



LAWFARE IN TERRORISM TRIALS

A case study of the Sharia4Belgium trial conducted
through the lens of lawfare

ABSTRACT

Terrorism trials are an under-researched subject in the field of terrorism studies, while they could provide a unique opportunity to counter terrorism (De Graaf, 2011). This thesis has studied the Sharia4Belgium trial through the lens of lawfare, which presented a completely new and innovative way of studying this subject. By looking at terrorism trials as a “political battle of narratives” this thesis has aimed to provide new insights into the use and functioning of terrorism trials in Western democratic societies.

Cynthia van der Feen

S1143476

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Thesis supervisors: Drs. G.M. van Buuren & Ms. E.J.

van der Heide MA

Second reader: Prof. Dr. Bakker

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CHAPTER 1

INTRODUCTION

1.1. Nature of the research problem

Almost 15 years after the terrorist attacks of September 11, 2001 the so-called “war on terror” is still ongoing and the terrorist threat omnipresent. After the terrorist attacks in Paris last November 13th, when 130 people were killed in a series of coordinated attacks, President Hollande declared: “*We are in a war against jihadi terrorism, which threatens the entire world*”.¹ The Global Terrorism Database at the University of Maryland reported a sharp increase in attacks committed by groups affiliated with Al Qaeda and ISIS between 2007 and 2013.² In the summer of 2014 a US-led coalition against ISIS was established that, up until now, has conducted airstrikes against more than 2.600 ISIS targets.³ The point here is not to question whether the “war on terror” has been successful so far, but this paragraph merely aims to show how the world has witnessed an insurgence of jihadi terrorism⁴ in the last two decades and different strategies to counter the terrorist threat, such as a bombing campaign, might be adopted.

This thesis will focus on the use of the law and legal system in the context of terrorism. In the abovementioned “war on terror” both the terrorists and their adversaries have frequently resorted to law in order to legitimize their actions. De Graaf (2011) has asserted that terrorism trials provide a unique opportunity to counter terrorism as this is the place where all the involved actors come together: terrorists, public prosecutors, judges, victims etc., but so far very limited research has been done into this field. Since 9/11 a large number of Western countries has introduced new terrorism laws, which led to the creation of new types of terrorism offences, such as membership of a terrorist organization, recruitment and training (De Goede & De Graaf, 2013). These new laws might have further expanded the possibilities for governments to make use of the legal system in

¹ Biglan, A. (2015, March 6). Where terrorism research goes wrong. *The New York Times*. Retrieved from http://www.nytimes.com/2015/03/08/opinion/sunday/where-terrorism-research-went-wrong.html?_r=0.

² Ibid.

³ McHuh, J. & Sender, H. (2015, November 11). Wo is fighting ISIS? Map of US-led Coalition Campaign after Paris Attacks. *International Business Times*. Retrieved from <http://www.ibtimes.com/who-fighting-isis-map-us-led-coalition-campaign-after-paris-attacks-2185295>.

⁴ Jihadi terrorism can be defined as: “*the preparedness to make a contribution to the armed fight against the West and against other perceived enemies of Islam, by threatening to use or by using violence aimed at human lives, or by committing attacks in which human victims are seen as a calculated probability*” (De Poot & Sonnenschein, 2001, p. 25).

countering terrorism. However, it's also possible for the terrorist themselves to use the law and legal system to further their own goals (De Graaf, 2011).

In the ICCT *terrorist on trial* project de Graaf (2011) introduced the idea of looking at terrorism trials as *performative spaces*: a trial resembles a theatre where the different actors play their parts and aim to convince the audience of their vision of justice/injustice. Terrorism trials revolve around more than merely recovering the truth, but also serve as a platform to show the wider audience the norms and values that are embodied in the law and thereby also communicate what they consider to be just or unjust. The latter can contribute to the sense of what is perceived as justice or injustice in society (De Graaf, 2011). This perspective on terrorism trials brings us to a concept that might provide further insight into this performative aspect, but has thus far never been used to study terrorism trials, namely: lawfare. The concept of *lawfare* entails: '*the (ab)use of the law and legal systems for strategic ends*' (Dunlap, 2008: p. 130). Looking at trials as "theatres of lawfare" implies that a terrorism trial is considered to be the place where a political battle between narratives takes place and therefore presents a more political study of terrorism trials. In order to make a first step in investigating the value of this concept for the field of terrorism, this thesis will look at one specific terrorism trial through the lens of lawfare, namely: the Sharia4Belgium trial, which took place in Belgium from September 2014 until February 2015.

Belgium is a rather small country located in Western Europe and "*home to a well-developed underground jihadist pipeline that has made it Europe's biggest per capita source of fighters to Syria*".⁵ Already several terrorist plots have been linked to Belgium. The return of radicalized and battle-hardened youths has been one of the main security concerns in this small state, as they pose the risk of bringing terrorism home.⁶ Belgian authorities have stated that the organization called Sharia4Belgium has been one of the driving forces behind the spread of Jihadism in the country.⁷ In short, Sharia4Belgium was a radical Islamic group which was founded on March 3rd 2010 and formally disbanded on October 7th 2012. However, even after Sharia4Belgium was formally

⁵ Stack, L. (2015, November 15). How Belgium became home to recent terror plots. *The New York Times*. Retrieved from <http://www.nytimes.com/interactive/2015/11/15/world/europe/belgium-terrorism-suspects.html>.

⁶ Lanting, B. (2015, November 19). België verhardt strijd tegen terreur: 'Fanatisme is gif'. Retrieved from <http://www.volkskrant.nl/buitenland/belgie-verhardt-strijd-tegen-terreur-fanatisme-is-gif~a4190347/>.

⁷ Stack, L. (2015, November 15). How Belgium became home to recent terror plots. *The New York Times*. Retrieved from <http://www.nytimes.com/interactive/2015/11/15/world/europe/belgium-terrorism-suspects.html>.

disbanded, the Salafist⁸ group continued to spread its radical ideas via internet through a Facebook page.⁹ Leader and spokesman Fouad Belkacem, alias Abu Imran, has frequently come out with controversial statements and videos. The organization quickly caught the eye of anti-terrorism investigators, who opened an inquiry into Sharia4Belgium early 2012 and in the summer of 2014, the ‘*Raadskamer van Antwerpen*’¹⁰ referred 46 suspects to the correctional court. The group, under the leadership of Fouad Belkacem, was allegedly recruiting and training Belgian youngsters for the fight in Syria.¹¹ The Sharia4Belgium trial began on the 29th of September 2014 and a verdict was reached on February 11th of last year.¹² During the trial only nine of the forty-six defendants were present. The others were believed to be still in Syria or have already died there. On February 11th, 2015 The Court in Antwerp ruled that Sharia4Belgium was a terrorist organization that intended to commit attacks within and outside Belgium. It sentenced its leader Belkacem to twelve years imprisonment. The other 44 members were given sentences ranging between three and fifteen years.¹³ The Sharia4Belgium trial was the largest terrorism trial that had even taken place in Belgium.¹⁴ A media report described the trial as “*a test case of Europe’s ability to fight Islamic extremism through courts*”.¹⁵ Analyzing the Sharia4Belgium trial through the lens of lawfare might provide more insight into the possible continuation of the conflict between Western states and Islamic extremism in court.

1.2. Research objective and research question

Hence, lawfare offers a new, innovative perspective for studying terrorism trials and this research aims to shed light on this new approach. Examining the Sharia4Belgium trial through the lens of lawfare might lead to new insights with respect to the function and use of terrorism trials in

⁸ The core of the Salafist ideology is the aim for a moral revival through a strict interpretation of the Quran and Sunna. This also entails the obligation to convert people to Islam (Roex, Van Stiphout & Tillie, J., 2010).

⁹ Knack. (2013, October 17). Opvolging Sharia4Belgium verzekerd. Retrieved from <http://www.knack.be/nieuws/belgie/opvolging-sharia4belgium-is-verzekerd/article-normal-112142.html>.

¹⁰ The *Raadskamer van Antwerpen* refers to the Courts of First Instance in Antwerp (Retrieved from <http://www.rechtbankeersteaanlegantwerpen.be/index.php/algemene-info-antwerpen>)

¹¹ De Standaard. (2014, June 13). Fouad Belkacem en 45 anderen naar rechtbank. Retrieved from http://www.standaard.be/cnt/dmf20140613_01139339.

¹² Nieuwsblad. (2015, January 9). Vonnis proces Sharia4Belgium maand uitgesteld. Retrieved from http://www.nieuwsblad.be/cnt/dmf20150109_01464704.

¹³ De Rechtbank van Eerste Aanleg Antwerpen February 11th 2015, FD35.98.47-12 - AN35.F1.1809-12 - zaak I.

¹⁴ De Morgen. (2014, June 30). Proces tegen Sharia4Belgium van start. Retrieved from https://www.google.nl/?gws_rd=ssl#q=de+morgen+s+sharia4belgium+grootste+terrorisproces.

¹⁵ Higgins, A. (2015, february 11). Head of Belgian group said to recruit fighters for Syria gets 12-year term. *The New York Times*. <http://www.nytimes.com/2015/02/12/world/europe/fouad-belkacem-sharia4belgium-verdict-trial-belgium.html>.

Western democratic societies. It presents a novel reading of this subject from a more political perspective and will zoom in on the “battle of narratives” taking place in court. As mentioned in the previous section, the definition provided by Dunlap includes the word “strategy”. This thesis only presents a first exploration of this topic and will refrain from using this word in the analysis of the Sharia4Belgium trial, as this would imply a conscious act. The latter is difficult to prove without speaking to the actors involved and even then they may not admit to it. Therefore, the focus of this thesis lies on the narratives and the main messages brought forward by the most important actors of this trial. Next, it will be examined to what extent the main messages have resonated with their target audience. This approach might deviate somewhat from the adopted definition of lawfare, but it does allow us to gain more insight into the narratives adopted by the main actors and identify possible messages that supersede the judicial domain, irrespective of whether this entailed a conscious strategy or not. The research question is formulated as such that it already holds the assumption that lawfare is present in this case.

As such, the research question of this thesis is:

To what extent do the main messages of the most important actors within the Sharia4Belgium trial resonate with the different target audiences of the actors?

