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Legal sanctioning of returnees

A comparative case study of Norway, Sweden and Denmark's approach to returnees from Syria and Iraq.

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Declaration

I, Oda Oldertrøen, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature......................................

Date..

Abstract

From 2011 to 2016, about 560 foreign fighters travelled from Scandinavia to Syria and Iraq to participate in the Islamic State (IS) (Bjørnland, 2017; Säkerhetspolisen, 2017; Justisministeriet, 2019). Today, about 40 of the foreign fighters have returned to Norway, 75 to Denmark and 150 to Sweden, leaving Scandinavian policymakers with the dilemma of whether legal sanctioning or rehabilitation is the best practise to reintegrate the returnees. This thesis seeks to enhance the understanding of the Norwegian, Swedish and Danish approaches to returnees from Syria and Iraq by comparing legal, political and penal practises in each country. The research builds on convictions, national action plans, newly adopted bills and terrorism and terrorist related legislations applicable to prosecute foreign fighters. The theory framing the analysis is grounded in perspectives on disengagement, decision-making, policy implementation as well as grounded theory.

Key words: Islamic State, Syria, foreign fighters, departees, legal sanctioning, reintegration

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1. Introduction

What originally started as protests against Bashar al-Assad's regime in 2011 quickly grew into a full-scale war between the Syrian government, anti-government rebel groups and terrorist organizations (Council on Foreign Relations, w.y.). The Syrian civil war has caused the death of somewhere between 384,000 and 560,100 civilians, soldiers and members of rebel groups (SOHR, 2020). Not only have more than 5,6 million Syrians been forced to flee the country, another 6,2 million are displaced in Syria and 11,7 million people are in need of humanitarian aid (OCHA Syria, 2019). The multidimensional conflict has led to a hotbed for several conflict groups fighting both the Syrian government and each other, thriving of the instability in the region. One of the most prominent of these groups being the Islamic State (IS), also known as the Islamic State of Iraq and the Levant (ISIL), the Islamic State of Iraq and Syria (ISIS), as well as its Arabic acronym Daesh. IS started seizing control over territories in Syria in 2013 and in 2014 they established their so-called Islamic caliphate (Council on Foreign Relations, w.y.). The announcement of the caliphate generated attention worldwide and brought the greatest flow of foreign fighters the world had ever experienced to the region (Greenwood, 2017, p. 87; Dworkin, 2019, p. 3). According to Anthony Dworkin (2019), the number of foreign fighters joining IS in Syria is higher than the number of foreign fighters participating in all other previous jihadist campaigns combined.

Researchers estimate that somewhere between 40.000 and 43.000 foreign fighters travelled from 80 to 120 different countries to join the Islamic State in Syria between 2011 and 2016 (United Nations, 2017; Meines et.al, 2017, p. 5; Marone & Vidino, 2019). Somewhere between 5.000 to 5.500 of these foreign fighters were Europeans (Bąkowski & Puccio, 2016, p. 2; Christensen & Bjørgo, 2017, p. 6; Ragazzi & Walmsley, 2018, p.31; Coolsaet & Renard, 2019). That is, according to Thomas Hegghammer (2016, p. 155-156), five times as many European foreign fighters than have participated in previous foreign war campaigns combined. As for Scandinavia, the Scandinavian intelligence services, PST, PET and SÄPO, estimates that about 100 people travelled from Norway (Bjørnland, 2017), 300 from Sweden (Säkerhetspolisen, 2017) and at least 158 from Denmark (Justisministeriet, 2019) during the same time period.

IS' objective was, and still is, to build the ideal Islamic community through the implementation of Salafism combined with jihad (Gule, 2016). Those who don't follow the

same ideology is characterized as non-believers or rejectors of Allah and should therefore be exterminated (ibid.). Moreover, IS governed the Caliphate according to strict practises of Sharia Law where physical punishment, public executions, crucifixions and creating fear through acts of terrorism were seen as a force majeure and what would give God's recognition (ibid.). There is no general record of the number of killings or attacks influenced or coordinated by the IS globally. According to the Global Terrorism Index, IS carried out 6.073 killings in 2014 and 6,141 killings in 2015, making them the 'deadliest terrorist group' in the world (Institute for Economics & Peace, 2015, p. 14; Institute for Economics & Peace, 2016, p.16). At its peak in the fall of 2014, IS controlled an area of approximately 90.000 to 100.000 square kilometres in Syria and Iraq, including millions of people (Jones et.al, 2017, p, 20; McCarthy, 2019).

At the end of 2014, however, IS started losing territory. The flow of foreign fighters culminated in 2015, but in 2016 there was a decrease in the number of new recruitments and the flows stemmed significantly (Meines et.al, 2017, p. 5). At the same time, the foreign fighter phenomenon gained a new dimension – about a third of the European foreign fighters were returning to their country of departure (Schuurman & van der Heide, 2016, p.1; Renard & Coolsaet, 2018, p. 3; Marone, 2020). Some returned due to health-care reasons, remorse or pressure from family, while others, to European policymakers' great fear, turned back to carry out attacks on home ground (Schuurman & van der Heide, 2016, p. 3; Meines et.al, 2017, p. 15-23). The latter category – the violent extremists, influential radicalisers and terrorist sleepers, posing a great threat to domestic and regional security. The fear amongst European policymakers that terrorist attacks would take place on home ground did not decrease after at least seven alleged IS returnees participated in the coordinated terror attacks in Paris November 2015. The three-hour long terror attack killed 130 people and 352 people were injured (BBC, 2015). Further causing anxiety among the European population and politicians was the 2016 Brussels bombings, killing 32 people and injuring over 300 (Buyck, Cerulu & Kroet, 2017). Several European countries raised its alert levels on terrorist threats to 3 and even 4, meaning that the possibility of a domestic terror attack was "severe" or "serious imminent". The Scandinavian national threat assessments all concluded that a terrorist attack carried out by extreme Islamist ideology was amongst the biggest threats to domestic security in 2016 (PST, 2016, p. 10; PET, 2016; Säkerhetspolisen, 2016).

The issue of how to disengage and reintegrate the returnees and questions about whether legal sanctioning or reintegration was the method of choice became increasingly pressing. National governments chose to approach the issue in different ways. Some had

updated national laws on terrorism, making it easier to prosecute those accused of participating in criminal acts while abroad. Others did not and the demand for well-functioning reintegration programs became pressing. A public debate arose on whether the European prisons would handle the number of foreign fighters or if they would become a breeding ground for radicalization (van Ginkel & Entenmann, 2016, p.30-35). These topics are still as relevant today as they were five years ago: the correctional services are still finding new approaches to avoid and prevent radicalization, national reintegration programs are evaluating and improving their efforts, and the governments are continuing to adopt laws and develop their legislations. Moreover, terrorist attacks motivated by extreme Islamist ideology is still one of the biggest threats to domestic security (PST, 2020; PET, 2020; Säkerhetspolisen, 2020).

1.1 Research questions

The objective of this thesis is to examine how the Scandinavian countries – Norway, Sweden and Denmark have approached the returnees from Syria and Iraq. By examining the national actions plans to prevent and counter radicalization and extremism, policy development, legislation and legal sanctioning in each country, this thesis will analyse the similarities and differences between the Scandinavian approaches. While previous International Relations (IR) research on Scandinavian foreign fighters mainly focus on the characteristics of the foreign fighters, their motivation for leaving and the process leading up to their departure, very few have explored the management of returnees regarding legislation and legal sanctioning. Furthermore, the similarities and differences between the Scandinavian approaches. By applying grounded theory to the analysis, this thesis will not only fill a gap in the literature but also suggest new theories on to the management of Scandinavian returnees. The master thesis will address the following research questions:

> *What are the similarities and differences between the Norwegian, Swedish and Danish approach to returnees from Syria and Iraq?*
>
> *Can these variations be explained by each of the national governments' action plans?*

1.2 Operationalization

Foreign fighters, Syria travellers, war travellers, terrorists, foreign terrorist fighters. The terms used by authorities and the media to describe the ones who travelled to Syria and Iraq between 2012 and 2016 are plenty. The terminology used in Scandinavia was no exception. While Denmark mostly have been using the term ‘Syria-krigere’ meaning ‘Syria warriors’, the words ‘krigsresande’ and ‘utländska terroristresande’ meaning ‘war travellers’ and ‘foreign terrorist travellers’ are the most commonly used terms in Sweden (Andersson, Høgestøl & Lie, 2018, p. 12-13). Occasionally, they also use the word ‘främmadekrigare’ meaning ‘foreign fighters’. In other words, Denmark use the word ‘warriors’, implying that everyone who travelled abroad was participating in combat. Additionally, Sweden uses the word ‘foreign terrorist travellers’, entailing that everyone is a terrorist. Norway, on the contrary, is the only country who overall uses the term ‘fremmedkriger’ meaning ‘foreign fighter’ (ibid.). The difference can partially be explained by the countries’ Penal Codes, where Norway is the only Scandinavian country who separates between acts of terrorism and participation in military activities in armed conflicts abroad (Høgestøl, 2018, p. 27).

Although foreign fighters is not a new phenomenon, there is still no generally accepted definition of what a foreign fighter is. Greenwood (2019b, p.1-2) argues that the different interpretations has caused a too broad definition of the term, which in turn makes it difficult to distinguish between who is considered a foreign fighter and who is not. A good example is the United Nations Security Council’s (UNSC) adoption of resolution 2178 in 2014, introducing the term ‘foreign terrorist fighters’ to describe the individuals who travelled to Syria and Iraq. According to the UNSC, terrorist foreign fighters are “individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetrating, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict” (United Nations Security Council, 2014, p.2). In other words, the UN claim that being a foreign fighter is synonymous with being a terrorist – a person that carries out acts of violence in order to create fear and achieve ideological or political aims (Office of the United Nations High Commissioner for Human Rights, 2008, p.5-6). This description does not align with David Malet and Thomas Hegghammer’s widely used definitions of foreign fighters. According to Malet, foreign fighters are “non-citizens of conflict states who join insurgencies during civil conflicts” (2009, p. 9). Hegghammer adds to this definition, saying that foreign fighters are private actors who are fighting in a foreign conflict without getting paid (2014, p. 278).

Interestingly, research conducted on the foreign fighter phenomenon in Syria and Iraq brings more nuances to the claim that all foreign fighters are terrorists. de Bont et.al (2017, p.15), Meines et.al (2017, p.15-23) and Vale (2019, p.4-5) differentiates between the male and female roles in accordance to the caliphates' power system. According to the researchers, the men were either were positioned to work as fighters, to have supporting jobs or to be suicide attackers. Women, on the contrary, were separated from the men at their arrival and placed in shared homes with other women until their husbands finished training or they found a suitable man to marry. The latter, also called "IS brides" were women who travelled abroad to marry foreign fighters. When the men and women were united, they moved into a private home where the woman took on domestic responsibilities as a wife and mother. Even though recent studies show that some women had a greater role within the caliphate both participating in recruitment and fighting, the research still supports the phenomena of "IS brides" and that armed combats primarily were a man's game. The UN's definition of foreign fighters is therefore not representative to use as a collective term for everyone who travelled to Syria and Iraq.

Due to (1) different terms used by Denmark, Norway and Sweden, (2) disagreements over the definition of foreign fighters and (3) on the basis that the departees had different roles while in Syria and Iraq, this thesis will use the neutral designation 'departee' and 'returnee' as collective terms to describe the ones who left Scandinavia and the ones who have returned. Although, it is worth mentioning that not everyone featured in this thesis managed to travel to Syria.

Within the field of medicine, rehabilitation is known as a process where someone regains their abilities, skills or knowledge that have been lost to illness or injury (WHO, 2019). In International Relations, however, rehabilitation is understood as a set of interventions aimed at reintegrating a person who has been radicalized. Reintegration is the process of which a person is reconnected with mainstream society (Lid, 2020, p. 129) and it traditionally consists of two different methods: disengagement and/or de-radicalization. De-radicalization is understood as change in beliefs and ideology (Dalgaard-Nielsen, 2020, p. 242). Change is achieved through religious counselling and re-education where the person ultimately leaves their ideology or beliefs motivating violence (ibid.). Disengagement, on the contrary, is understood as change in behaviour, meaning the abandoning of one's personal engagement in violence while still retaining committed to his/her ideology and beliefs motivating violence (Horgan, 2008, p. 80).

1.3 Thesis outline

This thesis is divided into eight chapters and proceeds as follows. Chapter 2 will outline the ongoing academic discussion and present previous academic findings on Scandinavian foreign fighters. Chapter 3 presents the theoretical framework guiding the analysis of this thesis, focusing on disengagement, decision-making, policy implementation as well as grounded theory. Chapter 4 outlines the methodological framework, consisting of qualitative research method and multiple-case study. Furthermore, the chapter will discuss the data collection method, validity and reliability and address ethical considerations and limitations. Chapter 5 presents the data analysis of this thesis. The chapter is divided into three main sub-chapters where Norway, Sweden and Denmark's approach to returnees are being analysed case by case. Chapter 6 presents the discussion and comparison of similarities and differences between the three Scandinavian approaches. Finally, chapter 7 will answer the research questions based on the findings in chapter 7 as well as making suggestions for further research on the topic.

2. Literature review

In the last six years, there have been published an extensive number of both academic research papers and policy reports on European returnees from Syria and Iraq. The research attempts to determine (i) the level of threat posed by the returnees, (ii) evaluate governmental and institutional approaches, (iii) examine the benefits and disadvantages of legal sanctioning, rehabilitation and reintegration efforts, and to (iiii) analyse any legal challenges. Research on Scandinavian returnees, however, is more limited. Up until 2018, research on radicalization and extremism in Scandinavia largely focused on religious extremism and right- and left-winged communities (Andersson, Høgestøl & Lie, 2018, p. 10). However, in parallel with the rise and fall of IS in Syria and Iraq, more research has been conducted on departees and returnees. This research mainly focuses on measures to counter and prevent radicalization (Lindekilde, 2012; Ranstorp & Hyllengren, 2013; Bjørgo & Gjelsvik, 2015; Lid & Heierstad, 2019), to answer the questions of 'who' and 'why' (Gustafsson & Ranstorp, 2017; Strømmen; 2017; Rostami et.al, 2018), causes of radicalization and their motivation for leaving (Hegghammer, 2013; Smith, 2015; Sheikh, 2016; Gule, 2016). Although still limited, the surge of Scandinavian returnees has also contributed to an increase in the number of studies conducted on rehabilitation and disengagement of returnees.

In all societies, there is tension between the punitive steps against returnees and the rehabilitative measures targeting returnees (Dalaard-Nielsen & Ilum, 2020, p.243; Speckhard et. al, 2018, p. 16). This tension is partly explained by the controversy of soft measures and partly by the fear of domestic attacks carried out by returnees (Malet & Hayes, 2018, p. 1-3). Vestgaard (2018, p. 284) argues that rigid punitive schemes can be counterproductive because they fail to address the low threat "lost souls". Meaning, there is a fear of further radicalization in prison, and the stigmatization of being imprisoned can decrease the "lost souls" incentive to reintegrate. As for the domestic threat, studies have shown that the overall threat posed by returnees is actually lower than first expected (Hegghammer & Nesser 2015, p. 20-21; Malet & Hayes, 2018, p. 24). There is, however, some exceptions. While the studies show that terror attacks carried out by returnees are both few and far between (ibid.), some also expresses worries about the few still being fatal and dangerous (Hegghammer, 2013, p. 11; See, 2018, p. 14-15). Nonetheless, Leduc's (2016, p. 98) assessment concludes that the threat posed by returnees of a terror attack is no greater than from any other citizen.

