



Norwegian ISIL Bride Sentenced for Participation in Terror – Do We See a New Norm?

“How is the ruling within the case of Sumaira Ghafoor contributing to the creation of a new legal norm in Norway where ISIL brides are being regarded as participants and complicit in terror”?

The Case of Sumaira Ghafoor

Sarah Mathea Gangnæs Small
(20201275)

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Aalborg University
Supervisor: Tamirace Fakhoury
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Abstract

My thesis contributes to the research on how the security issue of returning ISIL brides contribute to norm creation within Norway through the following research formulation;

“How is the ruling within the case of Sumaira Ghafoor contributing to the creation of a new legal norm in Norway where ISIL brides are being regarded as participants and complicit in terror”?

ISIL has since its resurrection actively recruited women to expand the Caliphate and create a functioning organization. Many women were as a result of a successful recruitment radicalized and therefore left their home country for the benefit of ISIL. Traditional gender roles apply within the Radical Islam practise and women who were not married upon their arrival was forced to marry for the benefit of the male fighter. ISIL brides are a reference to the young women carrying out the supportive role of being a housewife to and raise children for ISIL fighters. Many of those young women who once left their home country to marry an ISIL fighter now wants to return, creating a juridical challenge in regard to their rights. Sumaira Ghafoor is the first Norwegian woman who has been sentenced for participation to terror for being a wife and mother, indicating a change within the interpretation of the concept of participation and also within the juridical gender perspective. The sentencing implies that there is a violation to the regulatory compliance, hence why the courts ruling in the case of Ghafoor is contributing to norm creation in relation to the role of ISIL brides being participants in terror.

For the purpose of producing a credible research I have followed a legal research methodology using the technique of framing to show how negotiation of rules contribute to norm creation and to advance the common understanding of what is believed to be the appropriate behaviour in regard to be a wife and mother under the context of ISIL. For a norm to be created the norm has to be acknowledged and adopted within the domestic context, to why I have applied the two theories, Norm Diffusion by Finnemore and Sikkink and Norm Translation by Zwingel. The two theories presents different approaches to norm creation, hence why both have contributed to my findings in relation to the courts' influence on norm creation.

My findings reveal how there is no binding legal norm or rule yet, however, the court contribute to norm creation through its judicial review of domestic law and interpretation of the concept of participation in relation to the environment. The case of Ghafoor has been tried in both Oslo District Court and Borgarting Court of Appeals and will later this year also be tried in the

Supreme Court. The Supreme Court has the ability to set an example for future cases to follow through a precedent, in which the norm of ISIL brides as participants and complicit to the terror organisation might become a binding rule. Key findings also include my assumption that we see a change within the gender perspective in judicial agencies. The courts' interpretation of how being a wife and mother can be seen as complicit to terror indicates a change within gender approaches to prosecution, whereas women is no longer necessarily seen as victims of terror or as subordinated to the male fighter.

Concluding, the court is contributing to norm creation and Norway is moving towards a new rule of ISIL brides being regarded as participants in terror, whereas the context of ISIL together with a gender-sensitive approach to the concept of participation legitimate the sentencing of wives supporting and raising children with terrorist fighters.

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Abbreviations:

ECHR: European Court of Human Rights

ICCPR: International Covenant on Civil and Political Rights

ICRC: International Committee of The Red Cross

IHL: International Humanitarian Law

IS: Islamic State

ISISL: Islamic State of Iraq and the Levant

ISIS: Islamic State of Iraq and Syria

UN: United Nations

UNODC: United Nations Office on Drugs and Crime

OHCHR: Convention on The Rights of The Children

UDHR: Universal Declaration of Human Rights

1. Introduction and Research Question

Returning ISIL brides constitute a new phenomenon in the western world and challenge existing norms in regard to whom is perceived as participants to terror. By 2015, more than 550 young women left their western homes to become wives of ISIL fighters. (Hare-Osifchin, 2021: 2). ISIL brides are by most states viewed as a threat to their home security and the rights of returning brides has become a highly controversial issue within the western society. Norway was the first Nordic Country, and also one of the first West-European countries to voluntarily bring back an ISIL bride. Sumaira Ghafoor left her life in Norway after having married an ISIL fighter she met through an Islam radical Facebook group and willingly became an ISIL bride, something she would regret (Andreassen, 2020). Ghafoor was brought back with her two children in 2019 after a long

governmental process. The decision of bringing her, and not only her children back, caused a governmental crisis where one of the coalition governmental parties chose to leave the government. The public attention and implications within this case forced Norway to take a judicial stand in regard to the status of repatriated ISIL brides.

Ghafoor was upon her return accused of being 'participating' in a terror organisation. This challenge existing norms on whom being considered a participant and the traditional gendered approach to the compliance of the concept 'participation', indicating a creation of a new legal norm where the role as a home-staying wife and mother can be viewed as a participative act to terror (Oslo tingrett, 2021: 8). 'Participation' to a terror organization is regulated in The Penal Code 1902 § 147 d and 2005 § 136 a, in which Ghafoor is accused of violating both. The Concept of participation is defined in preparatory work and Prop 131 L, a supplement to the Penal Code, however, do the limitations within preparatory work and the absence of case law challenge the compliance of the concept on this highlighted issue. The existing legal norm, with reference to Prop 131 L, cover only those who 'actively participate'. Active being those who directly take part in combat or hostilities, and not by tradition 'supportive' roles. (Det Kongelige Justis- og Beredskapsdepartement, 2013: 5) (Høyesterett, 2018: 1). The rulings impact on norm creation and the significance the ruling might have upon similar cases leads me to the following research formulation;

“How is the ruling within the case of Sumaira Ghafoor contributing to the creation of a new legal norm in Norway where ISIL brides are being regarded as participants and complicit in terror”?

The highly controversial issue of repatriated ISIL brides encouraged me to analyse if we see a creation of a new legal rule in Norway legitimating the sentencing of ISIL brides carrying out the roles of wives and mothers and how the court's ruling influence domestic norm creation. Legal norms are by legal methodology defined as means to regulate behaviour of individuals when social norms don't exist or do not produce the appropriate behaviour, categorized within three classes; rules, standards and principles (Carbonara, 2017: 01). The Courts framing within this particular case challenges the existing legal norm in regard to whom should be considered a participant in a terror organisation, in a context where social norms don't regulate the appropriate behaviour.

Hence, I intend to research how the frames constructed by the court contribute in the creation of a new legal norm and negotiate a common understanding of the appropriate behaviour in relation to being a wife and mother within the context of ISIL. I find the research important and critical as it represents a new and pressing issue where limited preparatory work and the absent case law challenge the applicability and interpretation of domestic law. The Court's interpretations of the concept of participation regulated Penal Code 1902 § 147 d and 2005 § 136 a is of importance for future cases of similarity, in which I assume there will be. A handful Norwegian women accused of participating to ISIL now live in detention camps in Syria waiting for an opportunity to return. I will within my research concentrate my analysis around how the case contributes to norm creation within Norway and how the court advance a common understanding of inappropriateness through the negotiation and promotion of competing frameworks.

The case of Ghafoor has been tried by both The Oslo District Court and The Borgarting Court of Appeals, where Ghafoor also appealed the last sentence. This meaning that the case will be tried by The Supreme Court, which is nothing but expected when challenging common law. However, can we assume that the ruling by Oslo District Court and Borgarting Court of Appeals represent a common understanding of the objective and subjective guilt in regards to being an ISIL bride (Oslo tingrett, 2021: 8). The Supreme Court's statement on 'participation' from 2018 is used and highly emphasized in both Courts interpretation of Penal Code 1902 § 147 d and 2005 § 136 a, in which strengthen the case's integrity (Oslo tingrett, 2021: 8) (Lia, 2021). For the purpose of this study will I refer to Oslo District Court and Borgarting Court of Appeals as the Court(s) when speaking of both.

Before I present my findings of how the Court(s) contribute in norm creation I will first present a background and earlier research of relevance, hereunder how women are viewed by ISIL and the international focus on gendered responsiveness. Hereafter do I introduce my methodology and theories on norm creation, before presenting an analysis of the frames promoted by the Court(s) in relation to the Norm Diffusion Theory and the Norm Translation theory. For the purpose of supporting my findings I have included a section discussing the credibility of the two Court(s) before exposing my concluding findings on how the case influence norm creation and if we see a developing rule legitimating the sentencing of ISIL brides. For the purpose of my research I will only analyse norm creation within Norway, drawing on the Court(s) role within norm creation and the influence the ruling has upon Norwegian law.

2. Context and Motivation

Background

On February 8th 2013, Sumaira Ghafoor left Norway to join her husband, whom she married over WhatsApp one month before, in Syria. Her husband, referred to as N1, was a member of Jabhat al-Nusra, a terror listed Syrian Sunni opposition group, and took direct part in hostilities. Ghafoor left for Syria for two reasons, firstly, Ghafoor desired to live a place where radical Islam was practised and secondly, she wanted to take care of and be with N1 (Oslo tingrett, 2021: 7). Ghafoor was aware of the women's role and their limited rights living under radical Islam and willingly became a home-staying wife. Even though, her limited freedom under Jabhat al-Nusra and later the Islamic State of Iraq and the Levant (ISIL) came as a surprise to her, and she describes in Court how she became a victim of human trafficking. Ghafoor did try to leave Syria several times but the circumstances of ISIL made it difficult and forced her to stay. Ghafoor had two children during her stay and were forced to remarry two times (Oslo tingrett, 2021: 7). Ghafoor with her two kids was returned from the Al-Hol camp with assistance from the Norwegian government in January 2020, and she was on 4th of May 2021 sentenced by Oslo District Court to 3 years and 6 months in prison for "participating" in a terrorist organisation (ISIL) from 2013- 2019 after Penal Code 1902 § 147 d and 2005 § 136 a. The punishment was reduced by nine months by Borgarting Court of Appeals in May 2022, due to their conclusion of Ghafoor being a victim of Human Trafficking from N1's death when she was forced to remarry under the circumstances of ISIL (Oslo tingrett, 2021: 8).

The terrorist organisation ISIL, also called ISIS or Daesh, emerged after the Civil war in Syria broke out in 2011, but has roots back to early 2000 and to the Jihadist networks established before and under the USA lead invasion of Iraq. The most important of these groups are Al-Qaida, a group ISIL breached with in 2013 due to disagreements of the leadership in Syria. After the group in 2014 conquered Mosul, Iraq's next biggest city, they took the name "The Islamic State" and proclaimed themselves as a worldwide Caliphate, demanding political and religious authority over the world's Islamic population (Lia, 2019: 101). The Caliphates' ambitions were high, and they demanded submission from all Muslim rebel groups, including Al-Qaida affiliates, and encouraged both men and women to emigrate to the Caliphate. ISIL controlled large areas in Syria and Iraq and many women chose to join the Caliphate ISIL promoted as a "family friendly" Jihad (Lia, 2019:

104). The reality of being a woman under ISIL rules were somehow different than proposed, whereas women had limited rights and freedom and constituted as a tool to support the man (Bont et al, 2017: 17).

Sumaira Ghafoor is the first ISIL bride the Norwegian government has helped out of an ISIL controlled area, marking a change in state politics regarding repatriation of people associated with ISIL. Nevertheless, the repatriation of Ghafoor instead of her two children only created political dissension. 'The progress party', the second largest party in our coalition government chose as the first party ever to leave the government when it was decided to bring home a woman accused of participating in a terrorist organisation (Svendsen: 2020). Ghafoor and her children were located in the Al-Hol camp when the government decided to bring them back. The Al-Hol camp is home to around seventy thousand displaced people, most of them women and children. The International Committee of the Red Cross (ICRC), Syrian Arab Red Crescent, Norwegian Red Cross and the Canadian Red Cross are working together in Al-Hol, where they run a field hospital to support the displaced and vulnerable (Teehan: 2019).