The sub questions:

- 1. Who are the most important actors in the Sharia4Belgium trial and what is their main message?*
- 2. To what extent did the main messages of these actors resonate with their target audiences?*

1.3. Scientific relevance

Since the start of academic research on terrorism, just over 40 years ago, it has developed from a minor topic within social sciences into “a full-fledged program of terrorism studies” (Crenshaw, 2014). The attacks of 9/11 brought with it a new urgency to conduct even more research into this

field (Sageman, 2014). By now scientists have identified the main concepts and enhanced our understanding of the causes and effects (Crenshaw, 2014). However, while the field of terrorism studies has expanded, researchers have mainly focused on the nature, effects and ways to counter terrorism and have largely neglected the terrorism trial as a subject of inquiry. Moreover, the research body that does focus specifically on this type of trial is very fragmented (Ostrom et al., 2007). This thesis aims to contribute to the limited body of research on terrorism trials by looking at this subject from a whole new perspective. As already mentioned briefly in section 1.1., one way of looking at terrorism trials is to view them as a type of theatre that creates political disputes (De Graaf, 2011). This thesis has built further on this by looking at terrorism trials as “theatres of lawfare”, which can help to gain more insight into the functioning and use of terrorism trials. This thesis has provided a first inquiry into the applicability of the use of the lens of lawfare to study terrorism trials.

1.4. Societal relevance

The fight against terrorism is high on the agenda of many governments around the globe. At this moment Jihadism is considered to be the main source of terrorism by most Western administrations.¹⁶ As mentioned in the previous section, the subject of terrorism trials is still under-researched, while terrorism trials might be an important tool to better understand and counter terrorism (De Graaf, 2011). Although this thesis will not consider how terrorism trials could be used in the fight against terrorism, it does aim to provide more insight into its use and functioning, which could lead to enhanced understanding of the role that terrorism trials in society play.

1.5. Structure of this thesis

In this master thesis the trial of Sharia4Belgium will be analyzed through the conceptual lens of *lawfare*. Chapter 2 will provide a literature review that will discuss previous research conducted into the subject of terrorism trials, the characteristics of these type of trials, legal expressivist theory and the concept of lawfare. Chapter 3 presents the methodology of this chapter and explains the research design of this thesis and accounts for all the methodological choices that have been

¹⁶ Rijksoverheid (2015). *Terrorismebestrijding*. <https://www.rijksoverheid.nl/onderwerpen/terrorismen-nationale-veiligheid/inhoud/terrorismebestrijding>.

De Bont, R. & Daniels, I. (2015). Jihadistische foreign fighters uit België: dreiging en beleid. *Internationale Spectator*. Retrieved from http://www.internationalespectator.nl/pub/2015/7/belgische_jihadisten_dreiging_en_beleid/.

made. Subsequently, chapter 4 will provide a case description, containing both a brief overview of the structure and activities of Sharia4Belgium and the terrorism trial itself. In this way chapter 4 provides the necessary context for the analysis. Chapter 5 contains the analysis which has been divided into two parts. The first part of the analysis is dedicated to reconstructing the narrative between the two main actors and identifying their main messages. The second of part of this this chapter will focus on resonance of the main messages with the target audiences of the most important actors. Finally, chapter 6 will conclude with an answer to the main research question and sub-questions, followed by a discussion.

CHAPTER 2

LITERATURE REVIEW

The purpose of this chapter is to provide an overview of the literature related to the subject of terrorism trials and lawfare. The introduction already indicated the novelty of looking at terrorism trials through the lens of lawfare, which also has implications for the theoretical part of this study. This chapter will not result in a clear-cut conceptual model, but will provide an overview of the relevant literature, necessary for describing and structuring reality (Van Hoecke, 2002). This chapter will start with a broad outline of previous research conducted on the subject of terrorism trials. Next, different perspectives on criminal trials will be briefly presented, providing us with insight into the classical theories explaining the function(s) of (criminal) trials in society. Subsequently, some general characteristics terrorism trials will be outlined, revealing why the classical perspective on criminal trials might not be able to fully grasp the function of a terrorism trial in society and will bring our attention to a potentially new perspective: lawfare. As this thesis is focused on the notion of lawfare this concept will be discussed elaborately at the end of the chapter.

2.1. Body of research on terrorism trials

The post-9/11 period has been characterized by debates on the type of threats the Western society faces, how to adequately respond to such threats and who should be responsible for these responses (Crelinsten, 2014). However, research in the field of terrorism, regarding its nature, effects and ways to counter it, has mostly neglected the function of a criminal trial in dealing with terrorism. Furthermore, the research body that does focus specifically on terrorism trials is very fragmented (Ostrom et al., 2007). Still, there is significant discussion with regard to how Western democratic states legally respond to acts of terror in the fight against terrorism. Two recurring debates are worth mentioning that might be relevant in the context of this research. The debates discussed below certainly do not represent all research done on the subject of terrorism trials, but are most relevant in relation to the subject of this thesis as they both say something on the purpose of terrorism trials.

The precautionary turn in criminal law

Many scholars have written on the legal changes within criminal law that present a shift towards risk and security management (De Goede & De Graaf, 2013; Lomell, 2012). As De Goede & De

Graaf (2013, p. 319) stated: “*Criminal law is no longer necessarily the counterweight to precautionary politics in the fight against terrorism*”. Since the attacks on 9/11 a great number of laws have been introduced that enable the prosecution of possible future terrorists. These laws created new types of terrorism offences, such as membership of a terrorist organization, incitement, training, providing material support for terrorist groups, recruitment etc. (De Goede & De Graaf, 2013). As a result people can be convicted for terrorism without having to commit an actual terrorist attack, but because there is a certain risk they might commit one. Although the rise of the use of risk and prediction within criminal law already has its roots in the 1980’s, the use of criminal law was, before 9/11, mainly seen as a conventional measure to punish terrorists based upon past harm. However, the criminalization of these ancillary offences, has meant a shift from prosecution on the basis of past harm towards sentencing preparatory activities (De Goede & De Graaf, 2013; Lomell, 2012). This so-called preventive turn has led some scholars to believe that the traditional goals of criminal justice – justice, deterrence, incapacitation and rehabilitation - have made way for the new goal of security and risk management (Amoore & De Goede, 2008). A terrorism trial is now increasingly being used by the state to prevent a possible terrorist threat from materializing. In light of this research it is mainly important to be aware of the fact that the focus on precautionary criminal law might increase the potential for strategic use of the law and is therefore an interesting development in light of lawfare.

Choice of trial system

With respect to the conviction of suspected terrorists much of the literature that does focus on terrorism trials is related to the question which trial system should be used to sentence alleged terrorists (Setty, 2010). In some nations acts of terrorism are regarded as a criminal matter and are therefore dealt with through the use of the ordinary criminal justice system, while other nations have made use of specialized courts to prosecute terrorism cases (Setty, 2010). The former treat terrorism as an ordinary crime, thereby attempting to delegitimize the effect of terrorists and stressing the criminal nature of their acts instead of their political or ideological motive. Advocates of specialized court systems often stress the deficiencies of the ordinary criminal justice system to adequately deal with terrorism cases by using several arguments. In essence, the framework of rights and obligations that comes with criminal trials would offer too many protections to allegedly very dangerous people (Setty, 2010). Thus, the choice of the trial system can also be considered a strategic choice that conveys a certain message towards the public.

2.2. Classical perspective of looking at criminal trials

This section will briefly explore the classical perspective on criminal trials in general. The subject of trials, and criminal trials in particular, and the goals they pursue have been researched extensively (Burns, 1999; Packer, 1964; Roach, 1999). Allo (2010) described the criminal trial as:

“A criminal trial, as an institution, adjudicate cases that are criminal in their nature and so declared by the criminal law of a given jurisdiction. It is meant to provide a public forum for the parties to contest before a neutral third party arbiter the truth and falsity of their claims. In the adjudication of a criminal offense, three crucial elements – the fact, the law and culpable intent – constitute the central dynamics of the trial process.” (p. 46)

A very influential work in the field of criminal justice, which remains important up until today, has been written by Herbert Packer, a well-known former Stanford Law School professor, in 1964. He developed two different models to explain the U.S. criminal justice process: *the crime control model and the due process model* (Packer, 1964). Packer (1964) described the criminal process as: *“the rules of law that govern the apprehension, screening and trial of persons suspected of crimes”* (p.2). The crime control model is based on traditional, political conservative values. In this model, controlling behavior is the primary function of the criminal process and the main goals of a trial are therefore retribution, deterrence and incapacitation. An important aspect of the crime control model is the notion of the *“presumption of guilt”*, which essentially means that as soon as a person is arrested and charged, he or she must be guilty and therefore an agreement is often reached quickly (Packer, 1964). The due process model is regarded as the liberal approach to criminal justice that advocates criminal rights. Contrary to the notion of the *“presumption of guilt”* this model is based on the tenet that defendants are innocent until proven guilty. The focus of this model lies on the rehabilitation of offenders through sentencing instead of merely using the sentence to punish (Packer, 1964). Following the due process model, the criminal trial does not revolve around factual guilt of the defendant, but is concerned with whether the prosecutor can establish legal guilt beyond a reasonable doubt based on legally obtained evidence. A criminal trial should not be regarded as an undesirable burden, but rather as the logical and proper culmination of the process (Packer, 1964).

Packer’s models embody the functions of a criminal trial that are generally considered the traditional functions: retribution, deterrence, incapacitation and rehabilitation. Depending on

one's views someone might value certain functions more than others. When looking at terrorism trials from the perspective of lawfare it is useful to still be aware of the classical functions of criminal trials, which will help identify possible messages that may go beyond the judicial domain.

2.3. Characteristics of a terrorism trial

In the previous section the two traditional perspectives of looking at criminal trials were discussed. In order to show, that these perspectives might prove insufficient to explain the function of a terrorism trial this paragraph will elaborate a bit further on the specific features of this type of trial.

The differences between terrorism trials and other criminal trials are intrinsically linked to contemporary understandings of the nature of terrorism. Many scholars stress the importance of the communicative aspect of terrorism, stating that terrorists engage in violent attacks mainly to communicate messages to different audiences (Eid, 2013; Nacos, 2006; Weimann, 2008). A leading scholar in terrorism studies, Dr. A.P. Schmid, defined terrorism as:

“Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby the direct targets of violence are not the main targets. Threat- and violence-based communication processes between terrorist (organization), and main targets are used to manipulate the main target, turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation coercion, or propaganda” (Schmid, 2006: p. 140).

Although for this research it is not necessary to go deeper into the features and goals of terrorism, it is important to be conscious of the importance of the communicative aspect. This communicative process may continue in the court room, where actors are given a platform to spread their messages. During a terrorism trial both parties, prosecutors and terrorism suspects, communicate their visions of justice and injustice, this often also entails visions on the rearrangement of existing power relations and a change of the status quo. A terrorist crime is by nature a politically contested concept and therefore terrorism trials almost always lead to political disputes (Schmid, 2006). De Graaf (2011) emphasized the importance of the show element in terrorism trials. The trial presents itself as a platform for public authorities to show they are, as the public demands, sentencing terrorism suspects. Especially in the Anglo-America adversarial system where communication takes place between the defense and prosecution has great potential for dramatization and

spectacle. Falk (2008) has stated that trials can be regarded as “*public narratives par excellence*” (p.5). Performativity and the communication of visions of justice/injustice are important elements to the concept of lawfare to which will return in paragraph 2.5.

