

About ICCT

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

Licensing and Distribution

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

Copyright Holders

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

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

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

Collection © Editors, 2024

Text © Contributors, 2024

Illustrations © Contributors, 2024

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

Registration

DOI: 10.19165/FTXZ9791

ISSN: 2468-0486

ISBN: 978-909038171-8

E-ISBN: 978-909038199-2

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

4

The German Approach to Female Violent Extremist Offenders

Sofia Koller

Since 2011, more than 1,150 individuals travelled from Germany to Syria and Iraq, mostly to support the so-called Islamic State (ISIS).¹ Around one quarter were women and girls. Since then, 40 percent of original travellers returned, including at least 129 adult women.² While many women returned voluntarily before the fall of the so-called caliphate, Germany has also carried out seven repatriation missions to bring back 27 adult women, 80 minors, and one adult man from Northeast Syria.³ In the sample analysed for this book, the majority of the prosecuted women who had travelled to a conflict zone returned via government-led repatriation (44 percent), around one third were expelled (usually after having crossed the Syria-Turkey border, 32 percent), and only eighteen percent returned on their own initiative (Figure 4.1). A few women (and their children) remain in Kurdish-administered camps or are detained in Iraqi prisons. Several women did not manage to travel to Syria and Iraq at all (disrupted travellers) or decided to support terrorist organisations from Germany.

Taken together, the relatively high number of women and girls supporting Islamist terrorist organisations – referred to as female violent extremist offenders (VEOs) once prosecuted – presented a new challenge to German governmental and non-governmental actors. Due to Germany's federal structure, justice and security are the responsibility of the German States. Hence, terrorist offenders are prosecuted in different local or regional courts, serve their sentence in different prisons, usually in their state of origin, and are supported by different governmental and non-governmental actors: each state and prison deals only with few female VEOs, making the analysis of “the German approach” challenging.

This chapter aims to provide a comprehensive overview of responses to female VEOs with a connection to Syria and Iraq in Germany. In-depth, semi-structured interviews were conducted with eighteen subject matter experts between March and June 2023, working on state or federal level on the prosecution, rehabilitation, and reintegration of female VEOs, representing both civil society organisations and governmental actors.⁴ Interviews on rehabilitation focused on the six states with the highest number of returnees – Bavaria, Berlin, Hamburg, Hesse, Lower Saxony, and North Rhine Westphalia. The author was also provided with anonymised verdicts of female VEOs by Federal and State Public Prosecutors, not claiming completeness of the sample. This chapter will discuss the German approaches on criminal prosecution, prison management, rehabilitation in prison as well as reintegration into society after release.

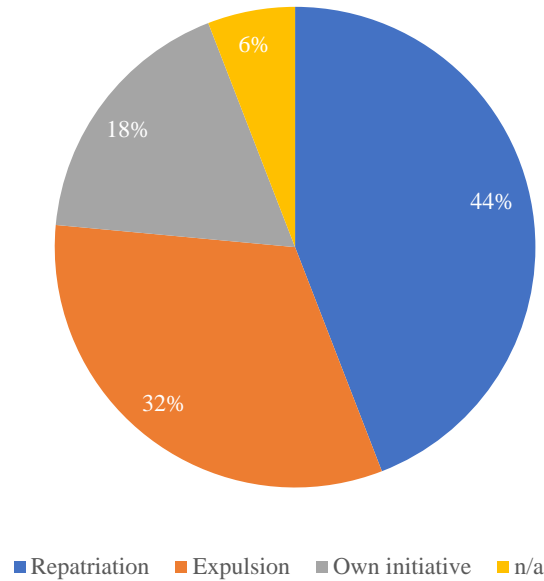


Figure 4.1: Mode of return of women who travelled to the conflict zone from Germany and were later prosecuted in Germany (n=34; as of 15 July 2023)

Prosecuting female VEOs

While first departures to Syria and Iraq were not a big concern for German prosecutors, the number of travellers from Germany reached a peak in mid-2014 before decreasing in 2014 and 2015.⁵ Hence, the Federal Public Prosecutors' Office (GBA) started requesting "prosecution authorisations" to enable the prosecution of returnees for their involvement in foreign terrorist organisations, which the Ministry of Justice started issuing for Jabhat al Nusra (2013), ISIS (2014), and Islamic State (2015).⁶ In 2015, the criminal code was adjusted to also enable prosecution where membership in a terrorist organisation could not be proven, instead criminalising the attempted or successful travel to prepare or train for acts of terrorism abroad (section 89a German Criminal Code, StGB) as well as providing funds for terrorist organisations (section 89c StGB).⁷ As of 2023, prosecuting terrorism-related offences centres on support or membership in a terrorist organisation (section 129a) abroad (section 129b StGB), preparation of a serious act threatening the state and financing of terrorism (section 89a-c StGB). These more serious terrorism-related offences are handled by the GBA, while the State Security Units within the State Prosecutor's Offices (GenStA) are responsible for most other terrorism-related cases.

The first large returnee wave in 2014/2015 consisted of many men who had committed very serious crimes that were sometimes publicly documented, hence becoming investigators' priority.⁸ A preliminary proceeding must be initiated as soon as the GBA has initial suspicion of a criminal offence (section 160 Code of Criminal Procedure, StPO). However, Germany does not allow trials *in absentia* and the defendant must be present in court at all times.⁹ Due to the high number of returnee cases, the GBA also started delegating most cases to state prosecutors while reclaiming cases of particular importance. Hence, the Bavarian State Prosecutor's Office (GenStA), for example, established a Central Unit for Countering Extremism and Terrorism (ZET) in 2017 to deal with terrorism-related cases, including those delegated by the GBA.¹⁰

While the mobilisation of women joining ISIS was unprecedented, there are several reasons why female returnees were at first not systematically investigated and prosecuted. Not only were female returnees usually involved in less serious crimes, but fewer details were known due to ISIS policy confining women to the domestic sphere. Hence, some women were only arrested months after their return, once investigations of other cases unearthed relevant evidence since the more they investigated, the more they uncovered, especially regarding less public activities in ISIS territory.¹¹ In the past decade, it has become clear that German women were indeed mostly supporting their ISIS husbands as housewives, sometimes also taking care of washing and cooking for their husband's *khatiba* (fighting unit).¹² Western women had higher status and due to the lack of women, widows were encouraged to re-marry quickly.¹³ Almost all German women who had travelled to the conflict zone are parents, either having brought their children with them to ISIS territory, or having at least one child while abroad. In the sample, a thin majority did not have any children at the moment of departure (56 percent, see Figure 4.2).

Women were expected to bear children and educate this next generation according to ISIS ideology. But many German women were also engaged in propaganda, praising their life in the so-called caliphate on social media to recruit other (Western) women, often also facilitating their travels. As ISIS developed more professional structures, for example, female-only combat units or specialised units to discipline other women and gather intelligence on them, there is little evidence that more than very few German women were actually involved in such violence-oriented activities.¹⁴ However, individual women unsuccessfully tried to volunteer for such activities. For example, Omaina A. and Sarah O. had tried to register for armed combat together.¹⁵ Both were convicted for, inter alia, membership in a foreign terrorist organisation. Investigators had trouble understanding this new phenomenon of women being actively recruited by ISIS to travel and developing adequate legal argumentation regarding the question of whether their involvement amounted to terrorist membership. While gender bias also played a role, some interviewees instead stressed Germany's previous experience with extremist women in key roles, for example with the Red Army Faction.¹⁶

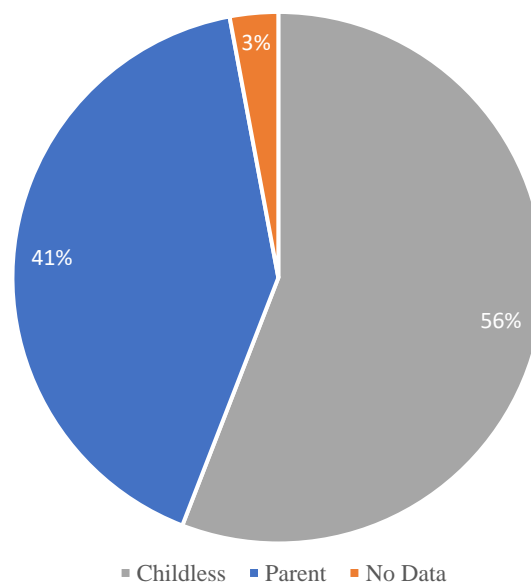


Figure 4.2: Parent status of female VEOs on departure from Germany to conflict zone (n=34; as of 15 July 2023)

The 2018 Turning Point

Germany began prosecuting female returnees more systematically from 2018 onwards.¹⁷ The return of Sibel H. triggered this development: the German Federal Court of Justice (BGH) declined to issue an arrest warrant as requested by the GBA. They did not agree with the GBA's argument that women like Sibel H. should be charged with ISIS membership for only having lived in its territory without having participated in concrete terrorist activities.¹ Since women were usually not involved in violence-oriented activities like training or combat – often the basis for sections 129a and 129b StGB – additional evidence was needed. The GBA, however, assessed that “otherwise legal activities such as marrying an IS[IS] fighter and running a household in IS[IS] territory constitutes the basis for [ISIS] membership”.¹⁸ Since then, prosecutors have successfully argued that female returnees had, for example, enabled the terrorism-related activities of their husbands as ISIS fighters. In the past years, the GBA has gathered more evidence and established a certain routine and “enough experience to know how to legally evaluate” female returnee cases.¹⁹

As of 2023, courts usually follow the GBA's assessment regarding women's terrorist membership in their verdicts. Since 2018, female returnees often have an arrest warrant pending and are detained upon arrival. But women who returned before were in many cases not on the radar of prosecutors. For example, Derya Ö. had returned in August 2017, spoke about her time with ISIS in a documentary and was only then charged and in the end sentenced to two years and nine months in prison: “if she had kept her mouth shut, nothing would have happened.”²⁰

Core International Crimes

Another key aspect of the prosecution of German female returnees has become core international crimes according to the German Code of Crimes against International Law (VStGB). Since 2002, when all penal provisions of the Rome Statute of the International Criminal Court were incorporated into German criminal law to create the VStGB, prosecutors can exercise universal jurisdiction, meaning the GBA can initiate criminal investigations for crimes even if they have not happened in Germany and neither victim nor perpetrator hold German nationality. Prosecutions can be initiated into genocide (section 6 VStGB), crimes against humanity (section 7 VStGB) and war crimes (sections 8 to 12 VStGB). Without any tie to Germany, prosecutorial discretion applies (section 153f StPO). Hence, the GBA usually only prosecutes for core international crimes that were committed abroad in three constellations: if victims or perpetrators are German; if victims or perpetrators are in Germany; or if the prosecution would support the International Criminal Court (ICC) and international tribunals. For example, while it was male ISIS members who had purchased Yazidi slaves, women have prevented enslaved Yazidi women and girls from fleeing their house, exploited their labour, or physically abused them. Others recruited their own children as child soldiers. In total, twelve German female returnees have been convicted for perpetrating or aiding and abetting core international crimes. For example, Iraqi national Taha Al-J. and German national Jennifer W. have been prosecuted under universal jurisdiction and were convicted for having enslaved a Yazidi woman and her daughter, resulting in the child's death.²¹

In addition, female returnees have been charged with war crimes against property (section 9 VStGB). Even before 2018, there were indications that several German women had lived in flats and houses that ISIS had taken from their legal owners and provided to ISIS families.

¹ Traveling to Syria to join a terrorist organisation—even if the membership itself cannot be proven—has only become an offence in Germany since 2015.

After 2018, prosecutors started to argue that living in such pillaged accommodation constituted a war crime against property. This assessment was used to support ISIS membership charges, since by living in looted houses, the women had consolidated ISIS' territorial claim, and as an end in itself. The GBA can indeed combine investigations for terrorist and other offences from the beginning and during the investigation, leading to more flexibility and the ability to initiate investigations more quickly. German authorities have "implemented [this] concept of Cumulative Prosecution at an early stage."²² The GBA has been charging and convicting female returnees for membership in a foreign terrorist organisation, core international crimes, as well as national crimes such as failure to fulfil their duty of care and education or violation of the war weapons control act. In the sample of prosecutions, the majority of female VEOs were indicted (80 percent), as well as convicted (73 percent) for some combination of terrorism-related charges as well as core international crimes and domestic crimes (Figure 4.3). Even more, core international crimes were included in around half of the cumulative indictments and convictions. As of 2023, only those cases of female returnees which involve core international crimes remain with the GBA.

