue or negotiation with banned organisations; alternative ways of countering terrorism; and, different conceptions of terrorism itself…" (p. 216). Such nuanced analysis makes this book an important contribution to the legal literature on proscribing terrorist groups. Lee Jarvis is Professor of International Politics at the University of East Anglia. Tim Legrand is Associate Professor of International Security at the University of Adelaide.

Thomas Martin, *Counter-Radicalisation Policy and the Securing of British Identity: The Politics of Prevent* (Manchester, England, UK: Manchester University Press, 2019), 208 pp., US $ 120.00 [Hardcover], US $ 30.95 [Paperback], ISBN: 978-1-5261-5611-2.

Written from the perspective of Critical Terrorism Studies, the author utilises a post-structuralist framework, drawing on the work of Michel Foucault (p. 10), to argue that the British government's Prevent policy, which was first introduced in 2003, has failed to prevent the radicalisation of individuals to terrorism. Instead, the author argues, Prevent has merely succeeded in setting "a boundary of who can securely express their identity, and who, in being deemed alienated, cannot, due to the threat such identity is seen to potentially contain" (p. 172). The author's over-use of such "post-structuralist" jargon makes the volume analysis difficult to follow. The author is a Lecturer in International Studies at the Open University, Milton Keynes, England, UK.

Eamonn O'Kane, *The Northern Ireland Peace Process: From Armed Conflict to Brexit* (Manchester, England, UK: Manchester University Press, 2021), 248 pp., US $ 130.00 [Hardcover], ISBN: 978-0-7910-9083-7.

This is a highly authoritative, comprehensive, detailed, and up-to-date account of the Northern Ireland peace process. Drawing on interviews with key participants in the peace process, newly released archival material, and latest scholarship, it provides a new context for understanding the strengths and weaknesses of the 1998 peace agreement and how it has evolved since then. With new developments affecting Northern Ireland, such as the Brexit decision by the British government to leave the European Union, which was unpopular with the province, given its role as a trade route to Europe, the author concludes that "On its own terms, the peace process has been largely successful" (p. 225). With "significant political violence" eliminated, nevertheless, "some of the underlying problems that faced the region in the 1990s are still apparent today" (p. 223). Societal divisions along ethnonational divisions and political inequities and discrimination continue, the author adds, with the sectarian basis for society and politics still prevalent (p. 224). On a positive note, the author concludes that today Northern Ireland is "far more peaceful and more equitably governed and egalitarian than it once was. The glass is at least half full" (p. 225). This is an indispensable account for those interested in understanding how the conflict in Northern Ireland was resolved and its current status. The author is a Reader in Conflict Studies at the University of Wolverhampton, England, UK.

Sean R. Roberts, *The War on the Uyghurs: China's Campaign Against a Muslim Minority* (Manchester, England, UK: Manchester University Press/Princeton, NJ: Princeton University Press, 2020), 328 pp., US $ 42.00 [Hardcover], US $ 20.95 [Paperback], ISBN: 978-1-6912-3449-6.

This is a highly informed account of the history, nature, and magnitude of the Chinese government's counter-terrorism campaign against its Uyghur and other related Turkic Muslim minority in the Xinjiang Uyghur Autonomous Region. The author argues that the "assertions about the alleged 'terrorist threat' posed by the Uyghurs have greatly assisted the PRC in deflecting international criticism of its actions and has helped inform how it could carry out cultural genocide with impunity" (p. 244). The author is associate professor of the practice of international affairs and director of the International Development Studies Program at George Washington University's Elliott School of International Affairs, Washington, DC.

Scott N. Romaniuk and Emeka Thaddues Njoku (Eds.), *Counter-Terrorism and Civil Society: Post-911 Progress and Challenges* (Manchester, England, UK: Manchester University Press, 2021), 344 pp., US $ 130.00 [Hardcover], ISBN: 978-1-5261-5792-8.

The contributors to this edited volume comprehensively examine the interplay between governments' counter-terrorism measures (CTMs) vis-à-vis civil society operations (CSOs) in their respective societies. Many CSOs are subject to government counter-terrorism regulatory oversight, the editors point out, because of suspicions they might serve as channels for terrorist financing (p. 2). To examine these issues, the volume is divided into six parts: a conceptual framework and five regional case studies in the Americas, Europe, Africa, North Africa, the Middle East, and Central and South Asia, and the Asia-Pacific region. One of the volume's findings is that "the enforcement of counter-terrorism policies is rapidly closing civic spaces

and changing civil society or associational life" (p. 9). Scott Romaniuk is a Visiting Fellow at the University of South Wales, Australia. Emeka Thaddues Njoku is a Newton International Fellow in the International Development Department at the University of Birmingham, England, UK.