Finally, terrorism is considered different from ordinary crime in the sense that terrorism is considered to have potentially disastrous consequences, but at the same time is very unpredictable and understood as largely immune to deterrence and punishment – which, in the previous chapter, were described as two of the main functions of a criminal trial. In this light political actors and the public generally show a low tolerance for acquitting potential terrorists or accepting the risk of reoffending, this is motivated by what has been coined as the “one percent doctrine” (De Goede & De Graaf, 2013). This term was introduced by author Ron Süskind in the context of the US governments’ behavior in the war on terror, and describes the notion that even if there is a 1 percent chance of a terrorist attack taking place, it must be acted upon as a certainty (Süskind, 2007).

2.4. Legal expressivist theory

The previous sections have shown that limited research has been done into terrorism trials. Furthermore, the classical perspectives on criminal trials, although still important, might not fully grasp the function and use of these type of trials in society which relates back to the politically contested nature of terrorism and the fact that terrorism itself can be described as a communication process. These observations make it interesting to study terrorism trials from a whole new perspective. However, before turning to the notion of lawfare, this section will briefly go deeper into legal expressivist theory, which revolves around the communicative aspect of law.

Law can be described in multiple ways. Some might consider law as a part of a ‘people’s culture’, a tool for ‘social engineering’ or a rational means for ordering and controlling human behavior. Law can be seen as a relatively neutral tool for solving problems and structuring society, but one cannot deny that law and the legal language embody a certain world view and thus influences the way we look at reality (Van Hoecke, 2002). Legal expressivism stems from the basic assumption that actions are expressive in nature: they carry meanings. This is true for almost everything we do ranging from the most mundane to the most important (Sunstein, 1996). Drumbl (2007) has asserted that the most plausible justification for convicting terrorists can be found in the *expressive justification*. The expressivist perspective on terrorism trials implicates that the most important aspect of the trial are the messages that both the prosecutors and defendants are trying to get across

and how well they succeed in this (Drumbl, 2007). In Drumbl's (2007) view the goals of punishment are considered as something more communicative and pedagogical. Criminal justice in this sense is about augmenting the moral value of law, stigmatizing those who break it and the creation of strong narrative with respect to the heinousness of terrorist violence (Drumbl, 2007). Drumbl (2007) holds that criminal trials can be viewed as educational drama's, which disseminate norms and values to society. This already brings us close to the concept of *lawfare*.

Expressivists suggest different ways in which messages expressed in court can affect society (Meijers & Glasius, 2009):

- *Truth telling*: during a trial the creation of historical narratives takes places. For the expressivist message to have the intended effect it is imperative that the narrative catches on with the relevant audiences, not which one is considered true (beyond a reasonable doubt) by the judge. It is possible that different narratives presented during trial will catch on with different audiences.
- *Individualization of guilt*: through the trial the defendant's role in the crime is established. The accused have to take responsibility for their actions and cannot hide behind a particular nation or group.
- *Inflicting shame and stigma*: a trial can also be used for stigmatizing or inflicting shame on the defendant. However, the prosecution is not the only party that is offered the stage. Defendants may however also attempt to attack and delegitimize the trial.
- *Norm-dissemination*: the trial sends a message to the public that these type of crimes cannot and will not go unpunished.

Meijers & Glasius (2009) have used these different elements of expressivism in their research into international criminal tribunals. In the conclusion of their research they asserted: "*Expressivism sees court as theatrical spectacles, but it has yet to develop a better theory on the role of actions, the audience, and the stage in this theatre*" (p. 750). This statement by Meijers & Glasius (2009) already contains the comparison of a trial with a theatre. Lawfare could provide a useful concept that goes deeper into the notion of the terrorism trial as a theatre in which the political dispute continues.

2.5. Lawfare

The section above has shown that, with respect to criminal trials, legal expressivist theory puts a focus on the messages that are conveyed by the actors involved in the trial. Criminal trials provide a platform for parties to get a certain message across to the judge, and in some countries a jury, but also to the wider public. This emphasis on the important role of the different narratives adopted in courts also plays a central role in the notion of lawfare. The section below will describe how this concept has developed over time and the reasons that make it so interesting to adopt it as a lens to study terrorism trials.

The term “lawfare” was first defined by Major General Charles Dunlap a little over a decade ago as he examined the rise of law in modern military interventions. He described lawfare as the “use of law as a weapon of war” (Dunlap, 2001). Since then, the term has appeared in scholarly publications, but also in more popular work and media outlets (Dunlap, 2008; Waters, 2010). However, the first use of the term lawfare, can already be traced back to a few decades earlier. In the 1970’s the term lawfare was already mentioned in the scholarly literature although scarcely and not explicitly defined. Carlson & Yeomans (1975) linked the concept to a transformation in the nature of war and warfare in the West, which they regarded as a negative development. They asserted that Western legal systems could be characterized as accusatory, utilitarian and egocentric (Carlson & Yeoman, 1975). Moreover, it was not just the contention that war as a separate entity had changed, but that it had become intertwined with other sectors of society, e.g. economy, politics. In later work Liang & Xiang (1999) stated that the use of law can be viewed as one the many strategies that can be adopted in *“a world-wide struggle where the dividing line between war and no-war is almost impossible to make”* (p. 190). With the use of law as a military tool the relationship between war and politics had been overturned. War was no longer the continuation of politics, but it is politics as the continuation, or even one of the manifestations of, warfare (Liang & Xiang, 1999). This observation by Liang and Xiang shows parallels with the current era in which traditional forms of armed conflict are increasingly making place for conflicts between ethnic and religious groups (Creveld, 2009).

From the 2000’s the concept of lawfare was brought up in a different context as well. In his work Dunlap (2001) used the term lawfare to grasp the changing security environment in which militaries, mainly the West, had to operate. As he stated himself a few years later: *“I started using*

lawfare because I wanted a “bumper sticker” term easily understood by a variety of audiences to describe how law was altering warfare” (Dunlap, 2008, p. 146). As Liang & Xiang described the expansion of the concept of war through lawfare, Dunlap primarily focused on the increased legal constraints in military conflict. Important to note is that Dunlap did not mean for lawfare to be understood as a normative term, but merely as the use of legal proceedings in military operations: *“Lawfare is much like a tool or weapon that can be used to properly in accordance with the higher virtues of the rule of law – or not. It all depends on who is wielding it, how they do it, and why.”* (Dunlap, 2008, p. 148).

The concept of lawfare also features in the in the scholarly work *“Of War and Law”* written by Kennedy in 2006. He describes lawfare mainly as the way in which international law is used to legitimize and scrutinize the adoption of military force. In his book Kennedy elaborates on the influence of the transformation of legal provision into strategic instruments on the integrity of law and responsibility of lawyers. In this sense Kennedy (2006) used the term lawfare in describing how the development of law and war law has had an impact on the responsibilities of humanitarians in the military. In contemporary debates the notion of lawfare is often used normatively as a way to criticize people who make use of international law and the legal system to make claims against a state, foremost in the field of national security.

Thus, the notion of lawfare, although employed somewhat differently by various authors, has so far been used to denote the use of the law and legal system in a strategic manner within the context of a (international) military conflict. This research paper will follow the definition of “lawfare” as presented by Dunlap (2008, p. 146): *the (ab)use of the law and legal systems for strategic ends*. This definition was chosen as it presents “lawfare” as a neutral concept and does not pass either a positive or negative judgment. The definition merely suggests that it is possible to use the law and legal processes in a strategic manner in the context of a military conflict.

This research paper will use the concept of lawfare in a different context than has done before, namely within the field of terrorism trials. The different actors within a terrorist conflict may continue their battle in court and aim get their messages across to a specific audience (De Graaf & De Goede, 2013). Terrorism trials offer a framework for interpreting the actions and communication of the different actors (De Graaf, 2011). Through the conceptual lens of lawfare research can be conducted into the messages of the main stakeholders in a terrorism trial and to

what extent these messages resonate with their respective target audiences. The concept of lawfare will thus enable us to shine some light on possible strategies adopted by the main stakeholders in a trial with regard to the use of law and the legal system to reach their end goal: convincing their target audience of their political view on justice/injustice.

2.6. Conclusion

This chapter has shown how the subject of terrorism trials has largely been neglected by terrorism scholars, while they can potentially play an important role in countering terrorism (De Graaf, 2011). The classical perspective on criminal trials might not fully account for the use and function of terrorism trials in society. Terrorism trials possess certain traits that distinguishes them from ordinary trials – most of all since the concept of terrorism is a politically contested one and contains an important communicative element. Furthermore, the last decade the West has witnessed a “preventive turn” in criminal law, which has meant that in the field of terrorism many countries introduced new terrorism laws that criminalized ancillary offences. Normal, every-day activities have to transformed into a narrative of violent futures in order to be turned into the criminal acts upon which the sentencing is based (De Goede & De Graaf, 2013). The literature on legal expressivism already acknowledged the importance of the communicative aspect of trials and underlined the importance of the messages brought forwards by prosecutors and defendants (Drumbl, 2007). The lens of lawfare takes this expressivist function a step further and implies that actors use a trial to spread messages that might supersede the judicial domain and therefore provides a more political perspective of studying a terrorism trial. This thesis will present a first exploration into conceptualizing lawfare and using it as a lens to study terrorism trials.

CHAPTER 3

RESEARCH DESIGN

The following chapter will provide an overview of the methodology applied in this research. First, it will touch upon the explorative design of this study, followed by the conceptual model and a detailed explanation of the applied research design, -strategy and -methods. Finally, both the validity and reliability of this study will be discussed.

3.1. Explorative design

The conceptual lens of *lawfare* provides a new, innovative way of looking at terrorism trials. This offers possibilities for scientific research. The literature review has described how the specific characteristics of terrorism trials might fit with the concept of *lawfare* as defined in this research, therefore showing the potential new insights this concept can offer with respect to the research subject.