Convicting German Female VEOs

In total, the sample included 49 cases of female VEOs who have been, or are currently being, prosecuted for terrorism-related crimes with a connection to Syria or Iraq, including 39 returnees.²³ Since one woman, Omaina A., had been convicted twice, the total number of female VEOs in the sample amounts to 48 women. In addition, as of 15 July 2023, a total of 35 of these 48 women of our sample have received a final verdict, amounting to 36 cases (Figure 4.4). In five cases, an appeal was pending, two cases were still on trial, two other women were awaiting the start of their trial, and four women were still being investigated. Due to the presumption of innocence, these cases that have not yet led to a verdict have not been included in the analysis. The analysis is hence based on the 41 cases involving 40 women who have received at least a first instance verdict as of 15 July 2023.

The majority of convicted female VEOs in the sample have been convicted of membership in a foreign terrorist organisation (33 out of 41 cases) and only seventeen percent have been convicted of support of a foreign terrorist organisation (see Figure 4.5). Notably, none of the three women initially charged with preparation of a serious act threatening the state (section 89a StGB) was convicted of this offence. In addition, German female returnees were convicted for several other crimes under domestic law, including:

- crimes affecting their children (such as failure to fulfil their duty of care and education or abduction of minors);
- violation of the Weapons Control Act (such as handling a Kalashnikov);
- human trafficking;
- deprivation of liberty;
- attempted murder or aiding and abetting murder;
- violation of the prohibition of provisions of the Foreign Trade and Payments Act (AWG);
- causing bodily harm; and
- failing to report a crime.

The majority of cases (68.3 percent) were prosecuted under common criminal procedure, 26.8 percent were juvenile justice cases, and 4.9 percent of the cases resulted in plea agreements.

KOLLER

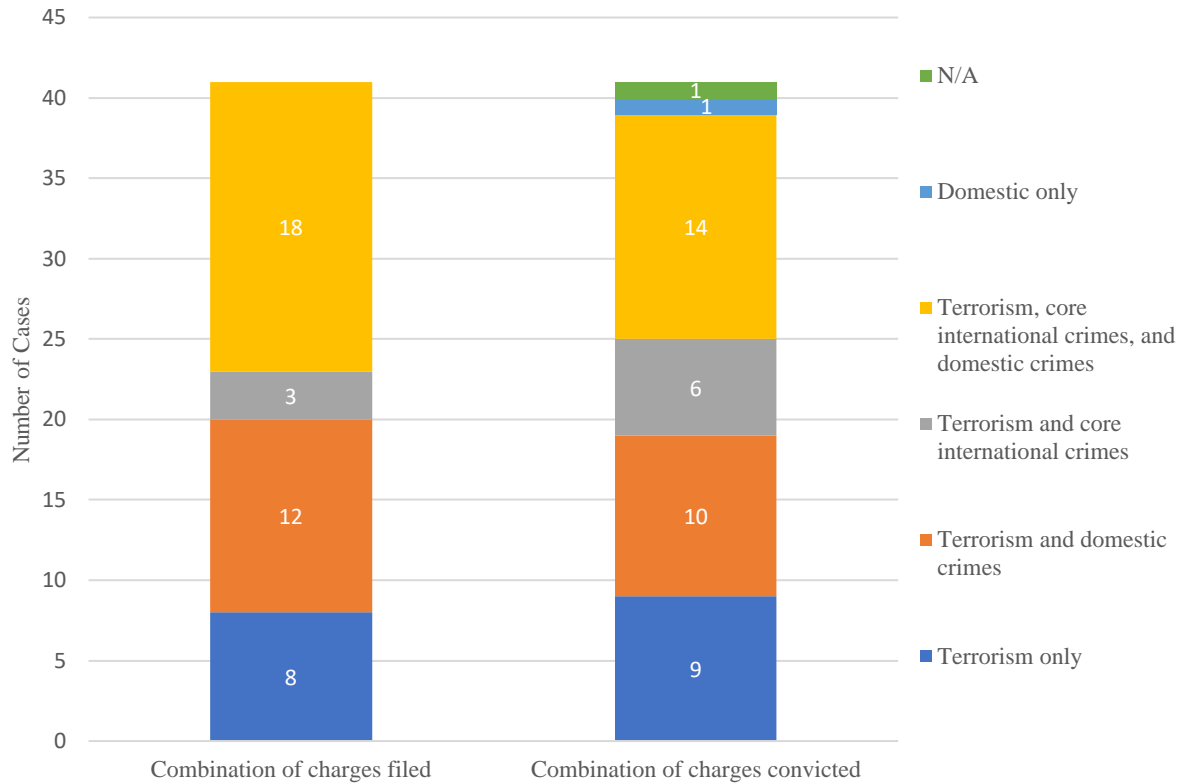


Figure 4.3: Cumulative indictments and convictions filed against female VEOs in Germany (n=41, as of 15 July 2023)

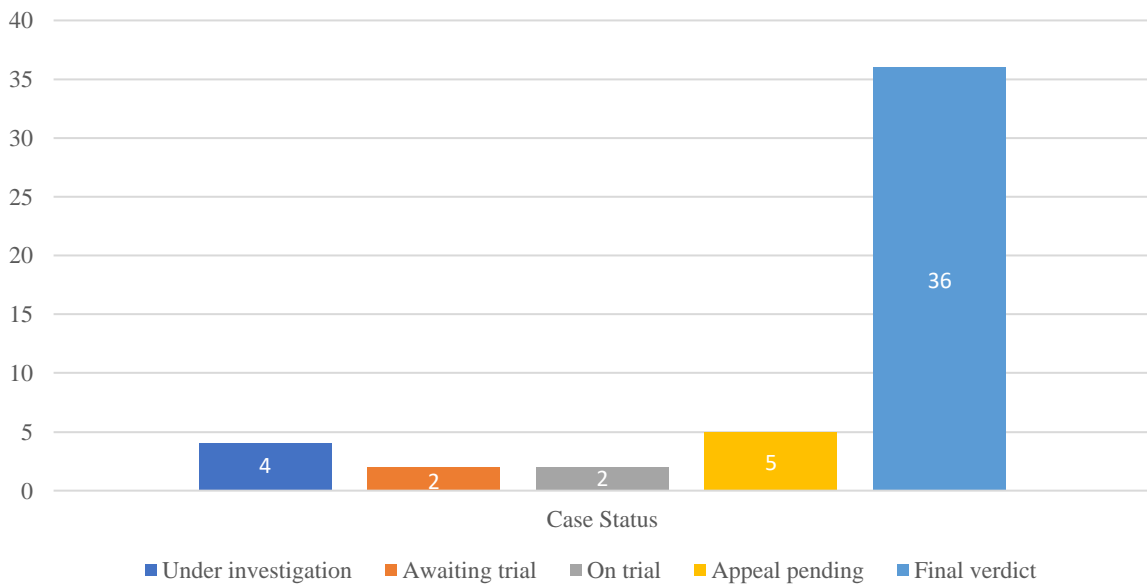


Figure 4.4: Case status of prosecutions of female VEOs in Germany (n=49; as of 15 July 2023)

Charges	Membership in a Terrorist Organisation	Support of a Terrorist Organisation	Preparation of Terrorist Crimes	No information available
Filed	34	7	3	0
Convicted	33	7	0	1

Figure 4.5: Charges and convictions of female VEOs for terrorism related crimes in Germany (n=41; as of 15 July 2023)

Prosecuting Non-Returnees

The approach to prosecuting women who did not travel, but supported organisations such as ISIS from Germany, is slightly different. First, such cases of female VEOs usually remain with state public prosecutors. For example, Andrea B. took her two underage daughters against the will of the girls' father to the Turkish-Syrian border, where she remained until her voluntary return in May 2014.²⁴ While she was also charged with preparing a serious act of state threatening violence, the Higher Regional Court in Munich convicted her only for abduction of minors and sentenced her to one and a half years on probation. More serious cases were seized by the GBA. A well-known case is German-Moroccan Safia S., who had unsuccessfully tried to join ISIS at the age of fifteen and instead tried to kill a police officer with a knife to demonstrate her support for ISIS.²⁵ She was convicted of attempted murder, dangerous bodily injury, and support of a foreign terrorist organisation and sentenced to six years juvenile detention. Another example is Denise S., who had stayed with her Iraqi husband in Germany and collected money for ISIS.²⁶ There are also cases such as the unnamed 69-year-old German and Turkish national who sent almost €7,000 to her grandson fighting for ISIS in Syria.²⁷ The Higher Regional Court in Dusseldorf convicted her for support of a foreign terrorist organisation and violation of the prohibition of provisions of the Foreign Trade and Payments Act (sections 17 and 18 AWG) and sentenced her to one year and six months on probation. In general, the most common offence that non-returnees have been charged with and were usually also convicted for is support of a foreign terrorist organisation.

Finally, minor cases that usually do not amount to terrorist support (and have not been included in the sample) but for example do violation of the AWG and related acts can be heard before one of the 688 *Amtsgerichte* (local courts). For example, in April 2018, the local court in Munich convicted a German woman for having tried to send €400 to her sister who had joined ISIS in 2015.²⁸

Sentencing German female VEOs

In the case of a conviction under StGB, adequate criminal sanctions include either a fine or imprisonment as well as additional corrective and protective measures. Under German criminal code, the different sections also include the penalty range. For example, sections 129a and 129b StGB requires a minimum prison sentence of one year, which excludes paying a fine. Factors that are taken into consideration when deciding sentences are for example the crime's scope (whether it is a lesser or more serious case) and the individual's situation, including resocialisation prognosis (section 46 StGB). In addition, the circumstances and motivation of the prolonged stay in Syria or Iraq, for example whether the returnee had options to leave ISIS

territory, can be considered mitigating factors. The stay in camps in Northeast Syria are also taken into consideration in the sentencing decision.²⁹ Finally, parents with (small) children are considered more *haftempfindlich*, meaning that a prison sentence is likely to have a more negative impact, especially as the child's welfare is considered in the sentencing decision. However, both male and female returnees with children can and have been convicted to prison sentences.³⁰

In some cases – for example prison sentences of less than two years – a prison sentence may also be suspended to be served on probation instead of in detention (section 56 StGB). This probation period comprises between two and five years; if the convict violates conditions during this period or re-offends, he or she can be ordered to serve the full prison sentence in detention. A court-ordered probation officer helps the offender with reintegration and fulfilling probation obligations, for example to report to a specific authority at specific times, to notify of any change of residence or to avoid contact with certain individuals. Individual sentences for each convicted crime are not accumulated but the highest individual sentence will be taken as the starting point and adequately prolonged, leaving a rather wide scope for the judges (sections 52 to 55 StGB). For example, the prison sentence for a conviction according to sections 129a and 129b StGB can range from one to ten years in prison. Convictions for core international crimes according to the VStGB, or serious national crimes such as murder or rape are hence leading to significantly higher prison sentences.

For the German female VEOs in the sample, the average prison sentence pronounced in the verdict is four years, eight months, and five days.³¹ However, the actual average time spent in prison is likely shorter, since pre-trial detention is deducted, some sentences are suspended on probation, and inmates can be eligible for early release.

In general, maximum sentences are only handed out for example in cases of “particular gravity of the guilt,”³² if the defendant is a former convict, or does not (at least partly) confess.³³ Hence, maximum sentences remain the exception and interviewees estimated that regarding female VEOs, the majority of sentences remained in the lower third since most returnees, and especially women, were not leading figures in their organisation.³⁴ Double digit sentences also remain the exception, with the longest prison sentences being fourteen years (Jennifer W., on second instance, again appealed) and nine years and three months (Nadine K., on first instance, appealed).ⁱⁱ At least thirteen female returnees received prison sentences suspended on probation.

Hence, some actors argued that there is little difference in the sentencing of male and female returnees.³⁵ In general, it is difficult to compare the cases because male and female ISIS members had such different roles.³⁶ Some female returnees have received higher sentences due to core international crimes convictions for crimes committed against enslaved Yazidis.³⁷ As of December 2023, no German male returnee has been charged and convicted for such crimes. Also, male returnees were often not convicted for actual fighting (equivalent to a higher sentence) due to lack of evidence for anything beyond combat training. Others argued that female membership (taking care of the household) and male membership (fighting) did not “belong on the same level”.³⁸ There was often no concrete evidence that a woman was actually integrated into ISIS structures, for example receiving a monthly allowance. Finally, longer stays in ISIS territory were often linked to higher sentences.³⁹

ⁱⁱ Though their verdicts are not included in the dataset.