Abdulkader H. Sinno, *Organisations at War in Afghanistan and Beyond* (Ithaca, NY: Cornell University Press, 2008), 352 pp., US $ 56.99 [Hardcover], US $ 30.95 [Paperback], ISBN: 978-0-8014-7578-8.

This is a conceptually innovative account of the impact of the organisation of insurgent guerrilla combatants on the course and outcome of such conflicts with their more powerful government adversaries. This conceptual framework is applied to the case study of the Taliban's insurgency in Afghanistan. Although the book was published in 2008, its conceptual framework still highly relevant to the current period, especially given that the Taliban flexible and decentralised organisational formation succeeded in overtaking the more hierarchically organised Afghan government and the supporting American forces in August 2021. The final chapter, entitled "Organizational Theory Beyond Afghanistan," applies the author's organisational theory's empirical framework of group conflict to predict the effectiveness of the adversarial organisations in winning those conflicts. At the time of the book's publication, the author was Assistant Professor of Political Science and Middle Eastern Studies at Indiana University, Bloomington.

Anne Speckhard, *Homegrown Hate: Inside the Minds of Domestic Violent Extremists* (McLean, VA: Advances Press, LLC, 2023), 404 pp., US $ 29.95 [Hardcover], ISBN: 978-1-9358-6680-0.

This is an excellently analysed account, by a leading expert on psychologically profiling violent extremists, of the detailed stories of fifteen American domestic violent extremists about their processes of radicalisation and motivations for engaging in violent activities. Their stories were drawn from more than 50 in-depth interviews with current and former members of domestic extremist groups. Some of the author's findings include the insight that radicalisation "often has nothing to do with actual experiences with minority groups. Learning to hate is often the consequences of joining an extremist group, not the cause" (p. 347) and that "hate could genuinely feel like pride and patriotism; and shared racial and ethnic hatred can bond group members and create identity fusion with hate and purpose when one believes their actions support their own people" (p. 347). A separate chapter discusses the factors promoting disengagement and deradicalisation from violent extremist groups and their reintegration into society. The Epilogue provides updated capsule accounts of the fifteen individuals profiled in the book. The author's vast experience in interviewing hundreds of violent extremists around the world and developing countering violent extremism treatment programmes informs this account, which is an indispensable handbook for practitioners in the field. The author is Director of the International Center for the Study of Violent Extremism (ICSVE), which is based in McLean, VA.

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Editor's Note: TRI Thesis Award Finalists

Earlier this year, a small team of scholars was convened by the *Terrorism Research Initiative* (TRI) to evaluate submissions for the "Best Doctoral Dissertation on Terrorism or Counter-Terrorism Published in 2021 or 2022." This jury identified four finalists and among these the winner of the TRI Thesis Award. The prize money of US $1,000 for the winner was graciously donated by the International Centre for Counter-Terrorism (ICCT) in The Hague.

The award winner, Dr Levi J. West (Charles Sturt University, Australia), was invited to write an article based on his thesis Violent Propaganda: Violence, Communication and Technology – The Strategic Logic of Terrorism, and it has been published in this issue of *Perspectives on Terrorism.* We also invited the other three finalists – Dr Marnie Lloydd, Dr Devorah Margolin, and Dr Bettina Rottweiler – to publish the Abstracts of their doctoral dissertations in this issue of the journal. These are provided below, in alphabetical order.

Lloydd, Marnie (2021, January): Persisting Tensions: The Framing of International Debates on Foreign Fighting. (Doctoral Thesis, University of Melbourne, Australia). URL: https://minerva-access.unimelb.edu.au/items/48df05a7-7de8-5ea7-8997-0bfb3a9b4c0a

Abstract

The issue of foreign fighting is approached today within a predominant framing of counter-terrorism and security. Yet, international legal debate over the twentieth century to today demonstrates a grappling with richer debates and histories surrounding private individuals participating in "other people's wars". By carefully considering the alternative framings and international legal responses surrounding a broader range of foreign fighting, this thesis reveals the powers and limits of the present counterterrorism framing of foreign fighter issues. Not only has a counterterrorism approach proven problematic in its operation, but the continued participation in warfare of foreign fighters of different categories and persuasions means that a framing focusing solely on counterterrorism risks over-extension or reaches limits in terms of providing satisfactory responses to broader questions surrounding foreign fighting.