The novelty of using *lawfare* to look at terrorism trials also indicates the explorative character of this research. Conducting exploratory research can serve multiple purposes, such as diagnosing a certain situation and discovering new ideas. The research question in an exploratory study guides the research, but is neither static nor confining (Saunders, Lewis & Thornhill, 2007). As Saunders et al., (2007) stated: “*When conducting exploratory research, the researcher ought to be willing to change his/her direction as a result of revelation of new data and new insights*” (p. 134). This type of research normally doesn’t lead to conclusive results, but will likely lead to further research questions. The explorative nature of this research has largely influenced the adopted research design. This research has used a qualitative design, which is characterized by two important features: it is both interpretive and naturalistic (Holloway, 1997). This means research on the subject matter is conducted in their natural settings, trying to make sense of, or interpret, phenomena in terms of the meanings people bring to them (Denzing & Lincoln, 1998). In order to investigate a terrorism trial through the lens of *lawfare*, it was necessary to study a real terrorism trial and investigate the meanings different actors attach to the process. According to Denzing & Lincoln (1998) the naturalist paradigm presupposes the use of multiple methods such as interviews, observations and content analysis of different documents. This thesis has used different types of documents, but for the most part had to rely on secondary sources.

A number of approaches exist within the wider framework of qualitative research (Holloway, 1997). This thesis has adopted the grounded theory approach, which is a qualitative research approach originally developed by Glaser & Strauss (1967). The purpose of scientific research within this perspective is to develop theory about phenomena of interest. However, it's not simply abstract theorizing, but this theory needs to be *grounded* or rooted in the empirical findings (Glaser & Strauss, 1967). A number of basic features of grounded theory make it a suitable approach for this research:

1. Grounded theory methodology specifically includes analysis of a certain process (Glaser & Strauss, 1967). Which in this research was the analysis of a terrorism trial.
2. The grounded theory method is all about case studies, where the aim is not the generalization of the results (Van Thiel, 2010). This thesis also conducted a single case study into the Sharia4Belgium trial, and the results cannot simply be generalized to other terrorism trials. However, based on the findings of this study further research can be conducted into this subject.
3. Grounded theory is most apt for research in areas in which little research has been done (Glaser & Strauss, 1967). The fact that research into terrorism trials from a lawfare perspective had not been conducted yet, made the grounded theory a suitable approach.

This does not mean that this thesis will develop a new theory around the concept of lawfare, but it does offer some first insights into lawfare and terrorism trials that, in the future, may contribute to further theorizing on this subject.

3.2. Conceptual framework

This section will describe the process of defining and operationalizing the concepts that shape this research. As this research is exploratory in nature, it is not yet possible to develop a clear-cut conceptual framework with indicators derived from the literature. However, the purpose of this section is to provide a first conceptualization of lawfare, in order to lay down order and structure and ensure that the essential data is gathered.

This study has adopted the definition of lawfare as described by Dunlap (2008): “*the (ab)use of the law and legal systems for strategic ends (p.146).*” Lawfare incorporates the assumption that actors in court show strategic behavior through the adoption of a narrative through which they

convey their vision of justice/injustice to the judge/jury and the wider public. In chapter 1 it was already discussed how this thesis will only study the main messages brought forward by the actors, without speaking of a strategy, as this would imply a conscious act and the latter is difficult to establish. Lawfare is operationalized along the lines of three elements, which are presented in the table below.

Table 1: the conceptualization of lawfare

Elements of lawfare	Brief explanation
1. Actors	Lawfare – the process of waging war through law – presupposes the existence of actors with competing views.
2. Narratives + main messages	The actors engage in a political battle of conflicting narratives.
3. Resonance with the target audience	The goal of actors engaged in lawfare is to convince their target audience of their vision of justice/injustice.

Thus, looking at terrorism trials through the use of lawfare requires the identification of the main actors involved in the trial, the narratives adopted and to what extent their main messages resonated with their target audience. Below, the conceptualization of the different elements will be explained.

The *actors* in a court process are: the disputants, lawyers, judges and sometimes a jury (Vago, 2012). Since lawfare refers to a battle of narratives in court, this thesis only focus on the disputing parties, namely: the Public Prosecutor and the defense, the latter includes the defendant and his attorney(s).

Through a reconstruction of the *narrative* of both actors their *main messages* are identified. A narrative be described as: “*a narrative positions characters in space and time and in a very broad sense, gives order to make sense of what happened – or what is imagined to have happened. It attempts to explain or normalize what has occurred; they lay out why things are the way they are of have become the way they are*” (Bamberg, 2010, p. 3). Based on live reports of the hearings the

narratives of the most important actors are reconstructed. Their main messages are incorporated in this narrative and are considered to be those that are recurrent over the course of the trial.

The *target audience* refers to the audiences that the main actors in the trial implicitly or explicitly address. The target audiences of the main actors in the Sharia4Belgium trial are identified in paragraph 3.4.

The concept of *resonance* is used in this study to determine to what extent the main messages of the actors have been heard by their target audience and, where possible, how they responded to the messages. Assessing resonance of the main messages with the different target audiences will be done through an analysis of both the news coverage in the media and messages posted on public fora, further details are provided in the sections on research methods and analysis.

3.3. Research strategy

The research strategy adopted in this research is a single case study. A case study can be defined as: “*an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context*” (Yin, 2009, p. 22). This strategy is a very suitable when conducting exploratory, inductive research. Two basic characteristics of a case study make it a suitable strategy for this study:

- A case study will generate an extensive amount of empirical data on a certain social phenomenon. This is done by studying a process in its natural environment during a specific period of time. Preferably such a process is followed ‘live’ but it’s also possible to make a reconstruction of past events (Swanborn, 2008). The latter is what has been done in this study. The explorative character of this study made it difficult to determine beforehand what it is you’re looking for, which made a case study the most suitable strategy since it produces a bulk of empirical data.
- A case study is focused on determining the different view/perspectives of the actors involved in the case in order to be able to explain a certain phenomenon (Swanborn, 2008). In order to be able to assess how the main actors in a terrorism trial use the law and legal system, it was necessary to pin down the different views held by the main actors in a terrorism trial.

Case-selection

This study conducts a single case study, meaning one terrorism trial has been selected as the case in this research. As already mentioned several times before, the case studied in this research is the Sharia4Belgium trial, which took place in Antwerp and started on the 29th of September 2014; a verdict was reached on February 11th of last year.¹⁷ This terrorism trial was selected as the case for this study due to several reasons. First, the Sharia4Belgium trial received a lot of media attention, both nationally and internationally. This was a prerequisite for the terrorism trial to be selected, as the use of the law and legal system through the lens of lawfare will only become apparent when both the Public Prosecution and the defendants(s) are able to communicate their main message(s) to the public. Without media coverage the impact of the trial on society will likely be very limited. Second, this case was also interesting because of the context in which the trial took place. On the 22nd of September, 2014 it was already estimated that around 385 Belgians had travelled to Syria to fight alongside IS and its affiliates.¹⁸ Furthermore the perpetrator of the attack on a Jewish Museum in Brussels on the 24th of May, 2014 had allegedly fought in Syria in 2013. The fear amongst Belgians for more attacks being committed by returning jihadists heightened. The Belgian government was facing increased pressure to act and show they were protecting the Belgian society.¹⁹ This pressure on the government to show they were undertaking actions to prevent possible terrorist attacks, made this trial especially interesting in terms of possible political use of the trial and shows the potential relevancy of studying this trial through the lens of lawfare. There were a couple of practical considerations for choosing the Sharia4Belgium trial as the case for this study. First of all, the trial has taken place very recently which meant a more than sufficient amount of data was available for the analysis. Second, language played a role since the speaking language during the trial was Dutch.

The case study focused on reconstructing the discourse two main actors: the general prosecutor and the suspect with its defense lawyer(s). In the case of the Sharia4Belgium trial there were 46

¹⁷ De Rechtbank van Eerste Aanleg Antwerpen. (2015, February 11). Terrorismeproces 11 februari 2015. Retrieved from <http://www.rechtbankeersteaanlegantwerpen.be/index.php/83-persinformatie?start=3>.

¹⁸ Eg, R. (2014, September 22). Jihadzorgen groeien in Europa door aanslagdreiging in Brussel. *Metro*. Retrieved from <http://www.metronieuws.nl/binnenland/2014/09/jihadzorgen-groeien-in-europa-door-aanslagdreiging-in-brussel>.

¹⁹ De Bont, R. & Daniels, I. (2015). Jihadistische foreign fighters uit België: dreiging en beleid. *Internationale Spectator*. Retrieved from http://www.internationalespectator.nl/pub/2015/7/belgische_jihadisten_dreiging_en_beleid/.

defendants. However, this thesis has only focused on the most prominent suspect, namely: Fouad Belkacem and his defense team, consisting of three attorneys. The motivation behind choosing Belkacem was twofold. First, he was considered the founder and leader of Sharia4Belgium. For this reasons his case was discussed extensively during the trial and he received a great amount of media coverage. Second, the limited time available for this research led me to the decision to focus on only one of the 46 defendants. Following this decision, when speaking of ‘the defendant’ this will always refer to Fouad Belkacem.

3.4. Research methods

A case study often entails the use of multiple research methods. This research consisted of two phases. First, the narrative of the Public Prosecution and Belkacem (incl. his defense team) was reconstructed and their main messages identified. The second phase consisted of determining the resonance of their main messages within their target audience.

The main research method applied during both phases of this research was a document analysis. With respect to the first phase of the analysis an attempt was made to collect as much primary material as possible, such as court records. However, apart from the verdict not many official documents were made public. This has forced me to recourse to the live-blogs from journalists from *De Morgen*, *De Standaard* and *VTM Nieuws* who were present at the trial and used the Scribble application to put their live reports on their respective websites in order to reconstruct the narratives of both parties. Unfortunately, this had some limitations as the journalist can select what he or she puts up on the live-blog and what not. In order to increase the reliability, I compared, where possible, different liveblogs with each other in order to get the most complete picture possible. Based on these live-blogs the narratives of both parties were reconstructed and analyzed through the lens of lawfare. The appendix of this study contains a list with the links to the live-blogs that have been used to reconstruct the narratives.

In the second phase of this study it will be assessed to what extent the main messages resonated with their target audiences. With respect to the Public Prosecution it is assumed that, based on their role in Belgian society, their target audience is the Belgian public. For Belkacem and his defense team their target audience is harder to define. However, Sharia4Belgium’s activities were mainly directed at mobilizing the Belgian Muslim community and so the latter is considered his target audience.

First, in order to determine to what extent the main messages resonated with the Belgian public the news coverage of the Sharia4Belgium trial in two major newspapers were chosen to be analyzed. With respect to the two newspapers *De Morgen* and *De Standaard* were selected, which are two of the main Flemish newspapers in Belgium and are both associated with a different political ideology. Whereas *De Standaard* has traditionally been a Christian-Democratic paper, *De Morgen* is the opposite with a strong socialist character. By selecting two newspapers from opposing side of the political spectrum, this would prevent that the analysis would become politically biased. Within the selected timeframe two different search terms have been used to find relevant articles in their online archives: Sharia4Belgium and Fouad Belkacem.