The reasoning for subtracting Ghafoor and her two kids was that one of her children were believed to be seriously ill. The medical care provided in the Al-Hol Camp were not sufficient to treat nor properly diagnosis him, and the doctors at the field hospital asked to have the patient sent out of the camp for treatment of what they believed in worst case could be Cystic Fibrosis (Johnsen: 2020). The boy was critically underweight and had breathing difficulties. Cystic Fibroses has a high death rate if not treated correctly, and the closest hospital able to treat this disease would be in Pakistan. The boy's medical journals were confirmed to be factual by Norwegian doctors, and the ICRC together with experts at Sunnaas Hospital advised the Norwegian government to repatriate the boy. The mother did not give her permission for them to only bring home her two children, and the government chose as a result to repatriate the whole family (Johnsen: 2020). There was dissent between the coalition parties in regard to the decision and 'The progress party' chose as a result to leave the government as they meant Ghafoor used her child to be returned herself. 'The progress party' described the decision of repatriating Ghafoor as irresponsible, comparing the act to be supportive to ISIL. Within the statement upon their withdrawal they further described the act as being supportive to beheading, burning, rape and murder of innocent people (Johnsen: 2020). The opposition to the decision of bringing back Ghafoor has after her return questioned the health situation of her child, but his medical journals have and will stay confidential as regulated by Norwegian law and is not open to the public nor politicians (Svendsen: 2020).

Our foreign minister at the time, Ine Eriksen Søreide, announced that Norwegian women who had been involved with ISIL had to expect to be prosecuted after their return to Norway. There was initially a unanimous consent of not bringing back adults who voluntarily had joined a terror listed organisation like ISIL within the Norwegian Parliament (Johnsen, 2020). Regarding children on the other hand, there was a unanimous consent between the parties that they should or could not be punished for their parents' misconducts and should be prioritized home. The detention camps in Northeast Syria are filled with children, among them many Norwegians, living lives exposed to torture, illnesses and death. The United Nations has asked countries to bring back their child citizens, fearing for their health and security. Just in the Al-Hol camp alone there has been fifty murders, and 62 children has died within the last year (Redd Barna, 2021). States have under regulation of the Universal Declaration of Human Rights (UDHR), International Humanitarian Law (IHL) and the Convention on the Rights of the Children (OHCHR) a responsibility to act in the best interests of the child, giving Norway great responsibility in regard to help child citizens return (Open Society Justice Initiative, 2021: 21-22).

Motivation

The media's coverage of the political dissent have increased the case attention and forced the government to take a stand in regard to the handling of returning ISIL brides. People who voluntarily left to join ISIL are seen as a threat to the national security, however, the role of being a wife and mother by nature is not described to be an active contribution to terror. Returning ISIL brides have become a controversial issue and I view how there is a conflict of interest between national security and principle human rights. The sentencing of Ghafoor implies that there is a change within gendered approaches in judicial agencies interpretation of domestic law, and it is of my interest to analyse how the two Norwegian Court(s) that has sentenced Ghafoor contribute to norm creation in regard to ISIL brides being participants and complicit to terror. The limitation within preparatory work to the Penal Code and the absence of case law emphasize the importance of this rulings as the sentencing will constitute an example for future cases in relation to returning ISIL brides within Norway and also within other Western European countries. Motivated to contribute to the research on norm creation in regard to ISIL brides I have focused on the framing produced by the Court(s) and applied the two selected theories on norm creation in order to analyse how the

Court(s) through the negotiation of rules contribute to the creation of a new binding-rule of ISIL brides being regarded as participants and complicit to terror.

Scope and Delimitation of Research

The scope of my research is to analyse how the rulings by the two Court(s) contribute in norm creation regarding ISIL brides being participants in terror. The area of research will be explored through following parameters; the case of Sumaira Ghafoor, Norwegian law and International consensus. I will only focus on norm creation within Norway through the appliance of two norm theories and I will only analyse one case, this being the first of its kind. I refer to the case of Sumaira Ghafoor in which is the first case where a Norwegian woman is charged for participating to terror. However, do I find it important to mention that there has been a sentence of a Somalian woman in Norway, whom was also sentenced for participation in terror by Oslo District Court (Dahle, 2021). The circumstances around this case are very different to the case of Ghafoor and the Somalian woman was a refugee waiting to be returned. Nevertheless, Ghafoor is the first woman who is sentenced for being a wife and mother, and also the first Norwegian citizen who has been charged, to why I for the practical reasons of my thesis refer to this as the first case. These characteristics limit my scope and form the delimitations of my research.

3. The Women's Role Within ISIL and Gender Responsiveness

I will within this section elaborate on earlier research on the women's role under ISIL and also how these women are being viewed internationally and domestically in which I find of great importance for my own research. Oslo District Court and Borgarting Court of Appeals has based their facts on research produced by two credited researchers, Brynar Lia and Anne Speckhard. I assume that the court's selection of empirical sources is representative and authentic, and I therefore chose to study these two journals in depth to gain contextual knowledge about the role of women under ISIL rule. In relation to provide a credible understanding of how gender responsiveness and ISIL brides are being viewed by the public, I have leaned on documents by the UN and media's coverage of the controversial issue. I search to provide objective meaning to the interpretations made in court and prevent a biased end product.

ISIL is one of the largest and also richest terrorist groups in history, functioning as a proto-state with its so called Caliphate. ISIL did manage to take over around 40 percentage of Iraq and 60 percentage of Syria and attracted nearly 5,000 women from 130 different countries, whereas more than 1000 of these were European citizens (Speckhard & Ellenberg, 2020: 82). The main reasons for female emigration to Jihad evolve around factors of alienation, inequality, adventure and the attraction of contributing to a noble cause. ISIL early got media's attention, which they managed to use to profit their organisation and increase the Caliphate. The terrorist group established an effective media strategy able to produce large amounts of propaganda targeting both men and women. This propaganda where spread through the internet in text, pictures and film on several languages for greater influence (Lia, 2019: 103). From being an imported phenomenon back in the early 90s, radical Islam networks in Norway now have a distinctly Norwegian character where extremists interact directly with the Norwegian society and recruit from attracted and targeted segments of the society, constituting a threat difficult to prevail and control (Lia, 2016: 132).

Women are believed to be more vulnerable to online radicalization as romantic adventure together with the search for identity and solidarity is found to be the most attractive factors for foreign female fighters. ISIL's men recruit western women through the modernity of online dating, in which they create an online romantic relationship with the means to recruit ISIL brides. ISIL consider women essential in the expansion and function of the Caliphate, proposing strict gender rules where women's purpose is to raise the next generation of fighters and to take care of a *mujahid* (holy warrior) (Aakster, 2020: 3) (Lia, 2019: 104). After having created an online relationship, the men lured the women to marry them by promoting a unique community of solidarity regardless of race, ethnicity and economic differences. A religious community providing opportunities and contributing to self-realisation. Those women who were already married were lured in with the promise of a state increasing in power highlighting the importance of female involvement to expand Islam and increase women's rights within and outside the Caliphate (Lia, 2019: 105). Research show that individuals exposed of inequality and those with low or no income were easier radicalized. ISIL established a strategy of targeting those marginalized groups accomplishing their mission of recruiting foreign females to Jihad (Lia, 2019: 106).

Women under ISIL would firstly have the role as home staying wife's and mothers. The woman's role was by ISIL not manufactured as a passive role but described as an invaluable

role facilitating Jihad (Ibid). Unmarried women who joined ISIL were being housed in a guarded dormitory until a suitable husband was found, many of which had already made contact with their future husband over social media before their arrival. Married women were separated from their husbands upon arrival and reunited after the husband had finished his training (Bont et al, 2017: 12). Although women's key responsibilities were to support behind the scenes by raising as many children as possible and support mujahid, some women had supplementary roles. Many well-educated Iraqis and Syrians fled their country after ISIL's invasion, causing a need within critical occupations necessary for the expansion. Women were therefore found useful in other roles, for example as teaching other women in religion, some had roles in service occupations and a few had more important roles within military or police. Further were women effective in propaganda campaigns and contributed in the recruitment of foreign female fighters and brides (Lia, 2019: 107) (Bont et al, 2017: 13).

ISIL promote a Caliphate empowering the woman, but research demonstrate the opposite, how women are being suppressed in a masculine environment. Brownmiller described the female body as the area where the superiority of victorious men and the beating of defeated men is proven (Brownmiller, 1975: 309). Meaning that rape as a sexist form of violence is used as a tool of war, defining a masculinised nationalism, a tool also used by ISIL. ISIL militant's express sexuality and gender roles through rape, violence and captivity (Yilmaz, 2017: 24). Human rights are absent, and freedom of movement denied. The Manifesto "Women of the Islamic State" published by ISIL on 25th January 2015, forbid women to travel or leave their house without their husbands' consent. It further allows violence as punishment for 'bad' behaviour and restrict women of conducting anything besides the "fundamental functions" they are meant to have (Yilmaz, 2017: 25). ISIL's gender policy is funded on a strict segregation between sexes, discriminating women by making them a belonging to men. Anne Speckhard describes in court how foreign women learned from the moment of their entry that they had entered into a totalitarian run state, a state difficult to leave and extremely dangerous to be a widow in. Women who became widowed were supposed to move back to the dormitory, where they again were locked up until they agreed to remarry. Widows of men killed in combat were promised a monthly allotment from ISIL, but most women were coerced in order to remarry fast (Borgarting, 2022: 27).

The increased female involvement to ISIL challenged the normative interpretation of how women within violent ideology groups are being victimized, whereas the current concept in

terrorism norms sympathize women without a wider interpretations of conflict dynamics. Civilians support to conflict is of concern to the international community and the voluntary contribution to complicit to the Caliphate challenge state security (Eppert & Roth, 2021: 1-3). The UN highlight gender responsiveness in relation to terrorism prevention. Describing how men and women are involved with and affected by terrorism differently, emphasizing the changing role of women's role in terrorism. Women can actively and supportively contribute to the terror group, at the same time the terrorist groups often target women through gender-based violence such as rape and forced marriages (UNODC, 2021). These conflicting concerns of women within terrorist organizations make it important to move beyond gender stereotypes and create criminal justice procedures that are informed by the concerns of women and includes gender-sensitive investigation and prosecution approaches (Ibid). By gender-sensitive I mean that the particularities pertaining to the lives of both men and women is taking into account within the aim of obtaining equality. The UN employ upon states a responsibility to adopt a gender-sensitive perspective under the umbrella of equality when prosecuting, rehabilitating and reintegrating returning or relocated foreign terrorist fighters and their families. The Norwegian government is taking active part in the Global Coalition against ISIL together with coalition partners and the UN (Kvalheim, 2021). Norway has emphasized within the UN the need to apply a gender perspective in the campaign against ISIL as the group exploit vulnerabilities within states and populations using gender inequalities and gender base violence to their advantage. (Ibid).

Dissents between the governmental parties in the repatriation of Ghafoor did create a strong public opinion. The majority of those commenting on the case found the sentencing to be too mild, implying that the population support the sentencing of people who are accused of contributing to a terror organisation (Dahle, 2021). ISIL's global coverage and ability to commit terrorist attacks far from home have created fear among people. Research shows how people fear refugees from Muslim countries as a result of the high amount of terrorist attacks from 2000 up until 2018. This gives me no reason to believe that people do not experience fear when the government chooses to repatriate a woman who voluntarily chose to join ISIL, one of the worst terrorist organisations the world have ever seen (Resnick, 2016).

Presenting key findings; The women's role is within the totalitarian state of ISIL described as an active role, important for the expansion and the regulation of the Caliphate. The strict Sunni Muslim environment did in practise suppress women, and women who voluntarily chose to join and marry into Jihad often found themselves in a situation taking on the nature of `domestic

servitude and sexual slavery`. However, the UN with its member states do identify a change to women's agency in terrorism. Where women can be complicit in terror, victims of terror and sometimes both, giving the prosecutors a challenge within the repatriation of ISIL brides (Borgarting, 2022, 24).

4. Legal Research Methodology

Literature used in this master thesis include court documents (primary sources), books and journals from credited researchers and ISIL experts, and relevant articles from eye witnesses and journalists (secondary sources). (Melenhorst, 2015, Ellingsen, 2021). Acquiring scientific knowledge about a legal issue made me follow a legal research methodology. Following such, I have used a qualitative case study method in the study of court documents and journals I found relevant to answer my research formulation. The purpose of using a legal methodology is to explore, explain and interpret legal issues and concepts in where I explore and explain frames and interpret the concept of participation. The Courts ruling is supposed to be impartial, as judges promise to be impartial in their oath, but as human beings I will assume that judges are also biased to a certain degree. Subjective interpretations constitute a fact, but the plurality of judges in both Courts balance each other subjectivity in order to create objective meaning to rules and their applicability (Bryman, 2016: 548).

The legal sources I have been studying are listed in the table underneath. The legal sources have helped me in the analysis of how the case of Ghafoor contribute to norm creation within Norwegian law and helped me create meaning to the frames promoted by the Court(s).