Germany	Prosecuting Country		Foreign Nationality Only
	Single Citizenship	Dual Citizenship	
n=40	29	10	1

Figure 4.6: Citizenship of female VEOs prosecuted in Germany (n=40; as of 15 July 2023)

While the majority of female VEOs in our sample only hold a German citizenship, a quarter (ten out of 40 women) hold German as well as another citizenship (Figure 4.6.). Though dual nationals can lose their German nationality if they participate in combat of terrorist organisations abroad since 2019, this law cannot be applied retroactively.⁴⁰ Some non-German nationals “from the Islamist spectrum” have been deported, but no cases of citizenship stripping or deportation of female VEOs have been reported.⁴¹

Challenges

When prosecuting terrorism-related offences, accessing evidence is the key challenge. Insights from security and intelligence agencies highlight that monitored online communications, for example, are crucial. Regarding returnees, prosecutors often depend on statements of the defendants themselves, ISIS publications such as *fatwas* on Yazidi slaves, and expert evidence, since investigations at crime scenes in Syria and Iraq are not possible, and even using instruments of legal assistance in Iraq are difficult.⁴² For example, it can be difficult to prove core international crimes such as the war crime of looting (section 9 VStGB), since the material, mental, and contextual elements need to be proven in court.

Hence, during preliminary proceedings, evidence and information gathered by the Federal Criminal Police Office (BKA) when questioning German nationals in the camps and during their return flight for security prevention purposes often contributes to initiating a criminal procedure.⁴³ In 2014, the GBA also initiated a structural investigation on crimes committed by non-state armed groups such as ISIS to systematically gather all available data in one file.⁴⁴ Such files can be used in individual indictments (so as to include legal assessments or details of conditions on the grounds that apply to several or even all cases, for example general explanations of ISIS’ structure, rise and fall, and which do not need to be re-evaluated for every case individually) and are kept up to date.⁴⁵ Described as a “very important” tool, structural investigations benefit from good cooperation between security services and include, for example, important videos, translation of key publications, and information regarding conditions on the ground.⁴⁶ In addition, mechanisms such as the United Nations Investigative Team for Accountability of Da’esh/ISIL (UNITAD) and the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 (IIIM) help locating witnesses, cornerstones of many trials against female returnees. Germany had a large Yazidi community even before a state government-sponsored contingent of 1,100 Iraqi survivors (mostly Yazidi women), arrived in Germany in 2015 and 2016.⁴⁷ While many potential victims are already in the country, survivors require a sensitive approach to questioning.⁴⁸ They are often traumatised, some have little or no education, and speaking publicly about sexualised violence can lead to exclusion from their community.

Objective, and thus more reliable, evidence is hard to find, and the trials can only provide “snapshots”.⁴⁹ Fully covered women are also more difficult to identify in pictures or videos.

As opposed to prosecutors, the defence faces partly different challenges. According to some defence lawyers, the biggest challenge when legally representing female VEOs and especially returnees, was the lack of alternative access to information. For example, when lawyers want to introduce evidence, they face even more difficulties than the GBA when locating documents abroad or summoning exonerating witnesses living outside of Germany, leading to an imbalance of information.⁵⁰ In addition, some charges, such as terrorist membership or war crimes against property according to the VStGB, were in their opinion confirmed too easily. Usually, establishing guilt in the context of criminal law has very high requirements. However, in several cases, key facts about the women’s integration into ISIS structures or looted house’s former occupants and exact location had not been clearly proven. Such remaining doubts would hinder a conviction if German criminal law was applicable, but the VStGB context would simply “wipe away” these uncertainties and courts assessed the charges to be confirmed.ⁱⁱⁱ In this context, some defence lawyers find that state security procedures – criminal proceedings that involve politically motivated crimes – are politically motivated since “all actors know that their decisions will be commented on in the media the next day.”⁵¹ Rarely, they argue, charges were dropped or defendants acquitted because it might reflect badly if alleged ISIS affiliates had been repatriated. In addition, some defence lawyers criticise security measures during pre-trial detention, for example glass screens during visits and monitored correspondence.⁵²

Other actors confirmed that the difficulty to access information means that even if a first arrest warrant is denied by the investigative judge, investigations against VEOs can continue for years.⁵³ The GBA cannot discontinue the procedure because of insignificance since membership in a terrorist organization (section 129a StGB) alone equals at least one year in prison.⁵⁴

Some experts also warned of terrorism-related charges being pressed increasingly early in the terrorist planning process.⁵⁵ For example, travellers who did not even know which organisations they wanted to join were charged with preparation of a terrorist act, or parents who sent money to their children were charged with terrorism financing.

Overall, some interviewees acknowledged that the prosecution of female returnees was more challenging and had started later but did not see much difference in prosecutorial approaches to men and women anymore, stressing each case’s individuality.⁵⁶

Prison Management of Female VEOs

In Germany, justice and security are matters of the sixteen *Bundesländer* with each state deciding on their own policies, programs, and projects but exchanging on a federal level. The increased number of investigations against individuals traveling to Syria and Iraq, supporters remaining in Germany, and returnees had an important impact on federal and state level. For example, the 2016 Prevention of Extremism Strategy includes the government’s intention to “intensify mutual exchange with the *Bundesländer* in the field of deradicalisation in penal institutions” and to “intensify work in prisons as well as work with recently released prisoners”.⁵⁷ This led to adaptations in state responses as well as individual detention planning.

ⁱⁱⁱ While in twelve cases, female returnees have been convicted for pillaging, in three cases, the charges were dropped or the women acquitted (Sarah O., Zeynep G., and Nadine K.).

One key concern was returnees and other VEOs building networks and radicalising other inmates. The German response was to disperse VEOs among the prison population as well as separate them from each other especially during pre-trial detention, housing them in different units or even prisons within the same state.⁵⁸ In addition, the past decade has seen increased efforts to train prison staff, work with external actors, and exchange challenges and good practices.⁵⁹

In general, *Bundesländer* largely differentiate between individuals convicted for a terrorism-related crimes (either referred to as Group 1 or Category 1) and those convicted for other crimes but considered radicalised (Group 2 or Category 2). VEOs usually fall under the first category and normally arrive in prison with a court order, including specific security measures during accommodation and transport as well as online and offline contact restrictions. Prisons can also report individuals to the criminal police's state security units to decide additional measures. Some states use a third category for individuals vulnerable to radicalisation.

Enforcement Planning

In terms of process, once the GBA has successfully requested an arrest warrant from the investigating judge, those suspected of or charged with terrorist membership can be placed in pre-trial detention without further conditions (section 112 (3) StPO). Indeed, the majority of female VEOs in our sample stayed in continuous (75 percent) or at least temporary pre-trial detention (twelve percent; see Figure 4.7). Only five percent were not detained at all. All inmates arriving in pre-trial detention first undergo a referral and diagnostic process – including conversations and analysis of the inmate's file – carried out by the prison's admission or referral units (section 152 Penitentiary Act, StVollzG).⁶⁰ This initial assessment informs detention planning (such as housing) and aims to detect potential stress factors (such as suicidal risk) as well as address needs (such as psychological counselling).⁶¹

Often, VEOs already come with a court order demanding increased security measures and must be placed in units that can fulfil such obligations, especially during the first weeks of (risk) assessment. In these units, VEOs can also be separated from other inmates during their free time (section 119 StPO). One female returnee had at first such a strict court-ordered detention statute, that she had been in quasi-solitary detention for several months.⁶² In general, inmates can be placed in solitary detention for a maximum of four weeks (two weeks for juvenile offenders) as a punishment for having breached the rules (section 103 StVollzG) and “if this is indispensable for reasons that lie in the person of the inmate” (section 89 StVollzG). However, the prison's supervisory authority needs to provide approval if the solitary confinement exceeds, for example, three months (within one year) for adult inmates (section 89 StVollzG).

In some states, VEOs can already have first contacts with exit workers during pre-trial detention. The proper resocialisation planning and actual rehabilitation, including exit work, only starts once inmates receive the final verdict and are referred to a regular detention unit, either in the same or another prison. Once in regular detention, inmates are usually obliged to work or follow educational training. VEOs can then also be allowed to interact with each other, with the purpose of observing their behaviour. The different prison units – psychological and social, security, administration – regularly meet to discuss the prisoners' development. Any inmate who has been convicted to a prison sentence without probation can be released after having served at least half of the sentence (section 57 StGB). VEOs are eligible for such early release, and in some cases the same court who had sentenced the VEO also decides on potential

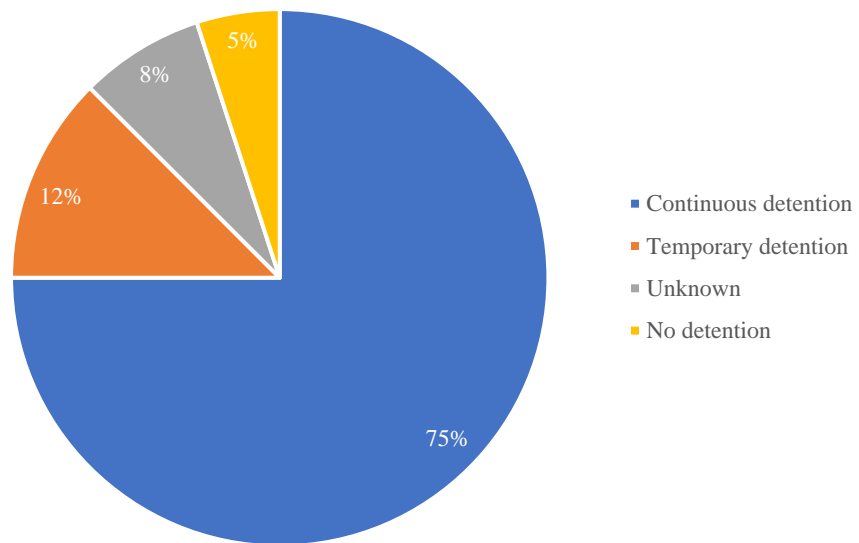


Figure 4.7: Pre-trial detention arrangements for female VEOs prosecuted in Germany (n=40; as of 15 July 2023)

early release.⁶³ Criteria for early release include the detainee’s personality, reflection process, and potential of recidivism. While both release after half or full sentence is rare, many or even most female VEOs are released after two thirds of their sentence is served.⁶⁴ Often, female VEOs had already been transferred to open detention, which means they had received a first positive assessment and could prove that they were able to abide by open detention conditions. Probation service, guidance supervision, and court service then support released offenders’ reintegration (see section “Reintegration of Female VEOs” below).

Measures for VEOs

Several additional measures have been implemented to assess VEOs and decide adequate responses in prison. Some states have established competence centres on extremism, specific units within state justice ministries which analyse relevant information and support prisons for example with the use of the risk assessment tool Violent Extremism Risk Assessment 2 Revised (VERA-2R). Some states like Berlin or Hamburg have specifically VERA-2R-trained psychologists within the justice ministry or prisons.⁶⁵ Results support prison staffs’ own risk and needs assessment. Upon arrival in detention, in addition to regular detention planning, VEOs undergo a proper risk assessment after the final verdict as well as before any potential relaxation of measures, such as outings or release.

In addition, prisons can implement individual measures, including observation during the whole duration of VEOs’ detention, more frequent controls of detention rooms or monitoring visitors, (prayer) groups, and reading material.⁶⁶ In the past decade, several states have significantly increased their own capacity around Islamist extremism.⁶⁷ In several states, relevant behaviour and personal development of VEOs can be reported to specifically trained staff.^{iv} Well-trained staff are considered a “decisive factor for the success of resocialisation measures of any kind, especially in dealing with extremist prisoners”.⁶⁸ Some states are also

^{iv} These include “structural observers” in Hesse, “counter extremism officers” in Bavaria or “reference officers” and “extremism officers” in Hamburg.

increasingly training their general staff to sensitise them on issues around religion and extremism (both Islamist and right-wing): some actors stressed that it was important not to play into extremist narratives with exaggerated security measures, for example mixing up normal religious practice and extremism.⁶⁹ Indeed, quantity and quality of staff is considered crucial, not only to detect warning sign but also to be able to build trusted relationships with inmates. While several interviewees agreed that prisons were by now quite sensitised to detect signs of potential radicalisation and able to intervene early on, correctional facilities are generally lacking staff.⁷⁰

Cooperation and exchange of information is crucial for this system to work since some of the relevant data is collected within the prisons itself (for example observations by staff or other prisoners), and some is collected by security agencies. Hence, case conferences can be used for internal and external actors to discuss a relaxation of measures or to address specific challenges that have been reported. The exact composition varies between states, as Hesse for example has one central point of contact for the prison administration within the state criminal police (LKA), while Bavaria uses a decentralised system.