Second, next to the analysis of articles of two major newspapers, this study looked at two digital public forums to analyze the resonance of the main messages with their target audience. The two digital forums that were chosen are therefore FOK.nl, a large forum with mainly topical content, and the largest 12th largest forum in the world²⁰, and Marokko.nl, the self-proclaimed biggest online Moroccan community of the Netherlands and Belgium. Both forums are originally Dutch, but also used by the Flemish speaking part of Belgium, which don't have their own equivalent. Unfortunately there were no numbers available on the number of Belgian users of these two fora. However, this does mean the analysis will also contain the messages posted by Dutch individuals and leaves out the French speaking population of Belgium. Looking into fora has the advantage that it provides the opportunity to analyze message actually stemming from citizens. I used the same search terms as with the newspaper articles to search for discussion relating to the Sharia4Belgium trial. Subsequently all the identified documents have been selected based upon their relevance and utility (Mills et al., 2010).

The research period with respect to the analysis of the media coverage and fora covered the period from June 16th 2014, when the '*Raadskamer van Antwerpen*' referred the 46 suspects of Sharia4Belgium to the correctional court in Antwerp, until the 11th of April 2015, two months after the verdict.

²⁰ The Biggest Boards. (2011). *Forum Rankings*. Retrieved from www.rankings.big-boards.com

Finally, in order to support my findings I made an attempt to arrange some interviews with people who were closely involved with the trial or had a specific expertise in the field of law and terrorism. However, unfortunately none of the persons I reached out to was willing to submit to an interview.

3.5. Data Analysis

In the section above the way of collecting the data was identified. This section explains the way in which the collected data was analyzed. It is important to note that the exploratory nature of this study made it very difficult to provide a blueprint of the analysis as it lacks a rigorous design.

The first part of the analysis consists of a narrative analysis and entails a reconstruction of the narratives of both actors and identifying the main messages through the lens of lawfare. Narrative analysis is focused on the close reading of stories expressed by participants (Bamberg, 2007). This thesis conducts research *with* narratives, meaning the narratives are used to explore another phenomenon (Bamberg, 2007). In this study they served as a tool to explore how the law and legal systems are used in the context of terrorism trials. Narratives are very useful because, as Feldman et al., (2004) stated: “*The narrative includes, excludes, and emphasizes. The storyteller not only illustrates his or her version of the action but also provides an interpretation or evaluative commentary*” (p.148). The task of the narrative researcher is to interpret these stories and uncover the meanings embedded in those narratives (Riessmann, 1993). This type of research always involves decisions to include some things and exclude others. However, by showing how the narratives were interpreted within this study the reader is at least provided with insight into the underlying assumptions and can assess the validity of the interpretations (Feldman et al., 20004). Based on The live-blogs on the websites of De Morgen and De Standaard a reconstruction of what had been said by both the Public Prosecutor and Belkacem and his defense team could be made and main messages were identified based on their recurrence throughout the trial. As Dutch was the language spoken during the trial all the quotes presented in the analysis are translated to English and thus do not the original quotes. As mentioned above, the links to these live-blogs with the quotes can be found in Appendix 1.

The second part of the analysis consists of the analysis of the news coverage on the trial plus the messages posted at the fora. The identification of the main messages in the first part of the analysis forms the basis for this part, since the aim is to find out whether these message have resonated in society. Qualitative content analysis, or more specifically ethnographic content analysis (ECA) is

used in this study. The emphasis of ECA is on discovering meanings, patterns and processes (Altheide, 1996). In this research the identification of the main messages guides the analysis as to see whether they can be rediscovered in the media and at public fora, but this does not mean that other important issues will be ignored. As Altheide (1996) stated: *“The aim of ECA is to be systematic and analytic but not rigid”* (p. 16).

This paragraph explicated the methods of analysis applied in this study. However, it need not be forgotten that the explorative nature of this study also means the analysis is characterized by flexibility and unforeseen issues/factors might come up over the course of the analysis.

3.6. Validity and reliability

External validity relates back to the generalization of a study’s findings (Yin, 2013). However, as this thesis conducts a single case study the external validity is rather low. Case studies are often criticized for not being generalizable due to the small N when compared with large-sample, quantitative methods (Riege, 2003). However, Tsang (2014) asserted that case studies do have several merits that are insufficiently acknowledged by the scientific community. Because while quantitative research may use surveys for statistical generalization, case studies aim for analytical generalization (Riege, 2003). The data retrieved through case studies can cast a light on existing theories or form the basis for creating new ones (Tsang, 2014). The external validity of a case-study can be somewhat enhanced by accurately defining the scope and boundaries of the analytical generalization. However, the results of this research will be specific for the Sharia4Belgium trial and cannot be generalized. The strength of this study lies not in its external validity, but in its uniqueness and exploratory power.

Internal validity refers the causality and legitimacy of the study (Van Thiel, 2010). It concerns the fact if the research is measuring what it aimed to measure. This largely depends on the clarity and strength of the indicators used in the study. Since lawfare is still a very underdeveloped concept, the development of clear, concrete indicators was hard to achieve. The operationalization section did attempt to provide a first conceptualization of lawfare and explicated the different elements that were considered a part of this concept. Furthermore the validity of research can be increased by the type of documents used for the research.

Reliability can be defined, according to Rowley (2002), as “*demonstrating that the operations of a study – such as the data collection produced can be repeated with the same results*” (p. 20). However, especially with respect to the data collection and analysis, much takes place in the mind of the researcher (Silverman, 2010). In order to safeguard the reliability of the study the procedures and steps taken in this research have been documented as much as possible. However, maintaining external reliability is difficult with respect to qualitative research, as it is not possible freeze a certain social context (Bryman, 2008). The latter also applies to this study, which means the findings of this study are only valid in the context of this research.

CHAPTER 4

CASE DESCRIPTION

The following chapter will present a brief case description that will offer insight into what kind of organization Sharia4Belgium was, what the defendants were accused of and how the terrorism trial developed. Although the subject of this thesis does not revolve around the structure and activities of Sharia4Belgium, a short elaboration on this topic will provide the necessary context for the analysis in the next chapter.

4.1. Sharia4Belgium

4.1.1. The organization and its members

As stated in the introduction Sharia4Belgium was founded on March 2010 by a number of Muslim youngsters from the Belgian City of Antwerp and was said to be a political and ideological organization with the goal of proclaiming pure *Tawhid*²¹ and to expose the *Shirk*²² of democracy. The creation of Sharia4Belgium was allegedly prompted by a call from the leader of Islam4UK, Anjem Choudary, to establish a Belgian department of his organization. Islam4UK described itself as “a platform” for the banned, extremist group Al Muhajiroun²³ and aimed at making Britain an Islamic state, which included the introduction of Sharia law.²⁴

Although Fouad Belkacem, alias Abu Imran, told a journalist in an interview in 2011 that Sharia4Belgium did not disclose its structure and number of members to the public for security reasons, most agree that he was the main founder and leader of the organization.²⁵ Before founding Sharia4Belgium Belkacem had already been convicted for several acts of violence and resisting arrest. On June 6th, 2012 Belkacem was sentenced to eighteen months in prison by the Antwerp

²¹ The notion of Tawhid is taken from the Qur'an and used to denote the monotheism in Islam, meaning God (or Allah in Arabic) is one (Wadud, 2008).

²² Shirk is the opposite of Tawhid and is stated in the Qur'an as the only sin that cannot be forgiven (Wadud, 2008).

²³ Al Muhajiroun is a transnational Islamic movement based in the UK that supports the use of violence against western interests in Muslim countries and the establishment of an Islamic state through a military coup (Wiktorowicz, 2004).

²⁴ Knack. (2014, September 29). 'Sharia4Belgium wilde met 5 activiteiten de democratie omverwerpen'. Retrieved from: <http://www.knack.be/nieuws/belgie/sharia4belgium-wilde-met-5-activiteiten-de-democratie-omverwerpen/article-normal-433067.html>.

²⁵ Van Tienen, J. (2015, February 11). De gemoedelijke broeders van Sharia4Belgium zijn nu officieel terroristen. *Vice News*. Retrieved from <http://www.vice.com/nl/read/de-gemoedelijke-broeders-van-sharia4belgium-zijn-nu-officieel-terroristen-128>.

Court of Appeal for incitement towards non-Muslims in a number of clips he posted on the video-sharing website YouTube.²⁶ At the moment of his arrest in this case he was staying at home with an ankle monitor. Five other prominent Sharia4Belgium members allegedly formed the so-called “Shura”²⁷, a council of confidants of Fouad Belkacem. All the members of the ‘Shura’ are either still in Syria or have already died there.²⁸ Members of Sharia4Belgian allegedly came together at the Dambruggestraat 17 in Antwerp, where they planned all their activities.²⁹ Sharia4Belgium was formally disbanded on October 7th, 2012. They announced their termination on their website together with an explanation, but soon thereafter this website was taken down. However, according to media reports Sharia4Belgium had placed a message on their website stating Sharia4Belgium had dissolved due to two reasons. First, they felt their message had disappeared to the background and too much attention was focused on its individual members. Second, the organization wanted to lose its name and unite with the Islamic community as a whole and fight together against the occupying forces of Muslim countries.³⁰

4.1.2. Activities of Sharia4Belgium

Sharia4Belgium was only active a relatively short time, but still able to generate a great amount of attention from the media as well as public authorities. In 2014 a study into ‘da’wa networks’ in Belgium, the Netherlands and Germany was conducted by researchers from the Radboud University Nijmegen and the University of Amsterdam. One of the networks they chose as their research subject was Sharia4Belgium. ‘Da’wa’ refers to the call to adopt the Islam as the true faith (Shanahan, 2004). In the case of these networks the practice of da’wa turned into a specific type of protest which the researchers named ‘spectacle activism’ and defined it as: *“A form of protest in which not only content, but also visual and auditory forms create a situation in which a third party is almost bound to respond. Through spectacle activism da’wa activists create an*

²⁶ De Standaard. (2013, June 6). Belkacem krijgt 18 maanden cel voor aanzetten tot haat. Retrieved from http://www.standaard.be/cnt/dmf20130606_00612897.

²⁷ The Shura allegedly consisted of: Hicham Chiab (alias Abu Haniefah), Feisal Yamoun (alias Abu Faris), Ahmed Dihaj (alias Abu Ateeq), Nourreddine Abouallal (alias Abu Mujahid) and Said M’Nari (alias Abu Mohammed).