Title	Year	Type of document	Description
LB-2021-95097	2022	Court Document	The Court of Appeals ruling of the case of Sumaira Ghafoor
TOSL-2020-66298	2021	Court Document	Oslo District Courts ruling of the case of Sumaira Ghafoor

The Penal Code 2005 § 136 a	2005	The Penal Code	Norwegian law on participation to terror (current)
The penal Code 1902 § 147 d	1902	The Penal Code	Norwegian law on participation to terror (outdated)
Prop 131. L	2013	Proposition	A supplement to the Penal Code – a definition of the concept of participation
HR-2018-1650-A	2018	Court Document	A ruling by the Supreme Court of a man sentenced for participation to ISIL
FOR-2020-05-29-1088	2020	The Constitution of the Kingdom of Norway	Regulations on the Judicial power in Norway

4.1 Qualitative Case Study

By the method of case study, I have analysed my primary sources, the court documents, in depth in order to present how they frame Ghafoor as a participant and interpret Penal Code 2005 §136 a and preparatory work (Flyvbjerg, 2011: 301). The reasoning for choosing the method of a case study is the aim of attaining an in-depth and contextual knowledge. Secondary sources have helped me explore core meanings and key characteristics within this particular case, putting legal issues in relation to environment (Flyvbjerg, 2011, 301-302). Analysing documents by meaning-making agents and the social phenomena of being an ISIS bride I found a qualitative approach the most suitable (Brymann, 2016: 378). In my research I combine first-hand observations, court statements and reliable literature to obtain empirical knowledge about the circumstances of the case and to interpret why being an ISIL bride is found to be inappropriate. (Brymann, 2016: 378-379).

Studying only one critical case challenge the selection of material provided to generalize the findings and ensure validity. I will therefore be analytical and use reliable sources that permits logical deduction of the type; “If this is (not) valid for this case, then it applies to all (no) cases” (Flyvbjerg, 2011: 307). The case of Sumaira Ghafoor is viewed to be a critical case as it

is the first time a woman returning from ISIL is sentenced with terror without taking directly part in hostilities. This fact marks a change within the interpretation of participation in domestic law, and the judgemental review will constitute as an example for future cases of similarity. This will give the ruling great importance when it comes to norm creation, in which I do qualify my research as representative. The aim with my research is to present objective and authentic data which can be used in further research, ensuring validity and credibility within my source selection.

Specifically, I will analyse how the court interpret participation and further how they frame Ghafoor as a participant. Subsequently I will use this knowledge in the discussion of how the court advance or negotiate existing norms in regard to ISIL brides being participants in terror. Easily formulated; how home staying wives and mothers are seen as participants, similar to those contributing to hostilities. I will also explain the international consensus, at least the outcome of those few other European cases, in order to analyse if there is a common understanding around the sentencing of ISIL brides and if this has had some influence upon the Court(s) ruling. Framing is an analytical tool and concept used throughout this thesis and I have therefore dedicated a paragraph to explain how I use the concept within this legal methodology.

4.2 Framing

The concept of framing is used as an approach to advance challenges and interpretations and I will therefore clarify my understanding of framing and describe how I use the concept to debate the possible emergence of a new norm.

The concept of framing is explained by Entman as a process through which reality is reduced to some of its parts in a way that advances particular problem definitions, interpretations, and moral evaluation over others (Entmann, 1993: 52). Frames provide a single interpretation of a particular situation and indicates the appropriate behaviour in that context. In the negotiation and when contesting norm actors actively use framing as a form of persuasion to create norm followers (Ibid). Of similarity, Bacchi describes framing in the field of policy analysis as something that shapes a collective understanding of problems and solutions (Bacchi, 2009, xxi). Understanding framing as a way of constructing and advancing appropriateness, I will approach the arguments made by actors involved in the case of Sumaira Ghafoor in a way that emphasizes how they construct the challenge of returning ISIL brides and how moral evaluation based on underlying knowledge construct frames of what is believed to be appropriate behaviour.

4.3 Limitations

Limitations within this research include subjectivity and an inadequate ruling. It has been challenging conducting research on such as controversial and also new topic in the sense that the amount of research about ISIL brides is not supported by rulings or common state practises. Implications indicated challenge own subjectivity, I am a Norwegian woman with interest in state politics and with an education from the Military, hence will my narrative have some influence upon the outcome of this research. The substantial fact that this case has been appealed to the Supreme Court also challenges the conclusion within my research. However, this also communicates an opportunity whereas my research develops around the potential of seeing the creation of a new norm which the Supreme Court could promote as a new rule of appropriate behaviour through a precedent.

Lastly, for the purpose of ensuring feasibility and validity of my findings I recognize limitations of not having a solid analysis of the structure of the Court(s), nor having conducted interviews. Time limitations and the security aspects around this sensitive ruling has excluded the possibility of conducting interviews and ensuring a proper study on the functioning of the Court(s). The ruling has been closed and the Court documents have only been published for those with special interests within the case.

5.Theoretical Framework

Analysing norm creation, I find it necessary to include both the Norm Diffusion Theory by Finnemore and Sikkink and the Norm Translation theory by Susanne Zwingel. The two theories present different approaches to norm creation and will help me conceptualize how the ruling within the case of Sumaira Ghafoor has contested or advanced existing rules and standards. Literature on global norm diffusion explores the dynamics of creating international rules, standards and principles and their expansion into domestic context. It has its focus on actor constellations connecting international and domestic normative discourse, while literature on norm translation conceptualize global norm creation as an open process of negotiation among various actors on all political levels (Zwingel, 2012: 116). Given the circumstances, that the case is the first of its kind in Norway, and my analysis of how this contribute in norm creation I will only focus on the first step, norm emergence, within Finnemore and Sikkinks theory, and the two constellations global discourse translation and impact translation presented by Zwingel. However, I do present the theory

in its entirety for the purpose of understanding how rules, standards and principles become binding. I refer to legal norms as rules and standards and will therefore begin the theory section explicating what I mean when talking about rules and standards as legal norms.

5.1 Legal Norms as Rules, Standards and Principles

Legal norms are means to regulate behaviour of individuals when self-interest nor social norms produce the appropriate behaviour (Carbonara, 2017: 1). Suggesting that law should regulate when social norms do not exist and provide enforcement in areas where social norms exist but are left unregulated. Legal norms seemingly create social norms where social norms do not exist, and reinforce existing ones. Legal norms further bend existing social norms towards the law when discrepancy exist and the perception of the individual's interpretation of a social norm differs from the common interpretation. However, legal norms can in certain circumstances also be defeated by social norms or destroy the existing ones (Ibid). My thesis debates the possible emergence of a legal norm in a case where self-interest nor social norms regulate what the court interpret to be the "appropriate behaviour" under given circumstances. This section will provide and understanding of legal norms as rules, standards and principles, in which I refer to them within this thesis.

Legal norms do not all carry the same amount of weight in court and legal theory sort it into three general classes; rules, standards and principles. These three concepts of legal norms differ in extent to which they constrain individuals in circumstances where performed behaviour is found to be inappropriate and social norms unregulated or non-existing (Solum, 2009). Rules are the most constraining ones and their application decide the outcome of the case, standards provide an intermediate level of constraint and do often provide a framework for of balancing several factors while principles are less constraining, providing mandatory considerations for judges (Ibid).

Rules can both be hard and soft, varying on to which extent the conditions for their application and consequences that follows are defined by bright-line distinctions, meaning how easy they are to apply. An example: the rule that keep people under 18 to sustain from buying alcohol is quite hard or rigid, but if the rule was that children was denied buying alcohol the rule would be soft as the it would need a judgemental interpretation of what children mean. Standards are less constraining than even soft rules, as a standard define a framework for consideration. Standards also vary in which degree they guide- and constrain the decision-making process, some standards

specify and weight the factors the decision maker should consider, while other standards provide a more general and abstract framework. Standards referring to “the interest of justice” or “all circumstances” are soft standards while standards that make the judge evaluate for example “serious invasion of privacy” or “direct participation to terror” as in the case of Ghafoor represent hard standards. Hard standards provide a framework of greater constrain and guidance. Both rules and standards provide a framework that, in theory, is enough to make a judgemental assessment. However, principles only provide guidance for the interpretation or application of a rule or standard. Legal principles are not sufficient to make a final judgement but is important in the ruling as it constructs rule and standards, both domestic ones and international ones (Ibid). Fundamental Human Rights are legal principles.

5.2 Norm Theory

5.2.1 Norm Diffusion Theory

Finnemore and Sikkink’s Norm theory present the norm “life-cycle” model which is used as a reference point for theoretical and empirical scholarship on norm creation. The theory explains how norms are being created on the international level, how they get global acceptance and lastly how norms become binding rules, standards or principles on domestic levels (Zwingel, 2012: 118).

The norm “life-cycle” model consists of three stages, whereas norms are formed and defined on the international level and then adopted within the domestic context. For a norm to become binding and be adopted in a national context it will, according to Finnemore and Sikkink, have to pass all three stages (Finnemore & Sikkink, 1998: 895). The first stage is called ‘*norm emergence*’, within this stage, norm entrepreneurs with organisational platforms will frame and then promote the certain framework to a desired audience with the means to create a common norm for a certain behaviour. The proposed framework is often presented through the motives of empathy, altruism or ideational commitment, but norm entrepreneurs could also use the more dominant mechanism of persuasion in the aim of developing or changing a common norm. Before the norm reaches the second stage; ‘*Norm cascading*’ it has to overcome a ‘*tipping point*’, meaning that a critical mass of actors has to adopt the norm for it to be acknowledged by norm leaders, norm leaders being states, global networks and international organisations. ‘*Internalization*’ is the last

step and when the norm become binding. The norm has acceptance by this so-called norm leaders, creating norm followers and a common understanding of what is believed to be the appropriate behaviour (Finnemore & Sikkink, 1998: 896).

Given that the ruling within the case of Ghafoor is the first of its kind, the framework presented by involved actors necessarily is going to have great impact on future cases. The ruling represents a common understanding among involved parties that voluntary marriage with ISIL warriors is “participation” to a terror organisation, giving me a purpose of analysing the possible creation of a new legal norm, to why I will focus on the first step within the “life-cycle” model.

TABLE 1. *Stages of norms*

	<i>Stage 1 Norm emergence</i>	<i>Stage 2 Norm cascade</i>	<i>Stage 3 Internalization</i>
<i>Actors</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

(Finnemore & Sikkink, 1998: 896).

The Emergence of Norms

Finnemore and Sikkink argue that the two most essential elements in the creation of norms is norm entrepreneurs and organisational platforms (Finnemore & Sikkink, 1998: 896). Norms are created as a result of strong notions about the appropriate behaviour within a community, giving high value to the entrepreneurs` framing issues and proposing what they believe is the appropriate behaviour. Norm entrepreneurs highlight and frame issues and challenges within a

society with the aim of making a legal or moral change, using the means of a dramatization to affect the desired audience (Entman, 1993: 52). Framing is a well-used concept in political strategy, where norm entrepreneurs shape and advance a collective understanding of challenges and solutions. By constructing frames, norm entrepreneurs create an alternative perception of the appropriateness within a particular act, this appropriateness will further be tested within a normative space competing with the existing logic of appropriateness (Finnemore & Sikkink, 1998: 897). The existing logic of appropriateness is defined by existing legal and moral norms. Norm entrepreneurs will therefore often need to be explicitly inappropriate when proposing a new rule. Norm entrepreneurs frame and propose a certain rule of behaviour, but for their proposed appropriateness to survive they'll need the support of norm followers. Norm followers are actors sharing the collective understanding of the proposed appropriateness, often encouraged by norm entrepreneurs' use of empathy and altruism in the framing of a challenge (Ibid.: 898).

The second essential element in the emergence of norms is organisational platforms, which is crucial for norm entrepreneurs in the promotion of a certain appropriateness. Some nongovernmental organisations and transnational advocacy networks are constructed specifically to contest and promote legal norms, while other platforms shape and develop rules. Court is an organisational platform that shape and develop legal norms, within the structure of the Norwegian legal system and under the agenda of National and International Law (Finnemore & Sikkink, 1998: 899). Organisational platforms, such as, often have a greater influence on state actors, giving them value when it comes to norm creation. Norm entrepreneurs need the support of state actors for the norm to emerge within a national context. Court is a platform but does also constitute as a state actor, whereas selected judges practise law and prosecute, giving the Court a valuable role in norm creation as they have the ability to challenge the existing logic of appropriateness through adjudication (Ibid.: 900).