In Norway, Sweden and Denmark, the governmental policies on the management of returnees mainly consist of two approaches: incarceration or disengagement, and re-integration – mutually non-exclusive (Ramboll, 2017). In Scandinavia, attempts to promote exit from extremist groups and networks has its roots back to the 1990s and right-wing populism in Norway and Sweden (Andersson, Høgestøl & Lie, 2018, p. 10; Dalaard-Nielsen & Ilum, 2020, p.242). In the late 2000s, Denmark was also the first country to adopt exit strategies directed at radical Islamism, and has later become internationally known for its reintegration efforts through the 'Danish Model' (Christensen & Bjørgo, 2017, p. 64; Dalaard-Nielsen & Ilum, 2020, p.242). The longstanding traditions working on exit strategies has according to Dalaard-Nielsen & Ilum (2020, p.242-247) and Christensen & Bjørgo (2017, p. 65) contributed to insightful knowledge that is now being applied to manage the returnees. Unlike several countries who focus on the change and re-education of ideology and beliefs, Norway, Sweden and Denmark rather emphasize the change in behaviour (Dalaard-Nielsen & Ilum, 2020, p.242). This approach is both a result of liberal democratic values as well as the institutionalized tradition of crime prevention through social, economic and educational programs at large (ibid.). However, the Scandinavian efforts to promote reintegration and disengagement are characterized by both strengths and weaknesses (Christensen & Bjørgo, 2017, p. 57-73; Lid, 2020, p. 157; Dalaard-Nielsen & Ilum, 2020, p.243). Summed up, the strengths can largely be divided into three main categories; the institutionalized cross-governmental efforts; the municipalities role and the welfare services (Christensen & Bjørgo, 2017, p. 57-73; Dalgaard-Nielsen & Ilum, 2020, p. 252). The SSP collaboration in Denmark, SLT model in Norway and SSPF collaboration in Sweden are all multi-agency models, aimed at crime prevention at a local level (Dalgaard-Nielsen & Ilum, 2020, p. 252; Lid, 2020, p. 135). The models are concerned with community empowerment and the prevention of different types of criminal activities. Moreover, they were not adopted as a response to the returnees (ibid.). Dalgaard-Nielsen & Ilum (2020, p. 247) argue that there is an advantage to the implementation of new measures targeting the challenges of returnees in existing structures, as it already has an established coordination and it ensures geographical coverage. The weaknesses, notwithstanding, is explained by the different opinions amongst policy makers and local actors on the cooperation with "gray-zone" actors such as former extremists, the lack of measures to evaluate processes, the disagreement on the balance between hard and soft means and the trust issues clients have to the authorities (Christensen & Bjørgo, 2017, p. 57-73; Lid, 2020, p. 139; Dalgaard-Nielsen & Ilum, 2020, p. 252). In opposition to Denmark and Norway, Sweden's exit programmes are heavily relied on NGO's,

giving them an advantage in regards of reaching out to individuals with little confidence in the government (Ramboll, 2017, p. 34; Dalgaard-Nielsen & Ilum, 2020, p. 274; Lid, 2020, p. 157). In a comparative case study on Denmark and Sweden's policy approaches to returnees, Flyger (2020, p. 51-52) argues that the Danish approach has a stronger political focus with harder security measures while the Swedish more or less have been too late and failed at implementing efficient measures. The hard means are explained by longer prison sentences, removal of citizenships, passports and social benefits. It also includes that children born in Syria and Iraq by a Danish parent is not eligible for a Danish citizenship and that parents will lose custody rights upon return (ibid.). Sweden's lack of timeliness and efficiency is explained by Ranstorp, Gustafsson & Hyllengren (2015, p.34) to be much due to the legislation being outdated, and the different issues facing the preventative work has caused additional problems for Sweden's counter measures. On the contrary, Flyger's (2020, p. 51-52) study shows that the Swedish discourse on returnees is much softer than in Denmark where the returnees are seen as an external threat to national values (ibid.). Olsson, Salihu & Hamadé (2017), Kristiansen & Feiring (2018, p. 361-366) and Greenwood (2019a, p. 27-36) have carried out a large number of interviews with returnees in Sweden, Denmark and Norway in order to examine their experiences of what it is like to be back home. Both Olsson, Salihu & Hamadé (2017) and Greenwood (2019a, p. 27-36) conclude that the returnees are facing several of the same difficulties as they did prior to departure: social rejection, not feeling accepted for their ideological views, trouble getting a job, lacking the sense of purpose and worthiness. Based on their findings, Kristiansen & Feiring's (2018, p. 361-366) argue that there is a gap between how the returnees perceive themselves and how they are portrayed by society, the police, in courtrooms and by the media. Moreover, this is largely affecting their motivation for reintegration into society as well as how they choose to meet the public services (ibid.). This assumption is further highlighted by Fangen & Kolsås' (2016, p. 415) discourse analysis, where they state that there is a connection between the way the media portrays departees as criminals and how society and the policy makers choose to meet them. Even though the study concludes that both the policy makers and the public opinion is in favour of rehabilitative measures, there is still an underlying assumption that the returnees are different to the 'general Norwegian citizen' (ibid.). The generalization and "othering" of returnees as an homogeneous group of radicals is not only harmful for the returnees' reintegration process, but also for policy makers adopting laws and strategies to bring them back into society (Greewood, 2019b; Ranstorp, Gustafsson & Hyllengren, 2015, p. 36). Furthermore, Greenwood (2019b) argues that it should be distinguished between

different types of foreign fighters, which again would improve both the intelligence officers and policy makers' ability to make informed decisions.

Although the Scandinavian countries have similar legal traditions, Andersson, Høgestøl & Lie (2018, p. 15) argues that there is a difference in the approach to and the adoption of laws regarding acts of terrorism and participation in armed conflicts abroad. While all three countries criminalise the participation in armed conflicts abroad there are some significant differences (ibid.). In 2016, Norway introduced a general criminalization of participation in military activities in armed conflicts abroad, making Norway the only Scandinavian country to separate these activities from acts of terrorism (Høgestøl, 2018, p. 27). The same year, Sweden adopted an amendment stating that the travel abroad needs to be linked to preparations for a specific terrorist crime (Andersson, Høgestøl & Lie, 2018, p. 15-16; Andersson, 2018, p. 71). A person simply travelling abroad with the intent to join a terrorist organization will therefore not be covered by the provision (ibid.). Furthermore, in contrast to Denmark and Norway, Sweden does not criminalise participation in a terrorist organization (ibid.). What separates the Danish approach from the Swedish and Norwegian is their provisions on the revocation of passports, the deprivation of citizenship of returnees convicted of terrorism crimes, as well as the authority's establishment of "no-go zones" abroad (ibid.). As a sum, these differences have according to Andersson, Høgestøl & Lie (2018, p. 15) had a direct consequence for the number of people who have been prosecuted, the number of convictions and what they are convicted of.

As for the Prison and Prohibition Services, returnees in Scandinavia has posed new challenges in terms of radicalization amongst inmates (Christensen & Bjørgo, T, 2017, p. 47). In their research, Basra & Neumann (2020, p. 7-8), unveils that there are 87 inmates who are being monitored for radicalization in Denmark, 34 in Norway and between 54 and 107 in Sweden. Prisons have proven to be an arena where vulnerable inmates easily can be recruited to violent extremism by drawing inspiration and embracing hostile attitudes from fellow inmates (Neuman, 2010, p.26; Christensen & Bjørgo, T, 2017, p. 47; Tiscini & Lamonte, 2019, p.61). Another issue is that prison brings together both the general prison body and the radicalized offenders, creating a hot spot for inmates to exchange skills and combine their efforts (Neuman, 2010, p.26). This is further emphasized by the prisoners need to blame someone for their grievances, making the authorities an easy target (Neuman, 2010, p. 26; Speckhard et. al 2018, p. 17). Ultimately, it has resulted in a discourse on whether returnees should be segregated from the general prison population or not (Barrett, 2017, p. 27; Christensen & Bjørgo, 2017, p. 46; Speckhard et. al; 2018, p. 17; Rushchenko, 2019, p. 298).

According to Basra & Neumann (2020, p.7-8) both Swedish, Danish and Norwegian prisons practices dispersal as a prison regime. They argue that although the dispersal of inmates provides the inmates with an opportunity to expose themselves to other perspectives, which again can generate positive influence, it can also be a major risk in terms of recruitment, radicalisation and networking (ibid. p. 34).

Based on their interviews of sixty-three IS cadres, Speckhard et. al (2018, p. 17) bring forward that prison, or the threat of prison, can be a contributing factor for reengagement with IS or other jihadi movements. Therefore, they argue that short prison sentences can contribute to the return of radicalized individuals back into society while longer sentences can be an excuse for the inmates to stay radicalized (ibid.). To prevent further radicalization within prisons and to give the already radicalized an opportunity to de-radicalize, scholars recommend investing in the resocialization of imprisoned returnees (Lindekilde, Bertelsen & Stohl, 2016, p.871; Meines et. al, 2017, p. 3-4; Christensen & Bjørgo, 2017, p. 51). Taking the different profiles of the returnees, and the offences they have been prosecuted for, into account, Meines et. al (2017, p.3) and Speckhard et. al (2018, p. 17) argues that the in-prison de-radicalization and re-integration programmes should not be a "one size fits all". The programmes should therefore be a variety of measures and interventions, tailored for each and everyone's needs (ibid.). Scholars like Pettinger (2017, p. 7-8) and Barrett (2017, p. 27) are pessimistic of in-jail de-radicalization, stating that it lacks trust, is inefficient and detrimental, ultimately resulting in the programs not outweighing the high demand of resources that is being applied. These assumptions, however, are not in line with Orban (2019, p. 70), Yavorskiy et. al (2020, p. 1273) and Christiansen's (2017, p. 39) research on the Scandinavian mentor programmes. While several countries choose to use rather harsh means to de-radicalize its inmates, the Scandinavian Prison and Prohibition Services are all built on principles of rehabilitation and treatment (Christiansen, 2017, p. 30). That is why the Norwegian and Danish Correctional Services chose to carve out their own path when developing the mentor programs, focusing on principles of human relations, trust building, inclusion rather than stigmatisation, cross sector cooperation and future-oriented conversations between the mentor and inmate (Orban, 2019, p. 70; Hassan, 2019, p. 16). Both programmes highlight the importance of well-educated staff, one-to-one or small-group conversations and education, as well as comprehensive guidelines to ensure the safety of the mentors (ibid.). Sweden, on the contrary, does not have a mentor programme or any other extremism-specific programmes (Christensen, 2017, p. 37; Ramboll, 2017, p. 48; Yavorskiy et. al, 2020, p. 1269; Basra & Neumann, 2020, p. 8). That said, guidelines to ensure safety is

according Christensen (2017, p. 39) one of Sweden's strong suits, having implemented the VERA-2, RNR-A and the ERG 22+ instruments for violence risk assessment. This is unique in a Scandinavian context where neither Norway nor Denmark use risk assessment tools in prisons (Barsa & Neumann, 2020, p. 7-8). As for the management post release, Barsa & Neumann (2020, p. 44) argues that extremists, like all offenders, are monitored after their release. In Sweden, the number of times an offender needs to check in with a dedicated probation officer is anything from two times a week to one a month, depending on the RNR-A assessment (ibid.). Denmark require regular engagement with an Infohouse (a local panel of representatives), which provides different social and educational services (ibid.). The Norwegian conditions consist of work or vocational training, finding a place to live and regular check-ins (ibid.).

Regardless of the approach adopted to manage returnees, scholars argue that it is too early to say anything about the relative success and effectiveness of both legal sanctioning and reintegration efforts aimed at returnees (Bakrania, 2014, p. 3-5; Barrett, 2017, p.27; Hassan, 2019, p. 16; Dalgaard-Nielsen & Ilum, 2020, p.269; Perliger, 2020, p.104). This claim is grounded in the long-standing discussion on the difficulties of defining and measuring success of de-radicalization and disengagement (Perliger, 2020, p.104). One of the main obstacles is the assessment of when a person is deradicalized and disengaged. Moreover, de-radicalization and re-integration is a timely process often characterised by gradual change (ibid.). Dalgaard-Nielsen & Ilum (2020, p. 269) therefore approach the questions of how long a person should show signs of behavioural change until they can be considered successfully de-radicalized, and at what extent recidivism should be acceptable. Perliger (2020, p.104-105) adds to the concern, addressing (i) the difficulty of separating between a change of heart and behavioural change, (ii) to evaluate people who has already fulfilled their radical aspirations, and (iii) to appraise behavioural change in cases where the returnees' acts while abroad are unknown. Moreover, how to re-integrate someone that was not integrated in the first place (Barrett, 2017, p. 27). Another obstacle is to determine the effect of external intervention (Dalgaard-Nielsen, 2020, p.269). Looking specifically at the effectiveness of de-radicalization and disengagement within the Penalty and Correctional Services, Bakrania (2014, p.3-5) draws on the previous work of Schmid (2013, p. 43) and Neumann (2010, p. 49) when including four additional areas of concern. The first one is the question of dissimilation amongst prisoners, followed by the secrecy surrounding internal evaluations and demonstration of concrete criteria. The third and fourth is concerned with the

differences in programme eligibility and how it affects the results, which in turn makes the evaluation of initiatives difficult to compare due to context specify.

In short, there is conducted more scholarly research on returnees from Syria and Iraq in Denmark and Norway than it has been in Sweden. However, these studies largely focus on how the Scandinavian countries will manage the returnees rather than how they are actually approaching them. This is especially evident in the area of legal sanctioning and prosecutions where the literature is non-existent (except from Basra & Neumann (2019) examining extremist offenders in European prisons). Neither has there been carried out any comparative studies on the approaches of Norway, Sweden and Denmark. This thesis therefore aims to fill some gaps in the literature by comparing the legal sanctioning measures carried out by all three countries.

3. Theoretical framework

To better understand the similarities and differences between the Norwegian, Danish and Swedish approaches to returnees from Syria and Iraq, this thesis will apply theoretical perspectives on disengagement, decision-making and policy implementation to explore the relationship between the Scandinavian action plans and the exercise of legislation and prosecution of returnees. Moreover, grounded theory will be used to break down, systemize and separate the large amount of data into more comprehensive and comparative systems. As the topic of this thesis is understudied, the grounded theory will also contribute to new theory and insight about Norway, Sweden and Denmark's legal sanctioning approaches to returnees.