In terms of numbers of incarcerated female VEOs, there is “no systematic and comprehensive data collection (...) regarding extremists in German prisons”.⁷¹ There are also no official statistics on the total number of Syria- and Iraq-related incarcerated or released female VEOs. According to the Federal Ministry of Justice (BMJ), there are 104 individuals in pre-trial or regular detention for Islamist terrorism-related offences as of June 30, 2022, but the ministry does not provide a gender breakdown for this number.⁷² One reason for the lack of data is that German *Bundesländer* use different categories for potentially relevant cases, or have inconsistent definitions for ‘extremist’ and ‘radicalised’ inmates.⁷³ Some states also point out that individuals might be counted twice in their statistics if they had been transferred to a prison in another state, or the statistics could be affected when they have to delete relevant data two years after release or transferal. However, according to the civil society organisation Grüner Vogel, there are 27 female VEOs incarcerated for Islamist terrorism-related charges in Germany.⁷⁴ In addition, in the six German states most affected by returnees (see “Introduction”), at least eighteen Syria and Iraq-related female VEOs, almost all of them returnees, were incarcerated in summer 2023. At least fifteen such individuals had been released from either pre-trial or regular detention since 2012.⁷⁵ Also, less than half of the more than 129 German adult female returnees are estimated to have not been incarcerated at all. Finally, less serious cases of female VEOs usually lead to suspended prison sentences on probation.

The level of radicalisation and security risk posed by female VEOs varies. Several actors reported that female returnees incarcerated in their state were no longer very ideologically radicalised or trying to radicalise others, but mostly well adapted and (unlike many other inmates) had no substance abuse issues. Several returnees were already considered disengaged, but many needed time and support to process their conviction and the consequences, including for their children. In several cases, high-risk assessments had been downgraded after police officers spoke to the women personally. One actor argued that if at all, female returnee’s potential risk after release was related to child endangerment.⁷⁶ However, women who had stayed in Germany were often less disengaged.⁷⁷

Challenges

Many states' concepts on approaches to prison management of VEOs address all forms of extremism. One interviewee argued that it was important to not create extra attention around extremists but "to handle all prisoners alike".⁷⁸ In addition, prison management measures for VEOs were not explicitly developed for men and did not really differ between men and women – assessing individual needs and risks was crucial.⁷⁹ However, some specific challenges for female VEO, especially returnees, were highlighted. On a practical level, the ratio of staff per inmate was usually higher in prisons for women, which can be helpful for monitoring and acceptance of counselling. At the same time, women's prisons had a more limited capacity to separate female returnees from each other. Also, women had different motivations to travel and other roles within ISIS than men and some had difficulties acknowledging their contribution, including crimes committed against their own children.⁸⁰ According to one expert, even prison staff did not always take women's involvement with ISIS seriously enough.⁸¹ Another expert shared her observation that women tended to be more ideologically committed than men and thus their risk assessment should focus on belief systems, including ideological education.⁸²

The majority of the female VEOs in the sample were mothers (85 percent), and returnees often had several children (see Figure 4.8), but most have been incarcerated without their children.^v One interviewee found that there was little or no interest from the children's fathers (often ex-partners) to get in touch with their children if the mother was incarcerated; children remained a "women's topic", both regarding enabling or prohibiting contact to avoid child endangerment.⁸³

Similar to other detainees, the primary concern is the child's welfare, which lies in the responsibility of the youth welfare service. Key relevant questions to consider include whether the mother has custody and/or guardianship of her child, and how prison would impact the child. For example, in one state, none of the incarcerated female returnees had been allowed to have contact with their child(ren) due to convictions for child neglect and the children being traumatised.⁸⁴ If allowed, prisons usually enable regular contact (also via video calls) and are supported by specialised counselling centres in some states, such as Grenzgänger (IFAK e.V.) in North Rhine Westphalia.⁸⁵ Due to security concerns, it can sometimes take a few months before prisons allow visits without glass screen during pre-trial detention⁸⁶ and one actor argued that a woman seeing her child once a month was already positive.⁸⁷ During regular detention, some detainees only have twelve visiting hours per months. Practically, a joint accommodation is not always possible. Some prisons only have a small mother-child-unit in regular detention.⁸⁸ It is possible to transfer the mother to another state or prison so that she can stay with her child, and one actor reported positive experience with a female returnee incarcerated with her child in Lower Saxony.⁸⁹ In Germany children can stay in prison with their mothers up to age six (in some states up to age three) and once reaching that age, would have to be removed before their mother's release, which must be avoided.⁹⁰ Prisons also lack adequate pedagogical support, childcare (during the many appointments like court sessions), or face challenges upholding security measures while visiting a paediatrician. However, children are considered a crucial factor for their mother's successful rehabilitation and deradicalisation, for example whether she can focus on topics beyond her children's wellbeing or whether she understands that she cannot see her child due to her own decisions.

^v Only one case of a pregnancy in prison and one of a mother incarcerated with her child were reported.

GERMANY

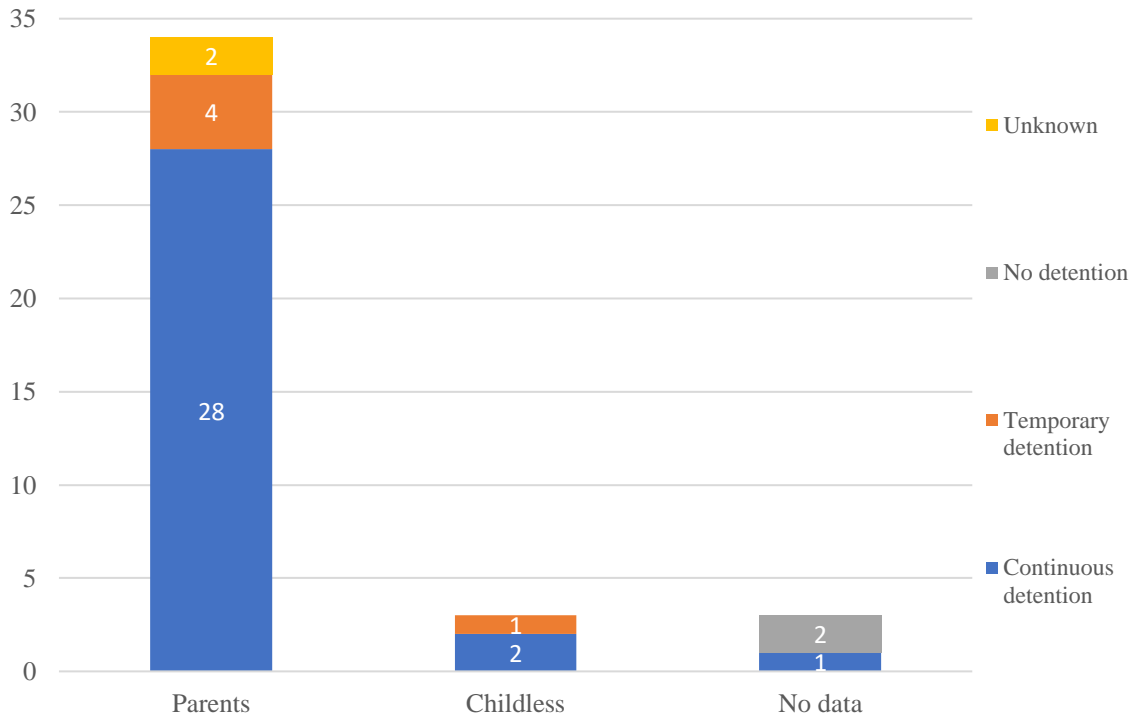


Figure 4.8: Female VEOs and parental status during pre-trial detention in Germany (n=40; as of 15 July 2023)

Another key concern is false compliance. While actors largely agreed that false compliance did play a role, no security-relevant incident involving a female returnee was reported. Several interviewees stressed that the issue should be understood differently: “Nobody comes and says, ‘I want to disengage.’ (...) We always start with a person who deceives”.⁹¹ Some interviewees reported that they had the impression that some women had only agreed to counselling to improve their chances of getting early release; in other cases, the monitoring of the women’s actual behaviour revealed that they were not as disengaged as they made prison staff believe. In the long term however, it was difficult to keep pretending and counsellors were usually able to detect relevant patterns.⁹² Also, it was more normal for a disengaging client to continue moving in extremist social circles to “detach herself from one part of her identity” rather than directly wanting to move on without ambivalence.⁹³ Several interviewees agreed that most important was that some sort of communication between the client and the counsellor continued so as to at least keep a contact until the client was ready to engage with the counselling again.⁹⁴

Germany	No Criminal Record ⁹⁵	Criminal Conviction (Violent)	Criminal Conviction (Non-Violent)	Terrorism Conviction (Violent)	Terrorism Conviction (Non-Violent)	No Information Available
n=40	28	0	2	0	0	10

Figure 4.9: Criminal record of female VEOs prosecuted in Germany (n=40; as of 15 July 2023)

Finally, female VEOs had usually not been involved in criminal activity. At least 70 percent of the women in the sample had no criminal record at all, and only two women had been convicted for a non-violent crime (Figure 4.9). This might explain what some interviewees described as female VEOs and especially female returnees not having the same “criminal energy” of regular detainees or behaving inconspicuously in prison.⁹⁶ Women’s portrayed disengagement during trials was often considered with caution and more credible development was expected during the serving of their prison sentences.⁹⁷

Rehabilitation of Female VEOs in Prison

German prisons have similar rehabilitation services and VEOs usually have access to all regular services. Usually, rehabilitation provisions include social and psychological services (including individual and group therapy measures), health, competence assessment, and measures for education or work, sports, substance abuse and debt counselling, pastoral care, social competence and anti-violence training, mother-child programs, family mediation as well as release preparation and transition management. These components are provided by internal or external staff from (mostly) governmental actors. In addition, each state and prison can have key areas and individual services. For example, Berlin prides itself in having a strong social service.⁹⁸ While the social service is organised differently in each *Bundesland*, they all provide socio-educational work in prison, working with the inmates to identify causes of their delinquency and current situation, develop potential solutions as well as help with implementing them. In Hamburg, female VEOs are usually referred to delinquency processing and during regular detention, women have an obligation to work or follow an educational qualification measure.⁹⁹ A key component for rehabilitation of female returnees is psychological counselling. Interviewees were confident of the existing services offered: prisons either had in-house (trauma-specialised) psychologists or had easy access to external psychotherapists, and two Bavarian prisons had for example specific units for high-risk mental health cases. However, the suicide of Valdete M. in May 2021, who had been in pre-trial detention in Bavaria for presumed terrorism financing, highlights existing challenges with mental health issues.¹⁰⁰

Exit Work

In addition to regular rehabilitation services, VEOs have access to disengagement and deradicalisation counselling (also referred to as exit work or tertiary prevention). Exit work is provided by external governmental or non-governmental organisations, addressing VEOs’ specific needs and challenges. The main objective is to support the process of distancing from violence-oriented extremist actors and ideologies. Practically, exit counsellors focus on helping VEOs “lead a life free of crime and norm-conforming behaviour after release,”¹⁰¹ and prevent support by extremist actors. Either the prison staff refers VEOs to relevant exit offers, counsellors contact potential clients, or individuals reach out themselves, for example following a friend’s recommendation. Some organisations require an initial motivation to be present for an individual to disengage in order to work with them, while others actively reach out to potential clients to spark first doubts. In some states, exit counsellors can offer an exploratory talk to individual inmates during pre-trial detention, but most start actual counselling during regular detention and continue after release. Beyond potentially radicalised individuals, exit counsellors also support or train family members, staff from juvenile justice

services, probation service, courts, and state prosecutors. In prison, exit work usually include:¹⁰²

- individual counselling;
- group work;
- training courses or coaching for prison staff, probation officers, and social services; and
- multiplier qualifications (intensive training for selected staff).