Before a norm reaches step two, '*norm cascading*', it is often institutionalised in a specific set of international rules and organisations, defining the now appropriate behaviour (Finnemore & Sikkink, 1998: 900). When a norm is institutionalised it is a common clarification of what the promoted norm is and how violation is constituted, creating a foundation of specific procedures and sanctions for norm-breaking (Ibid.: 901). Having gone through the internationalisation process, the norm is often more adoptable to states. When enough states have adopted the norm, it reaches a threshold or tipping point as referred to above. The number of states

that adopt it isn't necessarily the only of importance as some countries support weigh more than others due to power relations and shared morality (Ibid.).

The "life-cycle" model promoted by Finnemore and Sikkink is helpful to operationalise global norm diffusion, however, it is firmly anchored in the international perspective leaving out and underestimating the domestic dynamics of norm creation. Dynamics that I will further explore in the next section, looking into Zwingel's norm translation theory (Zwingel, 2012: 118).

5.2.2 Norm Translation Theory

Zwingel present a slightly different norm theory than Finnemore and Sikkink, focusing on the multidirectional processes of global norm creation and contestation of appropriateness. Norm translation theory, contrary to the norm diffusion theory, allows the dynamics of norm creation to function in a 'multi-directional' way. Meaning that the relations between actors and platforms are non-static and that norms can emerge on both national and international level. The theory argue that norms are constantly negotiated and acted out at all levels and translated between them, providing a broader view on the variety of norm-influenced actions (Zwingel, 2016: 19).

Zwingel argue in her theory that the norm diffusion theory presents a simplistic model, precisising three assumptions of why that created the foundation for her own theory. Firstly, there is an assumption that frameworks are continuously developing. Secondly, is it assumed that norm diffusion literature underestimate domestic dynamics of norm creation, and thirdly, that the norm diffusion theory uses simplified concepts of actors and their linear role in the spread of global norms (Zwingel, 2016: 17). There aren't necessarily pro-norm or anti-norm actors, and the credibility and efficacy of actors isn't necessarily defined by their size or global coverage. Norm translation is therefore understood as flexibility in the content of norms, allowing different avenues of cross-cultural encounters and different transmission of meaning and provides a de-centring perspective whereas norm creation is understood as a non-linear process. Non-linear, meaning that the actors on all levels are continuously influenced by the environment, and the norms is shaped accordingly (Ibid.:31). The actors' proposed framework is continuously contestant, and global norm

creation is therefore understood as a constant process of negotiating and re-negotiating norms (Ibid.: 16).

The norm translation theory consists of three formations; global discourse translation, impact translation and distorted translation. The first formation, global discourse translation, contains the process of meaning-making through negotiations within the inter-governmental context and has similarities to Finnemore and Sikkink's 'norm emergence' (Ibid.: 32). Global discourse translation describes how social and political activists are trying to influence agencies of international character to create transnational links and further how they use these to promote a strategic framework (Zwingel, 2012: 124). Inter- and supranational institutions become a terrain of meaning construction and allows for norms to travel and be translated into domestic contexts and vice versa. The articulation of international norms is seen as a process of meaning making through negotiation which is a subject to normative content variations (Ibid). The second formation impact translation, defines agencies' role and responsibility in ensuring that global norms do influence domestic regimes. Actor constellation and the context further define this formation (Zwingel, 2012: 125). Actor constellation identify the relevance of involved actors, those having the same perception of a political or social challenge, construct meaning and tries to influence the implementation of norms on all political levels. It is a broad variety of influential factors impacting the translation of a norm, and analysing context and normative dimensions is therefore of importance to find and observe the international to domestic impact. The most challenging process in the negotiations of norms is to translate the constructed meaning or 'appropriate behaviour' into something culturally understandable and acceptable within both international and domestic context. To why this is challenging is that the purpose of change in behaviour often challenge already existing norms and also cultural beliefs (Ibid). The third formation called distorted translation, refers to activism on a 'low but supportive level' where international norms play only an indirect role or to norms that have unintended domestic effects (Zwingel, 2016: 126).

I will in this thesis focus the debate around the two first formations, global discourse and impact translation, as I find these the most comprehensive in my analysis of whether we observe a new legal norm in domestic context and further in the analysis of the possible future impact of this ruling.

6 The Role of the Court(s) in Norm Creation in Regard to ISIL Brides being Participants and Complicit in Terror

Norm creation is a result of norm entrepreneurs defining an appropriate behaviour and through the motives of motivation or sometimes persuasion promote this upon other state actors in order create a common standard of behaviour. Rules, Standards and Principles regulating a certain behaviour become binding when the Norm is adopted by a critical mass of states and translated within the domestic context. From a legal perspective is a legal norm binding when there explicit exist a common consensus through a precedent and case law, in which states are obligated to follow. The Court(s) provides important roles within norm creation and can both be viewed as meaning making agents themselves and as platforms in which meaning making agents promote their norms through. This thesis discusses the Court(s) as a platform which judges promote their norms through in relation to Norm Diffusion Theory and as a meaning making actor itself in relation to the Norm Translation theory. The reasoning for such is to analyse the principality of the Court(s) roles in relation to norm creation in general.

This study relies on the theoretical premises concerning the creation of a norm regulating the inappropriate behaviour of being an ISIL bride. For the purpose pf my study, I present a summary of the specific circumstances within this case and the judgement by the Court(s). Secondly will I explain how the concept of Participation have been interpreted within Norwegian law before presenting the frames negotiated in the Court(s). Frames found in the two Court(s) judgemental review will be analysed through the lenses of the two norm theories in order to conclude to which extent there has been created a new rule or standard of ISIL brides being participating to terror. I precise that I, for the purpose of my research, only focus on norm creation within Norway.

6.1 The Accusation of Sumaira Ghafoor

Sumaira Ghafoor, the accused, was born in Pakistan in 1990 and came to Norway in 1995, receiving a Norwegian Citizenship in 2003. Ghafoor did not practice Islam in young age, however did she end up being radicalized during her studies when she in 2011 she joined the Islam Net. The Islam Net community became a natural gathering place for young Muslims and arranged at the time seminars and conferences to call attention to the religion and to the unfair treatment of Muslims

both in the West and in the Muslim world. In 2012 did Ghafoor break with Islam Net and joined the Prophet's Ummah, a Norwegian Sunni Muslim group consisting mostly of militant Islamists from the central eastern region. The Prophet's Ummah was an extremist group where women came in contact with men within the extremist environment. Several marriages were entered between Norwegian and other western women and key figures within the group (Oslo tingrett, 2021: 7).

N1, Ghafoor's first husband, contacted Ghafoor over internet after reading some of her extremist's posts on the Facebook group of the Prophet's Ummah. They shortly became fiancées and married over the communication app WhatsApp just after. Ghafoor was upon her arrival in Syria aware of that her husband had joined the Nusra Front as a foreign warrior. The Nusra Front was an extremist rebel group terror listed by the United States and N1 took part in direct combat, committing war crimes, all of knowledge to the accused. This is confirmed by a phone recording from December 12, 2012, just before she left for Syria under the motivation of living in a place where radical Islam was practiced and take care of N1. Ghafoor's family did not know that she left for Syria as she told her sister that she had travelled to Egypt. The accused explain in her witness explanation that she only was to stay in Syria for 2 weeks before returning to Norway. An explanation that don't add up to the fact that the accused got rid of all her belongings before leaving Norway nor is the fact that she payed N1 about 40,000 kroners in cash when picking her up in Turkey supporting her statement (Ibid).

The accused's daily life consisted of cooking, washing clothes and keeping the house in order for N1. She was not allowed to go out by herself and spent they the days in accommodations provided by the Nusra front. In may 2013, N1 left the Nusra Front for ISIL and Ghafoor was at the time aware that ISIL was listed as a terrorist group by the UN. The accused explain that she was from May 2013 exposed to violence and sexual abuse from N1, and asked him for permission to return to Norway, something N1 denied. She experienced little support from N1, describing her life like the life of a prisoner, as he did not allow for her to meet any family nor travel (Ibid). In August 2014, N1 married N4, and she and her son moved in with N1 and the accused. In November 2014 the accused got a son with N1 after two miscarriages, and a few days later N4's son died of injuries he had suffered from N1. N4 did report N1 for violence against her son, in which N1 was found guilty and imprisoned for a short time. When N4 moved out after divorcing N1, the accused again asked N1 for a divorce but did not succeed. In April 2015 N1 died in and accidental explosion, and the accused became a widow. The accused then moved in with a Pakistani Family to avoid being

sent to a dormitory, before marrying N2, An Egyptian Sharia judge. She made several attempts to leave Syria after N1's death but did not succeed. N2 is described as strict but kind. N2 died in action in 2017, a year after their daughter was born. The accused and her two children then moved in with a Tunisian family. She was at the time in contact with her family in Norway, trying to find a way out of Syria. Late 2017 the accused married N3 and in March 2019 she and her two children successfully arrived at the Al-Hol camp where they stayed until they returned to Norway in January 2020. The accused explain how she was forced to re-marry two times to avoid ending up a woman's dormitory. She also hoped that her new spouses would allow her return, which neither of them did. She lastly explains how she has not sworn allegiance to ISIL (Oslo tingrett, 2021:8).

Evidence presented in Court in expose that Ghafoor, besides giving birth to and raise more ISIL fighters, also had tried to encourage other women living in Norway to marry ISIL fighters and travel to Syria. This by speaking warmly of ISIL, the Caliphate and her life in Syria through her social media accounts and on Muslim extremist groups (Borgarting, 2022: 7). Evidence in terms of chats and voice recordings manifest that she was, at the time of her arrival in Syria, strongly radicalized and had an accept for extreme violence as a means to achieve certain goals. Evidence further express her initial support for the establishment of the Caliphate as she wanted to help the Syrian people in their fight against the Assad regime, concretized did she want to open a children's home to help children in need, aware of N1's negativity to this and her limited freedom to contribute as a woman under radical rule (Ibid).

The case raised questions about the understanding and interpretation of the term "participating" to a terrorist organization as it appears from the Penal Code 1902 §147 d and the Penal Code 2005 § 136 a, as well as the level of punishment for such an offense. Ghafoor herself denies criminal guilt and claims that she was a victim of human trafficking due to her unsuccessful attempt of leaving Syria from 2014 (Borgarting, 2022: 3).

The Jugdement by Oslo District Court and Borgarting Court of Appeals

The two Court's found that Ghafoor's contribution as a wife and mother under the circumstances of ISIL violated Penal Code 1902 §147 d and Penal Code 2005 §136 a. Penal code 2005 entered into force October 1st, 2015, within the time of action, to why there is a violation of both in this case (Borgarting, 2022: 3). The wording in § 147 d is prevailed within § 136 a, first paragraph, and for practical reasons will therefore only §136 a referred to in the analysis.

Section 136 a. Penalty for participation, etc. in a terrorist organisation;

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who forms, participates in, recruits members into or provides financial or other material support for a terrorist organisation, when the organisation has taken steps to achieve the purpose by unlawful means.

Contribution is not penalised.

(Ministry of Justice and Public Security, 2005: §136 a)

The second paragraph, seen above, states that contribution is not punished. However, does this not imply any changes to the first paragraph, but is a consequence of the complexity where contribution is unpunished if not decided otherwise.

§136 a, first paragraph, implies on the person who 'participate in' a 'terrorist organization'. There was no disagreement in court whether ISIL was a terrorist organisation during the period of action and further an unanimous consent within both Courts that Ghafoor met the conditions for participation (Borgarting, 2022: 32)(Oslo tinghus, 2021: 13). The verdict was given on the basis of statements within preparatory work and the decision in HR-2018-1650-A, whereas the both Courts found the concept of participation to be 'very broad' and that the threshold for being considered a participant quite low (Ibid). The level of punishment for the offense was however not equivalent, as Borgarting Court of Appeals found Ghafoor to be a victim of human trafficking from N1's death, reducing her sentence with 9 months (Borgarting, 2022:28).

6.2 What is the Concept of "Participation" and How has it been Interpreted?

The wording in §136 a, says; 'any person who participates in', leaving the question of which acts and whom do qualify as participation or a participant. To interpret the specific concept and determine if the subject qualify as a participant do judges use case law and preparatory work. To define the content within the concept of participation have judges within both courts employed a proposition made to the changes of the Penal Code regarding terrorism and an earlier court case from 2018 where The Supreme Court defined the concept of participation. There is no case law on the subject.