In western democracies, there is a consensus that reintegration and rehabilitation policies and practises should be rational. Meaning, the institutions should find the best possible approach to achieve the goals that have been set out. These institutions include, amongst others, the national governments, local governments, prosecutorial powers, the police services, the prison and prohibition services, NGOs and other actors involved in the rehabilitation process (Dalgaard-Nielsen & Ilum, 2020, p. 242-243). Reintegration and rehabilitation practises can, furthermore, be divided into two different kinds of initiatives: the prevention-oriented and the intervention-oriented (Koehler, 2020, p. 20). The prevention-oriented being practises that are carried out in order to keep people from becoming radicalized. The intervention-oriented, on the contrary, is initiatives carried out after radicalization has become a fact. Nevertheless, Koehler (2020, p. 20) argues that, in practice, the difference is not as black and white. Preventative practises are not exclusive to the work carried out prior to someone being radicalized as it also has a key role in preventing recidivism. Prevention against recidivism is therefore understood as practises aimed at relapse into extremist behaviour or thought patterns, prevention in early stages of radicalization and practises focusing on preventing further radicalization (ibid.). According to Koehler (2020, p. 20), prevention and intervention-oriented instruments together form a "methods-blend aiming to achieve effects on all levels: preventing further radicalization; decreasing physical and psychological commitment to the radical milieu and thought pattern or ideology; preventing return to violence and extremism; increasing resilience to extremist ideologies or groups; and assisting to build a new selfsustained life and identity". According to Perlinger (2020, p. 99-100), experts often separate between two types of rehabilitation

approaches: the “soft” or “liberal” and the “hard”. The liberal approach focuses on the primary social network, such as family, friends and local community, as the pull-factor to get someone to reintegrate. The hard approach, on the contrary, represents imprisonment, followed by deportation or distancing (ibid.). Lister (2015, p. 4), however, argues from a governmental perspective that “hard” measures is also concerned with criminalization and more repressive terrorism-related legislations. Meaning, enhancing prosecutorial powers, expanding the intelligence services’ surveillance, criminalisation of travels abroad to conflict zones and revocation of passports and residence permits.

Both prosecution and rehabilitation are part of the same national efforts to counter and prevent further radicalization (Entenmann et. al, 2015, p. 22). Framing disengagement programmes as a “soft” approach to returnees and the punitive approach as “hard”, is therefore considered as counterproductive (ibid.). According to Entenmann et. al (2015, p. 22), disengagement programmes are not always a suitable or an effective alternative to prosecution, moreover, rehabilitation should not be the only option for returnees who have committed criminal acts. There is, however, a big difference between penal rehabilitation and disengagement programmes outside of prisons (Hansen, 2020, p. 26). Penal rehabilitation, often to great concern of criminologists (Stern & Pascarelli, 2020, p. 111). Instead of contributing to rehabilitation and a fresh start, inmates tend to adopt criminal values or deepening their culture of crime whilst being imprisoned. As previously mentioned in the literature review, this is especially evident when it comes to radicalization and prisoners who are incarcerated due to acts of terrorism. Even though there is no record of the total number of people who have been radicalized by others while in prison or who have deepened their own violent beliefs, Stern & Pascarelli, (2020, p. 111) highlights the case of Camp Bucca in Iraq. Despite the disengagement efforts who was carried out, the facility housed several inmates who later created IS, including the former IS’ leader, Abu Bakr al-Baghdadi (Stern and Berger 2015, pp. 33–34). Based on this, criminologist research argues that cognitive-behavioural interventions, well trained and educated staff, interpersonally sensitive approaches, high treatment integrity in a conductive setting are all found to be effective means in rehabilitation and to reduce recidivism (Mullins, 2010, p. 178). Stern & Pascarelli (2020, p. 119) further elaborate that rehabilitation and disengagement efforts should start the first day in prison and continue after the inmate is released. In that way, they argue, the prisons will have a greater opportunity to follow-up their inmates, tracking behavioural change and decreasing the possibility of other being radicalized. Furthermore, the programmes should include a variety of tools and not only be limited to ideological guidance.

Programmes who claim to be successful have, amongst other things, incorporated tools such as vocational training to promote a more future-oriented view amongst its inmates. Due to radicalization not being generic, Stern & Pascarelli (2020, p. 120) argues that, when possible, mentoring programmes should be offered and tailored to each inmates' needs.

3.1 Decision-making and policy implementation

The challenges facing modern governments have increasingly become more difficult and complex during the last decades (Crowley et. al, 2020, p. 145). Responses to unpredictable domestic and international crisis such as the phenomenon of returnees have required considerable coordination, up-skilling and restructuring of agencies (ibid.). Ultimately, increasing the need to implement new policy instruments. National action plans on 'countering violent extremism' (CVE) detects challenges and risk, assesses security threats and consist of measures to overcome or reduce these challenges (Koehler, 2020, p. 374). These measures can further be divided into two main efforts: prevention-oriented initiatives and intervention-oriented initiatives. The first one, also known as counter-terrorism policies, consists of measures to prevent someone from being radicalized. Intervention-oriented initiatives, however, comprise of measures to be carried out after radicalization has become a fact. These efforts are, as mentioned in the sub-chapter above, known as rehabilitation, disengagement and reintegration. In western democracies, both prevention- and intervention-oriented policies are traditionally intended to preserve liberal values and to ensure domestic security (Schmid, referred to in Perliger, 2020, p. 106).

There are disagreements amongst scholars on what shapes counter-terrorism policies. According to Perliner (2012, p. 527), a weak democracy adopting strict legal and operative measures to respond to terrorism is more likely than for a strong democracy to do so. Furthermore, a strong democracy will according to Perliner use reconciliatory measures to a greater extent. Nevertheless, if the terrorist threat is too concentrated, strong democracies will deviate from this principle. In the case of returnees, the adoption of both prevention- and intervention-oriented initiatives have shown to be demanding as several of the returnees, amongst other things, have participated in violent campaigns against western values and principles (Perliger & Milton, 2016, p. 58). This is further explained by Perlinger (2012, p. 527), stating that the government's response increases in accordance with symbolic elements of terrorist violence such as the ones seeking a dramatic change in the socio-political structure. Moreover, threats who are directly aimed at the political system often reinforces the government's tendency to use harsher means to enhance its response. Foley (2009, p. 435)

have examined the case of Britain and France to better understand why two countries with similar terrorist threats have adopted two very different organisational reforms to respond to the threat. Foley concludes that the policies and approaches to operational response differs due to differences in interinstitutional conventions and organizational routines in the two countries. According to Omelicheva (2007, p. 284) and Katzenstein (2003, p. 736), the formulation of counter-terrorism policies are heavily affected by both the public's and the policymaker's perception of already existing policies and practises on terrorism, as well as their personal perception of the use of violence as a means to pursue a goal. Furthermore, Omelicheva (2007, p. 384) argues that state's capabilities to fight terrorism and the intensity of terrorist attacks has an impact on how strict policy measures a government will implement in order to combat terrorism. Rees & Aldrich (2005, p. 222), on the contrary, argues that that strategic culture (the understanding that governments are predisposed by their political systems, culture of responding to a security issue in a specific way, as well as historical experiences), remains the greatest challenge to the adoption of counter-terrorism policies. As for the prison and prohibition services, Burke & Collett (2014, p. 3) claim that governmental ideology is one of the main influencers of prohibition practises. Lappi-Seppälä (2007, p. 286) further elaborates, stating that criminal justice policy is politicized and highly affected by the media and the public opinion.

As for implementation of counter-terrorism policies, implementation processes are not only important to improve policy design and policy outcomes, but also to get a better understanding of why some policy managements fail and other succeed (Hudson et. al, 2019, p. 1; Crowley et. al, 2020, p. 143-144). According to Crowley et. al (2020, p. 141), implementation is the "organisational processes through which policy goals are pursued and realised". Policy is furthermore understood as the course of action suggested or adopted - the practises that make up the policy delivery and the consequent impacts. According to Allison's Organisational Process Model (1971), organisations follow pre-decided conventional patterns and procedures to avoid unnecessary time use and uncertainty in the implementation of policies. The Governmental Policies Model, on the contrary, argues that implementation is a result of negotiation of leaders and politicking. Variations in the implementation can however occur due to miscommunication and downright disagreements.

According to Barrett and Fudge (referred to in Crowley et. al, 2020, p. 145), implementation problems, on the contrary, arise because "there is a tension between the normative assumptions of government – what ought to be done and how it should happen – and the struggle and conflict between interests – the need to bargain and compromise – that

represent the reality of the process". This problem statement is especially evident in the management of evolving complex and wicked issues (Crowley et. al, 2020, p. 153). According to Tiernan (2007, p. 117-118), political pressure to rapidly respond to challenges of public policy can easily turn counterproductive, as decisions may be rushed and not processed good enough. Crowley et. al (2020, p. 153) argues that evolving and increasing issues easily can result in disagreements between policymakers on how to respond to the current issue as well as how to manage and prepare for the challenges that may arise. Furthermore, according to Maor (referred to in Nair & Howlett 2017, p. 135), failing to identify and respond to the evolving issues is a major cause of under- and over-reactions in policy responses. Perliger (2012, p. 528) explains this further, stating that the implementation of strategies on counter-terrorism easily deviates from the normal, conventional pattern of response as the decisions, to a greater extent, are a result of emotional motives.

3.2 Grounded theory

Grounded theory, originated by Anselm L. Strass and Barney in 1967, is a widely used approach to analyse data to construct theories, concepts and categories from the data themselves (Charmaz, 2014, p. 1). According to Charmaz (ibid.), new theory is contracted by the researcher in synergy with the data and context. The benefits of conducting a study using grounded theory is that the research does not depend on previous concepts and that the theory can be obtained regardless of research techniques, data collection and coding. Moreover, it helps reformulate previously established theories and to generate new ones (Glaser and Strauss, 1967, p. 32-33). Grounded theory is systematic yet flexible as it allows the researcher to move forth and back between analysis and the inductive data (Bryant & Charmaz, 2007, p. 1-3; Charmaz, 2014, p. 1). Therefore, it is important that the researcher don't wait until all data is collected to start the analysis. By starting off the analysis at the same time as the first data is collected, the researcher is given the opportunity to assess what is important to the study, to make early stops, highlights data gaps, sort, break down, separate and synthesize the data (Glaser, 1992, p. 102; Bryant & Charmaz, 2007, p. 12-13; Charmaz, 2014, p. 4). This process is called qualitative coding. Coding creates an analytical tool used to compare different patterns, ultimately explaining the variation in the data (Charmaz, 2014, p. 4). Grounded theory generates two different types of theory (Glaser and Strauss, 1967, p. 32-33). Substantive theory is grounded in a specific area of the data and tracks patterns in few events, identifying concepts that define patterns in that context. Formal theories, on the contrary, are aimed at providing a generic conceptualization that can be applied to a broader population.

4. Methodology

The objective of this thesis is to gain a better understanding of how the Scandinavian countries – Norway, Sweden and Denmark have approached the returnees from Syria and Iraq. Moreover, by focusing on the national actions plans to prevent and counter radicalization and extremism, policy development, legislation and convictions in each country, this thesis will analyse the similarities and differences between Scandinavian legal sanctioning practises. Due to the nature of this objective, a qualitative research method is the natural choice.

Unlike a quantitative research method, the qualitative research method is concerned with words rather than numbers and allows for smaller number of cases to be studied (Bryman, 2016, p.375). As Denzin and Lincoln (referred to in Snape & Spencer 2003, p. 3) explains, "qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them". Nygaard (2017, p.128) further adds to the definition, saying that qualitative research is characterized by the collection of detailed data and the in-depth examination of complex social phenomenon. As the objective of this thesis is to compare different approaches and practices, the quantitative research method will not only add texture to the analysis but also give meaning and understanding to problems and phenomena that in quantitative research could be unidentified (Berg & Lune, 2012, p.154). Furthermore, the qualitative research method is a more flexible, allowing the researcher to use a wide range of sources and methods to best illuminate the aim of the study.

The research design chosen for this thesis is multiple-case study. According to Stewart (2012, p.70), there is no generally accepted definition of a multiple-case study or a single-case study. Bryman (2016, p. 688) characterizes a case study as a design that "entails the detailed and intensive analysis" of one or more cases. A case is an object of interest and can be anything from a person to a community to a country (Ibid, p.60-61). Whilst the single-case study focuses on one single case, the multi-case study is comparative and consists of two or more contrasting cases (Stewart, 2012, p.70; Bryman, 2016, p.67). The multiple-case study will therefore allow a greater theoretical reflection and understanding of the unique features of the cases being studied, due to its comparative design (Bryman, 2016, p. 65). As Stewart (2012, p.70) puts it: "in a multiple-case study, a number of contrasting instances of a

particular problem (or phenomenon) are brought together, in order to investigate, or to identify, key factors that seem to have some bearing on an outcome of interest". This is why, according to Hantrais (Referred to in Bryman, 2016, p 65), a multiple-case study design is useful in cross-national studies as it provides the researcher with the tools to examine similarities and differences in diverse national contexts.

When choosing the case composition, Miles and Huberman (1994, p.29-31) argues that there are some principles to be followed. Firstly, the selection of cases should address the research questions and be guided by the conceptual framework. Secondly, the cases should be able to provide rich and contextual information and thirdly, they should generate believable explanations and descriptions. With that in mind, the cases chosen for this study are the three Scandinavian countries: Norway, Sweden and Denmark. The three Scandinavian countries have different experiences with terrorism and counter-terrorism. Since 2010, Sweden have been victim to four terrorist attacks. The most fatal one being the struck attack in 2017, where a self-appointed IS recruit drove a truck into a people's crowd in Stockholm, killing five people and injuring 130. In 2011, Norway was struck by two sequential terrorist attacks against the Norwegian government and the Workers' Youth League. The perpetrator, a right-wing extremist, killed a total of 77 people. Furthermore, in 2019, a white supremacist killed his Chinese sister and opened fire against members of the Al-Noor Islamic Centre in Norway. In 2015, two separate shootings took place in Denmark, killing two people and wounding five police officer. The perpetrator firstly attacked an event called "Art, Blasphemy and Freedom of Expression" before opening fire outside of a Synagogue. Furthermore, Sweden and Norway have a long history preventing and carrying out exit-work targeting right-wing extremism. Denmark's experience is expressed though their Aarhus Model who has gained international attention for its soft, rehabilitative measures (Henley, 2014). Scholars like Carlsson (2017) have calculated ratios on foreign fighters to provide a more transparent way of comparing different countries. By applying the same method, we are given a ratio of 19 departees per million inhabitants in Norway, 27 in Denmark and 29 in Sweden. Amongst these, about 50 percent of the Swedes and Danes have returned home, and 40 percent have returned to Norway (Säkerhetspolisen, 2017; PST, referred to in Christensen & Bjørgo, 2018, p. 17; Justisministeriet, 2019). Even though Sweden have received four times as many returnees as Norway, Sweden have not convicted any returnees of criminal acts connected to their travel to and participation with IS in Syria and Iraq. The Danish approach to returnees is also, despite the Aarhus Model, known for having the strictest measures to returnees amongst the Scandinavian countries. By choosing Norway, Sweden and Denmark as cases will not

only provide new knowledge about three different approaches, it will also give new insight on why three traditionally similar countries (i.e political systems and power structures, democratic welfare systems, policies on de-radicalization, legal traditions and international obligations) end up with very different outcomes.