In Germany, the prevention of Islamist extremism, including exit work, has benefited from decades of experience with right and left-wing extremism even before the Federal government adopted its strategy on extremism prevention and democracy promotion in 2016. On a federal level, the main actors are the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and Federal Ministry of the Interior and Community (BMI) and its subordinate Federal Office for Migration and Refugees (BAMF). Since 2012, the BAMF counselling centre “Radicalisation” has been working with a network of civil society and governmental actors in various *Bundesländer*, providing exit counselling for potentially radicalised individuals and their social environment (Figure 4.10). In 2015, the BMFSFJ initiated its cross-phenomenon programme *Demokratie leben!* (Living Democracy!).¹⁰³ Funds have increased from €40.5 million in 2015 to €182 million in 2023 and in 2018, the programme area “Prevention and Deradicalisation in Prisons and Probation Service” was added, which funded one innovative model project in each German state.¹⁰⁴ Approaches developed in model projects can later be implemented by the respective state agencies. Since 2017, the government’s National Prevention Programme against Islamist Extremism (NPP) has been provided additional funding, including for evaluation and research.¹⁰⁵ In addition, the German *Bundesländer* have started developing concepts against Islamist extremism between 2013 and 2016. The growing number of relevant actors and potential clients have pushed the most affected states to establish competence centres, networks (especially between security agencies and civil society), and programmes.¹⁰⁶ Exit work continues to be organised differently in each state and is often qualified as a “patch work”, as the following (non-exhaustive) overview demonstrates:

- In Baden-Wuerttemberg, the Competence Centre against Extremism KONEX offers exit counselling in cooperation with various civil society and governmental actors.¹⁰⁷
- In Bavaria, the Violence Prevention Network (VPN) is a civil society organisation offering counselling in regular detention via the model project DERAD in cooperation with the LKA’s Competence Centre.¹⁰⁸
- In Berlin, the Senate Department for Justice and Consumer Protection set up the model project JUST X with VPN and the Denkzeit-Society for the prison context.¹⁰⁹
- In Hesse, the State Ministry of Justice (specifically the Network for Deradicalisation in the penitentiary, NeDiS) and VPN set up the model project KogEX, offering workshops for youth offenders (e.g. on gender, democracy and human rights, or extremism), training for prison and probation staff (e.g. on radicalisation processes, intercultural sensitivity) and individual counselling.¹¹⁰
- In prisons in Hamburg and Bremen, the civil society organisation Legato provides systemic exit counselling, establishing first contacts during pre-trial detention in cooperation with the senate for justice (Hamburg) and interior (Bremen).¹¹¹
- In North Rhine Westphalia, exit counselling inside and outside of prison is provided by the Exit Programme Islamism (API), affiliated to the domestic intelligence service and the project Grenzgänger of the association IFAK.¹¹²

- In Lower Saxony, the LKA's Competence Forum for the Prevention of Islamism (KIP NI) coordinates a forum for actors in exit work, bringing together the programme Aktion Neustart (affiliated to the domestic intelligence service, responsible for pre-trial detention and after release), VPN (counselling during regular detention via the programme IS-LEX), and the civil society organisation beRaten (focusing on family counselling).¹¹³

As mentioned, to facilitate the exchange among these different actors, the BAMF's counselling centre "Radicalisation" serves as the federal coordination unit to bring together nongovernmental and governmental actors involved in exit work in the context of Islamist extremism in the German *Bundesländer*. Figure 4.10 gives an overview of these civil society exit counselling centres.

While most exit counselling centres only work in one state, some are active in several states. For example, VPN is active in in Baden-Wuerttemberg, Bavaria, Berlin, Hesse, and Lower Saxony. The largest actor in exit counselling, VPN was for example tasked by the BMFSFJ to develop structural measures in the penitentiary system and probation. They provide emotional, pragmatic, ideological support, and delinquency processing in duos (in either gender combination).^{vi} They offer biography work, genograms, a certified anti-violence and competence training (AKT), and open discussion rounds. VPN also developed the systemic-pedagogical tool "Social Diagnostic" to assess clients' needs, including regarding ideology.¹¹⁴ The civil society organisation Grüner Vogel can technically provide counselling in all states, for example individual counselling on how to cover trial and repatriation costs, systematic processing of the trial and the detention experience itself (focusing on the time before departure during pre-trial detention and on the motivation the leave during regular detention), and the role of religion as well as future perspectives.¹¹⁵ Finally, the network NEXUS has been providing specialised psychotherapeutic and psychiatric counselling for exit work in the prison and probation sector in Berlin and on a federal level.¹¹⁶

Participation in rehabilitation services during detention is usually voluntary but exit counselling in particular can be mandatory by court order. Several actors stressed that clients were aware that non-participation might negatively impact early release decisions, since a refusal to engage with rehabilitation and exit offers could indicate a lack of willingness to process their crimes. Several interviewees reported that only few female returnees declined all offers to counselling (whether on exit or in general) and that they usually continued to participate in exit counselling after release.¹¹⁷ However, female returnees were reportedly often eager to cooperate, and some could reportedly even feel overwhelmed by the many services offered. One exit counsellor stressed that counselling could be discontinued if counsellors sensed that a client did not really want to change.¹¹⁸

Rehabilitation measures, including exit work, are available to male and female VEOs alike. Some practitioners argue that needs are addressed individually, for example exit counselling automatically addressing gender as one of many topics. Others report that, rather stereotypically, male offenders often enjoy offers involving sports or handicraft, whereas some female offenders organise tea evenings. Some states have specific project for women. In Berlin, for example, female probation officers support female offenders with their children and dependency in private relationships.¹¹⁹ In Hamburg, the ZAFTA model in prison focuses on specific needs of female offenders.

^{vi} Male returnees or prominent, conspicuous clients are usually not referred to group measures since they popularity can lead to positive or negative reactions of other inmates.

GERMANY



Figure 4.10: The BAMF-Network of Exit Counselling (Source: DGAP, based on information from BAMF Research Centre 2021)

In addition, several states started training specialist staff, often with the help of exit counselling centres. For example, since 2016, North Rhine Westphalia has been training integration officers, prevention officers as well as extremism officers and all three groups have been systematically prepared for female returnees since 2017.¹²⁰ A specialist unit has trained 3,500 prison staff on topics around Islam and radicalisation. In Lower Saxony, VPN started training “Islamism officers” in 2016.¹²¹ After one year of extra training, such specialised prison staff act as first points of contact on questions around Islamist extremism, only involving VPN if necessary. At least two such officers who specialised in Islamism exist in eleven key prisons and three additional officers at the Outpatient Justice Social Service (AJSD, responsible for probation, guidance supervision, and court service). There is no data available on how many female VEOs have used rehabilitation services in prison in Germany. According to the BMI, as of 2021, “at least a high double-digit number of returnees [had been] participating in derad[icalisation] measures.”¹²² In general, interviewees reported that female returnees have been accepting existing offers, including exit work, rather well.

Challenges

The rehabilitation of female VEOs poses specific challenges. For example, women’s traditional roles with ISIS made it hard for some returnees to understand their terrorism conviction: “I only cooked, had babies, was sitting the whole day in a *madafa* [a women’s guest house] and then married the next one.”¹²³ In court, many argue that they had little say in their husband’s decision, for example regarding enslaved Yazidis. Staff also found it difficult to explain to some women why they had only been arrested or criminally investigated sometime after their return.¹²⁴ At the same time, female returnees were considered to be more frequently disillusioned from their experiences abroad, unlike women who had not travelled. For some female returnees, religion reportedly played an important emotional role, but many were at first insecure regarding religious practices, for example listening to music.¹²⁵ Some found it “difficult to find a contact to their religion without it being interpreted negatively”.¹²⁶ Non-Muslim pastoral care was well accepted in prison – potentially also due to the ensured confidentiality and since, according to one interviewee, many female returnees were not highly ideological.¹²⁷

Mental health issues could also present serious challenges for female VEOs. Several actors stressed that differences between female returnees and other female VEOs included the experience of war, violence, flight, and stay in the camps.¹²⁸ Psychological services thus tended to be more frequently required with extremist detainees, including returnees. Some VEOs were reluctant to even speak to a prison psychologist out of fear that security-relevant information would be passed on: they would then lose the “sovereignty over the interpretation” of their statements, for example leading to misinterpretations in their disadvantage.¹²⁹ Some women did not accept psychological counselling at all, others started therapy only once they felt more secure, while some looked for psychotherapy after release, especially regarding trauma experiences, and still others needed years before agreeing to counselling at all.¹³⁰ Additionally, female returnees often needed to start addressing problematic issues in their lives from the time before their departure to join ISIS. However, this was reportedly not a big difference to other female detainees, since most had a difficult life trajectory and were often victims of some form of physical and sexual violence. The separation from their children was also usually a traumatic event – especially due to the symbiotic relationship between mother and child developed in the camps – and due to security conditions in the prisons, contact was difficult. Practitioners found that a meeting with family members could be helpful during pre-trial detention but happened with a glass screen between them and a police officer present. After conviction, women were less under pressure to avoid self-incrimination but often, family conflicts surfaced.

Ideally, exit counselling is provided by the same actor before, during, and after detention but getting access can be a challenge. In some cases, one actor had started counselling before the individual’s arrest but was not granted access during detention, because the prison cooperated with another actor.¹³¹ In addition, exit counsellors can be obliged to testify against their clients in court, potentially damaging established trust.¹³²

Reintegration of Female VEOs

The issue of recently released VEOs has received increased attention in the past years. For example, in October 2020, a young Syrian – considered by security agencies as an Islamist threat and recently released from prison – attacked a homosexual couple in Dresden, killing one and seriously wounding another person.¹³³ In addition, most female VEOs receive only relatively short prison sentences, suspended sentences or get released on probation; some

returnees are still under investigation. Their reintegration is hence considered a major challenge for German actors in the coming years.

Monitoring and Risk Assessment

VEOs can be subject to administrative measures by security agencies before, during, and after a prison sentence, including observation, preventive talks, and reporting obligations.¹³⁴ Additional measures for released offenders include the probation service (section 56 StGB). A court-ordered social worker – the probation officer – ensures that offenders released on probation comply with court-ordered requirements such as contact bans or exit counselling as well as help them lead a crime-free life in coordination with other actors. For example, when a female returnee was surprisingly released on probation and returned to her small city of origin, it was the probation officer who organised the case conference with all relevant actors to discuss necessary measures.¹³⁵ Probation support can continue for at least three years. In addition, offenders with a prison sentence of at least two years will be subject to guidance supervision, a post-release measure also provided by probation officers (section 68 StGB). In Bavaria, Hesse, Mecklenburg-Western Pomerania and Baden-Wuerttemberg, court-ordered measures can include an electronic ankle bracelet, which helps monitor if offenders violate court-ordered conditions.¹³⁶ Overall, addressing extremism during probation has not received the same attention as other areas of criminal justice.¹³⁷

In addition to probation service, security services can monitor VEOs and state police can categorise a person as a *Gefährder* (dangerous person) if they have reasons to believe that he or she “will commit politically motivated crimes of considerable significance.”¹³⁸ In February 2023, the BKA counted 505 Islamist *Gefährder* (without differentiating according to gender).¹³⁹ The security risk emanating from *Gefährder* and other relevant individuals can be assessed with the tool Radar-iTE to prioritise measures.¹⁴⁰ Some states have developed their own processes. For example, Bavarian state police have been developing an interdisciplinary assessment procedure based on the analysis of behaviour in order to reach an in-depth-understanding of the case and identify crucial risk and protective factors as well as scenarios for future behaviour, including situational factors.¹⁴¹ In security agencies in general, risk assessments are carried out by an interdisciplinary team, also including psychologists, those who have studied religious studies (Islam) and political scientists, and social workers. Actors admitted that most risk assessment tools have originally been developed for men and much less practical and theoretical knowledge existed when assessing women. Some actors are actively adapting their methods, for example using new data on women,¹⁴² or researching (de)radicalisation processes of women.¹⁴³ There are also efforts to make VERA-2R more gender-sensitive.¹⁴⁴ Others stressed that assessment processes were already very individualised and needed no adaptation.¹⁴⁵

On a federal level, a working group “Risk Management” at the Joint Counter Terrorism Centre (GTAZ) enables exchange between federal and state actors from justice and security regarding *Gefährder* and relevant individuals before their release.¹⁴⁶ A working group “Deradicalisation” organises information exchange on VEOs and returnees in general.