The concept of participation is defined In Proposition 131. L (2012-2013), chapter 14.1 page 87 to be; "very broad, and will among other things be able to affect anyone who acquires

weapons, computer materials, chemicals, or other equipment to commit a terrorist act, but without being so connected to the case that the person can be punished for direct participation to combat. Encouraging and inspiring terrorist acts can, depending on the circumstances, also be included.” (Oslo tingrett, 2021: 9). (Prop.131 is written in Norwegian, translated into English only for this context).

Prop 131. L is a supplement to the changes in Penal Code 1902 and Penal Code 2005 published under the purpose of preventing terror actions. The Department of Justice proposes through the proposition to qualify active support to a terror organization as participation and criminalize these acts (Det Kongelige Justis- og Beredskapsdepartement, 2013: 5). The concept is further defined by the Supreme Court's in a case from 2018 where a Norwegian male citizen was sentenced for being participating tot terror through giving active assistance and facilitating for several Norwegian foreign fighters, both before joining and while fighting for ISIL (Høyesterett, 2018: 1). The supreme Court interpret the concept of participation as following;

“On this basis, I conclude that "participate in" is a broad term that is intended to include many different forms of contribution to the organization's activities. It is the active contributions to the maintenance of the terrorist organization that are affected. As I understand the wording and the preparatory statements, it does not include anyone who only passively gives their support to the company in the form of a "membership". Furthermore, I see it as not that any active contribution to the organization can provide a basis for punishment. When both the ministry and the justice committee state that it is only "qualified" participation that can lead to punishment under this alternative, it means in my view that one must cross a threshold. Fully trivial or peripheral contributions are not affected. Based on the preparatory statements, this threshold is not very high. I find no evidence that membership or formal affiliation is a condition for being punished for participation. Similarly, a contributor must be able to be convicted of participation even if it is not possible to prove that he or she is in any way accepted as a participant by the organization.” (Oslo tingrett, 2021: 9)). (HR-2018-1650 A chapter 46 is only written in Norwegian, translated into English only for this context).

The Supreme Court find the concept of participation to be a broad term and that the threshold for being convicted for such is not very high, implying that each act must be examined individually under its specific conditions. This emphasize the importance of solid evidence and high contextual knowledge. However, do the role as a wife and mother not normally qualify as participation to terror, even when living with a participant who actively contribute in terrorist

actions. The Supreme Court and the Court of Appels understand the concept of participation according to Prop 131. L to not include a spouse where their role is only to take care of children and house work, however does the concept not decline that individuals can be punished for such. The Supreme Court emphasise how every case need to be examined in relation to environment, meaning that the terrorist organisations structure, characteristics and organizational form is of importance when determining whom and what qualify as participation, so is the subjective guilt of the individual (Ibid).

The court case referred to in the Court(s) from 2018 was about a Norwegian man who took active part in hostilities (Oslo tingrett, 2021: 9). There has been a couple of other rulings of Norwegian men complicating to terror, and also the Somalian woman as mentioned, but neither charged for carrying out what by nature and traditional gender roles is described as 'supportive' actions, indicating not only a change within the appliance and interpretation of the concept of participation but also a change in relation to gender approaches to prosecution and whom considered a threat (Borgarting, 2022: 19).

6.3 How is the Court(s) Framing the Issue of ISIL Brides being Participating in Terror?

Throughout the ruling judges construct frames to indicate the appropriate behaviour in the particular situation (Entmann, 1993: 52). The judges define within the ruling singular interpretations of Ghafoor's situation, constructing and advancing appropriate behaviour in the specific context of her being an ISIL bride and raising kids with ISIL fighters both voluntarily and under what some characterise as forcing conditions. Frames created within the two courts has either advanced or contested existing norms regarding ISIL brides being participating to terror, it is therefore of my interest to present these frames before examining how this contribute to norm creation.

Frames Advancing the Norm of ISIL Brides being Participating in Terror

Following, will I present frames advancing the norm of ISIL brides as participants to terror in which challenge the existing interpretation of the concept of participation. The hereby advancing frames further challenge the traditional gender perspective, implying a change to the gendered approaches to prosecution.

ISIL possess a threat not only to those living in Syria and Iraq, but to all who do not have the same beliefs or interest. The Caliphate demanded by its resurrection political, religious and military authority over all the world's Muslim population while building a governance structure (Borgarting, 2022: 4). By December 2015, did the group hold an area reaching from western Iraq to Eastern Syria controlling and enforcing its interpretation of the Islamic law upon between eight and twelve million people. The group created a proto-state with a central command and segregated gender roles, using terror and violence as means to maintain control within its territory. The group's interpretation of Islamic Law violates human rights and their regime is therefore a threat not only to those not applying to the rules but to all. There is a consensus among the judges whom provide a singular interpretation of ISIL as a severe threat, emphasizing that the context might impose a factor upon the judgement in regard to if Ghafoor is a participant (Oslo tingrett, 2021: 6). The expansion of a Caliphate similar to a state and their barbarous means to accomplish goals make the group somehow different from smaller, unorganized terror groups in which the judges interpret the threshold for being framed as a participant to ISIL to be very low. The framing of ISIL and the environment whom Ghafoor chose to join imply that the acts of a wife can be enough to be punished after Penal Code §136 a.

The women's role was of great importance for the expansion of The Caliphate describing the role of women and home staying wives as something that "made Jihad possible". The women's role was by ISIL not viewed to be a passive role, a frame the majority of judge's advance. ISIL's gender segregation and female recruitment emphasize the importance of women's contribution to the maintenance of the proto state, in which the judges advance the interpretation of the women's role as home staying wives and mothers as an active role. An evaluation of moral is principal when constructing a frame of whom is to be considered participants. Ghafoor's initial intention and willingness to leave and live in a place where radical Islam were practised, fully aware of her limited rights as a woman, is of value for meaning making agents (Borgarting, 2022: 20). The majority of judges construct a meaning were ISIL brides who voluntarily left to live under Jihad automatically contributed to the maintenance of the terrorist organization, something which is interpreted to be covered by the concept of participation. Advancing a frame of objective guilt where women who voluntarily left and married ISIL fighters is to be considered participants.

According to law must participants must show intent with regard to all the conditions of criminality, within this case, participation in the terrorist organization ISIL (Oslo tingrett, 2021: 10). Interpreting intent the Court refer to Prop. 131 L (2013-2013), where intent is defined as followed;

“is it not proposed that the accused must have a terrorist intent with his/her participation, but whether a question of the accused’s understanding and knowledge about the contribution and the illegalities of the organisation the he/she is participating in.”

The Majority of judges find the act itself punishable, advancing the frame of objective guilt, and assumes that intent may exist even when the accused is not aware that it is illegal to participate nor about the illegalities committed by the group, finding it sufficient enough that the accused is aware of the facts that is making the group fall under the category of a terrorist organization (Ibid). Ghafoor herself denies criminal guilt but solid evidence together with her explanation create a unanimous consent in Court(s) regarding her awareness of own contribution to ISIL. Ghafoor is hereby framed as an “agent of terrorism”. This based on the moral evaluation of presented evidence, whereas her contribution to the recruitment of women to the Caliphate and her knowledge of and desire of wanting live under ISIL rule and contribute to the “holy war”, reveal an intent and hereby subjective guilt. Ghafoor`s involvement within online groups of a radical Islamic character further shape a collective understanding of the accused as an “agent of terrorism”. The Majority of judges define Ghafoor`s acts as a wife inappropriate, advancing frame where ISIL brides whom show intent meets the recruitment for being punished for participation after Penal Code §136 a.

The judgement of subjective guilt throughout the accused`s stay in Syria created dissent between the judges. The Court(s) perceives that the accused claims to have been in an emergency law situation claiming to be a victim of human trafficking, meaning that her participation to ISIL would not have been unlawful. Emergency law gives individuals the right to commit an offence to safe themselves or others (Oslo tingrett, 2021: 10). The minority of judges interpret the act to be lawful as evidence together with the accused`s explanation communicate intent. In the moral evaluation of her attempt to leave Syria do they argue that her attempt to return to Norway was not related to her duties as a wife or mother, but a desire to get herself and her children away from a difficult way of living, interpreting her role as a wife and mother to be a legal act and not forced labor. The accused`s beforehand knowledge about life under ISIL and strong evidence of how that she wanted to contribute to the Caliphate weight more than the fact that it was

not possible for the accused to break with ISIL, constructing a frame of ISIL brides who voluntarily left to join Jihad as participants to a terror organization regardless of their desire to return.

Frames Contesting the Norm of ISIL Brides being Participating in Terror

This section will present frames contesting the norm of ISIL brides as participants to terror, hereby advancing the existing logic of appropriateness and traditional gender approaches to prosecution.

The minority of judges interpret housework and childcare to not be covered by the concept of participation. This as a result of an interpretation of preparatory work and the environmental circumstances, where they argue that the role as a wife and mother not actively contribute to hostilities, why Ghafoor cannot be sentenced for participation. The minority of judges construct a frame where housework and childcare are legal acts and not considered participation regardless of the status of the terrorist organization (Borgarting, 2022: 21). Being a wife and mother is by this argument not covered by Penal Code §136 a and there is no objective guilt.

Within the discussion of subjective guilt, do the minority of judges interpret Ghafoor's intent to be to help children and the local population in their fight against the Assad regime and not to participate to the terror organization. The minority further argues that N1's transition to ISIL was out of the accused's control and that his transition cannot mean that the accused is also considered a participant to ISIL and that she should be acquitted. The minority of judges construct a frame where voluntarily living and supporting a foreign fighter is not enough to be considered a participant to a terror organization.

Within the discussion about subjective intent throughout the period do the majority of judges argue that Ghafoor was protected under emergency law from the moment she was forced to marry other foreign fighters, interpreting childcare and housework to be forced labor from the moment she became a widow and the initial circumstances changed. Her attempts of leaving Syria together with evidence of how she was forced to remarry to avoid being punished by ISIL and provide life and provision for herself and her children, is by the majority of the Court argued to show a change in intent and how being wife was not a no more a volunteer act. The Majority of judges advance a frame where ISIL brides who's forced to stay in Syria under severe conditions as a result of changing circumstance can be protected under emergency law and characterized as victims of Human Trafficking (Borgarting, 2022: 29).

6.4 The Court(s) Engagement in Regard to ISIL Brides being Participating in Terror and its Relation to Norm Theories.

To understand how the ruling by the Court(s) affect norm creation in regard to ISIL brides being participants to terror, I first approach the case through the lenses of norm diffusion. Norm diffusion theorists see the importance within the concept of framing as framing is the primary form through which norm entrepreneurs try to influence and persuade other actors and create norm followers. I look at the Court(s) as organizational platforms whereas judges frame and promote what is believed to be the appropriate behaviour through, contesting the existing logic of appropriateness.

Followingly, I examine norm creation through the lenses of norm translation theory. I will discuss how the ruling contribute to meaning-making and to what extent the Court(s) advance a norm within Norway of ISIL brides as participants to terror. Here I see the Court(s) as actors taking part in the process of meaning-making and not as a platform.

How is the Framing by the Court(s) Creating a New Rule of ISIL Brides being Participating in Terror through Institutionalization?

The narrative of the norm life-cycle describes how norms is created by norm entrepreneurs formulating new rules or standards of appropriate behaviour and attempt to convince a critical mass of state actors to follow the new rule or standard. The norm first defuses when reaching institutionalization and when a critical mass of states has adopted and implemented the new rule or standard (Finnemore & Sikkink, 1998: 895). The life cycle model is used as a reference point within scholarship on norm creation, hence why I apply the theory on the court(s) constructed framework presented above with the aim of understanding if and how the sentencing has influenced domestic norm creation in regard to ISIL brides being participants to terror.

The court(s) base their final judgement on the judge's juridical review in terms of objective and subjective guilt. One of the frames contesting the existing norm of wives being non-participants to terror is the structure of ISIL as a proto state, an indicator of how environmental circumstances is of great importance in the juridical review of a wife is to be seen participant to terror or not. Other frames contesting the existing appropriateness of behaviour is also very much depending on circumstantial facts, whereas I observe that the majority of judges has emphasized how the women`s role is described within ISIL, relying on expert`s analysis of such. This implying

that judges accentuate the environmental context when interpreting Penal Code §136a, providing a wide interpretation to the concept of participation. The challenge of the returning ISIL brides has become a highly controversial issue and the absence of case law and limited preparatory work do challenge the domestic courts interpretation technique, hence why I observe that the analysis of the environmental context is given great importance within the ruling.