There are several advantages to using a multiple-case study design in this thesis. First off, conducting a multiple-case study on an understudied subject like this one will not only provide new and detailed knowledge about each of the three cases, it will also contribute to new insight based on the contrasts between each of the cases (Stewart, 2017, p.77). Secondly, by studying the same elements within the different countries, will an in-depth understanding of each element, extract key themes and to discover patterns in the data collection (Bryman, 2016, p.697). The elements that will be studied within each case is (1) national legislation, (2) national action plans on prevention against radicalization and extremism and newly adopted policy targeting returnees (3) legal sanctioning of returnees. The national governments' legislations on terrorism and terrorist related acts will focus on the Norwegian, Swedish and Danish legal sanctioning approach to returnees and provide context to the convictions in each county. As for the action plans and policy, this thesis will analyse the approaches and measures in each of the action plans as well as to examine the policy adopted since the mid-2010s. Legal sanctioning includes the study of convictions in each country – the number of returnees that have been convicted, the nature of their convictions, the number of years they have been sentenced for, as well as the number of people who has been deprived of their citizenship. Thirdly, doing a multiple-case study on this subject will contribute to lesson drawing and make recommendations for further research (Stewart, 2017, p.77).

4.1 Document analysis

To analyse the Norwegian, Swedish and Danish approach to returnees, I have chosen to conduct a document analysis with purposive sampling approach. A document analysis will enable the collection of a broad selection of data with rich and detailed information to analyse different aspects the of legal sanctioning and re-integration programs in each case (Bryman, 2016, p.546). Furthermore, conducting a document analysis, enables the researcher to collect data from equivalent sources cross-nationally. To answer my research questions, I have selected data based on official documents that can be divided into four main categories. (1) National legislations applicable to terrorism and terrorist related acts. (2) Verdicts from the District Courts, the Courts of Appeal and the Supreme Courts. (3) National action plans. (4)

Supporting Governmental Communication. (5) Policy bills accepted by the national parliaments. The national action plans and governmental communication creates the foundation of Norway, Sweden and Denmark's original approach to returnees from Syria and Iraq. The convictions, legislation and policy bills, on the contrary, provides data about how they returnees have actually been approached. Together, these elements will contribute to a comprehensive understanding of how the three Scandinavian countries approaches returnees, and moreover, what unites and separates the approaches from each other.

The data collection is based solely on secondary data, meaning that it has been collected by someone else than the researcher. However, all the data is primary data, meaning that it has been retrieved from its original source. This is in line with Bryman's (ibid.) four criteria of assessing the data's quality. The authenticity is high due to it being primary data that can be traced back to its origin and the content of the data is typical of its kind and it is clear and comprehensive. The credibility of the data will be discussed in the next sub-chapter.

The data collection consists of: (1) The Norwegian Penal Code - Chapter 18 Terrorist acts and terrorism-related acts, the Danish Criminal Code - Chapter 13 Section 145, the Swedish acts (2002:444), (2003:148) and (2010:299). (2) 12 Norwegian convictions, 12 Danish convictions, 2 Swedish convictions. (3) The Norwegian action plan against Radicalization and Violent Extremism (2014), the Danish action plan on Preventing and Countering Extremism and Radicalization (2016), the Swedish action plan to Safeguard Democracy against Violence-promoting extremism. (4) Governmental communication on Actions to Make Society More Resilient to Violent Extremism (2014/15:144), Norwegian measures in the action plan (Regjeringen, 2019), Interpellation 2018/19:118 av Louise Meijer (M) (Johansson, 2018). (5) 10 Danish bills adopted since 2015, 8 Norwegian bills adopted after 2015, 3 Swedish bills adopted after 2014.

4.2 Trustworthiness and authenticity

According to Guba and Lincoln (referred to in Bryman, 2016, p.384), the evaluation of qualitative research studies is based on two primary criteria: trustworthiness and authenticity. Trustworthiness is determined by credibility, transferability, dependability and confirmability. Creditability, which is parallel to internal validity, measures the feasibility of the research and whether it is free from error and distortion. Transferability relates to thick description and is concerned with whether it is possible to transfer the findings from the research to another milieu. Transferability parallels external validity but should not be

confused with generalization. Dependability correlates with reliability. It encourages a transparent, coherent and well documented research process. Lastly, confirmability concerns the objectivity of the researcher. Although absolute objectivity is not possible in social sciences, Guba and Lincoln (referred to in Bryman, 2016, p.386) argues that research should be conducted in a manner where personal values and perspectives does not influence the conduct of the research.

The credibility of this thesis is concerned with how strongly linked the research findings are with reality. The best way to obtain credibility is though triangulation, meaning the use of several different methods or sources to gain a more comprehensive understanding of the topic and ultimately being able to validate the research (ibid, p.697). This thesis only applies documents analysis, making methods triangulation impossible. Nevertheless, triangulation of sources has been carried out to determine the number of Danish, Norwegian and Swedish departees and returnees. Theoretical triangulation has also been applied through the application of more than one theoretical perspective. The findings in this thesis covers several fields of study and can easily be transferred to other contexts. Differences within the Scandinavian Penal Codes can be applied to evaluate whether the existing legal framework is efficient to prevent radicalization, and the variation in what the returnees have been convicted for can be transferred to national research on threat assessments. The dependability of the study is considered as good. As the data collection used in this thesis mainly consist of public governmental records, it would be easy to replicate the study. Moreover, by providing the reader insight into the research process, explaining the methodological choices and discussing limitations and ethical considerations, the methodology chapter ensures a transparency to the research. Closely linked to dependability is the research's confirmability. As I am a Norwegian, studying the approaches to returnees in Norway, Sweden and Denmark, one of my main concerns have been to remain neutral and to conduct the study in line with the quality criteria listed above. This have included, amongst other things, to strive for equal parts of Norwegian, Swedish and Danish sources and to have non-Scandinavian friends give me feedback on the overall balance of the statements made in the thesis.

To evaluate authenticity in research, four criteria must be considered: fairness, ontological authenticity, educative authenticity, catalytic authenticity and tactical authenticity (Bryman, 2016, p.386). Fairness is concerned with the representation of different viewpoints in the research. As previously mentioned, one of the aims of this thesis has been to ensure equal parts of Norwegian, Danish and Swedish sources, which in turn contributes to the representation of different points of view. Ontological authenticity and educational

authenticity relate to whether the research is contributing to a greater understanding of the subject and if the research help broaden the readers viewpoint of the subject. The subject of this thesis is understudied and there is no previous research conducted on the differences and similarities of the Scandinavian convictions of returnees, satisfying both the ontological and educational authenticity of this thesis. Catalytic authenticity and tactical authenticity concern questions of whether the research has contributed to circumstantial change and whether the study has empowered the reader make choices that lead to action.

4.3 Limitations and ethical considerations

Ethical considerations are not only important because of the direct link it has to the overall integrity of the research product, but also because it concerns the effect it will have on individuals or institutions featured in the study, and the public (Bryman, 2016, p.120-121). Therefore, ethical considerations before, during and after the study have been conducted in accordance with the guidelines of the Norwegian Centre for Research Data (NSD). This study is solely based on secondary sources, which means that the majority of the ethical considerations are related to proper citation and precise reproduction of meaning within the data. Proper citation is characterized by giving other researchers credit for their work and ideas. This has been done by using Harvard referencing technique. It is also important to mention that when a direct quotation by another scholar is applied to the study, it has been made clear to the reader that it is not my interpretation of their research but in fact a direct transcript of another scholar's work. When this occurs, quotation marks are used to mark out the quote and the scholar's name, year of publication and the page number the quote was found is listed in connection to the quote. By following proper citation principles, the transparency of the research project increases and makes it easier for the reader to evaluate the quality of the work and to look up statements. As for the reproduction of meaning within the data, this thesis is based on data written in both English, Norwegian, Swedish and Danish. Although the three Scandinavian languages are similar, there is always going to be a possibility of misinterpretation due to the linguistic differences. This was especially evident when translating the convictions and policy adoptions. To avoid any errors, I have consulted with Swedish and Danish law students and professors when deemed necessary.

Furthermore, as convictions are a large part of the data collection in this study, ethical considerations regarding anonymity has also been taken into consideration. Even though the

media has identified and featured most of the convicted returnees, this thesis will not. First off, the identity of the ones who have been convicted has no relevance to answering the research question in this thesis. Secondly, this thesis seeks to compare convictions, not the individuals who are convicted. Thirdly, the Danish convictions are anonymized. Nevertheless, it is still important to be aware of the responsibility that comes with the access to sensitive personal information of this kind. In Norway, Sweden and Denmark there are different rules regarding public access to convictions. In Norway and Sweden, anyone can get access to a verdict if they have information about the case and that the conviction does not have any restrictions regarding public reproduction (Norges Domstoler, w.y; Sveriges Domstolar, 2019). In Denmark, you are only granted permission if it contributes to research or transparency and you must pay 175 DK for each conviction. Unlike Norway and Sweden, Denmark hands out anonymized convictions (Danmarks Domstole, 2020). The Swedish and Norwegian verdicts contain a set of identifying features such as name, date of birth, city of residency, details about the convicted person's whereabouts and so on. It is also important to mention that the convictions do not only hold identifying features about the person who is convicted, but also sources who testified during the trial or individuals mentioned in the evidence material. In order to avoid identification in this thesis, all the convicted returnees will be given a name based on the country code (NO, DK or SE) plus a number. Example: NO1. This will not only keep their identity anonymous, but also make it easier for the reader to separate between each case. Besides information on when the criminal acts were committed and what they consist of, this thesis will also identify the gender of the offenders. There has been an ongoing discussion in the media about women's participation in Syria and Iraq and whether they should be convicted on the same premises as men. By including gender, the thesis will gain a more comprehensive understanding of how the returnees is approached. To ensure data storage security, the data collection has been stored locally on my computer and has not been uploaded to any digital storage space. It has neither been shared with anyone but me.

As for limitations of this study, the convictions are the main one. My original plan was to analyse all convictions at all court levels, however, due to the cost of 175 DK per conviction this was not financially possible. Therefore, I had to cut down the scope to only include the final verdict in each case. For the same reason, I also chose to exclude the verdicts where returnees had been convicted of participating in military activity abroad, fighting against IS as well as convictions where there is no evidence that the returnee were affiliated with IS. This resulted in two Danish convictions and one Norwegian being

excluded, leaving me with a total of 12 Danish and 12 Norwegian verdicts where the returnee has been convicted of travelling or attempting to travel to Syria and where there the returnee is affiliated with IS. Additionally, I was denied access to one of the Danish convictions by the Western Copenhagen Police with the argument that a master thesis is not considered as research. The case is included as one of the 12 Danish convictions, but the analysis does not provide any information about which sections of the Criminal Code that the returnee has violated. To ensure that the conviction fits within the scope of this thesis, I have examined several news articles all stating that the returnee have been prosecuted based on participation in IS. As for Swedish convictions, Sweden has not convicted any returnees of criminal acts regarding their stay in and participation with IS in Syria and Iraq. To avoid an even poorer comparison between the three Scandinavian countries, I chose to include a verdict from 2015 where two returnees where convicted of murder in Syria. Another limitation of the study is the amount of detail. As Stewart (2012, p.69) puts it: “The national level of analysis does change the ‘bone structure’ of these kinds of studies, as large amounts of detail are needed to characterize each country of interest”. Due to the timeframe and girth of this study, this thesis does not take into account the number of returnees who have been deprived of their citizenship and residence permit or deported without prior being convicted of a crime.

5. Empirical findings and analysis

Today, the national management of returnees is nested within governmental action plans and policies aimed to disengage and reintegrate. To answer my research questions, this chapter will analyse, case by case, Denmark, Norway and Sweden's national action plans to prevent and counter radicalization and extremism; policy adopted after 2014/2015 targeting the management of returnees; national legislations on participation in armed conflicts abroad, terrorism and terrorist related crimes; as well as convictions of returnees. Besides, the analysis will also explore the relationship between the political aims (the action plan and the legislation) and the practise (the newly adopted policy and the convictions), to examine whether there is a correlation. The analysis will be based on theoretical perspectives on disengagement, decision-making, policy implementation as well as grounded theory.

5.1 Denmark

To meet the at the time current challenges of radicalization through new strategies, methods, knowledge and tools developed, Denmark adopted a new action plan on preventing and countering radicalization and extremism in 2016. According to the action plan, "destructive forces from extremist groups – within our country as well as abroad – pose a threat to the security and social cohesion of the Danish society. That is why it is more important than ever before that we protect the fundamental values and individual rights which form the basis of our society" (2016, p. 3). The threat from returnees (i.e extremist groups) are given special attention and the plan consist of a number of measures specifically targeting the management of returnees. Radicalization and extremism are furthermore understood as:

> "Radicalisation refers to a short- or long-term process where persons subscribe to extremist views or legitimise their actions on the basis of extremist ideologies […] Extremism refers to persons or groups that commit or seek to legitimise violence or other illegal acts, with reference to societal conditions that they disagree with" (Regeringen, 2016, p.7).

According to the plan, Denmark needs to take a "hard line" against returnees, in addition to intervene with rehabilitation efforts and exit programmes (ibid.). When presented in this manner, it is reasonable to assume that a "hard line" is synonymous with legal sanctioning or other invasive efforts. Even though the plan infrequently calls for rehabilitation and

disengagement of the returnees, it does not seek to explain what rehabilitation and disengagement entails and how it should be pursued. The “hard line” is also evident when examining the proposed initiatives to the management of returnees: no social benefits for departees/returnees; revocation of returnees’ passports; impose travel bans to returnees; increase maximum penalty levels to protect against returnees; stricter legal measures to prosecute returnees; increasing the efforts to obtain information about Danish returnees abroad; after released from prison, returnees who are convicted of terrorist related crimes will need a “child protection certificate scheme” in order to get a job involving contact with children under the age of 15. Furthermore, radicalized prisoners are required to participate in exit programmes in order to get released from prison or released on parole; more monitoring and screening of religious agents in prisons and; mapping of extremists’ activities on social media (ibid. p. 19-30). Additionally, the action plan highlights that recent developments in the counter-terrorism legislation has contributed to strengthening the police and Public Prosecution Services’ efforts to respond to terrorism (ibid, p. 3). However, not all the initiatives are as strict. Emphasis is also given to strengthening the preventative efforts such as education and training of police officers, prison staff and info house employees, the multi-level and cross sectorial cooperation, as well as improving existing efforts on prevention of radicalization and recidivism (ibid.). Nevertheless, based on the measures directly targeting returnees, it can be argued that Denmark’s approach mainly focus on “hard” measures as they include both the enhancement of prosecutorial powers, stricter legal measures, granting PET more authority to monitor returnees, as well as obligatory participation in disengagement programmes.

Since 2015, nine bills have been proposed and accepted by the Danish Parliament. One is still pending. The bills are highly corresponding to the action plan’s vision of adopting stricter legal measures targeting returnees, such as revocation of passports and residence permits; grating PET more authority to monitor; criminalizing the participation in hostile armed forces abroad and; prohibiting the travel to specific areas of conflict (Regringen, 2016, p. 19). In addition to the measures mentioned in the action plan, there have also been proposed and accepted two bills that intervenes with the returnees’ children. The first one, bill L 83 deprives children of returnees their automatic citizenship to Denmark. The other bill opens up for revocation of parental custody of returnees. Moreover, these adoptions further underline the assessment that Denmark have chosen a strict approach to returnees that favours legal sanctioning over rehabilitative measures.