²⁸ Eeckhaut, M. & Bergmans, E. (2014, September 29). Ontrafeld: het network rond Sharia4Belgium. *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20140928_01291523.

²⁹ Knack. (2014, September 29). ‘Sharia4Belgium wilde met 5 activiteiten de democratie omverwerpen’. Retrieved from <http://www.knack.be/nieuws/belgie/sharia4belgium-wilde-met-5-activiteiten-de-democratie-omverwerpen/article-normal-433067.html>.

³⁰ De Standaard. (2012, October 8). Sharia4belgium stopt ermee. Retrieved from http://www.standaard.be/cnt/dmf20121008_00326293.

oppositional argument: they express grievances and objects – in both form and content – at a given situation.” (De Koning et al., 2014: p. 4). The protests are aimed at creating media-events by use of controversial verbal rhetoric that reaches news outlets (De Koning et al., 2014). The researchers described the activities of Sharia4Belgium as ‘spectacle activism’ by organizing protests especially set up for media dissemination (Delicath & Deluca, 2003).

The first action of Sharia4Belgium that received a great amount of media coverage was the disruption of a lecture given by Benno Barnard, a Dutch author, at the University of Antwerp. Seconds before Barnard started speaking a number of extremist Muslims began to shout. Many of the disruptors were allegedly members of Sharia4Belgium. After the incident Belkacem publicly declared that Sharia4Belgium felt offended by the title of Barnard’s lecture and stated that it was never allowed to ridicule Islam.³¹ Belgian politicians condemned the action of Sharia4Belgium and as a response Belgian Minister of Interior Affairs Annemarie Turtelboom put permanent surveillance on the Sharia4belgium website.³²

The disruption of the lecture created a lot of attention and established the reputation of Sharia4Belgium both nationally and internationally. So far Salafist networks had performed da’wa only within mosques, but Sharia4Belgium had come out of seclusion and spread their message to the wider public. *Da’wa* activities in public had occurred before, but this had been limited to only a couple events (De Koning et al., 2014). Sharia4Belgium members attempted to claim their own space, by practicing their Islam, or taking part in da’wa activities. Western society was regarded as oppressive and hypocritical and Sharia4Belgium activists called for Sharia and idealized the Islamic State. On the website of Sharia4Belgium its members frequently posted videos and texts in which they proclaimed jihadist Salafism and urged people to join the violent conflict in Syria.³³ Furthermore, Belkacem, although he himself denies these allegations, supposedly organized trainings at their “headquarters” at the Dambruggestraat in which he physically and mentally prepared dozens of Sharia4Belgium members for the armed conflict in Syria and also to commit

³¹ NRC. (2010, April 2). Moslims verstoren lezing Benno Barnard in Antwerpen. Retrieved from <http://www.nrc.nl/handelsblad/2010/04/02/moslims-verstoren-lezing-benno-barnard-in-antwerpen-11872026>.

³² De Morgen. (2010, April 1). Turtelboom laat website permanent volgen na incident met Barnard. Retrieved from <http://www.demorgen.be/binnenland/turtelboom-laet-website-permanent-volgen-na-incident-met-barnard-b63a5eff/>.

³³ Knack. (2014, September 29). ‘Sharia4Belgium wilde met 5 activiteiten de democratie omverwerpen’. Retrieved from: <http://www.knack.be/nieuws/belgie/sharia4belgium-wilde-met-5-activiteiten-de-democratie-omverwerpen/article-normal-433067.html>.

attacks in Belgium.³⁴ Another incident that created a high amount of media attention is the so-called ‘niqab-incident’ on June 1st 2012. A woman wearing a niqab³⁵ was arrested by the police as Belgian law forbids wearing a niqab in public places. The woman, who later turned out to be the wife of Fouad Belkacem, refused to take off her veil and was taken to the police station. Subsequently she wounded one of the policy officers by hitting her in the face, which caused her nose and several teeth to break. After the incident a number of youngsters gathered in front of the police station, causing unrest. According to the Mayor of Molenbeek, Mr. Moreaux, these were all members of Sharia4Belgium.³⁶ As mentioned in the introduction, the group formally disbanded in 2012.

4.2. The process

It was in February 2012 that an official investigation into Sharia4Belgium was initiated. A little over two years later, on June 13th 2014, the inquiry was closed at disposal of The Chambers.³⁷ During the two years of inquiry the *‘federaal parket’*³⁸ and the *‘Antwerps Parket’*³⁹ were able to map out the organization of Sharia4Belgium and identify its leaders, core members and sympathizers. In this regard 48 house searches took place during which the police confiscated computers, mobile phones and cash. Furthermore, they identified 33 youngsters that were already in Syria or on their way, supposedly send by Sharia4Belgium to fight for the establishment of an Islamic State.⁴⁰ However, the most important piece of evidence for the Prosecution was the testimony of Jejoen Bontinck, one of the defendants who had made the headlines when his father travelled to Syria to make him return.⁴¹ After the investigation was closed, the case was referred to the Correctional Court, which is a division of the Court of First Instance in Antwerp. On June

³⁴ Ibid.

³⁵ Niqab is a veil worn by Muslim women that covers most or all of their face, having a narrow opening or mesh covering for the eyes (Merriam-Webster dictionary, <http://www.merriam-webster.com/dictionary/niqab>).

³⁶ De Morgen. (2012, June 1). Rel over niqabin Molenbeek. Retrieved from http://www.standaard.be/cnt/dmf20120531_00169186.

³⁷ De Rechtbank van Eerste Aanleg Antwerpen. (2015, February 11). Terrorisneproces 11 februari 2015. Retrieved from <http://www.rechtbankeersteaanlegantwerpen.be/index.php/83-persinformatie?start=3>.

³⁸ The ‘Federaal Parket’ refers to the District Attorney whose jurisdiction covers the whole Belgian territory (Retrieved from http://justitie.belgium.be/nl/rechterlijke_orde/hoven_en_rechtbanken).

³⁹ The ‘Antwerps Parket’ refers to the Court of First Instance whose jurisdiction covers the province of Antwerp (Retrieved from http://justitie.belgium.be/nl/rechterlijke_orde/hoven_en_rechtbanken).

⁴⁰ De Standaard. (2013, April 16th). Sharia4Belgium is terroristische organisatie. http://www.standaard.be/cnt/dmf20130416_003.

⁴¹ De Standaard. (2013, April 5th). Vader Jejoen in Syrië om zoon te gaan halen. Retrieved from http://www.standaard.be/cnt/dmf20130405_00530583.

30th the case was officially established at a hearing of the Correctional Chamber. The Sharia4Belgium process was to become the biggest terrorism trial in the history of Belgium. A total of 46 defendants stood trial, however only 9 of them were present during the process. The other defendants stood trial *in absentia*. It is suspected that at least 9 of the defendants have already died in Syria.⁴² The hearings took place on the 29th and 30th of September, 8, 13, 20 and 27th of October, 26th of November and the 10th of December and were all located in the Court House of Antwerp.⁴³ The court room was heavily secured for the length of the trial.⁴⁴ Extra police officers were deployed both in the court building as well as in the immediate surroundings. Furthermore, everyone entering the building was subject to thorough searches, even people walking around in the area could be searched.⁴⁵

The table below presents a brief overview of the trial days with a focus on the Public Prosecution and Belkacem:

Table 1: brief overview of the Sharia4Belgium trial:

Day	Date	Who took the stage?	Which phase?	Particulars
1	29/09/2014	The Public Prosecution, consisting of Public Prosecutor Ms. Ann Fransen and First Substitute Mr. Luc Festraets	Requisitoir	Eight defendants were present (including Belkacem), all others were <i>in absentia</i> .
2	30/09/2014	The Public Prosecution	Requisitoir	Belkacem not present during this day (reason unknown)
3	08/10/2014	Belkacem's defense team, consisting of: Mr. John Maes, Ms. Ann Wellens and Mr. Nabil Riffi.	Belkacem's defense team presented Belkacem's case for the first time.	Belkacem's attorneys ask for his acquittal.

⁴² Eeckhaut, M. & Bergmans, E. (2014, September 29). Ontrafeld: het netwerk rond Sharia4Belgium. *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20140928_01291523.

⁴³ De Rechtbank van Eerste Aanleg Antwerpen. (2015, February 11). Terrorisproces 11 februari 2015. Retrieved from <http://www.rechtbankeersteaanlegantwerpen.be/index.php/83-persinformatie?start=3>.

⁴⁴ Eeckhaut, M. & Bergmans, E. (2014, September 29). Ontrafeld: het netwerk rond Sharia4Belgium. *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20140928_01291523.

⁴⁵ De Standaard. (2014, September 9th). Extra maatregelen voor proces Sharia4Belgium. Retrieved from http://www.standaard.be/cnt/dmf20140928_01291656.

4	13/10/2014	Bontinck's defense team and Lakdim's defense team.	Defense pleas by the attorneys of Bontinck and Lakdim.	
5	20/10/2014	Michael Delefortrie's defense team. And El Ouassaki defense's team.	Defense pleas by the attorneys of Delefortrie and Ouassaki.	
6	27/10/2014	The Public Prosecution	Response to the defense pleas of the defendants (and their respective defense teams).	
7	26/11/2014	All defense teams (except the one of Belkacem).	Response to Public Prosecution and last time to present their case.	Due to personal circumstances Mr. Maes could not be present and therefore Belkacem's defense was postponed.
8	10/12/2014	Belkacem and his defense team	Last time to present their Case. Belkacem also speaks himself.	
9	11/02/2015	The Antwerp magistrates	Verdict	Belkacem sentenced to 12 years in prison and a fine of 30.000 euros.

CHAPTER 5

ANALYSIS

This chapter will present the findings from the case study and aims to provide an answer to the sub-questions of this research. As lawfare presents the lens through which the trial has been analyzed, this chapter will focus on the most important actors within the trial, their main messages and to what extent these messages resonated with their target audience. The analysis opens with a paragraph on some general features of the Sharia4Belgium trial that are interesting in the context of lawfare. Subsequently paragraph 5.2. and 5.3. are dedicated to the reconstruction of the narratives of the main actors and the main messages they brought forward. Subsequently paragraph 5.4. will shortly discuss two issues that were also relevant for this study. Finally, the last paragraph will touch upon the resonance of these main messages with the target audiences.