Since 2019, states can also apply for federal funding to recruit “Returnee Coordinators”. Up to the end of 2023, the BAMF funded returnee coordinators in Bavaria, Berlin, Hamburg, Hesse, and North Rhine Westphalia, while the coordinators in Bremen and Lower Saxony are already state-funded.¹⁴⁷ At least one returnee coordinator per state is employed at the LKA or state

interior ministry and responsible for preparing relevant local actors.¹⁴⁸ They organise case conferences to coordinate measures for – usually repatriated – returnees, bringing together security agencies (police, domestic intelligence service), social welfare agencies (Youth Welfare Service, school, kindergarten), exit counselling centres, psychotherapeutic experts, and sometimes prison and probation services. While the coordinators' approach related to returnees can differ, for example whether to inform the kindergarten about a returned child's background, several practitioners advocated for "as little intervention as possible" if the children were stable.¹⁴⁹ One exit worker found it crucial to respect the clients' preference and argued that informing the community would continue a victim's narrative, asking "would we also inform the school if a father was a former drug dealer?"¹⁵⁰

Social Environment

In addition to probation service, released VEOs have access to exit counselling, either with the same actors as in prison or a different actor. Counsellors usually aim to continue supporting clients after release, for example to find a job. In the reintegration of VEOs, the social environment plays a crucial role. If there is contact, the family can be an important resource. Grüner Vogel for example has often established contact with a woman's family before her return and in several cases, the grandparents get custody of returned children. It is also possible that the family poses a challenge, for example if the whole family had travelled abroad, if they reject their daughter for having taken their grandchildren to Syria, or if they do not acknowledge the traumatisation of a returned child. Especially if (some) family members do not want to address conflicts, family therapy or mediation is advised. Contentious issues also include custody of VEOs' children during and after prison. The women often lacked positive educational experiences in their own life, which impacted their own as well as their parent's approach to returned children. The civil society exit counselling centre Legato for example has a separate counselling team for relatives to avoid "becoming information transmitters and getting into conflict lines".¹⁵¹ Most women return to live with their family, who often support them with, for example, childcare. Having grown apart, this situation can lead to conflicts and most women decide to move to their own flat nearby, often leading to a reduction of tensions.¹⁵²

The role of religious communities and authorities after release was considered less important. Exit counsellors did not specifically cooperate with mosque communities but found that online groups (e.g. Telegram) could provide alternative support.¹⁵³

Interviewees stressed that it was difficult to evaluate reintegration, partly because only few women have been released from prison so far. Other factors that seemed to positively influence their reintegration was a good social reception (for example parents providing stabilisation and processing conflicts), learning adequate coping strategies, developing an identity beyond religion, disillusionment with ISIS, and the experience of self-efficacy.

Regarding a potential risk of female returnees after return, one interviewee pointed out the "high level of uncertainty among the security authorities".¹⁵⁴ The actual risk depended on their original motivation to travel, and some argued that a higher risk emanated from those who did not travel. A longer affiliation with the Islamist community before their departure was also considered a risk factor. VEOs also faced more difficulties if they still had a very strict, black-and-white worldview in combination with psychological issues, especially as some did not accept counselling during detention. Other risk factors included the financial consequences of a trial, conviction, and repatriation as well as strict obligations after release. Several

interviewees reported that many women (at first) rejected the verdict, expressed lack of trust in the rule of law, and were demotivated when their efforts to change were not (enough) acknowledged.¹⁵⁵

A key concern of practitioners was also potential stigmatisation if the women's background was known, for example among neighbours or due to media reporting. Several actors agreed that women tended to be more stigmatised than men. In general, female offenders tended to face more suspicion and scrutiny. In addition, as one actor argued, the actual role of women within ISIS and their influence on their children was much less clear than the violent role of men. Hence, women also faced additional stress due to youth welfare issues. As one interviewee mentioned, there was much less focus on potential child endangerment if only the father was incarcerated. One interviewee also reported that while female returnees tended to react more sensitively to (perceived) stigmatisation, men showed more indifference or aggression.¹⁵⁶ However, other actors did not see much gendered difference, but individual coping strategies. Female returnees often removed their headscarf and blended into the general population. Security measures after release, such as reporting obligations, whereabouts checks, preventive talks, and other probation conditions were considered stigmatising for all VEOs; exit counsellors tried to prevent or manage potential stigmatisation in administrative processes. One interviewee stressed that the general population knew much less about VEOs as opposed to murderers or thieves and estimated that, similar to sex offenders, ISIS affiliates could just not be trusted anymore.¹⁵⁷ Finally, several female returnees have been criminally investigated for years, often referred to as a "Damocles' sword hanging over their heads" – a situation which has reportedly also been exploited to put pressure on them and implement security measures.¹⁵⁸

There seems to be a common understanding among actors involved with female VEOs that it will take years to be able to assess the success of their rehabilitation and reintegration, including their lasting exit from violent extremism. However, many were cautiously optimistic in their assessment. For example, no cases of recidivism were reported. While many returnees were still incarcerated, experts were still quite optimistic. Exit counsellors stressed that they kept in touch with a client as long as the counsellor considered it useful and the client expressed the need for support, which could take some years.

Conclusion

The mobilisation of several hundred women traveling to join terrorist organisations such as ISIS had a lasting impact on the prosecution, rehabilitation, and reintegration of female VEOs in Germany. Not only did the growing motivation to prosecute female returnees lead to a new conceptualisation of terrorist membership as including structural support. Germany was also able to position itself as a pioneer in the prosecution of ISIS members for core international crimes, including female returnees. The cases of Safia S., Songül G., and Marcia M. highlight the role that female VEOs play in the planning and perpetrating of low-threshold and sophisticated terrorist attacks (see Case Study from Germany). Based on existing measures for male VEOs, prison management of female VEOs reportedly did not need much structural adaptations. With few exceptions, female VEOs seem to respond rather well to rehabilitation and disengagement offers. At the same time, actors stress new challenges associated with mental health issues, separation from their children, and processing their wrongdoing. Before, during, and after detention, female VEOs can usually count on a well-established network of non-governmental and governmental actors to support them in their rehabilitation, as well as disengagement and deradicalisation. This chapter confirms existing studies that practitioners

“are up to their task professionally, but face some structural challenges,” including a lack of continuous project funding or coordination problems with the justice sector when working with VEOs.¹⁵⁹

As of 2023, a majority of German women in the camps have been repatriated, although some remain detained with children. Many female returnees have received their verdict and are serving their prison sentence or have been released. Ahead lies the challenge of female VEO's lasting disengagement and social reintegration. It should not come as a surprise what is recommended by many researchers and practitioners: invest in easy coordination mechanisms to enable trusted exchange among the different governmental and non-governmental actors, continue developing assessment tools considering specific needs and challenges of female VEOs, and enabling long-term multi-professional, individualised support especially for returnees and their children who bear the consequences of their parents' choices.¹⁶⁰ In addition, the lack of gender-disaggregated data often hinders researchers' ability to produce more in-depth insights.

In the past years, the public perception of women involved in terrorism seem to shimmer between monsters kidnapping and brainwashing their own children and naive jihadi brides who just made a stupid mistake. Six years since the beginning of a more systematic criminal justice response to female returnees, the growing depth of experiences highlight that both actively violent and naive women remain the exception. It will be hence crucial to not only understand how women and girls are recruited into extremist ideology and what roles they actually fulfil, but to also reflect on Europe's social and political system and its own perception of the role of women. In some cases, actors' underestimation of the security risk that female VEOs pose might play in violent extremists' favour, while in other cases, an overestimation can be counterproductive for those honestly seeking to disengage.

Case Studies: Marcia M. and Songül G.

Marcia M. converted to Islam in 2010 and radicalised within prominent Islamist circles in Wolfsburg and Hildesheim, Lower Saxony. In 2015, she and her husband joined ISIS in Syria. In the same year, Songül G. from Bremen – who converted to Islam in 1999 – started watching ISIS propaganda videos. The two women met in an Islamist group chat. At first, Marcia M. helped her new friend with travel preparations to facilitate Songül G.’s departure to ISIS held territory. However, Marcia M. then suddenly told Songül G. to stay in Germany and instead marry one of several ISIS fighters in order to keep them off the radar of authorities while they were expected to carry out terrorist attacks in the near future. This plot did not ultimately succeed, partly because the fighters were unable to reach Germany, and because domestic intelligence services detected the plan.

For her involvement in the plot, the Higher Regional Court in Hamburg convicted Songül G. of support of a foreign terrorist organisation in December 2019. By sentencing her to five years and nine months in prison, the judges even exceeded the prosecutors’ request by three months. According to the court, Songül G. was “not as naïve as [she wants everyone] make believe.”

Meanwhile, Marcia M. stayed in detention centres and camps in Northeast Syria after she had surrendered to Kurdish forces in Syria in October 2017. Five years later, in October 2022, she was repatriated to Germany. As she was standing before the Higher Regional Court in Celle, Marcia M. confessed to almost all charges filed against her, including participating in ideological training, and recruiting women like Songül G. She also admitted her involvement in fabricating wire connections, possibly for explosive belts, as member of the female-only unit Khatiba Nusaybah. Chat transcripts secured by the Federal Criminal Police (BKA) and testimonies of other female returnees served as key evidence in the trial. In August 2023, Marcia M. was convicted for membership in a foreign terrorist organisation and war crimes against property and sentenced to eight years and six months in prison. The court argued that her partial confession was “tactical” and not based on “insight into wrongdoing and remorse.” While Songül G. will soon complete her sentence, Marcia M. withdrew her appeal, making her verdict final. During detention, both women have been in contact with exit counsellors.

Although both women were involved in the same plot of a terrorist attack in Germany, they fulfilled very different roles, not only in relation to the plot but their terrorist activities in general. This illustrates the various degrees of agency that women have within ISIS. Furthermore, both cases show the importance of female networks within the organisation. The development of their relationship from friends to foes demonstrate the importance of these networks in prosecuting the individual members. After all, the bonds between female ISIS members can change – some of them testified against each other and have helped to hold others accountable for the full range of crimes they have committed.

Source: Case 5 St 1/23, Marcia M., Higher Regional Court Celle, 1 September 2023, on file with the author; Case 8 St 2/19, Songül G., Hanseatic Higher Regional Court Hamburg, 16 December 2019, on file with the author. See also trial observation by the author: Sofia Koller, “ISIS Women in Court. Marcia M. – A Tactical Admission?” Counter Extremism Project, September 2023, <https://www.counterextremism.com/blog/isis-women-court-marcia-m-tactical-admission>.

¹ German government, “*IS-Anhänger und deren Kinder im In- und Ausland – Stand: 31. Dezember 2022* [IS supporters and their children at home and abroad as of 31 December 2022],” *Bundestag Drucksache 20/5589*, 2 February 2023. <https://dip.bundestag.de/vorgang/is-anh%C3%A4nger-und-deren-kinder-im-in-und-ausland-stand/295751?f.wahlperiode=20&rows=25&pos=7>.

² At least 25 individuals have left Germany again due to administrative measures (for example deportation) or have voluntarily left to a third country; Federal Ministry of the Interior, Building and Community, “*Leitlinien zum ganzheitlichen Umgang mit Rückkehrerinnen und Rückkehrern* [Guidelines for the holistic handling of returnees],” 10 September, 2019. https://www.innenministerkonferenz.de/IMK/DE/termine/to-beschluesse/2019-12-04_06/anlage-zu-top-9.pdf?__blob=publicationFile&v=4; The number of 129 female returnees is composed of the number of female returnees according to the Federal Ministry of the Interior as reported by Southwest Broadcasting Service (SWR) and Bavarian Broadcasting Service (BR) as of May 2021 (106) as well as the number of repatriated adult women in October 2021, March, October, and November 2022 (23).

³ Sofia Koller and Tanya Mehra, “Repatriation of Europeans from Syria,” *Webinar*, Counter Extremism Project, December 2022. <https://www.counterextremism.com/press/cep-webinar-new-momentum-repatriation-and-prosecution-alleged-european-isis-affiliates>.

⁴ The author wants to thank all interviewee for their time and openness when sharing their experiences.

⁵ Daniel Heinke and Jan Raudszus, “Germany’s Returning Foreign Fighters and What to Do About Them,” in “*Returnees. Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?*”, eds. Thomas Renard and Rik Coolsaet (Egmont Institute, February 2018). https://www.egmontinstitute.be/app/uploads/2018/02/egmont.papers.101_online_v1-3.pdf.