Table 1: Danish bills adopted after 2015, targeting departees/returnees

Date passed	Name of bill	Description
February 19, 2015	L 99: Amendment to the Nationality Act, Aliens Act and Justice Act[1]	Revocation of passports and issue of travel ban to Danish citizens who intend to take part in an armed conflict abroad
December 15, 2015	L 24: Amendment to the Criminal Code[2]	Criminalization of participation in a hostile armed force, fighting against the state of Denmark
December 21, 2015	L 23: Amendment to the law about the Danish Secret and Security Services (PET) and the Customs Act[3]	Granting PET access to airline registers, intending to increase prevention and investigation efforts targeting terrorism
June 6, 2016	L187: Amendment to the Criminal Code, prohibiting Danish support to warring powers[4]	New provision on financial support from a terrorist organization; increased penalty level of participation in a terrorist organization; prohibiting travel to certain conflict areas without permission
June 1, 2017	L192: Amendment to the Danish Administration of Justice Act and other Acts[5]	No social benefits to departees/returnees; new blocking filter aimed at identifying online terrorist propaganda
February 21, 2019	L 140: Amendment to the Aliens Act, the Integration Act, the Repatriation Act and other Acts[6]	Stricter measures on violations of residence and reporting obligations by returnees and individuals posing a threat to Denmark; increased penalty level for violating an entry ban
October 24, 2019	L 38: Amendment to the Danish citizenship Act and the Aliens Act[7]	Deprivation of citizenship for people with dual citizenships who have joined hostile armed forces abroad
January 23, 2020	L 83: Amendment to the Consolidated Act of Danish Nationality and the Foreign Service Act[8]	Children born in in areas included in Section 114j paragraph 3, does not acquire a Danish citizenship. Children of departees/returnees can also lose their Danish citizenship if their parents get theirs revoked
June 11, 2020	L 130B: Amendment to the Criminal Code[9]	Increased maximum penalty levels of all provisions on terrorist crimes in Section 114 by two years
Proposed March 31, 2020	L162: Bill to change the Parental Responsibility Act[10]	Parental custody rights when one or both parents are convicted of terrorist crimes

Soruces: [1](Retsudvalget, 2014), [2](Retsudvalget, 2015b), [3](Retsudvalget, 2015a), [4](Retsudvalget, 2016), [5](Retsudvalget, 2017), [6](Udlændinge- og Integrationsudvalget, 2019),[7](Indfødsretsudvalget, 2019a), [8](Indfødsretsudvalget, 2019b), [9] (Retsudvalget, 2020), [10] (Social- og Indenrigsudvalget, 2020)

As previously stated, there is an underlying political consensus in Denmark's action plan that returnees, as especially those suspected of having committed criminal acts, is to be legally sanctioned. The provisions targeting the criminal acts of returnees can mainly be found in Chapter 13 section 114 to 114 j in the Danish Criminal Code (Straffeloven, 2019). The

provisions include, amongst other things, the criminalization of terrorist acts (Section 114a); financial support to others that intend to commit acts of terrorism (Section 114b); recruitment of and being recruited to a terrorist organization (Section 114c); training others to commit terrorist acts (Section 114d); promoting groups or organizations intending to carry out acts of terrorism (Section 114e); un-authorized travel and participation in armed conflict abroad (Section 114j) (ibid.). The current Criminal Code, however, did not enter into force until September 24, 2019, which means that all the returnees have been prosecuted based on the provisions of the Criminal Code from 2005. Nonetheless, the regulations of 2005 comply with the relevant laws of the 2019 Criminal Code and the Sections follow the same structure in both Penal Codes (Straffeloven, 2005a; Straffeloven, 2019). In line with the demands of the action plan, Denmark increased the maximum penalty levels of terrorist crimes by two years on June 16, 2020 (Regeringen, 2016, p. 19; Om ænding af straffeloven, 2020). According to the bill (L130B), stricter measures were needed to ensure that the terrorism provisions adequately reflect a contemporary perception of the criminality of terrorist offenses (Retsudvalget, 2020b). The amendment raised the penal level of acts such as terrorist financing from 10 to 12 years (Section 114b); promoting others to carry out terrorist acts from 10 to 12 years (Section 114c); being recruited to carry out acts of terrorism from 6 to 8 years (Section 114c paragraph 3); participation in a terrorist organization from 10 to 12 years and from 16 years to lifetime (under aggravated circumstances) (Section 114c paragraph 3 sentence 2); terrorist training from 10 to 12 years (Section 114d paragraph 1 sentence 1); promoting groups or organizations that carries out or intending to carry out acts of terror from 6 to 8 years (Section 114e paragraph 1); participation in an illicit military group/organization from 2 to 3 years (Section 114g); and un-authorized travel and participation in armed conflict abroad from 6 to 8 years (Section 114j) (Om ænding af straffeloven, 2020). Not only does the action plan (i.e governmental ideology) call for an increase in the maximum penalty levels, but by the general wording of the bill (L130B), it is reasonable to believe that the implementation is also affected by the media and the public opinion (Burke & Collett, 2014, p. 3; Lappi-Seppälä, 2007, p. 286). This is, however, a subject to further research.

As of May 2020, 12 out of 75 returnees have been convicted of criminal acts connected to their travel and relation with IS in Syria and Iraq (Rigsadvokaten, 2020). Six are convicted of violating the legal provision prohibiting being recruited to commit terrorist acts (Section 114c paragraph 3), five for being trained to commit terrorist acts (Section 114d

paragraph 3) and another five people, promoting a terrorist organization (Section 114e) (ibid.).

Table 2: Returnees convicted of criminal acts related to IS in Syria and Iraq (DK)

Case	Last verdict	Sentence	Expulsion, entry ban	Loss of citizenship	Violation of
DK1[1]	2017	6 years	x	x	Penal Code Section 114b nr. 1, cf. Section 21, Section 114c, paragraph 3, Section 136, paragraph 2, and Section 285, paragraph 1, cf. Section 276
DK2[2]	2018	5 years	x		Penal Code Section 114c paragraph 3, Section 114d paragraph 3, partly Section 21, Section 181, paragraph 1, cf. Section 89
DK3[3]	2018	4 years	x		Penal Code Section 114e paragraph 1
DK4[4]	2018	5 years	x	x	n/a
DK5[5]	2017	3 years 6 months			Penal Code Section 114c paragraph 3, Section 114d paragraph 3, cf. Section 21, Section 59 paragraph 4, cf. Section 18 paragraph 1 nr.2. Danish Firearms Act Section 57 paragraph 4, cf. Section 16 paragraph 1 nr.10
DK6[6]	2017	5 years			Penal Code Section 114c paragraph 3, Section 114d paragraph 3, cf. Section 21, Section 124 paragraph 4, Section 192a paragraph 1 nr.1, cf. Danish Firearms Act Section 57 paragraph 4, cf. Section 16 paragraph 1 nr.11, Section 57 paragraph 4, cf. Section 16 paragraph 1 nr.6
DK7[7]	2018	3 years	x		Penal Code Section 114c paragraph 3, cf. Section 3 paragraph 1, Section 114d paragraph 3
DK8[8]	2018	4 years	x	x	Penal Code Section 114c, paragraph 3, Section 114d paragraph 3
DK9[9]	2018	3 years	x	x	Penal Code Section 114e, cf. Section 21
DK10[10]	2018	3 years	x	x	Penal Code Section 114e, cf. Section 21
DK11[11]	2018	3 years	x		Penal Code Section 114e, cf. Section 21
DK12[12]	2018	3 years			Penal Code Section 114e, cf. Section 21

Source: [1](119/2017, 2017), [2](15-4505/2017, 2018), [3](7-4579/2017, 2018), [4](Ritzau, 2018), [5,6](3613/2017, 2017), [7](S-2022-17, 2018), [8](124/2018, 2018), [9,10,11,12](15-4313/2018, 2018)

In March 31, 2017, the Court of Appeal found DK1 guilty of travelling to Syria with the intent to join IS, being recruited to commit acts of terror on behalf of IS, participating in training and weapon use, publicly endorsing acts of terrorism in Denmark in 2015, terrorist financing and theft (S-1922-16, 2017). The Court of Appeal argues that DK1 travelled to Syria at least one time in the period of July 2013 and October 2013 where he joined IS. In 2015, DK1 was recruited to carry out acts of terror when he tried to travel back to Syria to participate in IS. At the same time, DK1 had obtained 20.000 DKK he intended to bring to Syria and hand over to IS. The Court emphasizes that DK1 two times joined or tried to join IS within a period of one and a half years. Furthermore, emphasis is also put to the terrorist organization being IS, who, at the time, committed extensive terrorist acts (ibid. p. 5). After an overall assessment of the nature and seriousness of the crimes committed, the Court of Appeal convicted DK1 to six years in prison, including deprivation of citizenship, deportation and a permanent entry ban (ibid. p. 10). The verdict was appealed to the Supreme Court, who chose to uphold the conviction of the Court of Appeal (Sag 119/2017, 2017, p. 7).

On February 9, 2018, DK2 was convicted of traveling to Syria where he joined IS as a fighter, thereby being recruited to commit terrorist acts in the period two periods of November 2013 to December 2013 and April 2014 to May 2014 (15-4505/2017, 2018, p. 10-16). During both stays, DK2 received weapon training but the District Court does not find any evidence linking DK2 to any combat actions (ibid.). DK2 is also convicted of putting his prison cell on fire in 2016. Based on the character and seriousness of the crime, collated with the practice established in the Supreme Court's verdict of DK1, the District Court argues that DK2 is sentenced to five years in jail and that he is deported with a permanent entry ban (ibid. p. 18).

In November 2013, DK3 travelled to Syria where he was welcomed by IS (7-4579/2017, 2018, p. 58). DK3 stayed in an IS controlled area where he taught the Koran and functioned as an imam in mosques. Based on this, the District Court argues that DK3 joined IS and contributed to the maintenance and consolidating of IS' position, as well as promoting the activities of the organization (ibid.). It is, however, not proven that DK3 participated in a training camp. On one hand, the court emphasize that DK3's role as a Koran teacher and imam did not come close to the actual acts of terrorism. On the other hand, DK3's role played another very important role for IS and did so for well over one and a half year. DK3 was therefore sentenced to four years in jail and deported from Denmark with a permanent entry ban (ibid.)

DK5 and DK6 travelled together to Syria in July 2013 (3613/2017, 2017, p. 1). The two were recruited as IS fighters and received weapon training 18-19 days in July 2013 (ibid.). The District Court argues that the case of DK5 and DK6 is to be considered in relation to DK1's verdict on participation in IS, due similarities in longitude and weapon training (ibid. p, 28). The Court also puts emphasis on DK5 being under aged at the time of the crime. DK6 have previously been convicted of, amongst other things, dangerous crime. Furthermore, in 2016 the police confiscated two firearms, pepper spray and a and a single-handed neck knife from DK6's home (ibid. p. 2-3). One of the firearms were loaded. DK6 have also been unlawfully in possession of a mobile phone while in custody (ibid.). In 2016, the police also confiscated a stunt gun from DK5's home. The District Court finds that DK6' being in possession of two firearms for a period of 3 to 4 years, as well as DK6 previously being convicted of violation of the Firearms Act, has an aggravating effect on the conviction (ibid. p, 27-29). DK5 were sentenced to 3 years and 6 months in jail while DK6 got 5 years (ibid.).

During 14 days of September 2013, DK7 stayed in Syria where he was trained in bombing by IS (S-2022-17, 2018, p. 21-22). While the longitude of the trip has an extenuation effect on the verdict, the training, however, is aggravating (ibid.). The District Court sentenced DK7 to 3 years in prison, and he was deported from Denmark with a permanent entry ban (ibid.).

In 2018, DK8 was found guilty of travelling to Syria in 2013 where he received weapon training and being recruited as an IS fighter (124/2018, 2018, p. 8). The Court of Appeal sentenced DK8 to 4 years in prison (ibid.). The question of citizenship, deportation and entry ban was appealed to the Supreme Court. On November 19 2018, the Supreme Court chose to go against the conviction of the Court of Appeal, depriving DK8 of his Danish citizenship (ibid. p. 9). DK8 was deported with a permanent entry ban.

On June 26, 2016 the District Court found DK9, DK10, DK11 and DK12 guilty of having intended to travel to Syria for the purpose of joining IS in March 2017 (15-4313/2018, 2018, p. 36). DK9, DK10 and DK11 were arrested by Turkish police before having the opportunity to cross the Syrian border. DK12, on the contrary, did not have access to her passport at the time of departure and therefore never left Denmark. The District Court emphasise that all four were active participants in the thoroughly planned trip and that DK9, DK10 and DK11's attempt to enter Syria was prevented by external reasons (ibid. p 37). As for DK12, the Court argues that DK12's age, only being 17 at the time of the crime, causes an extenuating effect on the verdict. DK12's active role planning the trip, however, is

aggravating (ibid.). Based on this evaluation, all four were sentenced to three years in prison. Accordingly, the District Court considered the offences as serious crimes applicable to the legal provisions regarding deprivation of citizenship, deportation and entry ban (ibid. p, 37.40). Both DK9 and DK10 were deprived of their Danish citizenships. DK11, however, did not have a Danish citizenship but were born and raised in Denmark. All three were deported from Denmark with a permanent entry ban (ibid. p. 40). The verdict was appealed to the Court of Appeal who chose to uphold the conviction of the District Court.

As stated in the action plan on preventing and countering extremism and radicalization (2016), Denmark wished to take a hard line against returnees in order to ensure the safety of Danish citizens and Danish interests. These convictions are proof that the measures in the action plan and the adaptation of bill (L 99) have been successful, as eight out of the 12 convicted have been deported with a permanent entry ban. Amongst the eight, another five people have also been deprived of their Danish citizenship. The implementation of obligatory mentor programmes in prisons will therefore apply to the four returnees that have not been deported post trial. Furthermore, DK1's verdict states that IS is a terrorist organization and is later applied to the assessment of sentencing in the DK2, DK5 and DK6. However, as an overall remark, the number of common laws used to assess the different cases can be considered as low, which again makes it hard to follow the development of legal traditions of IS-related criminal cases.

5.2 Norway

The Norwegian governments' approach to returnees from Syria and Iraq is expressed through the national action plan against radicalization and violent extremism, adopted in 2014 (Regjeringen, 2014). The plan was implemented to meet the, at the time, current challenges of radicalization through new methods and strategies developed. Due to the departees'/returnees' participation in military activities abroad, the action plan argues that it is not unlikely that returnees have developed more aggressive attitudes and a lower threshold for the use of violence as an instrument (ibid. p. 9). Combined with the view that Norway is one of their enemies, increases the probability and concern that a terrorist attack will be carried out at home ground. Radicalization and violent extremism are furthermore understood as:

> "Radicalisation is understood to be a process whereby a person increasingly accepts the use of violence to achieve political, ideological or religious goals" (Norwegian Ministry of Justice and Public Security, 2014, p.7).

> "Violent extremism is understood to be activities of persons and groups that are willing to use violence in order to achieve their political, ideological or religious goals" (Norwegian Ministry of Justice and Public Security, 2014, p.7).