5.1. Timing and features of the Sharia4Belgium trial

Before analyzing the narratives of the main actors, it is interesting to look at some general features of the Sharia4Belgium trial. First, an important characteristic of this trial is that, with 46 defendants standing trial, it is the largest terrorism trial that has ever taken place in Belgium.⁴⁶ Second, and maybe even more interesting from the perspective of lawfare, most of the 46 defendants were not present during the trial, because they are either still fighting in Syria or have already died in the conflict.⁴⁷ According to one of the defendant's attorneys, Mr. Sven Mary, the trial is therefore “*one of caricatures*”.⁴⁸ From the perspective of lawfare it is interesting that apparently the Sharia4Belgium trial revolves around prosecuting a great number of defendants that, in all probability, will never serve their sentence. Through this trial the Belgium government aims to prevent the foreign fighters from returning to Belgium, where they might pose a threat to national security. However, there was proof that at least several of the defendants had already died.⁴⁹ In

⁴⁶ De Morgen. (2014, June 30). Proces tegen Sharia4Belgium van start. Retrieved from <http://www.demorgen.be/binnenland/proces-tegen-sharia-4-belgium-van-start-ba14a25f/>.

⁴⁷ De Morgen. (2014, September 27). Fouad Belkacem: terrorist of gevaarlijke gek? – Proces Sharia4Belgium maandag van start onder enorme veiligheidsmaatregelen. <http://www.demorgen.be/plus/fouad-belkacem-terrorist-of-gevaarlijke-gek-b-1412190837051/>.

⁴⁸ De Morgen. (2014, June 30). Is belkacem een terrorist? Retrieved from <http://www.demorgen.be/plus/is-belkacem-een-terrorist-b-1412190703464/>.

⁴⁹ Bruggeman, F. & Paelinck, G. (2014, September 29). Maar negen beklaagden aanwezig op eerste procesdag Sharia4Belgium. Retrieved from <http://deredactie.be/cm/vrtnieuws/binnenland/1.2104413>.

this respect the function of this trial might also contain a more political element: showing the public that the Belgian government is taking action against the terrorist threat by putting such a large number of terrorists on trial. Prosecuting so many defendants who are *in absentia* might supersede the traditional deterrent function of a trial and also serve a more political goal.

Apart from this, the timing of the Sharia4Belgium trial is also worth mentioning. On the 26th of September 2014 the Belgian Parliament approved Belgian participation in the international coalition, led by the US, against ISIS.⁵⁰ Luc Walley, an attorney at the International Criminal Court, expressed in an op-ed in *De Morgen* how, according to him, the Sharia4Belgium trial seemed to have been timed in such a way so that it can make a legal contribution to the fight against ISIS.⁵¹ Of course the inquiry against members of Sharia4Belgium had opened years before the International Coalition against IS was established and the first trial dates were set before participation in the international coalition was approved by Belgian parliament. However, it is still an interesting line of thought and it is not unlikely that, as a terrorism trial of this scale generates enormous amounts of (international) media attention, this trial also served as a way for the Belgian government to show other states, especially other members of the international coalition, they were undertaking serious action against the jihadist threat.

Furthermore, The Sharia4Belgium trial was characterized by heavy security measures. Belkacem was transported from prison to the court house in a bulletproof vehicle and the police arrived in four armored vans.⁵² Stringent security measures were in place both at the courthouse and in the entire area. People were advised by the local police force to stay away from the surroundings of the court house in Antwerp. Police Spokeswoman De Vries stated: *“How many extra police units will be employed will not be made public, but it will be evident for everyone that an important trial is taking place”*.⁵³ Furthermore, right before the 6th day of the trial the police was supposed to have received serious tips with respect to plans to free Belkacem during the trial. This had led to extra

⁵⁰ Knack. (2014, September 26). Belgische F-16's gaan IS bestoken in Irak: ook parlement geeft groen licht. Retrieved from <http://www.knack.be/nieuws/wereld/herlees-belgische-f-16-s-gaan-is-bestoken-in-irak-ook-parlement-geeft-groen-licht/live-normal-432383.html>.

⁵¹ Walley, L. (2014, October 2). “Juridische basis van terrorismeproces in Antwerpen twijfelachtig. Retrieved from <http://www.demorgen.be/ opinie/-juridische-basis-van-terrorismeproces-in-antwerpen-is-twijfelachtig-b73ba71e/>.

⁵² Hope, A. (2014, September 30). Sharia4Belgium trial start amid massive security precautions. *Flanders Today*. Retrieved from <http://www.flandertoday.eu/current-affairs/sharia4belgium-trial-starts-amid-massive-security-precautions>.

⁵³ Nieuwsblad. (2014, September 29). Draconische veiligheidsmaatregelen voor terrorismeproces. Retrieved from: http://www.nieuwsblad.be/cnt/dmf20140926_01288715.

security precautions taken during the rest of the court days. This also triggered an interesting response from one of Belkacem's attorney's, John Maes, who stated in the media that the escape plan could easily turn out to be another one of the rumors spread about Belkacem to put him in a negative light.⁵⁴ This already reveals a bit of the narrative brought forward by Belkacem's defense in court in response to the terrorism allegations: Belkacem is not some dangerous terrorist, but is scapegoated by the Public Prosecution by spreading bad rumors about him.

So, the fact that a majority of the defendants are still in Syria (and may have already died there), the heavy security measures taken, and the time during which the trial took place may have already conveyed a certain message to the outer world, namely: Belgium authorities are taking the threat posed by (Salafist) terrorist organizations seriously and will prosecute those who engage in terrorist activities. In this way the law is used to disseminate this message, which was clearly picked up on by both news commentators and attorneys.

5.2. Public prosecutor's narrative

This section presents the findings of the narrative analysis of the Public Prosecutor Ms. Fransen and First Substitute Mr. Festraets. In Belgium, The Public Prosecutor is the one who, on behalf of the state, charges people who are accused of having broken the law.⁵⁵ Naturally the narrative of the Public Prosecutor revolves around proving the defendant is guilty based on legal arguments. Analyzing the Sharia4Belgium trial through the lens of lawfare means identifying the main messages brought forward by the Public Prosecutor and see if they might go beyond mere legal argumentation.

The first two days of the trial were dedicated to the requisitoir of Public Prosecutor Ms. Fransen together with First Substitute, Mr. Luc Festraets. Their plea on the first two days consisted largely of arguments in which they argued Sharia4Belgium was a structured and organized movement that planned and coordinated terrorist attacks. They presented evidence that the organization engaged in incitement towards non-Muslims, e.g. through their videos, and how they, through targeted indoctrination, directly contributed to many Belgian youngsters travelling to join the fight in Syria. It was stressed that how, according to Belgian law, it is not necessary to effectively commit a

⁵⁴ De Standaard. (2014, October 28). Tereurdreiging verhoogd door terrorismeproces. Retrieved from http://www.standaard.be/cnt/dmf20141027_01345006.

⁵⁵ Federale Overheidsdienst Justitie. (2015). *Taken*. Retrieved from http://justitie.belgium.be/nl/rechterlijke_orde/wie_is_wie_in_de_rechtbank/magistraten/taken.

terrorist attack in order to be convicted for terrorism. Belkacem was portrayed as the leader, founder and spokesperson of the organization and the one who should be held responsible for spreading the Salafist ideology. Special attention was also paid to Belkacem's misbehavior during the investigation in which he yelled at the investigators and maintained that Sharia4Belgium was a group of friends just like the scouts.

After reconstructing the Public Prosecutor's narrative on the first two days, it doesn't immediately seem to point at use of the trial to reach goals beyond the judicial domain. The messages brought forward mostly represented legal argumentation that aimed to convince the judge to prosecute Belkacem as the leader of a terrorist organization. However, a close read of the case made by the Public Prosecution did reveal some interesting elements in the context of lawfare. First, one journalist who was present at the trial characterized the requisitoir as a combination of a course in criminal law and an introduction into transnational terrorist organizations and publicly wondered "What does this have to do with Sharia4Belgium?"⁵⁶. The criminal file in the Sharia4Belgium case was largely based on telephone taps and accounts of other members. Sometimes it seemed like the Public Prosecutor lacked concrete evidence and therefore lapsed into general accounts of terrorist organizations. From the perspective of lawfare it is interesting to see how the Public Prosecution spoke elaborately on the Salafist ideology and other Salafist organizations, such as Jahbat al-Nusra and ISIS, as if they were giving a lecture on these type of organizations and thereby seemed to deviate from the case at hand.

Second, The Public Prosecution made the decision not to show any movies or photos made by members of Sharia4Belgium during the trial. Stating they wanted a "tranquil process" and claimed to be convinced that the facts alone were gruesome enough. Fransen underlined how the Belgian democracy and rule of law should be protected against organizations such as Sharia4Belgium. She also stated that Belgian society should take measures to prevent these type of organizations from gaining more support for their Salafist ideology.⁵⁷ This narrative seems to point at the fact that this trial is not purely about prosecuting the defendants, but revolves around something bigger than

⁵⁶ De Standaard. (2014, September 30). Procureur vraagt 15 jaar cel voor Belkacem. Retrieved from http://www.standaard.be/cnt/dmf20140930_01295280.

⁵⁷ De Standaard. (2015, September 30th). Procureur vraagt 15 jaar cel voor Belkacem. http://www.standaard.be/cnt/dmf20140930_01295280.

that: conveying a strong message that Belgium does not tolerate acts of terrorism and is undertaking action to protect its society against the threat of the Salafist ideology.

This leads to a third point of interest from the perspective of lawfare, namely: the requested sentences. The public prosecutor requested the maximum sentence of 15 years for Belkacem. According to the Public Prosecution, Fouad Belkacem is the designated leader of the group. He is alleged to have played a key role in sending a number of Belgian youngsters to fight for terrorist organizations such as ISIS and the Jahbat al-Nusra. This assertion was mainly based on statements by other members, foremost the testimony of Jejoen Bontinck. The public prosecutor also requested 15 years for the other members of the Shura. For other high-profile members the Public Prosecutor requested 8 to 15 years in prison.⁵⁸ The severity of the sentences also points to the potential expressivist nature of the trial. One of the aspects of legal expressivism is the disseminations of norms – showing the public certain crimes will not go unpunished (Meijers & Glasius, 2009). With the request for maximum sentences it looks like the Public Prosecution is conveying a message to the Belgian community that the state is serious in countering the terrorist threat and potential terrorist should be aware of the punishment they face when engaging in terrorist activities. The Public Prosecution also admitted themselves that the sentences they demanded were severe, stating this was *“because we believe our democracy should be protected against cells like these that want to engage in Salafist jihad”*.⁵⁹

At day 6 of the trial the Public Prosecution took the stage for the last time and was able to respond to the defendants pleas. Fransen continued to try to convince the judge that, despite of what the defense has claimed, Sharia4Belgium is a terrorist group, stating:

*“The notion that the members of the group have not yet committed any acts of terrorism, doesn’t take away the fact that the group can be designated as a terrorist organization. Even if the individual members proclaim they didn’t want to commit an act of terrorism, just being a member of a certain group can lead them to be prosecuted for terrorism.”*⁶⁰

⁵⁸ Ibid.