⁶ German government, “*Verfolgungsermächtigungen nach § 129b des Strafgesetzbuches* [Prosecution authorizations pursuant to Section 129b of the German Criminal Code],” *Bundestag Drucksache 18/9779*, 27 September 2016. <https://dserver.bundestag.de/btd/18/097/1809779.pdf>.

⁷ Federal Ministry of Justice, “*Gesetz zur Änderung der Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten* (GVVG-Änderungsgesetz) [Act amending the prosecution of the preparation of serious acts of violence endangering the state (GVVG-Amendment Act)], *Bundesgesetzblatt 2015*, No. 23, 12 June 2015. <https://dip.bundestag.de/vorgang/gesetz-zur-%C3%A4nderung-der-verfolgung-der-vorbereitung-von-schweren-staatsgef%C3%A4hrdenden/65076?f.deskriptor=Financial%20Action%20Task%20Force%20on%20Money%20Laundering&rows=25&pos=14>.

⁸ Expert interview on 26 June 2023.

⁹ Only if he or she disappears during the procedure, the trial can continue; expert interview on 24 April 2023.

¹⁰ State Prosecutor’s Office Munich, “*Bayerische Zentralstelle zur Bekämpfung von Extremismus und Terrorismus* (ZET) [Bavarian Central Unit for Countering Extremism and Terrorism (ZET)],” *Bayerisches Staatsministerium der Justiz* [Bavarian State Ministry of Justice]. https://www.justiz.bayern.de/gerichte-und-behoerden/generalstaatsanwaltschaft/muenchen/spezial_3.php.

¹¹ Expert interview on 26 June 2023.

¹² Sofia Koller, “Prosecution of German Women Returning from Syria and Iraq. Insights and Recommendations for Policymakers and Security Agencies,” CEP Policy Paper, October 2022, p.7. https://www.counterextremism.com/sites/default/files/2022-08/CEP%20Policy%20Paper_Prosecution%20of%20German%20Women%20Returning%20from%20Syria%20and%20Iraq_August%202022_final.pdf.

¹³ Interview with disengagement expert in Bavaria on 9 May 2023.

¹⁴ Expert interview on 15 March 2023.

¹⁵ Case 3 St 1/20, *Omaima A.*, Higher Regional Court of Hamburg, 2 October 2020.

<https://www.eurojust.europa.eu/sites/default/files/assets/national-jurisprudence-case-3st1.20-2020-en.pdf>.

¹⁶ Interview with prosecution experts on 26 June 2023.

¹⁷ Sofia Koller and Alexander Schiele, “Holding Women Accountable. Prosecuting Female Returnees in Germany”, *CTC Sentinel* vol 14(10), December 2021. <https://ctc.westpoint.edu/holding-women-accountable-prosecuting-female-returnees-in-germany/>.

¹⁸ Koller, “Prosecution of German Women Returning from Syria and Iraq. Insights and Recommendations for Policymakers and Security Agencies,” p.8.

¹⁹ Interview with prosecution experts on 26 June 2023.

²⁰ Interview with Yegor Beitmann on May 25, 2023; Björn Stritzel (dir.) “Die ISIS-Braut,” *Documentary*, Bild, 2021.

- ²¹ Statement of the Federal Republic of Germany to the United Nations General Assembly, on the scope and application of the principle of universal jurisdiction, Sixth Committee – Agenda item 85, 12 October 2022. https://www.un.org/en/ga/sixth/77/pdfs/statements/universal_jurisdiction/12mtg_germany.pdf.
- ²² Ibid.
- ²³ In comparison, the German government reported that 107 male and female returnees have been convicted as of December 2022; German government, “*IS-Anhänger und deren Kinder im In- und Ausland– Stand: 31. Dezember 2022* [IS supporters and their children at home and abroad as of 31 December 2022]”.
- ²⁴ Case no: 2 KLS 111 Js 139461/14, *Andrea B.*, Higher Regional Court Munich, Judgment, 25 February 2015.
- ²⁵ Case 4 StE 1/16, *Safia S.*, Higher Regional Court Celle, Judgment, 26 January 2017.
- ²⁶ Case 6-2 StE 12/21, *Denise S.*, Higher Regional Court Stuttgart, Judgment, 8 February 2023. https://oberlandesgericht-stuttgart.justiz-bw.de/pb/Lde/Startseite/Medien/6_+Strafsenat_+Zwei+nach+islamischem+Ritus+verheiratete+Angeklagte+u_a_+wegen+Mit-gliedschaft+im+Islamischen+Staat+_IS_+bzw_+wegen+Unterstuetzung+des+IS+zu+Freiheitsstrafen+verurteilt/?LISTPAGE=8975136.
- ²⁷ Case 6-2 StE 12/21, *Denise S.*, Higher Regional Court Dusseldorf, Judgment, July 2023.
- ²⁸ *Abendzeitung München: Amtsgericht München: Geldzahlung an Islamischen Staat - Frau verurteilt* [Local Court Munich: Money paid to Islamic State - woman sentenced], “18 June, 2018, available at <https://www.abendzeitung-muenchen.de/muenchen/amtsgericht-muenchen-geldzahlung-an-islamischen-staat-frau-verurteilt-art-446223>.
- ²⁹ Koller, “Prosecution of German Women Returning from Syria and Iraq. Insights and Recommendations for Policymakers and Security Agencies,” p.17.
- ³⁰ Expert interview on 24 April 2023.
- ³¹ This figure is based on a dataset which is including cases up to 15 July 2023. Not included are three recent cases of female returnees who received the highest prison sentences so far: the sentences of Jennifer W. (14 years, pending), Nadine K. (nine years, three months, pending), and Marcia M. (eight years and six months, final verdict) would hence increase the average sentence significantly.
- ³² “Particular gravity of guilt” usually refers to Section 57a StGB, which mandates that the remainder of a life sentence can be suspended on probation under certain conditions, including that “the particular gravity of the convicted person's guilt does not require further enforcement”.
- ³³ Interview with Gabor Subai on 25 May 2023.
- ³⁴ Expert interview on 24 April 2023.
- ³⁵ Expert interview on 24 April 2023.
- ³⁶ For an analysis of gendered differences in prosecution see Sofia Koller, “Gendered Differences in the Prosecution of Daesh Returnees in Germany,” in Hodwitz, Omi, ed., “Gender-Disaggregated Data. Regional Analyses of Criminal Justice Outcomes in Terrorism Prosecutions,” NATO Centre of Excellence Defence Against terrorism, December 2022, p.27-39. <https://www.coedat.nato.int/publication/researches/16-GenderDisaggregatedData.pdf>.
- ³⁷ Expert interview on 26 June 2023.
- ³⁸ Interview with Gabor Subai and Yegor Beitmann on 25 May 2023.
- ³⁹ Expert interview on 24 April 2023.
- ⁴⁰ German Parliament, “*Deutsche IS-Kämpfer können künftig Staatsangehörigkeit verlieren* [German IS Fighters could lose citizenship in the future],” Inneres, June 2019. <https://www.bundestag.de/dokumente/textarchiv/2019/kw26-de-staatsangehoerigkeitsgesetz-646338>.
- ⁴¹ See for example German government, “*Umgang mit islamistischen Gefährdern und relevanten Personen während und nach ihrer Haft* [Handling of Islamist dangerous persons and relevant individuals during and after prison],” *Bundestag Drucksache* 20/3612, 22 September 2022. <https://dip.bundestag.de/drucksache/auf-die-kleine-anfrage-drucksache-20-3332-umgang-mit-islamistischen-gef%C3%A4hrdern/263174>.
- ⁴² Expert interview on June 26, 2023.
- ⁴³ Interview with Gabor Subai on 25 May 2023.
- ⁴⁴ Christian Ritscher, “*Aktuelle Entwicklungen in der Strafverfolgung des Generalbundesanwalts auf dem Gebiet des Völkerstrafrechts* [Current developments in the prosecution of the Federal Prosecutor’s Office in the field of international criminal law],” *Zeitschrift für Internationale Strafrechtsdogmatik (ZIS)*, 13, (20 December 2018), p. 544.
- ⁴⁵ Interview with prosecution expert on 24 April 2023.
- ⁴⁶ Expert interview on 26 June 2023.
- ⁴⁷ Güley Bor, “Yazidi Survivors in Germany and Iraq’s Reparation Programme: “I want for us to have a share in Iraq,” International Organisation for Migration (IOM), 2021.

https://germany.iom.int/sites/g/files/tmzbdl806/files/documents/iom_yazidi-survivors-in-germany-and-iraq-reparations-programme.pdf.

⁴⁸ Expert interview on 26 June 2023.

⁴⁹ Expert interview on 24 April 2023.

⁵⁰ Interview with Yegor Beitmann on 25 May 2023.

⁵¹ Interview with Gabor Subai on 25 May 2023.

⁵² Interview with Gabor Subai and Yegor Beitmann on 25 May 2023.

⁵³ Expert interview on 24 April 2023.

⁵⁴ Expert interviews on 25 May 2023.

⁵⁵ Expert interview on 24 April 2023.

⁵⁶ Expert interview on 26 June 2023.

⁵⁷ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “*Strategie der Bundesregierung zur Extremismusprävention und Demokratieförderung* [Strategy of the Federal Government to prevent extremism and promote democracy],” 14 July, 2016, p. 31. <https://www.bmfsfj.de/bmfsfj/service/publikationen/strategie-der-bundesregierung-zur-extremismuspraevention-und-demokratiefoerderung-109024>.

⁵⁸ Behnam Said, “Extremist Offender Management in Germany,” in *Extremist Offender Management in Europe*, eds. Peter Neumann and Rajan Basra (London: International Centre for the Study of Radicalisation, 2020). <https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Extremist-Offender-Management-in-Europe-Country-Reports.pdf>.

⁵⁹ See for example German Council on Foreign Relations, “InFoEx, Research on the Tertiary Prevention of Islamist Extremism.” <https://dgap.org/en/research/programs/security-and-defense-program/infoex-research-tertiary-prevention-islamist>.

⁶⁰ The StVollzG remains the basis of the German penitentiary system, but since the federalism reform in 2008, the *Bundesländer* have developed their own state penitentiary laws (*Länderstrafvollzugsgesetze*) who regulate the execution of sentences for adult men and women as well as individuals prosecuted under juvenile criminal law.

⁶¹ Expert interview on 15 March 2023.

⁶² Expert interviews on 17 April 2023.

⁶³ Interview with prosecution expert on 26 June 2023.

⁶⁴ Expert interview on 24 April 2023.

⁶⁵ Expert interviews on 15 March, 17 April, and 12 June 2023.

⁶⁶ See for example interview with Mustafa Doymus, Expert Unit Prevention of Radicalisation, North Rhine Westphalia on 7 June 2023. Also, in some prisons, VEOs are not allowed to have their own prayer rug but are provided such objects on demand.

⁶⁷ Said, “Extremist Offender Management in Germany”.

⁶⁸ Said, “Extremist Offender Management in Germany,” p. 45.

⁶⁹ Interview with André Taubert on 25 April 2023.

⁷⁰ Lucretia Gather, “*Auch im Knast fehlen Fachkräfte* [Prisons also lack skilled workers],” *tagesschau*, 20 January 2023. <https://www.tagesschau.de/inland/innenpolitik/fachkraefte-mangel-justiz-101.html>.

⁷¹ Said, “Extremist Offender Management in Germany,” p. 40.

⁷² Information provided by the Federal Ministry of Justice on 26 June 2023.

⁷³ Said, “Extremist Offender Management in Germany”.

⁷⁴ Interview with Claudia Dantschke on 13 April 2023.

⁷⁵ Based on information provided to the author by twelve German State Ministries of Justice.

⁷⁶ Interviews with rehabilitation experts on 17 April and risk assessment expert on 12 June 2023.

⁷⁷ Interview with Claudia Dantschke on 13 April 2023.

⁷⁸ See for example expert interview on 15 March 2023.

⁷⁹ Expert interview with rehabilitation experts on 15 March and 17 April 2023.

⁸⁰ Expert interview with rehabilitation experts on 17 April 2023.

⁸¹ Interview with Mustafa Doymus, Expert Unit Prevention of Radicalisation, North Rhine Westphalia on 7 June 2023.

⁸² Expert interview on 17 May 2023.