The action plan uses the term "reintegrate" infrequently but does not provide any explanation to what reintegration means or how it should be accomplished. Nonetheless, the action plan consists of a set of both prevention- and intervention-oriented measures directly and indirectly targeting the management of returnees. These measures are considered to help reintegrate those who are radicalized, which in turn indicates that disengagement should be a voluntary process. In accordance with Koehler's (2020, p. 20) view that preventative and intervention-oriented measures together form an overall approach targeting all levels, several of the Norwegian initiatives blend the two approaches. Amongst these measures are strengthening the multi-level and cross sectorial cooperation; the adoption of a provision criminalizing participation in an armed conflict abroad; follow-up of returnees by the PST and municipalities; deportation of foreigners with a residence permit who have participated in war crimes abroad; mentoring programmes in both prisons and local communities as well as an improvement of interfaith dialogue both inside and outside of prisons. The aim of the last initiative is to promote an understanding and respect for differences and shared values in a society (ibid. p. 21-22). All in all, these measures do not illustrate a specifically "hard" approach to returnees, which in turn is interesting because the initiatives are built on an assumption of symbolic elements of terrorist violence. The action plan can therefore be considered as a sign of a strong democracy, providing more reconciliatory measures than strict legal and operational practises to respond to the threat of returnees (Perliner, 2012, p. 527).

To keep up with the developments of radicalization, the action plan has been updated several times and does currently consist of 15 measures more than it originally did in 2014 (Regjeringen, 2019). Since 2015, a number of eight bills targeting the management of returnees have been proposed and accepted by the Norwegian parliament, in line with the demands of the action plan. Amongst these are the adoption of new penal regulations regarding participation in armed conflict abroad, deprivation of citizenship and deportation due to fundamental national interests (Regjeringen, 2014, p. 22).

Table 3: Norwegian bills adopted after 2015, targeting departees/returnees

Date passed	Name of bill	Description
May 20, 2016	Prop. 58 L (2015–2016): Amendments to the Immigration Act (expulsion for the sake of fundamental national interests or foreign policy considerations, etc)[1]	Deportation of foreigners when necessary for Norway or another Schengen countries internal security, public health or public order.
June 17, 2016	Prop. 44 L (2015–2016): Amendments to the Penal Code (military activity in armed conflict, etc.)[2]	New penal provisions on participation in military activities abroad and recruitment to illegal military activities in armed conflicts
April 21, 2017	Prop. 35 L (2016–2017): Amendments to the Passport Act and the ID-card Act (rejection of travel documents)[3]	Passports are not issued if there is reason to believe that the purpose of the trip is to commit an act that is covered by Penal Code's provisions on terrorist acts and terror-related acts
May 25, 2018	Prop. 146 L (2016–2017): Amendments to the Norwegian Nationality Act (loss of citizenship due to criminal offences or for the sake of fundamental, national interests)[4]	Deprivation of citizenships from people with dual citizenships who have violated the Penal Code chapters 16, 17 or 18 and received a conviction of six years or more
June 22, 2018	Prop. 68 L (2017-2018): Amendments to the Immigration Act, etc. (deportation on the basis of exclusion from refugee status, etc.)[5]	Deportation of foreigners with a permanent, temporary or without a residence permit who has violated the Penal Code's Chapter 18 or has provided a safe haven for other foreigners who have
December 20, 2018	Prop. 111 L (2017–2018): Amendments to the Norwegian Nationality Act (abolishing the principle of one citizenship)[6]	Annulling the principle of only one citizenship.
June 21, 2019	Prop. 100 L (2018-2019): Amendments to the Penal Code, etc. (terrorism-related obligations under international law, etc.)[7]	New penal provision on travel with terrorist intent and an amendment on financing terrorist travels
Proposed June 12, 2020	Prop. 134 L (2019-2020): Amendments to the Norwegian Nationality Act (loss of citizenship due to fundamental national interests)[8]	Revocation of Norwegian citizenships of people with a dual citizenship that poses a threat to Norwegian interests

Sources: [1](Ministry of Justice and Public Security, 2016), [2](Ministry of Justice and Public Security, 2015), [3](Ministry of Justice and Public Security, 2016), [4](Ministry of Justice and Public Security, 2017), [5](Ministry of Justice and Public Security, 2018), [6] (Ministry of Research and Education, 2019), [7](Ministry of Justice and Public Security, 2019), [8](Ministry of Research and Education, 2020)

As for the Norwegian legal sanction approach to returnees, all provisions on terrorism related acts are gathered in Chapter 18 in the Norwegian Penal Code from 2005 (Straffeloven, 2005b). To get a better understanding of how the prosecutorial powers have approached returnees, it is important to distinguish between the old Norwegian Penal Code

from 1902 and the new one from 2005. Even though the new Penal Code dates back fifteen years, it did not become effective until October 1, 2015 – at the same time departees were travelling abroad and returnees were coming home. As a principle, the new Criminal Code applies to acts committed after October 1, 2015 (Lovdata, 2015). Exceptions are, however, made if it the application of the old Criminal Code contributes to a more favourable result or a milder punishment for the one accused (ibid.). The same principle is also applicable to the Penal Code (2005) for crimes committed prior to 2015 (17-193391AST-BORG/01, 2018, p. 6). This is a sign that Norway has avoided taking any steps towards a more repressive terrorism-related legislation, and that people convicted of terrorism or terrorist related crimes is prosecuted on the same premises as any other criminal offender. Today, the legal provisions criminalizes acts of terrorism, contribution to acts of terrorism and the attempt to carry out acts of terrorism (Section 131), aggravated terrorist attacks (Section 132), conspiracy (Section 133), threats (Section 134), financing (Section 135), recruiting and training (Section 136), participation in a terrorist organization (Section 136a) and travel to another country with the intent to commit, prepare or plan an act (Section 136b) (ibid.). For an offence to be considered as an act of terrorism, Section 131 requires that the offense is committed with terrorism intent. Terrorism intent is furthermore defined as the intention of a) severely disrupting a critical social function, or b) causing serious fear amongst the population or c) wrongfully force public authorities or an intergovernmental organization (IGO) to perform, tolerate or neglect acts of significant importance to the organization or country (ibid.). As mentioned above, in 2016 it also became illegal to join military activities in armed conflicts abroad (Section 145) and to recruit others to join such activities (Section 146) (ibid.). The provisions separate themselves from most of the other Sections in Chapter 18, as they do not represent acts of terrorism. This is an indication that Norway wishes to bring more nuances into the legislation, and by doing so, preventing that returnees (who have not participated in terrorism) are being convicted under a terrorism offence and thus be branded a terrorist. Furthermore, the provision can be seen as a reconciliatory measure which again illustrates a softer approach to returnees.

As for the maximum penalty range of the different provisions, terrorist acts are punishable by imprisonment for up to 21 years (Section 147a & Section 131), aggravated terrorist acts is up to 30 years (Section 147a & Section 132), financing is up to 10 years (Section 147 b & Section 135), recruitment and training is up to 6 years (Section 147c & Section 136), and participation in a terrorist organization has a maximum penalty of 6 years (Section 147 d & Section 136a). The planning or preparing for a terrorist act has a maximum

penalty of 12 years in the Penal Code from 1902 (Section 147 a) and 10 years in the Penal Code from 2005 (Section 133). That is also the case for terrorism threats. In the old Penal Code (Section 147a), terrorist threats were punishable by imprisonment for up to 12 years and in the new one, the penalty of imprisonment is 10 years (Section 134). The new provisions in the Penal Code of 2005 regarding the criminalization of travels abroad with terrorist intent (Section 136b), participation in military activities in an armed conflict abroad (Section 145) and recruitment for military activity (Section 146) has a maximum penalty of 6, 6 and 3 years respectively. As a sum, Norway have not increased their penalty range, but rather lowered the maximum penalty in two of the provisions. This is another evidence that Norway has not introduced more repressive terrorism-related legislations. It is, however, worth mentioning that the introduction of new provisions contributes to enhance the prosecutorial powers.

Based on the general criminalization of terrorism and terrorist related acts, it is evident that the Norwegian approach to such crimes is legal sanctioning. Even though the action plan against radicalization and violent extremism do not list prosecution of returnees as one of its aims, the criminalization of participation in armed conflict abroad further indicates that there is a political consensus to legally sanction those suspected of having committed crimes while abroad. As of May 2020, 12 out of 40 returnees have been convicted by the Norwegian Courts for crimes related to participation with IS Syria and Iraq (PST, 2020).

Table 4: Returnees convicted of criminal acts related to IS in Syria and Iraq (NO)

Case	Year convicted	Sentence	Violation of
NO1[1]	2015	8 years	Penal Code (1902) Section 147a paragraph 4, cf. first paragraph letter b, cf. Section 148, Section 231, cf. Section 232 or Section 233, cf. Section 12 first paragraph nr.3 letter a and Section 147d, cf. Section 12 first paragraph nr. 3 letter a, conjunct with Section 62
NO2[2]	2016	4 years 6 months	Penal Code (1902) One attempt and one violation of Section 147d
NO3[3]	2016	4 years 3 months	Penal Code (1902) Section 147d
NO4[4]	2016	7 months	Penal Code (1902) One attempt section 174d and two violations of the Firearm Weapons Act Section 33
NO5[5]	2017	2 years 10 months	Penal Code (1902) Section 147d, cf. Section 49 and Section 12 first paragraph no. 3 letter a
NO6[6]	2018	9 years	Penal Code (1902) Section 147d and Penal Code (2005) Section 136. Combined with the judgement of April 4, 2016, conjunct with the Penal Code (2005) Section 79 first paragraph letter a and b
NO7[7]	2018	7 years 6 months	Penal Code (2005) Section 133 first paragraph, cf. Section 131 first and second paragraph, cf. the Penal Code (1902) Section 12 first paragraph nr. 3 letter a, as a joint punishment with the judgement of August 2, 2016, cf. the Criminal Procedure Act (1981) Section 348 first paragraph, cf. the Penal Code (1902) Section 62 first paragraph
NO8[8]	2018	4 years	Penal Code (1902) Section 147d, cf. Section 12 first paragraph no. 3 letter a, cf. Section 64
NO9[9]	2018	7 years 3 months	Penal Code (2005) Section 133, cf. Section 131 first and second paragraph cf. Section 5 and the Penal Code (1902) Section 147d cf. Section 12 first paragraph nr. 3 letter a, conjunct with the Penal Code (1902) Section 62 first paragraph and the Penal Code (2005) Section 79 letter a
NO10[10]	2018	6 years 6 months	Penal Code (2005) Section 133 first paragraph, cf. Section 131 first and second paragraph, cf. the Penal Code (1902) Section 12 first paragraph nr. 3 letter a and Section 147d, cf. Section 12 first paragraph nr. 3 letter a, cf. Section 62 and Section 64 first paragraph
NO11[11]	2019	8 years	Penal Code (2005) Section 147a fourth paragraph (two violations), the Penal Code (1902) Section 147d (two violations), cf. Section 12 first paragraph nr. 3 letter a, Section 62 first paragraph and Section 64 first paragraph
NO12[12]	2019	2 years 9 months	Penal Code (2005) Section 136a, cf. Section 5 first paragraph letter d nr. 10, the Penal Code (1902) Section 136a (four violations), conjunct with Section 79 letter a
Source: [1](15-047166MED-OTIR/02, 2015), [2,3,4](HR-2016-01422-A, 2016),[5](16-084225MED-OTIR/02, 2017), [6](17-084014AST-BORG/02, 2018), [7,8](16-150638AST-BORG/01, 2017), [9](17-193391AST-BORG/01, 2018), [10](18-016491AST-BORG/03, 2018), [11](19-064808AST-BORG/01, 2019), [12](18-136259MED-OTIR/05, 2019)			

Early 2013, NO1 travelled to Syria where he entered conspiracy with one or more IS and Jabhat al-Nusra associates (15-047166MED-OTIR/02, 2015, p. 2). In the period of September 2013 to February 2014, NO1 first participated in IS, then Jabhat al-Nusra and then IS again. In February 2013, NO1 travelled back to Norway and his participation were more limited up until the arrest in December 2014. When assessing the range of punishment, the District Court states that engaging in terrorist alliances and participation in terrorist organizations are serious felonies that contributes to destabilize state authorities and create fear amongst the population (ibid. p. 30). Thus, the acts are considered as aggravating circumstances and the sentencing should according to the Court reflect deterrence and prevent recidivism. Furthermore, the District Court refers to the Supreme Court's verdict in the Jyllans Post case (Rt-2013-789) where a man was sentenced to 8 years in prison for terrorist conspiracy with al-Qaida, arson and murder of civilians. According to the Court, NO1's armed participation strengthened IS and Jabhat al-Nusra's military capabilities and helped maintain their territorial control. Furthermore, NO1's participation in roadblocks and other armed missions gave the organizations greater capacity to plan, prepare and carry out specific terrorist attacks. Ultimately, NO1 was sentenced to 8 years in jail.

In 2015, the Supreme Court sentenced NO2, NO3 and NO4 to 4 years and 6 months, 4 years and 3 months and 7 months respectively for participation in IS (HR-2016-01422-A, 2016). According to the Supreme Court, IS is the worst terrorist organization of our time and being convicted of incriminating Section 147d should not only contribute to prevent participation in terrorist organizations but also to prevent extremist violence after return to Norway (ibid. p. 4-5). NO2 and NO3 travelled to Syria during the fall of 2012 where they swore allegiance to IS and were submitted to their command. None of them had leading roles (ibid. p. 6). Moreover, their allegiance continued after returning to Norway and the Court considers the participation to have lasted for a total of 11 months. Since NO2 and NO3 travelled to Syria and joined IS before it became a criminal offence, the Supreme Court argues that the violation is considered a mitigating circumstance and imprisonment should be set at 4 years and 3 months. Other offences were also included in the conviction.

In June 2015, NO5 was arrested in Gothenburg when he was about to board an aircraft headed for Syria (16-084225MED-OTIR/02, 2017, p. 2). When assessing the penalty level of attempt, the District Court refers to Proposition. No 90 (2003-2004), point 8.3.2 stating that attempt is punished more lenient than a completed crime (ibid. p, 112-113). According to Rt. 2012 (p. 1458 paragraph 19), the reduction must depend on how far the attempt had gone and what kind of violation it is. In 2014, the PST conducted an interview of

concern with NO5 in where it was made clear to him/her that it is a criminal offence to participate in IS. Despite this, NO5 still attempted to travel to Syria. The District Court argues that NO6 was well aware of the atrocities of IS' actions and that he still was determined to join IS as a warrior. Furthermore, showing criminal intent. It is also emphasized by the Court that NO5 was stopped by the police and did not interrupt the travel him/herself. NO6 was 17 at the time of recruitment and he had just turned 18 when being arrested by the police. To a certain extent, the District Court argues that NO5's young age at the time and his background with reduced protective factors, is covered by migrating circumstances. Furthermore, due to his young age, the Court finds that the 563 days NO5 spent in custody before trial should have a mitigating effect on the sentencing. On March 4, 2017, NO5 was sentenced to 2 years and 10 months in prison.

NO6 was in January 2018 convicted of participation in IS, for recruiting two people to join IS and for having provided financial or other material support to IS associates at five occasions (17-084014AST-BORG/02, 2018, p. 37). From August 2013 to December 2015, NO6 served as an inspirer, mentor, advisor, organizer, facilitator, mediator and envoy for departees in Syria. (ibid. p. 39). The Penal Court argues that the acts of NO6 have inflicted great suffering on both civilians and opponents in Syria. Therefore, the Court states that the penalty of participation is to be close to the penal level of six years imprisonment. Furthermore, the penalty level of financing should be 4 years; recruitment 6-7 months and threats 7 months. The latter is according to the District Court an aggravating factor as the threats was directed towards a 17-year-old boy and a 29-year-old, key person in the extremist Islamist milieu in Norway. NO6 was sentenced to 9 years in prison for his participation in IS together with the other violations already decided by the District Court on December 8, 2015.