Those judges whom is finding ISIL brides to be appropriate behaviour and not as a participative act place their argument within the limitations of preparatory work and through a narrow interpretation of the concept of participation, giving no weight to the circumstantial facts that ISIL is a global threat nor that ISIL's female involvement promote a change to the traditional gender perspective. Those advancing the current norm, where wives and mothers are seen non-participant, advance the traditional gender specific roles and frame women within terrorist organizations as victims of the male. The traditional narrow gender perspective on women in terror organisation sympathizes women and do not consider the individual responsibility under the lenses of equality.

Within subjective guilt do the majority advance a proposition that her volunteer actions in forms of travelling to Syria and marry a foreign fighter show intent, supplemented with evidence of radical utterances posted by the accused. These frames negotiate the appropriate behaviour and positive intent is hereby described as an acceptance to contribution. The accused denied criminal guilt by claiming that she was a victim of human trafficking due to her unsuccessful attempt of leaving Syria from 2014 until her return (Borgarting, 2022: 3). Even though evidence indicate a change within her intent from 2014, did the majority of the judges through balancing human rights and individual responsibility advance a framework where the accused's knowledge and volunteer choice of leaving Norway weight more than the indication of regret and the claim that she was sexually abused by N1. Having children and being a wife to N1 was her initial intent, in which being a mother and wife where not found by the court to be forced labor until she was forced to remarry due to the radical regime within the proto state. There was a discussion if being a victim of human trafficking could cause impunity. However, balancing interest, did they based on evidence conclude that the accused did know the risks of travelling to Syria and live under a strict patriotically regime, both in regard to her limited freedom of movement and limited rights, constructing a frame of her acts as a wife and mother punitive (Borgarting, 2022: 29).

The negotiation of different frameworks in regard to Ghafoor being a victim of human trafficking highlight the importance of a gender-sensitive approach to prosecution. Ghafoor is framed as an agent of terrorism by her acts in Syria, but at the same time is she described as a victim of human trafficking, this a result of her volunteer actions. I sense that the proposed standard by the Court(s) is that the individual is responsible for own contribution, however, do the functioning of ISIL represent a conflicting interest. The Court(s) will have to be careful when balancing interest, whereas a non-gendered approach to prosecution could suppress women. The Court(s) shape a common understanding of the acts as a wife and mother under ISIL to be inappropriate and together with subjective intent, a violation to the Penal Code. The life-cycle model describes how domestic courts can shape an understanding of inappropriateness, however, is this inappropriateness not emerging as a norm before it has been identified by international agencies.

The norm diffusion theory describes how norms emerge through institutionalization whereas international agencies is responsible for identifying and institutionalize new norms. Meaning that the common understanding promoted by the Norwegian Court(s) is not accepted as a binding rule before it has been identified by international organisations and is adopted and acknowledge by a critical mass of norm leaders, hereunder states (Finnemore & Sikkink, 1998: 896). The rule in regard to ISIL brides has not been institutionalized and is therefore according to the Finnemore and Sikkink not binding. However, do I have interest in analysing if there is identified an international consensus in regard to repatriated ISIL brides' rights and how the Norwegian Court(s) engage with the common practise.

Is there an International Consensus Regarding the Rights of ISIL Brides?

International consensus or common practise is a major interpretation technique when it comes to highly controversial issues, and even of greater importance when there are limitations within preparatory work. International institutions and other state's practises do according to Finnemore and Sikkink influence domestic norm creation and this section will therefore present an analysis of international consensus and if there is identified a common practise in regard to the right of ISIL brides (Finnemore & Sikkink, 1998, 899).

Finnemore and Sikkink points out how norms emerge on the international level, whereas common practises are identified by international organisations and promoted through different motives (Finnemore & Sikkink, 1998: 900). The norm of ISIL brides is yet not promoted by relevant agencies of international character, however is there some cases of domestic character in regard to the rights of ISIL brides. I will therefore introduce these cases in an analysis of the common state practise, aiming to explore if there exist a common practise and to which extent this common practise is identified by international juridical agencies.

A few Western European countries has repatriated and sentenced women for participation to ISIL, while other state practises derive citizenship of those assimilated to ISIL. Tareena Shakil, a British woman, was sentenced to six years in prison where she got 4 years for participation to ISIL and raising a new generation ISIS fighters and 2 years for encouraging terrorism through social media (Morris, 2016). Leonora messing, the first returning German ISIL bride, goes on trial accused of aiding crimes against humanity. Messing is charged for participation to ISIL and for supporting human trafficking operations as her husband bought and later sold a 33 years old Yazidi woman. The trial is scheduled to begin in May behind closed doors (Thorburn, 2022). Also, Denmark has received one returning bride, whom was sentenced to 5 years for participation to ISIL (Thuestad, 2021). Shamima Begum, another British woman, was derived her citizenship when marrying into ISIL and has yet not returned for her appeal to retrieve her citizenship (Jackson, 2021). If the woman is granted re-entry she will be sentenced for participation and punished after British Law, similar to what Shakil was punished for. US and Canada also have a policy of revoking citizenship of those marrying into ISIL, and those who has appealed has been denied by the US Supreme Court (Jiwani, 2021: 53) (Kennedy, 2019). The Denial of re-entry and the revoke of citizenship seems to be a practise within several western countries. The practise violates fundamental Human rights and create a gendered Islamophobia within the western society (Jiwani, 2021: 54).

The right to travel in and out of one's home country is provided in article 12 of the International Covenant on Civil and Political Rights (ICCPR) (OHCHR, Article 12). Fundamental rights apply under all circumstances, however, does the threat of terrorism challenged the scope of this right (Hare-Osifchin, 2021: 93). ISIL brides are being framed by both ISIL and western experts as a role that facilitate terrorist acts and create sustainability within the Caliphate by raising new fighters and providing domestic support. The women's role is believed to be critical for ISIL's

organization, even so, do women live in circumstances of similarity to slavery. As a result, is many of those who left voluntarily trying to return to their home country, whereas they are being framed as agents of terrorism possessing a threat upon their country of origin. As the Caliphate is decreasing is it predicable that the number of requests for re-entry will increase. Some countries that have received re-entry requests has denied re-entry without further process and some also revoked their citizenship, by that violating Human Right Laws (Hare-Osifchin, 2021: 96). There seems to be some variation in which countries allows re-entry or not. There is also variation to which extent countries revoke emigrates citizenship when they choose to leave or not, but differences in practise regarding this seems to have little effect on the legal process if granted re-entry.

There doesn't seem to be an international consensus regarding the rights of return for ISIL brides. However, is there seemingly a western unanimity when it comes to framing these women as agents of terrorism. Aware of the limitation in court cases of repatriated brides, will I argue that there is a common constructed meaning of ISIL brides being participating to terror under the concept of participation, and that the level of punishment is a result of balancing interest within a gender-sensitive perspective. The UN is asking countries to retrieve their child citizens as obligated under Human Right Law, but the states responsibility when it comes to their adult citizens living in inhuman conditions in Syria do not get the same attentiveness, even when the conditions suppress human rights (Redd Barna, 2021). This indicates that there has not been identified a common practise by the international community, however, do we see a somehow common practise between states.

The Court(s) Approach to Consensus

Frames used to contest the existing norm of participation is how the women's role is perceived to be an active role under the circumstances of ISIL, which enables the argument that states behaves legitimately when sentencing brides of ISIL fighters. Further is the common interpretation of ISIL as a global threat, not only by states but also by international organisations, a frame advancing the legitimacy of sentencing those who voluntarily has affiliation to the group. For a rule or standard to become binding and diffuse it have, according to the norm diffusion theory, to reach a 'tipping point', meaning that it needs to be consolidated and institutionalized within international organisation (Finnemore & Sikkink, 1998, 901). I would argue that the rule of ISIL

brides being participants to terror has not yet defused, however is do I identify a somehow common practise when it comes to the sentencing of women with affiliation to ISIL.

The Norwegian Court(s) engage with the common practise identified, advancing a framework of women who voluntarily become ISIL brides complicit through their volunteer supportive role to terror. The common practised identified exploit a change within gendered stigmatization in juridical agencies, implying gender-sensitive approaches to prosecution, whereas women is no longer sympathized. ISIL's ability to conduct terrorist acts across Europe, accomplishing their means regardless of civilian casualties, has contributed to a change in the gender perspective within counter-terrorism agencies. Women is no longer only victims to the dominant man and their individual acts is being considered through lenses of equality, not defined by gender roles. In a way will I argue that the gender perspective carried out by the Court(s) in the case of Ghafoor communicate equality as the proposed framework balance human rights and individual responsibility. I observe that the obligation states have under the International Human Rights law is conflicting with interests in relation to the protection of the nation and its population, making the sentencing of ISIL brides controversial and somehow difficult to legitimate.

The norm I observe being advanced by the Court(s) do by my definition of legal theory have the potential of becoming a rule. The framework the Court(s) advance through their ruling could be viewed as a hard standard, as it has created a framework in which judges has to evaluate in future cases of similarity. However, within my interpretation of the legal theory will this legal norm become a binding rule if Supreme Court set a precedent through their judgemental assessment or if the common practise reaches internationalization. The rule would need judgemental interpretations of the specific circumstances in each case, hence it is viewed to be a soft rule (Solum, 2009). The rule of ISIL brides being participating to terror is easy to applicate as the conditions of whom being considered a bride is clearly defined the consequences that follows very much constraining. Appliance of the soft rule will guide- and constrain the decision-making process within domestic rulings, however, will it make room for judgemental reviews of objective and subjective guilt.

To sum up; The Court(s) are advancing trough the negotiation of appropriate behaviour a rule where the role as a wife and mother under the context of ISIL is participation to terror. The absence of international consensus on the matter indicate that there has not been identified an appropriate behaviour by international organization,s hence, has no rule been created

through internationalization. However, I argue that there is a common framework of how ISIL brides are being viewed among states, a framework the Court(s) fully engage with when interpreting the Penal Code under the specific circumstances. The Norm Diffusion theory defines norm creation as a 'top down' process. The Case of Ghafoor defies that understanding, suggesting that norms can be created within and between states, through for example a precedent. The next chapter will therefore analyse how the Court(s) contribute in norm creation through a multidirectional process.

The Effects of the Court(s) Ruling in the View of Multidirectionality and Variability

So far, the Court(s) ruling is advancing a framework where the acts of being an ISIL bride is the inappropriate behaviour, influencing the construction of a soft rule. The soft rule referred to will make the acts of being a wife and mother within the context of ISIL a violation to Penal Code §136 a. The developing rule is not institutionalized; however, it does have the potential to become a binding rule through a precedent, as a result of a multidirectional meaning-making. The two presented rulings affect its process of becoming a binding rule through the conceptualized process of meaning-making. To understand how the rule of ISIL brides being participants to ISIL is being created and further which role the Court(s) play in the process I need to clarify the non-linear process of meaning-making presented by Zwingel (Swingel, 2016: 32).

The idea of norm diffusion is educed on a top-down process, where norms emerge through internationalization and remain stable in the adoption of states (Zwingel, 2016: 17). The case of Ghafoor defies that understanding as the norm in regard to ISIL brides being participating to terror is modified on a domestic level. The idea of norm translation is that norms are created through a meaning-making process involving multiple agencies with overlapping ideas about the concept of participation in regard to be an ISIL bride (Zwingel, 2016: 32). Competing frames of whom should be considered participants to terror is the main factor influencing the development of the rule and its articulation, hence do I understand the development of the norm of ISIL brides being participants to terror within the lenses of global discourse translation as a process of negotiation of competing frames where the Court is the entrepreneur itself. The new rule of appropriate behaviour is generated and promoted by the Court(s) and should not be restricted by any other requirements than those implemented in law. In the producing of the appropriate behaviour do the Court(s) draw on contextual facts of how ISIL is defined as a global threat and how the women's role is not

necessarily a passive role supported by knowledge about the Proto State and their organisational practises.