⁸³ Expert interview on 15 March 2023.

⁸⁴ Expert interview on 15 March 2023.

⁸⁵ Sofia Koller, “The Reintegration of Returnees from Syria and Iraq,” *DGAP Report* No. 12, German Council on Foreign Relations (September 2020), p. 13. <https://dgap.org/en/research/publications/reintegration-returnees-syria-and-iraq>.

⁸⁶ Interview with Claudia Dantschke on 13 April 2023.

- ⁸⁷ Interview with rehabilitation expert on 30 March 2023.
- ⁸⁸ Interview with rehabilitation experts on 17 April 2023.
- ⁸⁹ Interview with rehabilitation expert on 30 March 2023.
- ⁹⁰ According to Sections 80 and 142 *Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßnahmen der Besserung und Sicherung* (StVollzG), [Law on the execution of custodial sentences and measures of correction and security involving deprivation of liberty], <https://www.gesetze-im-internet.de/stvollzg/>, children can stay with their mother if they are not yet of school age and if the mother has no substance abuse issues; Bettina Wolf, “*Mit Mama im Gefängnis* [In prison with mom],” *StadtLandKind*, 4 July, 2021. <https://www.stadtlandkind.info/mit-mama-im-gefaengnis/>.
- ⁹¹ Interview with André Taubert on 25 April 2023.
- ⁹² Expert interview on 23 May 2023.
- ⁹³ Interview with disengagement expert in Bavaria on 9 May 2023.
- ⁹⁴ For example, interview with Mustafa Doymus on 7 June 2023.
- ⁹⁵ This refers to the women having no criminal record prior to their cases for involvement in ISIS or other terrorist organisations.
- ⁹⁶ Expert interview on 26 May 2023.
- ⁹⁷ Expert interview on 24 April 2023.
- ⁹⁸ Expert interview on 15 March 2023.
- ⁹⁹ Expert interview on 17 April 2023.
- ¹⁰⁰ Joseph Röhmel, “*Suizidprävention in Gefängnissen: ‘Einfach nur verwahrt’* [Suicide prevention in prisons: ‘Simply locked up’]” *Bayerischer Rundfunk*, 15 February, 2023. <https://www.br.de/nachrichten/deutschland-welt/suizidpraevention-in-gefaengnissen-einfach-nur-verwahrt,TVptNV7>.
- ¹⁰¹ Expert interview on 15 March 2023.
- ¹⁰² Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “*Prävention and Deradikalisierung im Strafvollzug und Bewährungshilfe* [Prevention and deradicalization in the prison system and probation services],” 23 March, 2022. <https://www.bmfsfj.de/bmfsfj/service/publikationen/praevention-und-deradikalisierung-in-strafvollzug-und-bewaehrungshilfe-194462>; Said, “Extremist Offender Management in Germany,” p. 47.
- ¹⁰³ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “*Zweiter Bericht der Bundesregierung über Arbeit und Wirksamkeit der Bundesprogramme zur Extremismusprävention* [Second report by the Federal Government on the work and effectiveness of federal programs to prevent extremism],” 4 August 2021. <https://www.bmfsfj.de/bmfsfj/service/publikationen/zweiter-bericht-der-bundesregierung-ueber-arbeit-und-wirksamkeit-der-bundesprogramme-zur-extremismuspraevention-184632>.
- ¹⁰⁴ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “*Bundesprogramm ‘Demokratie Leben!’ Hintergrundinformation* [Federal Programme ‘Living Democracy!’ Background information],” 19 July 2023. <https://www.bmfsfj.de/bmfsfj/themen/engagement-und-gesellschaft/bundesprogramm-demokratie-leben-73948>.
- ¹⁰⁵ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “*Zweiter Bericht der Bundesregierung über Arbeit und Wirksamkeit der Bundesprogramme zur Extremismusprävention*” [Second report by the Federal Government on the work and effectiveness of federal programs to prevent extremism].
- ¹⁰⁶ *Bundeszentrale für politische Bildung* [Federal Agency for Civic Education] (bpb), “*Islamismusprävention in Deutschland. Akteure und Strukturen in Bund und Ländern* [Prevention of Islamism in Germany. Actors and structures at federal and state level],” February 2020. https://www.bpb.de/system/files/dokument_pdf/9658_bpb_Islamismuspraevention_in_D.pdf.
- ¹⁰⁷ bpb, *Ibid.*, p. 21.
- ¹⁰⁸ bpb, *Ibid.*, p. 30.
- ¹⁰⁹ bpb, *Ibid.*, p. 39.
- ¹¹⁰ bpb, *Ibid.*, p. 71.
- ¹¹¹ bpb, *Ibid.*, p. 86.
- ¹¹² bpb, *Ibid.*, p. 93.
- ¹¹³ Expert interview on 30 March 2023.
- ¹¹⁴ Expert interview on 23 May 2023.
- ¹¹⁵ Interview with Claudia Dantschke on 13 April 2023.
- ¹¹⁶ *Charité - Universitätsmedizin Berlin: “NEXUS Beratungsnetzwerk Bund – Psychotherapeutisch-Psychiatrische Fallhilfen und NEXUS Fachstelle Berlin* [NEXUS Federal Advisory Network – Psychotherapeutic-Psychiatric Case Assistance and NEXUS Berlin Office],” *Klinik für Psychiatrie und Psychotherapie*, 2023. <https://psychiatrie->

psychotherapie.charite.de/forschung/nexus_beratungsnetzwerk_bund_psychotherapeutisch_psychiatrische_fallhilfen_und_nexus_fachstelle_berlin/.

¹¹⁷ Expert interview on 26 May 2023.

¹¹⁸ Expert interview on 26 May 2023.

¹¹⁹ Expert interview on 15 March 2023.

¹²⁰ See for example interview with Mustafa Doymus, expert unit prevention of radicalisation, North Rhine Westphalia on 7 June 2023.

¹²¹ Interview with rehabilitation expert on 30 March 2023.

¹²² German government, “*IS-Anhänger und deren Kinder im In- und Ausland– Stand: 31. Dezember 2022* [IS supporters and their children at home and abroad as of 31 December 2022]”.

¹²³ Expert interview on 15 March 2023.

¹²⁴ Expert interview on 26 May 2023.

¹²⁵ Expert interview on 30 March 2023.

¹²⁶ Expert interview on 26 May 2023.

¹²⁷ Expert interview on 26 May 2023.

¹²⁸ Expert interview on 12 June 2023.

¹²⁹ Expert interview on 26 May 2023.

¹³⁰ See for example interviews with Claudia Dantschke on 13 April 2023 and another expert on 26 May 2023.

¹³¹ Tim Röing, “*Ist ein bisschen Deradikalisierung besser als keine? Zur Ausstiegsarbeit mit Rückkehrerinnen und Rückkehrern aus dschihadistischen Gruppen in Deutschland* [Is a little deradicalisation better than none? On disengagement work with returnees from returnees from jihadist groups in Germany],” *BICC Working Paper 1/2021*. <https://www.ssoar.info/ssoar/handle/document/75098>.

¹³² Sofia Koller, “Women and Minors in Tertiary Prevention of Islamist Extremism,” *DGAP Report No. 26*, German Council on Foreign Relations, 26 November, 2021. <https://dgap.org/en/research/publications/women-and-minors-tertiary-prevention-islamist-extremism>.

¹³³ Deutsche Welle: “Dresden Islamist knife attacker jailed for life,” 21 May 2021.

<https://www.dw.com/en/germany-dresden-islamist-knife-attacker-jailed-for-life/a-57604354>.

¹³⁴ Expert interview on 24 April 2023.

¹³⁵ For example, expert interview on 30 March 2023.

¹³⁶ Beck-aktuell, “*Regelungen zur Elektronischen Fußfessel verfassungsgemäß* [Regulations on electronic ankle bracelets are constitutional],” 4 February 2021. <https://rsw.beck.de/aktuell/daily/meldung/detail/bverfgr-regelungen-zur-elektronischen-fussfessel-verfassungsgemaess>.

¹³⁷ Alina Neitzert, and Maurice Döring, with Tim Röing and Marc von Boemcken, “*Haftanstalten als Orte der Radikalisierungsprävention? Herausforderungen und Bedarfe der Präventionsarbeit in Justizvollzugsanstalten Nordrhein-Westfalens* [Prisons as places of radicalisation prevention? Challenges and needs of prevention work in prisons in North Rhine-Westphalia],” *BICC Working Paper 5/2021*. <https://www.ssoar.info/ssoar/handle/document/78074>.

¹³⁸ Bundeskriminalamt, Website, “*Unsere Aufgaben, Deliktsbereiche: Politisch motivierte Kriminalität*.” https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/pmk_node.html.

¹³⁹ Tagesschau, “*Mehr als 600 Menschen gelten als Gefährder* [More than 600 people are considered dangerous],” 23 February 2023. <https://www.tagesschau.de/inland/bka-gefaehrder-101.html>.

¹⁴⁰ Sofia Koller, “Good Practices in Risk Assessment of Terrorist Offenders,” *DGAP Report No. 3*, German Council on Foreign Relations, 4 February 2021, p.8.

¹⁴¹ Expert interview on 9 May 2023.

¹⁴² Expert interview on 26 May 2023.

¹⁴³ Federal Office for Migration and Refugees, “*Gendersensible Deradikalisierungsarbeit bei Frauen und Mädchen* [Gender-sensitive deradicalisation work with women and girls],” 3 December 2021. https://www.bamf.de/SharedDocs/Anlagen/DE/Forschung/JahresberichtForschungszentrum/jahresbericht-forschungszentrum-2021.pdf?__blob=publicationFile&v=6.

¹⁴⁴ Custodial Institutions Agency, “Improvements,” Dutch Ministry of Justice and Security. <https://www.vera-2r.nl/development/improvements>.

¹⁴⁵ Expert interview on 15 March 2023 and expert interview in Bavaria on 9 May 2023.

¹⁴⁶ German government, “*Umgang mit islamistischen Gefährdern und relevanten Personen während und nach ihrer Haft* [Handling of Islamist dangerous persons and relevant individuals during and after prison]”.

¹⁴⁷ *Kompetenzzentrum für Deradikalisierung und Extremismusprävention im Land Bremen (KODEX)*

[Competence Centre for Deradicalisation and Prevention of Extremism in the State of Bremen]:

“*Rückkehrkoordination* [Returnee Coordination],” Freie Hansestadt Bremen.

<https://www.kodex.bremen.de/projekte/rueckkehrkoordination-12117>.

-
- ¹⁴⁸ Koller, “The Reintegration of Returnees from Syria and Iraq,” p. 8.
- ¹⁴⁹ For example, interview with disengagement expert in Bavaria on 9 May 2023.
- ¹⁵⁰ Expert interview on 26 May 2023.
- ¹⁵¹ Interview with André Taubert on 25 April 2023.
- ¹⁵² Interview with Claudia Dantschke on 13 April 2023.
- ¹⁵³ Expert interview on 23 May 2023.
- ¹⁵⁴ Expert interview on 24 April 2023.
- ¹⁵⁵ See for example interviews on 13 April and on 26 May 2023.
- ¹⁵⁶ Expert interview on 30 March 2023.
- ¹⁵⁷ Interview with André Taubert on 25 April 2023.
- ¹⁵⁸ Interview with Gabor Subai on 25 May 2023.
- ¹⁵⁹ Röing, “*Ist ein bisschen Deradikalisierung besser als keine? Zur Ausstiegsarbeit mit Rückkehrerinnen und Rückkehrern aus dschihadistischen Gruppen in Deutschland*”.
- ¹⁶⁰ Lina Hartmann, “*AG Strafvollzug und Bewährungshilfe. Mapping von Maßnahmen der Prävention und Deradikalisierung sowie angrenzender Arbeitsfelder in Strafvollzug, Bewährungshilfe und Maßregelvollzug* [Working Group on Prison and Probation Services. Mapping of prevention and deradicalisation measures and deradicalisation as well as related fields of work in the penal system, probationary services and the penitentiary system],” Violence Prevention Network, 15 June, 2023. <https://ag-strafvollzug-und-bewaehrungshilfe.de/publikationen/ag-strafvollzug-und-bewaehrungshilfe-mapping-von-massnahmen-der-praevention-und-deradikalisierung-sowie-angrenzender-arbeitsfelder-in-strafvollzug-bewaehrungshilfe-und-massregelvollzug/>.