On March 5, 2017, NO7 and NO8 were convicted of participation in IS in Syria by the Court of Appeal (16-150638AST-BORG/01, 2017). The two were participants in different time periods: NO7 from August 2014 to late January 2015 and NO8 from early August to early September 2014 (ibid. p. 30-32). NO7 continued to sympathize with IS for four and a half months after returning from Syria: NO7 using a warrior name in social media and had planned to return to Syria with equipment. Prior to this, while in Syria, NO7 and NO8's stayed with IS associates, taking part in IS' training and training programs. NO8 were trained in the use of automatic weapons and participated in IS' troop transfer to Kobane where he fought against the Kurds and participated in armed guards. NO8 was trained in the use of automatic weapons and took part in an IS-organized troop transfer to Homs (ibid.30). NO7 is also convicted of conspiracy with one or more members of IS and for giving the

police a false confession (ibid. p. 27). When assessing the penalty level of participation in IS, the Court of Appeal refers to the Supreme Court's verdict on the case of NO2, NO3 and NO4 (ibid. p. 27-28). The Court therefore presumes that the normal level of participation in a terrorist organization is imprisonment for four years and six months. NO8's careful planning leading up to his departure to Syria; the actions carried out while in Syria; and previous convictions and acts of violence (complicity in premeditated murder, violations of the Firearms Act) has according to the Court an aggravating effect (ibid. p, 30-31). NO8's participation in IS took place prior to his last verdict. The Court argues that the sentencing would have been shorter if the two were judged together. NO8 was sentenced to 4 years in prison. When assessing the penalty level of conspiracy, the Court refers to NO1's verdict and the Jyllands Post verdict where the penal level was set to 9 years. Due to the similarities of NO1's verdict and the case of NO7, the Court argues that NO8 should be sentenced to 8 years in prison. NO8 was sentenced to 7 years and 3 months in prison.

In November 2014, NO9 traveled to Syria where he joined IS and entered into a terrorist conspiracy with one or more members of IS, intending to commit or assist in a terrorist act (17-193391AST-BORG/01, 2018, p. 16-17). When assessing the level of punishment for the participation in a terrorist organization, the Court of Appeal refers to the NO2, NO3 and NO4's verdict and the Court of Appeal's (LB-2016-150638), stating that imprisonment is to be set at 4 years and 6 months (ibid. p, 18). The District Court considers NO9's role in IS as minor and that the tasks he carried out were limited (ibid.). Furthermore, the Court also takes into account that the duration of NO9's participation in IS were 7 months, which is four months shorter than case of HR- 2016-01422 (ibid.). As for conspiracy, the District court argues that NO9's terrorist intent was limited to wrongfully force public authorities to perform, tolerate or neglect acts of significant importance to Syria and that he did not participate in combat (ibid. p, 17). NO9's actions are therefore considered by the Court of Appeal as more limited compared to the (LB-2016-150638) verdict, where the defendant was sentenced to 7 years and 6 months in prison (ibid. p, 19). Ultimately, NO9 received a sentence that were three months shorter.

On august 5, 2014, NO10 traveled with his family to Syria where he joined IS and entered into conspiracy with one or more members of IS (18-016491AST-BORG/03, 2018, p. 15). During the 26 days NO10 were in Syria, he participated in training, participation in sharia courses and weapons training. NO10 is originally from Syria but was previously granted a Norwegian citizenship that was revoked in September 2015. During the procedure of the current case, NO10 was protected against return. In the assessment of mitigating and

aggravating circumstances, the Court considers it to be aggravating that NO10 traveled to Syria right after the rise of IS. No emphasize is given to NO10 being from Syria. As for the mitigating circumstances, the Court of Appeal argues that it took three years and four months from NO10 was arrested for unlawful deprivation of liberty until he was convicted by the District Court (ibid. p, 17). Two years after the arrest, in 2016, NO10 was prosecuted for participation in IS. If the investigation that led to the arrest in 2014 also had been applied to the current case, the District Court estimate that the case could have been adjudicated between six months and one year earlier than it was. Nonetheless, it is only the total time frame that is given mitigating emphasis. The sentence is therefore shortened by one year, from 7 years and 6 months to 6 years and 6 months (ibid, p. 21). The question of deprivation of liberty is pending based on the verdict in the current case.

NO11 was in 2019 sentenced to 8 years in prison for terrorist conspiracy and participation in the East Turkistan Islamic Party (ETIP) and IS (19-064808AST-BORG/01, 2019). Between May 2013 and November 2014, NO11 travelled to Syria three times. The first two times, from May 2013 to June 3013 and April 2014, NO11 participated and conspired with ETP. The third time, from April 2014 to August/September 2014, participating and conspiring with IS. When assessing the range of punishment, the Penal Court argues that it is aggravating that NO11 participated and conspired with two different terrorist organizations, in three different time periods (ibid. p, 52). The Court also emphasize that NO11 made several unsuccessful attempts to enter ETIP in Syria after his first travel in 2013 which symbolizes a strong will to further participate in a terrorist organization. On the contrary, NO11's significant contribution to the case, indicates a reduction in the sentence of approximately two and a half years (ibid. p, 53). NO11 has previously been sentenced for violating an entry ban. The Court argues that if both matters had been adjudicated together, the sentence would have been somewhat lower than by judging them separately. Therefore, the Court finds that a reduction of another four months is established.

From of September 2016 to November 2017, NO12 participated in IS and provided financial support to IS affiliates (18-136259MED-OTIR/05, 2019). The range of punishment of financing is imprisonment up to six years (ibid. p, 30). As the defendant's participation and financial support are two different criminal offenses, the District Court argued that the range of punishment were increased to 12 years (Penal Code 2005, Section 79 letter a; ibid.). Furthermore, NO12 participated in the spread of propaganda and statements supporting IS by carrying out contact mediation and trying to enter Syria to marry a departee (ibid. p. 31-32). The Court argued that there should be a strict response to NO12's actions. Firstly, as they

contributed to the maintenance of IS and secondly because IS was in a decline, meaning that NO12's intention to participate was strong. On the contrary, even though NO12 participated in IS for fourteen months, the Court puts emphasis to NO12 never being in Syria and that she did not play a prominent role in the contributions made. The money transfer of 9.700 NOK is considered by the Court to have lower criminal liability than an attempt to send equipment. According to the District Court, the normal sentence for people participating in IS without a leading role is 4 years and 6 months. Moreover, the Court takes into consideration that there is no case law regarding the level of punishment for "IS brides". On March 1, 2019, NO12 was sentenced to 2 years and 9 months in prison.

According to NO1's verdict, the District Court considers engagement in terrorist alliances and participation in terrorist organizations as aggravating circumstances that should result in a sentencing that reflects both deterrence and preventing recidivism. Due to NO1's verdict being the first out of the 12 convictions, and that the verdict have been subject to common law in several of the other convictions, it is fair to assume that the Norwegian Courts have had an overall strict legal approach to the returnees. This is further emphasized by NO2, NO3 and NO4's verdicts where the Supreme Court states that IS is the worst terrorist organization of our time and being convicted of incriminating Section 147d should both contribute to prevent participation in terrorist organizations and prevent extremist violence after return to Norway. Section 147d (Section 136 in the Penal Code of 2005) on participation in and recruitment of others to a terrorist organization is furthermore the provision most of the returnees have been sentenced for. The normal sentence for people participating in IS without a leading role is set to 4 years and 6 months, and the maximum penalty range of participation in a terrorist organization is 6 years. The normal sentence was established in NO2, NO3 and NO4's verdict and was last applied to the assessment of sentencing in the NO12's conviction. Amongst the 12 returnees that have been convicted, only one person is a woman (NO12). It is also worth mentioning that she is not as returnee per se as she never travelled to Syria and Iraq. What is interesting, however, is due to there not being any common law in Norway on the prosecution of IS-brides or attempted IS-brides, NO12's sentencing was assessed on the same basis as the men who has been convicted. Due to the public discussion about women's participation in IS, the sentencing indicates that men and women are sentenced just as strict. Out of the 12 convicted returnees, only one have been deprived of his citizenship. However, this was done prior to NO10's conviction. Furthermore, an overall remark of all the convictions is number and variety of common laws that have been applied to assess the penalty range and to ensure a fair sentencing in all 12 convictions. As

previously mentioned, the Norwegian Prison and Prohibition services offers mentoring programmes to radicalized inmates and those in danger of getting radicalized. This symbolises that, although legal sanctioning has been chosen as the alternative to rehabilitate returnees who have committed criminal acts, the Norwegian approach also emphasises rehabilitation and disengagement.

5.3 Sweden

In 2011, Sweden adopted a new action plan to safeguard democracy against violence promoting extremism (2011). Four years later, in 2015, new measures were added to the plan and returnees from Syria and Iraq were introduced and acknowledged as a threat to Swedish democracy and society (Ministry of Culture, 2015). Furthermore, the action plan expresses great concern regarding IS' recruitment of Swedes and IS' justification of violence and terrorism (ibid, p. 4-15). Participation in an organization as IS is therefore considered to be a result of radicalization or extremism, meaning:

> "Those who commit ideologically motivated violent acts for political or religious reasons have gone through a process in which they have gradually come to adopt a violent ideology or accept violence as a legitimate method within the scope of a political or religious ideology. This process is called radicalisation" (Ministry of Culture, 2014, p.16).
>
> "Violent extremism is ideologies that accept and legitimise violence as a means by which to realise extreme ideological opinions and ideas" (Ministry of Culture, 2014, p.9).

Even though travelling to and participation in IS in Syria is acknowledged as a source of radicalization and extremism, the action plan does not include a problematization of the challenges facing Sweden and Sweden's response to these returnees. Furthermore, the number of measures specifically targeting their approach to returnees are almost non-existent and there is no explanation to how Sweden plans to disengage those who are radicalized. On one hand, the plan states that countering violent extremism has a high priority and that there is a need to implement preventive measures (ibid. p. 4). On the other hand, the action plan's aim is to develop preventative measures and methods and to improve knowledge, rather than to function as a collection of measures ready to be adopted (ibid. p. 1). The few measures that, however, are listed can be categorized as preventative and "soft" initiatives mainly focusing on developing multi-level and cross sectorial cooperation efforts and the process

prior to radicalization. Amongst these initiatives are the development of a survey to map out challenges to prevention in prisons, measures to improve local efforts helping those who voluntarily want to leave extremism and to support preventative efforts provided by family members and faith communities. Another part of the action plan that is highlighted in relation to the management of returnees is Sweden's legislative capabilities. According to the plan, there are "plentiful opportunities to take legal action against those who in various ways participate in armed conflicts for any crimes that are committed" (Ministry of Culture, 2015, p. 20). Besides calling out for the criminalization of travel for terrorist purposes (2015/16:JuU17), the action plan does not identify any other weaknesses regarding the prosecution of violent extremists.

The Swedish Criminal Code was introduced in 1962 and became effective on January 1, 1965 (The Swedish Criminal Code, 1962). In 2002, Sweden adopted the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in certain cases (2002:444), closely followed by the Act on Criminal Responsibility for Terrorist Offences in 2003 (2003:148). The latter act is composed of a list of certain acts that may result in penalties under the Swedish Criminal Code or other statutes, such as murder, manslaughter, gross assault and gross infliction or damage (Act on Criminal Responsibility for Terrorist Offences, 2003). If the intention of a criminal act is to damage a state or an IGO by spreading fear amongst a population (Section 2 Section 1); force public authority or an IGO to carry out or abstain from acts (Section 2 Section 2); or by causing serious destabilization or destruction to fundamental social, political, economic or constitutional structures, the crimes are to be treated as terrorist offences (Section 2 Section 3) (ibid.). Additionally, the act includes the criminalization of attempt, conspiracy and preparation to commit a terrorist offence (Section 4). The Act on Financing of Particularly Serious Crime (2002:444), however, imposes criminal sanctions on reception, provision and collection of funds and other assets with the intention to carry out particularly serious crime (Section 3); financing terrorism (Section 3); and financing terrorist travels (Section 3 a) (ibid.). Seven years later, in 2010, the Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serous Crime (2010:299) was introduced. The act concerns the criminalization of public provocation (Section 3); recruitment (Section 4); training (Section 5); and travel to a state where he is not a citizen with the intention of preparing and committing a serious crime (Section 5 b) (ibid.). Since 2014, however, three bills have been accepted by the Swedish parliament. One of them being the criminalization of travel for terrorist purposes (2015/16:JuU17), as requested by the action plan.

Table 6: Swedish bills adopted after 2014, targeting departees/returnees

Date passed	Name of bill	Description
May 27, 2014	2013/14:JuU10: Criminal liability in genocide, crimes against humanity and war crimes[1]	New Act on the criminal liability in genocide, crimes against humanity and war crimes. Increase in maximum penalty for war crimes from four to six years in prison (normal degree)
February 20, 2016	2015/16:JuU17: A special criminal liability for travel for terrorist purposes[2]	A special criminal liability for terrorist travels with the intention of training or being trained to carry out terrorist offenses and financing of such acts. The Government is to put forward a proposal on to revoke or temporarily withdraw the passport individuals suspected of preparing or having begun a trip for terrorist purposes
January 22, 2020	2019/20:JuU13: A special criminal responsibility for conspiring with a terrorist organization[3]	A special criminal liability for those who conspire with a terrorist organization intended to promote or strengthen the organization; criminalization of travelling abroad to conspire with terrorist organization and financing of terrorist travels; criminalization of terrorist recruitment and participation in a terrorist organization. Increasement in the penalty level on recruiting
Sources: [1](Justitieutskottet, 2014), [2](Justitieutskottet, 2016), [3](Justitieutskottet, 2019)		

Even though not listed as one of the measures to safeguard democracy against violent extremism, the plan acknowledges the prosecution of returnees as a means to “preempt and prevent” others from engaging in armed conflict abroad (Ministry of Culture, p. 20). In spite of this and despite the Governmental Communication’s claim that there were plenty opportunities within the legal framework to prosecute returnees, not one out of the 150 returnees have been convicted of criminal acts related to IS participation in Syria and Iraq by the Swedish Courts. In 2005, however, two returnees (SE1 and SE2) were convicted to lifetime in prison for terrorism and murder under the Act on Criminal Responsibility for Terrorist Offences (2003:148) (9086-15, 2015). Both SE1 and SE2 were sentenced based on three video clips showing the preparation, lead-up to and the beheading of two men in Syria in the spring of 2013 (ibid.). Although several Scandinavian newspapers claim that the videos are related to IS, the District Court did not find any evidence proving that SE1 or SE2 were linked to one or more terrorist organizations, or that the execution was directed by a specific terrorist organization (ibid. p. 30). In the question of penal range, the District Court concluded that 1) the two men were beheaded as a result of their beliefs, 2) the purpose of the murder was to violate ‘infidels’ as a group, and 3) the act were considered a terrorist crime, ultimately qualifying it for the highest degree of murder (ibid, p. 37-38). According to the Act

on Criminal Responsibility for Terrorist Offences in 2003 (2003:148), violations of the terrorist acts of Section 2 are imprisonment of a fixed term of 4 to 18 years, or lifetime. Imprisonment for life is only applied to the most serious crimes and entails that the defendant will not know for how long he/she will stay in prison (Swedish courts, 2019). After 10 years, the defendant can apply to have the sentence fixed and if agreed by the court, a fixed-term sentence will be set to no shorter than 18 years (ibid.).