Frames advancing the new norm illustrate a wide interpretation of the concept of participation and supplementary sources. The reasoning for such is the environmental circumstances and also a changing focus on how women is being viewed in relation to terrorism. Frames constraining the new norm, promoting the 'traditional supportive' acts as appropriate under given circumstances put forward a narrow interpretation of the Penal Code. The minority find the acts to be appropriate because it under their definition is supportive acts which is not mentioned in law or preparatory work. Indicating a traditional gender perspective to prosecution, whereas women affiliated with terror is victimized, giving no credit to the research on how women contribute to the expansion of the Caliphate nor the public fear. Negotiating intent has created a framework where volunteering is identical to subjective intent (Borgarting, 2022: 29). The Court put forward a norm where individuals whom voluntarily choose to live under ISIL, is not to be considered impune, even when living conditions violates human rights. However, can a change in intent shorten the sentencing, but this is very much depending upon evidence and the specific circumstances.

By generating frameworks of contextual character do the Court(s) strengthen the legitimacy of sentencing ISIL brides for participation to terror. The Court(s) actively argues how the role as a wife and mother within ISIL is not a passive role, emphasizing how they contribute to the expansion of ISIL and is of importance for the functioning of the Caliphate as a state (Borgarting, 2022: 20). They further strengthen the legitimacy of sentencing those who left Norway voluntarily, with no regards to change within intent under similar circumstances to when the individual chose to leave. The Court(s) ruling is translating the content of and contesting different frameworks of appropriate behaviour. The translation process is a continuous process where the Court(s) translate the context of competing frameworks in relation to environment, the public opinion and other juridical practises in order to create a rule applicable under domestic law not colliding with other norms of legal or social character. There is no explicit social norm regulating the appropriateness of being an ISIL bride, however, do the public fear and the comments to the sentencing of repatriated women indicate a common interpretation of the act as inappropriate within Norway.

Impact translation, Zwingel's second constellation, focus on how domestic norms of ISIL brides' rights is influenced by international rules or practises (Zwingel, 2012: 125). There is a

developing common consensus in relation to ISIL brides being framed as agents of terrorism, to the extent that it sometimes violates binding principles. The Court do engage with the common framework advancing an interpretation of ISIL brides as potential participants to terror, I say potential because of the implicit restriction in regard to subjective intent. There is a developing collective practise of sentencing returning brides, the main argument advanced by the common practise is the potential threat these individuals might be for the security of the state. The ruling within the case of Ghafoor increases the legitimacy of sentencing ISIL brides for participating to terror within Norway, and it also contribute to the development of an international or European consensus in relation to ISIL brides' rights. The arguments and interpretations in relation to context and the challenge of this returning brides advanced by the Court(s) allow for a wider interpretation of the Penal Code and the concept of participation, hence will this case contribute in the creation and translation of a new norm.

To sum up; The challenge of ISIL brides is a justifiable concern to both states and international organisations, in which they challenge both domestic and international norms of both legal and social character. Through the meaning-making process do the Court(s) produce and advance an appropriate behaviour and contribute in norm creation in relation to the developing soft rule of ISIL brides being participating to terror. The two Court(s) has through their ruling produced a standard of appropriate behaviour through their translation and negotiation of existing and competing frameworks. The Supreme Court has the ability to set precedent and the developing rule will in this case become a binding rule.

The Court(s) create meaning within the objective and subjective intent through the negotiation of rules and standards. As mentioned, do the limitations of preparatory work and case law challenge the Court(s) interpretation technique and the agencies must create meaning in a case where variability consist a factor. The ruling by the Court(s) is a multidirectional process shaped by the judges and external factors. This request for a credible conceptualized process of objectivity where all variables is considered before a rule become binding. For a rule to become binding must it be easy to apply and constraining, giving integrity to norm creators. For that reason, have I studied the credibility of the two Court(s) as norm creators within Norway.

6.6 Oslo District Court and the Borgarting Court of Appeals as Norm Creators

Norm entrepreneurs and organisational platform are according to Finnemore and Sikkink the two most essential elements within norm creation, constructing frames to promote the appropriate behaviour in a specific context (Finnemore & Sikkink, 1998: 895). Judges have the role as norm entrepreneurs and meaning-making agents within a domestic context, creating frames with the intention of implementing legal norms applicable to all (Zwingel, 2012: 125). The Court act as a platform for judges to present frames and create meaning through but can also be defined as a meaning making agent itself. The Court as an legislative institution shape rules and standards through the negotiation of different frameworks and have the ability to set an example for future rulings to follow through a precedent. This section will discuss the Judges role as norm entrepreneurs and how the court constitute not only as a promoting platform but also as a meaning making agent itself, lastly will I discuss the credibility of the two Court(s).

Analysing judges as norm entrepreneurs I define them as individuals interacting with legal and social institutions to transform norms by solving collective action problems (Singh & Dhawan, 2021: 1) Judges construct social behaviour and shape social structures by implying change to the legality of actions. Legal arguments in the case of Ghafoor implies a change to the social standards of «acceptable behaviour» whereas being a supportive housewife to ISIS men is a non-acceptable behaviour (Ghafoor vs. Oslo District Court, 2021: 8). The society is developing under the debate of competing ideas to handle a certain challenge, whereas judges shape these ideas, contributing to norm creation. Judges are neither society's trustees nor policy makers but is viewed as servants and technicians of justice and the government expected to deliver narrow and legalistic rulings in the development and protection of the state with its citizens. Continuous and systematic change to the legislative branches of the government is crucial for the development of the society. To be specifically, is the continuous negotiation of frameworks and scope of application of law important for equity and growth, why judges are important actors within norm creation (Yildiz, 2020: 75).

The framing by Oslo District Court and the Supreme Court in the case of Sumaira Ghafoor propose a new rule of behaviour, contesting existing norms of brides being nothing but a passive supplement to the male fighters. Domestic judges shape rules and create meaning under regulation of international law and legal principles, giving them a great influence in shaping the society and social behaviour of individuals. Having in mind that norm entrepreneurship by judges are not linear nor destined, meaning that their arguments might be regressive and depending upon

the status quo. The nature of norms is more fragile than they appear to be and a legal rule or standards applicability and regulative often depend upon the judgemental interpretation of the rule or standard in a specific circumstance (Solum, 2009, xxi). Frames created by judges is of importance for norm creation as they clarify and modify the content of norms through adjudication and judicial review, but their frames and adjudications integrity depend upon the credibility of the organisational platform they promote it through, here being the court (Yildiz, 2020: 74).

The Court constitute a constellation of legal change and is constructed specifically to reform legal norms and create meaning, making it an essential platform but also a legislative actor in norm creation (Finnemore and Sikkink, 1998: 899). The Court constitute an organisation for norm entrepreneurs, judges, to promote appropriateness through for norms to emerge on the domestic level and can be also viewed as an entrepreneur of norm creation itself as it has the ability to prosecute (Zwingel, 2016: 19). However role, the Court becomes a centre of meaning-making. The Court allow global norms to be translated into domestic context under their responsibility of ensuring that global norms do influence domestic legislative (Zwingel, 2012: 125). Oslo District Court and the Borgarting Court of Appeal both clearly frame the direction of the norm regarding ISIL brides as participants to terror and sets standards applicable to other cases, generating pronounced norm development. Both courts present a vision of how applicable rules should be understood and applied in future cases, increasing the specificity of the norm in regard to what 'participation to a terror organisation mean (Yildiz, 2020:85).

The Court's role in society is to translate and implement legal norms on all political levels through a continuous negotiation of meaning. For this to be successful must the acts by the Court be both credible and reliable, hence, will it ensure integrity. Frameworks is under constant change and norm creation is according to Zwingel a non-linear process where creation depend upon the credibility and efficiency of institutions presenting the appropriateness. Credibility is not necessarily depending on global coverage or size, but on credited achievements and the importance of their role in the society (Zwingel, 2016: 17). Every court is to be "established by law" after the European Court of Human Rights (ECHR), and be both judicial impartial and judicial independent (NHRI, 2018: 28). Only an independent Judiciary is able proceed an impartial review on the basis of law and protect human rights and individual freedom. (UN, 2003: 115). Judicial independence is defined as the ability of courts to be independent from other branches of the government and be able to perform their duties free of influence. Judicial impartial refer to how the ruling should be

fair, unbiased, followed by law and not prejudiced towards any particular side or party (NHRI, 2018:29). T

The Courts judicial function is to determine “questions of fact” and “questions of law”, meaning that the court has to have competence to find and decide relevant facts (assessment of evidence), know the content of legal rules (interpretation) and how the legal rules are to be applied in the factual context (subsumption) (NHRI, 2018:28). The judicial power in Norway is regulated in the ECHR and in the Norwegian Constitution and is supposedly free from influence by other branches of the government (The Constitution of the Kingdom of Norway, 1814: Art. 86). Oslo District Court is the largest Court in Norway with its 120 judges and Borgarting Court of Appeals is the largest one of its kind (there is six Courts of Appeals in Norway). The two Courts conduct judgement in high profile cases, in cases brought by the Government against individuals and between individuals/organisations, meeting the users need for special competences within civil and criminal cases. This gives them great credit in regard to their legal interpretation and performed ruling (Domstol).

The adjudication and juridical review in both court´s is entrepreneurial as it contains generatable conclusions, enhancing the precision and specificity of the norm regarding ISIL brides being active participation to terror, generating pronounced norm development. This emphasizing the Court´s and the judge´s roles in norm creation within Norway.

7 Conclusion

To answer to my research formulation;

“How is the ruling within the case of Sumaira Ghafoor contributing to the creation of a new legal norm in Norway where ISIL brides are being regarded as participants and complicit in terror”?

will I argue that the two Court(s) advance a common interpretation of the appropriate behaviour in relation to be an ISIL bride and contribute in the development of a soft rule where voluntarily being a wife and mother within ISIL is enough to be punished after Penal Code §136 a. My findings when applying both theories on norm creation suggest that the rule is under creation and not yet binding. My findings further suggest that there is a developing international common practise in regard to the juridical procedures of returning brides and that the gender approach to prosecution is under a

change. All factors contributing in legitimating the sentencing of women carrying out 'traditional supportive' roles to terrorism.

The Norwegian Court(s) engage with the identified international common practise, supporting the theory of how norms travel and are being translated between and within the domestic level. This support my findings in regard to how norm creation not necessarily is a 'top down' construction but also a result of a non-linear process where actors on all levels contribute in the translation and negotiation of frameworks influenced by the environment and the inter-governmental context. The Norwegian Court(s) in this matter promote a standardized framework through the negotiation of norms, advancing a common understanding of inappropriateness. The promoted framework will influence the translation of norms within the Supreme Court and other state actors and juridical agencies of international character. According to legal theory is a rule first binding when there has been set a precedent or according to Finnemore and Sikkink when it has reached institutionalization. The highlighted issue of returning ISIL brides and their rights upon their return has not been institutionalized within organisational platforms nor has there been set a precedent, leaving the rule non-binding.

The Supreme Court has the ability to set a precedent through a sentencing, making the case constitute an example not only for Norway but also for other domestic and international agencies of judicial character. The two Court(s) judgemental review suggest that Norway is going in that direction and that there will be set a precedent in relation to the rights of repatriated ISIL brides. The international practise of framing ISIL brides as agents of terrorism and UN's mission to counter terrorism, in which Norway contribute, is also indicators on a new soft rule legitimizing the sentencing of women who voluntarily left to marry ISIL fighters. The sentencing of Ghafoor has created a conflicting debate not only within the government but also among the Norwegian population. Most reactions are to the level of punishment, where the majority find the sentencing to be mild. ISIL women are being referred to as threats to national security and reflect a fear upon the common public. The public opinion together with the international attention these women attracts, supports my assumption of how this norm will be translated into a binding rule through a precedent.

Presented findings can be used in further research about norm diffusion in relation to the rights of ISIL brides and also within studies about the legitimacy of sentencing women for being wives and mothers. I argue that there is a change to the view on women within terror organisations, whereas women are no longer victimized as a practise, implying that the traditional gender roles are

challenges by the focus on equality and individual responsibility. My findings could therefore also be used in further research on how the gendered perspective within judicial agencies is changing and how the balance of human rights and individual responsibility under the context of global security is legitimating the sentencing of what by tradition is described as supportive roles.

Concluding, the ruling within the case of Sumaira Ghafoor contribute to norm creation within Norwegian law. The rule is not yet binding, however, is Norway moving towards a binding rule of ISIL brides being participants and complicit in terror. The Court(s) proposed framework legitimate the sentencing of wives supporting and raising children with terrorist fighters through a gender-sensitive approach to prosecution.