This thesis argues that those working with international law are not limited to a counter-terrorism framing of foreign fighting; that there is a richer repertoire of possible argument available within international law than may at first be appreciated. This argument is made by stepping back to consider three selected moments of foreign fighter regulation between 1907–2014, namely, neutrality law and the response to foreign volunteer fighters during the Spanish Civil War, the definition and attempted criminalisation of mercenaries following the conflicts linked to decolonisation, and the Security Council's 2014 definition of foreign terrorist fighter. This study demonstrates how in each setting, legal debate, assessment of the key issues at stake, and resultant determinations took place within a powerful predominant legal framing of the foreign fighter issue, affecting the scope and focus of legal argumentation: neutrality and abstention at the beginning of the century, self-determination during decolonisation, and counterterrorism in the twenty-first century.

At the same time, the thesis makes visible how red threads of debate surrounding foreign fighting reoccur across time and setting, and continue to resonate today. These include questions about the public and private, about foreignness, about ideological motivations and the commercialisation of force, about groups and individuals, abstention and intervention, harm and required levels of diligence. What emerges from this project is a view of both the change and the stasis in international law surrounding foreign fighting: changes, such as legal determinations made within alternative framings in different moments and the resultant definitions of categories of foreign fighters, and tensions — red threads — that persist throughout the debates. The tensions are always there but are argued and settled differently in different situations in line with the dominant framing of the moment.

This thesis suggests the complementary explanatory power offered by paying attention to the operation of the counter-terrorism framing; what it allows and what it obscures, and by thinking more generously and creatively about the shape of debates across different phenomena of foreign fighting, and, thus, the concerns and values beyond terrorism upon which determinations about foreign fighting could be based.

Margolin, Devorah (2022, March): How Do Governing Violent Islamist Organisations Conceptualise the Roles of Women? An Examination into the English-language Propaganda of Hamas and the Islamic State. (Doctoral Thesis, Kings College London United Kingdom).

Abstract

This thesis asks, "How do governing violent Islamist organizations conceptualize the roles of women?" Reviewing two established groups that evolved from non-state violent Islamist organisations into governing actors, this research explores transitions into governance. Explicitly, it studies how such transitions into administration signify shifts in ideological doctrine by the groups and necessitate changes in practice. This thesis uses a mixed-methods approach of quantitative and qualitative content analysis to explore how Hamas and the Islamic State (IS) have used their English-language publications to shape women's participation within their movements.

This research argues that an organisation's relationship with – and conceptualisation of – women's roles is influenced by ideological and strategic factors that change when they pursue their governance ambitions. Once groups transition into territorial governance, they seek to legitimise their state-building exercise. The management of physical territory and people force organisations to be accountable to local populations. Furthermore, this administration seemingly signals a transition from defensive jihad to offensive jihad. Thus, groups like Hamas and IS have tried to reconcile the differences between the radical Islamist ideologies that drive their organisations – and limit women's roles in public spaces – and women's functional roles within the groups.

In examining the rhetoric of governing violent Islamist organisations, this thesis has identified two overarching narratives that emerge for, and about, women. The first narrative, the governance of women's lives, shows how groups seek to exert control on all aspects of civilians' lives under their administration—defining appropriate and inappropriate behavior for women (and men) in both their public and private lives. This narrative is driven by the ideology of each of the violent Islamist case studies, and in turn, shapes the in-group and out-group dichotomy. The second narrative, the utility of women to violent Islamist organisations, is directly shaped by the first narrative, as violent Islamists view women as a means of achieving their strategic goals. By assigning, controlling, and proscribing appropriate and inappropriate behavior for women, violent Islamists directly shape women's value to the group and utilise them to achieve strategic aims.

This thesis brings new research and findings to the literature on women and violent Islamist groups, contributes to the growing literature on women and rebel governance, and offers a unique methodological contribution. The findings of this thesis also have practical implications for better understanding governing violent Islamist groups. First, tracking group rhetoric provides insights into these movements' incorporation or exclusion of women into the in-group and the potential abuse of women in the out-group. Second, examining how groups conceptualise women's roles can better allow researchers and practitioners to understand how a group seeks legitimacy with both local populations and the international community, and

if such endeavors will be successful with their target audience. Finally, studying how groups conceptualise women's roles directly impacts men's participation in the movements. This thesis ultimately provides a more nuanced understanding of the strategic approach used by violent Islamists to co-opt and encourage (or exclude) women's participation in their pursuit of governance.

