

Secretariat of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
Council of Europe
F-67075 Strasbourg Cedex
France

Remarks on report CPT/Inf (2023) 12, Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 25 May 2022

26 June 2023

Dear Sir, Madam,

I would like to draw your attention to some omissions in the above report related to the Terrorist Unit (TA) of the Zwolle prison in the Netherlands. This is the unit where the women that have returned from Syria are detained.

My first comment relates to the risk assessment that is carried out upon admission to the TA unit. In your report it is stated on page 48 that "An individual risk assessment is carried out upon admission to the EBI or TA units, which is periodically revised." In the case of the women admitted to the TA, no risk assessment is carried out. All women who are suspected or convicted of a terrorist offence are automatically placed in the TA. Neither is there a periodically revision of the decision to place them in the TA. Although article 26b of the Regulation on classification, placement and transfer of detainees (Rspog) stipulates that prison authorities should review the need for a continuation of the stay at the TA every 12 months, there is hidden article (20a sub c) that states that this rule does not apply to persons who are suspected or convicted of a terrorist offence. So in reality, for none of the persons kept at the TA is there a periodical review whether their stay at the TA is still necessary. Persons suspected or convicted of a terrorist offence are automatically placed at the TA and stay there for the duration of their sentence.

The women detained in Zwolle are not placed at the TA because they pose a security risk. None of them has ever used violence or has planned to do so. Their only crime is that they have followed their husband or friend to Syria and did the housekeeping over there. Our criminal courts consider this as consciously joining a terrorist organisation and assisting in the preparation of terrorist crimes. Hence the women are treated as terrorists although they do not meet the definition of a terrorist as given by our general intelligence and security service AIVD. The only reason why the women are subjected to the overly restrictive regime at the TA is the pressure from politicians to punish them as hard as possible. This was told to me by representatives of the DJI (Dienst Justitiële Inrichtingen). The application of an additional punishment in addition to the deprivation of freedom is contrary to article 2.3. of our Penitentiary Principles Act (PBW).

The recent release of two of the women from the TA directly onto the street¹ is a further illustration of the fact that these women are not dangerous, and hence that their detention under the very tight regime of the TA is unnecessary.

¹ In one case the court dropped all charges against the woman and in the other case the woman had nearly completed her sentence.

My second comment relates to the separation of the women and their children. Your report states on page 51 that "Often, they had also been separated from their children". This is an understatement. All women are separated from their children immediately upon their arrival in The Netherlands. For the first 2-3 months, there is no contact with their children at all. Subsequently they are allowed to receive their children only once every 6 weeks during a one hour visit. The very restricted contact with their children is considered by the women as their greatest punishment. They have a particularly strong bond with their children after having cared for them during many years under the dangerous conditions of the camps. When they receive their children once every six weeks, this happens in a room which is intended for adult visitors and where the children are frightened by the presence of uniformed guards. Women detained in the normal section of the prison are allowed a more frequent contact with their children in a special room equipped for this purpose.

As a more general comment, I want to point out that your team visited the Zwolle prison in May 2022, only three months after five of the women had returned from Syria. At that time they were glad that they had just escaped the harsh and dangerous conditions of the Kurdish camps, and they were still in an optimistic mood. In subsequent months they started to realise in what new situation they had arrived, and some of them openly regretted having asked for repatriation to the Netherlands. In letters that I receive from the women, they often refer to their treatment at the TA as "mental torture", which they find harder to bear than the physical torture they underwent in Kurdish prisons. Last April a leading Dutch newspaper devoted a long article to the harsh conditions under which the women were detained at the TA in Zwolle².

I hope these considerations will be an incentive for your Committee to repeat your visit to the Netherlands in the near future, and to pay special attention to the situation of the women at the TA in Zwolle.

Yours faithfully,



Ad Corten
Platform 'Kinderen terug uit het Kalifaat' (Children back from the Caliphate)
De Waterdief 52, 1911 JT Uitgeest, Netherlands
+31 6 25539238
adcorten@gmail.com

² NRC 8 April 2023. Bericht uit de Zwolse vrouwenvleugel (Message from the woman's section in Zwolle)