8 Bibliography

8.1 Legal documents

Borgarting lagmannsrett (2022): LB-2021-95097

Det Kongelige Justis- og Beredskapsdepartement (2013): Prop 131. L, Regjeringen Stoltenberg II

Hoyesterett (2018): HR-2018-1650-A

Ministry of Justice and Public Security (1814): The Constitution of the Kingdom of Norway, FOR-2020-05-29-1088 from 14.05.2020

Ministry of Justice and Public Security (2005): The Penal Code

Oslo tingrett (2021): TOSL-2020-66298

United Nations Human Rights (1966): International Covenant on Civil and Political Rights

8.2 Books

Bacchi, Carol. (2013): *"Analysing Policy: What's the problem represented to be?"*, Cambridge University Press.

Brennan, Geoffrey., Eriksson, Lina., Goodin, Robert E. & Southwood, Nicholas. (2013): *"Formal and non-formal norms"* In G. Brennan, L. Erikson, R. E. Goodin & N. Southwood *Explaining Norms* Oxford Scholarship Online

Brownmiller, Susan. (1975): *«Against Our Will: Men, Women and Rape»*, Simon and Schuster, New York.

Bryman, Alan. (2016) *"The nature of qualitative research"* in *Social Research Methods* (5th edition) Oxford: Oxford University Press.

Committee on Foreign Affairs House of Representatives (2015): *"Women Under Isis Rule: From Brutality to Recruitment"*, Createspace Independent Publishing.

Flick, Uwe. (2014): “*Designing Qualitative Research*” In: Uwe Flick: *An Introduction to Qualitative Research* (5th edition) London: Sage Publications Ltd

Flyvbjerg, Bent. (2011): “*Case Study*” In: N. K. Denzin & Y. S. Lincoln (eds.). *The SAGE handbook of qualitative research* London: SAGE Publications

Seierstad, Aa. (2016): “Two sisters”, Kagge publishing.

Zwingel, Susanne (2016): “*Translating International Women’s Rights - A CEDAW Convention in Context*” (1st edition) Palgrave Macmillan: London

8.3 Journals

Aakster, E. V. D., (2020): “*ISIS, Radicalization and the Gendered Online Jihad*”, E-International Relations.

Bont, R. D., Weggermans, D., Peters, R. & Bakker, E. (2017): “*Life at ISIS: The Roles of Western Men, Women and Children*”, Security and Global Affairs University of Leiden.

Carbonara, E. (2017): “*The Oxford Handbook of Law and Economics: Volume 1: Methodology and Concepts*”, University of Bologna, DOI: 10.1093/oxfordhb/9780199684267.013.032

Daci, J, (2010): “*Legal principles, Legal Values and legal Norms: are they the same or different?*”, European School of Law and Governance, Prishtna, Kosovo, 10 (3).

Entman, Robert M. (1993): “*Framing: Toward clarification of a fractured paradigm*”, Journal of communication, Northwestern University, 43 (4), DOI: <https://doi.org/10.1111/j.1460-2466.1993.tb01304.x>

Eppert, K & Roth, V. (2021) “*Radical men and sympathizing women? Gendered constructions of agency in charges of terrorism in Germany*”, New Journal of European Criminal Law, DOI: <https://doi.org/10.1177/20322844211060227>

Finnemore, M & Sikkink, K. (1988): “*International Norm Dynamics and Political Change.*” International organization, 52 (4.)

Hare-Osifchin, C. (2021): “*The Right of Return: The ISIS Bride*”, American University National Security Law Brief, 11(2).

Jiwani, Y. (2021): “Gendered Islamophobia in the Case of the Returning ISIS Women: A Canadian Narrative”, *Islamophobia studies journal*, 6 (1), DOI: 10.13169

Lia, B. (2019): “*Muhajirat-fenomenet: Hvordan ble kvinner fra Europa rekruttert til ISIL, og hva var deres rolle i Kalifatet?*”, *Nytt norsk tidsskrift*, 36 (2), DOI:10.18261.

Lia, B. (2021): “*Om rollen til tilreisende kvinner i ISIL og/eller Jabhat al Nusra i Syria*”, Oslo District Court.

Lia, B. & Nesser, P. (2016): *Jihadism in Norway: a Typology of Militant Networks in a Peripheral European Country*”, *Terrorism Research Initiativ*, 10(6).

Melenhorst, L. (2015): “The Media’s Role in Lawmaking: A Case Study Analysis”, *Sage Journals*, <https://doi.org/10.1177%2F1940161215581924>.

Norges institusjon for menneskerettigheter. (2018) “Menneskerettslige rammer for domstolenes uavhengighet” Temarapport 2018.

Ontario Human Rights Commission (): “*Policy on Competing Human Rights: 5. Key Legal Principles*”, 20.

Open Society Justice Initiative (2021): “*European States’ Obligations to Repatriate the Children Detained in Camps in Northeast Syria*”, Open Society Foundations.

Peresin, A. (2018): “*Why Women from the West are Joining ISIS*”, Cambridge University Press, 56(1-2).

Singh, R & Dhawan, P. (2021): “Lawyers as Norm Entrepreneurs”, *National Law School Business Law Review*, Bengaluru.

Speckhard, A & Ellenberg, M. (2020): “*ISIS in Their Own Words: Recruitment History, Motivations for Joining, Travel, Experiences in ISIS, and Disillusionment over Time – Analysis of*

220 *In-Depth Interviews of ISIS Returnees, Defector and Prisoners*”, *Journal of strategic Security*, 13(1), DOI: <https://doi.org/10.5038/1944-0472.13.1.1791>.

Speckhard, A & Yayla, A. S. (2017): “*Making a Monster: How I Became an ISIS Bride*”, International Center for the Study of Extremism.

Speckhard, A., Yayla, A. S. & Shajkovci, A. (2018): “*Defected from ISIS or Simply Returned and for How Long?*”, *ASPJ – Africa & Francophonie* 4th Quarter 2018.

United Nations. (2003): “*Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*”, Professional training series no. 9, New York and Geneva.

Yildis, E. (2020): “*A Court with Many Faces: Judicial Characters and Modes of Norm Development in the European Court of Human Rights*”, *The European Journal of International Law*, 31(1), DOI: 10.1093/ejil/chaa014.

Yilmaz, Z. (2017): “*Critique of ISIS’ Women Policy*”, *Turkish Journal of Middle Eastern Studies*, 4(2), DOI: 10.26513/toed.337980.

8.4 Websites

Andreassen, T. A & Ismaeli, A. (2020) “*Norge gjør helomvending. Henter hjem IS-siktet norsk kvinne og hennes syke 5-åring*” <https://www.aftenposten.no/verden/i/70Mbp3/norge-gjoer-helomvending-henter-hjem-is-siktet-norsk-kvinne-og-hennes-syke-5-aring> Received 14/02-2022

Bentsroed, S. (2020) “*Disse grunnene oppgir Siv Jensen for hvorfor hun tar FRP ut av regjering*” <https://www.aftenposten.no/norge/politikk/i/zGPLnq/disse-grunnene-oppgir-siv-jensen-for-hvorfor-hun-tar-frp-ut-av-regjeri> Received 03/04-2022

Buggeland, S.A. (2022) “*IS-kvinne erklærte seg ikke skyldig*” <https://www.vg.no/nyheter/innenriks/i/wOJddn/is-kvinne-erklarte-seg-ikke-skyldig> Received 19/04-2022

Ellingsen, T. (2021) “*IS-kvinnen ble ikke trodd av retten*” <https://www.rights.no/2021/05/is-kvinnen-ble-ikke-trodd-av-retten/> Received 08/02-2022

- Dahle, J. (2021) “Terrordoemt, Utvist IS-kvinne utgjoer sikkerhetsrisiko – ble løslatt”, Human Rights Service, <https://www.rights.no/2021/03/terrordoemt-utvist-is-kvinne-utgjoer-sikkerhetsrisiko-ble-loslatt/> Received 27/05-2022
- Dahle, J. (2021) “ IS-kvinnens anke skal behandles: var bare “hjemmevaerende mor”, Human Rights Service, <https://www.rights.no/2021/08/is-kvinnens-anke-skal-behandles-var-bare-hjemmevaerende-mor/> Received 27/05-2022
- Human Rights Commission () “*Human Rights Principles*” <https://www.humanrightscommission.ky/human-rights-principles#:~:text=The%20principles%20are%3A%20Universal%20and,and%20Both%20Rights%20and%20Obligations.> Received 11/03-2022
- Jackson, M (2021) “Former IS teenage bride Shamina Begum offers to help fight terror in UK” <https://www.bbc.com/news/uk-58573501> Received 19/04-2022
- Johansen, N. (2020) “*Syria-guttens helsetilstand: Derfor blev et slått alarm*” <https://www.vg.no/nyheter/innenriks/i/vQ166m/syria-guttens-helsetilstand-derfor-ble-det-slaatt-alarm> Received 10/2-2022
- Kennedy, M. (2019) “*Judge Rules That U.S.-Born Woman Who Joined ISIS Is Not A U.S. Citizen*” <https://www.npr.org/2019/11/15/779788549/judge-rules-that-u-s-born-woman-who-joined-isis-is-not-a-u-s-citizen> Received 19/04-2022
- Kvalheim, O. (2021) “*Terrorist threats to Peace and Security*”, Statement by Deputy Permanent Representative Odd-Inge Kvalheim on Threats to international peace and security caused by terrorist acts, Permanent Mission of Norway to the United Nations <https://www.norway.no/en/missions/UN/statements/security-council/2021/sc-terrorist-threats-to-peace-and-security/> Received 26/05-2022
- Libell, H. (2020) “ISIS Wife’s Return to Norway Divides Government” <https://www.nytimes.com/2020/01/20/world/europe/isis-norway.html> Received 03/04-2022
- McGinn, J. (2019) “*Female Radicalisation: Why do Women join ISIS?*” <https://blogs.lse.ac.uk/mec/2019/08/15/female-radicalisation-why-do-women-join-isis/> Received 03/04-2022

Morris, S. (2016) “British women who joined ISIS is jailed for six years”

<https://www.theguardian.com/uk-news/2016/feb/01/british-woman-tareena-shakil-convicted-being-isis-member-jailed-xx-years> Received 19/04-2022

Norges Domstoler. () “Oslo tingrett” <https://www.domstol.no/no/domstoler/tingrett/oslo-tingrett/om-oslo-tingrett/> Received 27/04-2022

Redd Barna (2021) “Hent barna våre hjem nå” <https://www.reddbarna.no/opprop/hent-barna-hjem/> Received 14/2-2022

Resnick, B. (2016) “The Science of why people fear refugees after terror attacks – and what to do about it” <https://www.vox.com/2015/11/18/9757236/science-why-people-fear-refugees-syria> Received 27/5-2022

Solum, L. (2009): “*Legal Theory Lexicon: Rules, Standards, and Principles*”, University of Virginia School of Law. <https://lsolum.typepad.com/legaltheory/2009/09/legal-theory-lexicon-rules-standards-and-principles.html> Received 10/03-2022

Svendsen, C. (2020) “Norge henter tilbake IS-siktet mor og to barn fra Syria” <https://www.nrk.no/norge/norge-henter-tilbake-is-siktet-mor-og-to-barn-fra-syria-1.14858414> Received 09/02-2022

Teehan, A. (2019) “In photos: providing essential medical care in Al-Hol camp, Syria” <https://www.redcross.ca/blog/2019/7/in-photos-providing-essential-medical-care-in-al-hol-camp-syria> Received 10/2-2022

Thorburn, J. (2022) “Daddy’s girl who became a terrorist: German woman who joined ISIS in Syria aged 15 and became a high-profile jihadi bride goes on trial accused of aiding crimes against humanity” <https://www.dailymail.co.uk/news/article-10438553/Leonora-Messing-Woman-fled-Germany-aged-15-join-ISIS-accused-crimes-against-humanity.html> Received 19/04-2022

Thuestad, Oe. (2021) “Danmark: Aya Al-Mansi (23) dømt til fem års fengsel for IS-tilknytning” <https://www.document.no/2021/08/26/danmark-aya-al-mansi-23-domt-fem-ars-fengsel-for-is-tilknytning/> Received 19/04-2022

United Nations Office on Drugs and Crime (2021) “*Gender Responsiveness*”

<https://www.unodc.org/unodc/en/terrorism/expertise/gender-responsiveness.html> Received: 26/05-2022

U.S. Department of State (2002) “*The global war on terrorism: The First 100 Days*” <https://2001-2009.state.gov/s/ct/rls/wh/6947.htm> Received 14/02-2022