Rottweiler, Bettina (2021, May): Risk- and Protective Factors for Violent Extremist Intentions. (Doctoral Thesis, University College London, United Kingdom). URL: https://discovery.ucl.ac.uk/id/eprint/10143212

Abstract

Progress within the field of radicalisation is evident. Yet while research increasingly adopts a quantitative approach to studying radicalisation processes, there is no sound empirical evidence base on the risk and protective factors for violent extremism and much research is not fit for practice. Day-to-day risk assessment and management of individuals deemed to be a potential risk to national security forms a core component of counter-terrorism. Each phase of counter- terrorism risk assessment and management requires state-of-the-art science for the identification of putative risk and protective factors, and to understand how such factors are functionally linked to violent extremism. This thesis provides a unique contribution to these research endeavours in several important ways.

First, in order to explain why individuals radicalise, we have to turn our focus towards those risk factors and underlying mechanisms, which explain why and how certain individuals come to develop extremist propensities. Thus, this thesis' main aim is to study risk and protective factors for the development of violent extremist propensities. Second, terrorism studies is over-reliant on secondary data. By conducting two unique large-scale nationally representative general population surveys, this thesis contributes towards establishing a robust empirical knowledge base. These are one of the first such surveys conducted within the field of violent extremism research. Third, radicalisation trajectories and engagement in violent extremism are characterised by complex constellations of risk as well as protective factors. Risk factors for one risk specification may not equally apply to others and the conditional and contextual nature of various factors need to be taken into consideration, which necessitates more complex analyses of patterns of relationships. This thesis draws on a range of structural equation models, conditional mediation models and interaction analyses, which allow for a better understanding of the underlying mechanisms and complex configurations of various risk and protective factors. The analytical designs embedded throughout this thesis are some of the first to test such interactions in an empirical manner.

Fourth, this thesis uses an integrative framework which examines not just risk but also protective factors for violent extremism and draws on a wide range of validated theories from different disciplines to strengthen the explanation of relationships between factors. By utilising models with several risk/protective factors, this thesis overcomes some of the 'problem of specificity', as it delivers plausible answers as to why the vast majority of individuals, who are experiencing particular conditions or grievances do not develop violent extremist intentions. Such research designs may be able to identify those factors that can inform prevention and

intervention programs. Fifth, radicalisation is a complex and multifaceted process with diverse pathways and outcomes to it. This inherent complexity renders radicalisation, as a construct, difficult to operationalise. A key part of conducting quantitative research is the development of adequate and validated instruments. Thus, by developing and validating psychometrically sound instruments, this thesis contributes towards rigorous quantitative research on violent extremism.

This thesis addresses these issues through a number of novel research designs. First, I conduct a systematic review and synthesise the existing evidence on quantitative risk and protective factors for different radicalisation outcomes. However, several gaps as well as conceptual and methodological issues are identified, which are addressed in the following chapters. Second, I conduct a German nationally representative survey on violent extremism, and I apply structural equation modeling to employ a conceptually integrated approach to studying the individual and environmental-level determinants of differential vulnerability to extremism. The findings demonstrate the profound effect of person-environment reciprocity and, thereby, highlight key individual, developmental and social mechanisms involved in the development of extremist propensities. Increasingly, we are witnessing a seeming convergence between belief in conspiracy theories and ideological extremes. However, there is a dearth of empirical research on the relationship between conspiracy beliefs and violent extremism. Therefore, third, this thesis conducts a unique quantitative analysis on this relationship and the findings highlight the contingent effects of risk and protective factors, which are defined as 'interactive' or 'buffering' protective factors. This has major implications in regard to prevention strategies of 'at-risk' populations. Fourth, based on a large-scale UK nationally representative survey, I develop and validate a novel psychometric tool to measure individuals' misogynistic attitudes. Fifth, recent incidents have demonstrated that misogynistic beliefs can lead to acts of mass violence. This thesis provides the first survey-based study on the relationship between misogyny and violent extremism by examining the underlying mechanisms and contingent effects linking misogyny to (extremist) violence.

End Note

Collectively, the dissertation's results demonstrate that multiple factors likely contribute to individual pathways into violent extremism. No single risk or protective factor exists that can explain its genesis. This has significant implications for practice and policy. Preventing and countering violent extremism (P/CVE) programs must take account of the constellation of multiple factors that interact with (and sometimes enable or disable one another) rather than solely focusing upon single risk factors. These findings stress the need to implement evidenced based prevention and interventions programs, which have to address these risk factors early on, before they properly take hold and become so deeply ingrained that they are almost intractable. Therefore, increased focus of P/CVE interventions should be put on the indirect, long-term and life-course oriented protective factors.

PT

PERSPECTIVES ON TERRORISM