As a sum, it can be argued that, due to the action plan's lack of measures directly targeting the management of returnees, there is not a pre-decided common agreement or conventional pattern that the Swedish policymakers can act on to implement new policies. This becomes especially evident by studying the policy that have been accepted and implemented since 2014. The policy proposals consist of several suggestions to new policy that have been voted down by the parliament. An example being the criminalization of participation in a terrorist organization that was implemented in 2020 and took years to get accepted. It is therefore reasonable to believe that politicking has gone wrong, meaning that the struggle and conflict between interests have been too big and that there has been a lack of willingness to compromise politically. Ultimately, resulting in under-reacting in policy response to the returnees. Sweden's incapacity to adopt policy combined with the action plan's overestimation of the legislation as an effective tool to prosecute returnees, has furthermore contributed to not one returnee being convicted of felonies connected to their travel to and participation with IS in Syria and Iraq. A government that chooses another alternative to imprisonment of radicalized offenders is traditionally known to have a soft approach. However, in the case of Sweden, the reason to why none of the returnees have been prosecuted is not because of political consensus and established policies, but rather a lack of an efficient and timely legislation. The special criminal liability for travel for terrorist purposes (2015/16:JuU17) was first announced in 2014 but it took two years until it was adopted and incorporated to the legislation in 2016. Considering that most of the Swedish departees travelled to Syria between 2013 and 2015 and that the provision does not work retroactively, it has been inefficient to prosecute any of the returnees from Syria and Iraq (Johansson, 2018). The same applies to the criminalization of participation in a terrorist organization. By studying SE1 and SE2's verdict it is evident that without the video evidence, they would not have been convicted of terrorism and murder. The kind of evidence material is rare and does not appear in any of the other Scandinavian convictions, which in turn indicates an exception from the ordinary proceedings in criminal cases against returnees. Even though the conviction is not IS-related, there are features such as the Court's emphasis

given to the act of terrorism and the maximum penal range indicating that Sweden would have chosen an approach just as strict to similar acts with ties to IS if they had the capability to do so. Based on this data set, there is not any evidence that Sweden have chosen to implement another alternative to prosecution or to compensate for the lack of prosecutions with other measures targeting disengagement of returnees. Furthermore, although the action plan highlights the use of soft measures, it cannot be argued that Sweden consciously have chosen a soft approach to returnees but rather that they have ended up in a position where the soft approach was the only option.

6. Discussion

After having analysed the Norwegian, Danish and Swedish approach to returnees, I will in this chapter discuss the overall similarities and differences between their approaches.

Based on the findings of the analysis, the first obvious difference between Denmark, Sweden and Norway's approach to returnees is what constitutes the foundation of their political goals and measures presented in their action plans. Moreover, the emphasis given to the returnees in general. The Norwegian action plan from 2014 states that "(returnees) may have developed more violent intentions and a lower threshold for supporting or utilising violence as an instrument […] Combined with a view where Norway is regarded as one of their enemies, these individuals may represent a threat to Norway and Norwegian interests" (Regjeringen, 2014, p. 10). The Danish plan from 2016 takes it a step further, stating that there is a need to "take a hard line against foreign fighters who pose a potential threat to our safety, and we must protect our children and young people against radicalisation stemming from the influence of returning foreign fighters and people who are convicted of terrorism" (Regeringen, 2016, p. 6-7). The Swedish action plan does not mention either departees or returnees. However, in a Governmental Communication from 2015, providing an account of proposed measures and measures implemented, it is expressed that "When it comes to Islamist extremism, it is particularly worrying that an increased number of people have committed themselves to violent Islamist extremism and armed extremist and terrorist groups in Syria and Iraq […] Those who travel can also constitute a threat to Sweden through their intent and ability to commit terrorist attacks (Ministry of Culture, 2015, p.4). There is, in other words, a great difference in the threat perception amongst the three countries. While Denmark calls for "hard measures" to ensure the maintenance of Danish security, the Swedish action plan does not give much emphasis to returnees as a domestic threat. However, all three action plans acknowledge that several of the returnees from Syria and Iraq are radicalized or violent extremists. While Denmark and Sweden emphasize that radicalization is a process that either results in the adoption of a violent ideology or the use of violence to achieve goals, Norway is the only country that does not specify the adoption of extremist views as radicalization. As for extremism, both Norway and Sweden use the terminology 'violent extremism', while Denmark applies 'extremism'. Denmark's definition is the broadest of the three, both targeting people seeking to legitimise violence as well as people

who carries out acts of violence due disagreement over societal conditions. Moreover, it does not include the use of violence to achieve a goal. The Norwegian definition does not require the use of violence, but rather the willingness to use violence as a mean to achieve a goal. Sweden, on the contrary, defines it as the acceptance and legitimization of violence and like Denmark, it does not require that the violence is carried out to achieve a goal. Even though all three action plans provide definitions of both radicalization and extremism, none of the policies use the term "de-radicalization". Norway and Sweden modestly use the word "reintegrate" but does not provide an account of what reintegration means or what is required in order to be reintegrated. Denmark use the terms 'rehabilitation' and 'disengagement' infrequently, but in line with Norway and Sweden they do not provide a definition of the terms or an explanation of what rehabilitation and disengagement entails. Nonetheless, by the general wording in all three policies, they all encourage behavioural change. The emphasis given to returnees are furthermore reflected through the number of measures directly linked to departees and returnees in each of the national action plans. Denmark's approach aims to take a hard line against returnees by depriving them of social benefits; revoke passports; impose travel bans; increase the maximum penalty levels; introduce new penal provisions; increase efforts to monitor them; require mandatory attendance in mentor programmes in prisons in order to get released; and to impose them with a "child protection certificate scheme". The Norwegian approach, amongst other things, does not interfere with the returnee's life post sentencing. The measures put out by the Norwegian action plan is more moderate in terms of strict legal measures than the Danish one and includes the adoption of a provision criminalizing participation in an armed conflict abroad; follow-up of returnees by the PST and municipalities; deportation of foreigners with a residence permit who have participated in war crimes abroad; mentoring programmes in both prisons and local communities; as well as an improvement of interfaith dialogue both inside and outside of prisons. To summarize, what they have in common is the mentoring programme in prisons, the deportation of foreigners who are convicted of terrorist related crimes as well as introducing a new provision on participation in armed conflict abroad. An important difference, however, is that Norway does not require mandatory attendance by returnees in mentoring programmes in prison. As for the Swedish approach, the adoption of a provision criminalizing participating in a military conflict abroad is the only initiative Sweden have in common with the Danish and Norwegian action plan. In comparison to Denmark and Norway, the Swedish action plan does not provide any measures directly targeting the management of returnees.

The approaches are further emphasised by each governments' policies adopted since 2014/2015: in 2016 both Denmark, Norway and Sweden adopted a bill criminalizing the participation in an armed conflict abroad; Denmark and Norway have adopted policy to deprive returnees of their citizenships and residence permits; both Denmark and Sweden have raised their penalty levels by to ensure that the terrorism provisions adequately reflect a contemporary perception of the criminality of terrorist offenses and; Sweden have criminalized participation in a terrorist organization. Moreover, Denmark have granted PET more authority to monitor returnees and they have deprived returnees of social benefits. In addition to the policies that have been adopted in accordance with the Danish action plan, the Danish parliament have also accepted two bills that deprives children born in conflict-zones of their automatic citizenship and allows revocation of parental custody rights of returnees. Denmark's adoption of policies stands in stark contrast to Sweden and Norway's approach, who neither intervenes with social benefits, parental rights or children of returnees. Besides, they do not either require monitoring of returnees. To summarize, Denmark have adopted 10 bills, Sweden 3 and Norway have adopted 8. The number and nature of the adopted policies can therefore be seen in connection with the number of initiatives directly targeting the management of returnees in Norway, Denmark and Sweden's action plans. Whereas Denmark's action plan is the most comprehensive, their number of adopted policies are also the highest.

As for the prosecutorial powers, Norway and Denmark's legislations has proven to be better equipped to respond to criminal violations such as terrorism and terror related acts committed by returnees. Even though Sweden has the highest number of returnees, not one returnee has been convicted of crimes related to their travel to and/or participation in IS in Syria and Iraq. Denmark who has half as many and Norway who has four times as few returnees as Sweden, have both convicted 12 returnees. The difference can partly be explained by participation in a terrorist organization being the illegal offence most returnees have been sentenced for in Norway and Denmark. As it did not become illegal in Sweden to join a terrorist organization until January 2020, it is reasonable to assume that if the policy were adopted earlier, more returnees would have been convicted in Sweden. Even though Sweden have adopted several new provisions on terrorism and terrorist related acts since 2014, it is evident that a lack of political consensus is keeping Sweden from adopting laws more comparable to the Norwegian and Danish legislations. By looking at the case of Norway and Denmark who have adopted new provisions on all the legal measures listed in their action plans, with the intent to improve the management of returnees, it can furthermore

be argued that Sweden's lack of consensus is a result of the vague political approach to returnees in their action plan. Nonetheless, Denmark and Sweden have both raised their penalty levels to ensure that the terrorism provisions adequately reflect a contemporary perception of the criminality of terrorist offenses. The Norwegian Penal Code (2005) that went into force in 2015, however, lowered the penalty level of planning and preparing for a terrorist act and terrorist threats by two years. Denmark do not have provisions targeting either of the acts, which complicates this comparison. Sweden criminalizes preparation in accordance with the Penal Code Chapter 23 to a minimum of four years and a maximum of eighteen years, which is equivalent to the penal range of carrying out a terrorist attack. In aggravated circumstances, the penal range of carrying out a terrorist attack is lifetime in prison. Compared to Sweden, the Norwegian maximum penalty of terrorist acts and aggravated terrorist attacks is 21 and 31 years, respectively. In Denmark it is punishable by lifetime in prison. This indicates that Norway, Sweden and Denmark's approach to penalty levels are even. As for the legal sanctioning of returnees, both the Norwegian and the Danish approach to imprisonment of returnees from Syria and Iraq has been emphasised by the Court's statements of IS as a brutal terrorist organization. In other words, criminal acts committed in relation with IS has had an aggravating effect on the sentencing in both countries, contributing to deterrence and to prevent recidivism. Amongst the 12 returnees who have been sentenced in Danish Courts, eight have been deported and five have been deprived of their Danish citizenship. In comparison, only one out of the 12 returnees who have been convicted by the Norwegian Courts have lost his Norwegian passport. Amongst the Scandinavian convictions, NO12 is the only IS-bride or attempted IS-bride that have been sentenced by Scandinavian courts. She was sentenced on the same premises as the men convicted of participating in IS, indicating that the roles of women are just as punishable as the roles of men.

7. Conclusion

The objective of this thesis has been to uncover similarities and differences in the Norwegian, Swedish and Danish approach to returnees from Syria and Iraq. Furthermore, to examine if the variations can be explained by each of the national governments' action plans. This have been done through a comparative multiple-case study where I started off by analysing each case: their action plan on preventing and countering radicalization and extremism; their legal framework applicable to criminal acts related to travel and participation in an armed conflict abroad as well as acts of terrorism and terrorist related acts; policies adopted after 2014/2015 targeting the management of returnees and; their prosecution of returnees. Besides, the analysis explores the relationship between the political aims (the action plan and the legislation) and the practise (the newly adopted policy and the convictions), to examine whether there is a correlation. Based on the findings of the analysis, the discussion has collected and compared the similarities and differences between Norway, Sweden and Denmark's approach.

This thesis has found that, in accordance with the Danish government's wish to take a hard line against returnees, Denmark has adopted the harshest approach to returnees amongst the Scandinavian countries. Their approach includes practises such as revocation of citizenships, residence permits and social benefits; mandatory attendance in mentoring programmes in order to get released from prison; revocation of parental custody rights of returnees; deprivation of automatic citizenship of the returnees' children; imposing returnees who are convicted of terrorist related crimes a "child protection certificate scheme" in order to get a job involving contact with children under the age of 15. Additionally, Denmark have increased the penalty level of terrorism and terrorist related crimes; adopted new provisions on participation in armed conflict abroad and; authorized more surveillance of returnees. Amongst the 12 returnees that have been convicted of travelling and/or participating with IS in Syria and Iraq, eight returnees have been deported with a permanent entry ban and five have been deprived of their Danish citizenship.

In comparison to Denmark, the Norwegian approach to returnees is more moderate, in that it does not constitute of legal sanctions determining the returnee's life after they have completed their sentencing (i.e the child protection certificate), it does not interfere with parental custody rights or children's citizenships, and it does not force returnees to participate

in mentoring programmes in order to be released from prison. In terms of policies and practises, the Norwegian approach focuses on the criminalization of participation in an armed conflict abroad; follow-up of returnees by the PST and the municipalities; deportation of foreigners with a residence permit who have participated in war crimes abroad; mentoring programmes in both prisons and local communities as well as an improvement of interfaith dialogue both inside and outside of prisons. In accordance with Denmark, Norway allows for the deprivation of citizenships from people with dual citizenships who have committed terrorism and terrorist acts. Amongst the 12 returnees that have been sentenced for travelling and/or participation with IS in Syria and Iraq, only one returnee has been deprived of his Norwegian citizenship.

The Swedish approach to returnees, however, separates itself from the Norwegian and Danish in terms of its absence of measures targeting returnees. Sweden's action plan on safeguarding democracy against radicalization and violent extremism calls for the adoption of new penal provisions but does not cover any initiatives directly targeting the management of returnees. Since 2014, Sweden has adopted three bills to manage returnees, including the criminalization of participation in military conflicts abroad and participation in a terrorist organization, as well as an increase in the penalty levels of terrorism and terrorist related crimes. Amongst the 150 returnees that have travelled back to Sweden, not one has been convicted of crimes committed in relation to IS in Syria and Iraq.

In sum, amongst the Scandinavian action plans on prevention against radicalization and extremism, Denmark has the most aggressive approach and the highest number of measures specifically targeting returnees. Furthermore, having the highest number of implemented policies since 2015. Although not as many as Denmark, the Norwegian action plan also constitutes of a number of measures targeting the management of returnees. Norway have also adopted eight policies since 2015, in line with the initiatives of the action plan. The Swedish action plan, on the contrary, does not include a problematization of returnees to the same extent as the Danish and Norwegian. Moreover, it barely mentions any measures applicable to the management of returnees. Accordingly, Sweden has not nearly implemented as many policies as Norway and Denmark and it has taken a long time to get them passed by parliament. Consequently, resulting in Sweden not having as many adequate legal measures to prosecute returnees as Denmark and Norway. By looking at the case of Norway and Denmark who have adopted new provisions on all the legal measures targeting returnees in action plans, it can therefore be argued that it is a clear connection between the measures presented in the action plans and the number of measures successfully implemented. For

Norway, Sweden and Denmark, this means that the more focus given to a specific issue the more policies implemented and the less focus given to a specific issue the less policies implemented. Moreover, the more concrete goals the more implemented measures and the less concreate goals, the less implemented measures. Furthermore, the variations between Denmark, Norway and Sweden's approaches to returnees from Syria and Iraq can therefore be explained by each of the government's action plans.

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