⁵⁹ De Morgen. (2014, September 30). Procureur vraagt 15 jaar cel voor Belkacem. Retrieved from http://www.standaard.be/cnt/dmf20140930_01295280.

⁶⁰ Gazet van Antwerpen. (2014, September 29). Herbeleef hier de eerste procesdag. Retrieved from http://www.gva.be/cnt/dmf20140928_01292921/live-volg-het-terrorisproces-tegen-fouad-belkacem-jejoen-co.

“Sharia4Belgium strives towards subverting democracy and calls for participation in armed conflict.”⁶¹

At day 8 of the trial on December 10th, 2014 it was Belkacem and his defense team who presented their final plea. However, Public Prosecutor Fransen demanded to be given the opportunity to give a quick response. At this point she, according to the live report, seemed frustrated and stated: *“Many defense pleas contained assertions that were manifestly untrue. I cannot just leave it this way. I ask the court to be very prudent with respect to the assertions made by the defense.”*⁶² From the perspective of lawfare this is interesting since it clearly slows a battle taking place between the different narratives.

In conclusion, the narrative of the Public Prosecutor mainly revolved around proving the members of Sharia4Belgium were guilty of committing terrorism offences. This was based on the legal argument that it isn't necessary to commit a terrorist attack in order to be designated a terrorist and that Belgian law criminalizes certain ancillary offences. From the perspective of lawfare it was interesting to note how on the first day of the trial the Public Prosecutor engaged in a 'lecture' on the Salafist ideology and other Salafist organizations. There was a strong emphasis on protecting the Belgian rule of law against organizations like Sharia4Belgium. Furthermore, the severity of the sentences also might indicate that with this trial the Belgian government wants to send a strong signal that Belgium is serious in the fight against Jihadi terrorism.

5.3. Fouad Belkacem's narrative

This paragraph presents the findings of the analysis of the narrative of Belkacem, including his defense team. Following a close read of the live reports of the Sharia4Belgium trial the first thing that became clear is the fact that the narrative of Belkacem and his defense team revolved around refuting the Public Prosecutor's claim that Sharia4Belgium is a terrorist organization and Belkacem the driving force behind it. The activities of Sharia4Belgium were constantly downplayed and at no point during the hearings did Belkacem use the trial to further the goals of Sharia4Belgium, as defined by their website, or delegitimize the Belgian legal system. Although with respect to the latter, his defense team did aim to delegitimize this trial, which will be discussed

⁶¹ Ibid.

⁶² De Morgen. (2014, December 10). Volg live het terrorismeproces. Retrieved from <http://www.demorgen.be/binnenland/fouad-belkacem-ik-ben-geen-terrorist-b05448fd/>.

later in this paragraph. Analyzing the narrative of Belkacem and his defense team through the lens of lawfare revealed a couple of interesting messages that will be highlighted below.

First, at the start of the trial, before the public prosecutor started her requisitoir, a number of lawyers, among whom Attorney Maes, brought up the unlawful installation of listening devices at the Dambruggestraat in Antwerp. Although the Court of Cassation had already decided earlier that pieces of evidence obtained through these devices had to be annulled, they believed some defendants clearly became targets of the police based on this evidence. They asked for postponement of the trial in order to be able to listen to these incriminating pieces of evidence. This move by the defense seemed to be an attempt to immediately delegitimize this trial. In her response Public Prosecutor Fransen also publicly wondered why they didn't ask for the annulment of these pieces of evidence earlier in the investigation. This created the idea that this move was made with the aim of discrediting the Public Prosecution from the start of the trial.

Second, one of the main messages brought forward by Belkacem's defense team was an accusation towards the Belgian state that Belkacem became the victim of the rising fear of Jihadism and Islam in general. Attorney Maes started his defense plea on the third day of trial with the words "*Barbertje moet hangen*"⁶³ which is a saying in Dutch meaning that someone has to be blamed, whether he or she did it or not. This already set the tone for the defense and introduced a message that would be repeated throughout the process: the Public Prosecution is using Belkacem as a scapegoat for all the problems relating to the radicalization of Belgian youngsters and the Jihadi terrorist threat. The Belgian government needed someone to be blamed and Belkacem, due to his provocative behavior, was the unlucky person. In this way, the case against Belkacem was presented mainly as some sort of panic reaction to the Jihadist threat and the fear of Islam in general that permeates Belgian society. According to the defense, the Public Prosecution purposefully created an atmosphere of aversion against Belkacem. It seems that the defense is accusing the Public Prosecution of engaging in lawfare; e.g. on day 8 of the trial attorney Wellens stated:

⁶³ Eeckhaut, M. & Bergmans, E. (2014, October 9). 'Barbertje moet hangen'. Retrieved from http://www.standaard.be/cnt/dmf20141008_01311255.

*“The Public Prosecutor aims to get the law on its side to underpin its assertion. However, in this case the Public Prosecutor abuses the law and provides a whole new interpretation of it.”*⁶⁴

And

*“The essence of this story is the fear of the population with respect to the Islam, radicalization, Sharia4Belgium and Fouad Belkacem.”*⁶⁵

Maes even stated that the more he talked to his client the more he feared injustice. Some of the court employees allegedly made comments with respect to the increase of ‘the number of mullets and beards’ in prison and thereby, according to Maes, contributed to the creation of an atmosphere of fear around Belkacem and Islam. Maes further contended:

*“People see him [Belkacem] as the face of evil. In the media he is also portrayed as a malicious person. I ask you to get rid of all the emotionalism. This man has, in his own way, tried to get a message across.”*⁶⁶

And

*“I believe that some people involved in this case are acting against their better judgement. I think there are other agenda’s that play a role. Belkacem is the lice in the fur of the Belgian society, a lice that they want to have removed.”*⁶⁷

Third, central in the plea of Belkacem’s defense was also the contested nature of the concept of terrorism. The narrative of the Public Prosecution had clearly been focused on showing the judges why Sharia4Belgium should be designated as a terrorist organization and that its members had engaged in terrorist activities. Along the same lines the narrative of the defense is focused on proving how Sharia4Belgium cannot be labelled a terrorist organization and thereby contesting the definition of terrorism as adopted by the Public Prosecution. On day 3 attorney Wellens started off her plea by putting forward legal arguments that would show the judges how the Public Prosecution is wrong when it comes to designating Belkacem as a terrorist. Wellens explained the

⁶⁴ De Morgen. (2014, December 10). Volg live het terrorismeproces. Retrieved from <http://www.demorgen.be/binnenland/fouad-belkacem-ik-ben-geen-terrorist-b05448fd/>.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Mediahuis. (December 10, 2014). Live-blog dag 8 terrorismeproces Sharia4Belgium. Retrieved from <http://embed.scribblelive.com/Embed/v7.aspx?Id=978616>.

difference between acts committed during armed conflict and acts of terrorism. In her view the conflict in Syria is a domestic violent conflict and therefore joining one of the groups in Syria cannot be considered an act of terrorism. She asserted that the defendants should be tried under war law instead of national criminal law and stated:

*“The Public Prosecutor has mixed up acts committed under national criminal law with facts committed under international war law”.*⁶⁸

Attorney Wellens also underlined the absence of an international definition of terrorism:

*”Belkacem is being prosecuted as the leader of a terrorist group. However, this deems it necessary that the terrorist organization exists. Before we can speak of a terrorist organization, it’s important to look at its goal: committing acts of terrorism.”*⁶⁹

This again highlights the political nature of the concept of terrorism. The core of the argument of Belkacem’s defense is: when facts and law are combined Sharia4Belgium cannot be designated as a terrorist organization and Belkacem was only showing provocative behavior. Maes emphasized how Sharia4Belgium tried to reach its goal verbally, not through acts of violence. “The Niqab incident” is portrayed by Maes as an unfortunate situation that got out of hand, but which had nothing to do with terrorism.

On the 8th day of the hearings Belkacem himself spoke out himself, though very briefly. He emphasized the fact that he was in no way a terrorist and never had any intention of sending someone to Syria and was actually sad to see them leave as they were in his words “*the crème de la crème of the Muslim community*”.⁷⁰ He blamed the amount of Belgian foreign fighters on the Islamophobe atmosphere in Belgian society. He contended that he and the other members of Sharia4Belgium just wanted to show that they were not terrorists and merely aimed to show who they were and what they represented. Belkacem himself downplayed the activities of

⁶⁸ De Morgen. (2014, December 10). Volg live het terrorismeproces. Retrieved from <http://www.demorgen.be/binnenland/fouad-belkacem-ik-ben-geen-terrorist-b05448fd/>.

⁶⁹ Mediahuis. (2014, October 8). Live-blog dag 3 terrorismeproces Sharia4Belgium. Retrieved from <http://embed.scribblelive.com/Embed/v7.aspx?Id=873252&Page=1&overlay=false>.

⁷⁰ De Morgen. (2014, December 10). Volg live het terrorismeproces. Retrieved from <http://www.demorgen.be/binnenland/fouad-belkacem-ik-ben-geen-terrorist-b05448fd/>.

Sharia4Belgium and while he did state he was an orthodox Muslim, he did not use the trial to proclaim his political views. Belkacem ended his short plea with the words:

*“I am an orthodox Muslim, but no Jihadist. Just like there are orthodox Jews, there are also orthodox Muslims. No more and no less. That is all I wanted to say”.*⁷¹

Regarding Belkacem’s behavior during trial the reports state he was smiling a lot and seemed very indifferent at times.⁷² However, during the final defense plea attorney Maes stated that people saw these smiles as malicious, while in reality Belkacem smiled due to nerves. Belkacem was, for unknown reasons, absent during the second day of the hearing, but Maes emphasized this had nothing to do with Belkacem not respecting the Belgian authorities.

Thus, briefly summarized the narrative of the defense seems to have been based on two premises 1) when combining the facts and the law Sharia4Belgium cannot be designated as a terrorist organization and thus Belkacem not as a terrorist and 2) The Belgian government needed a scapegoat and Belkacem fell victim to this. By both the Public Prosecutor and the media he is painted as a villain, while in reality he just wanted to spread the Islam. The latter is interesting in the context of lawfare as the defense seems to accuse the Public Prosecution of strategically using the law to show society they are combatting jihadism and keeping the Belgian population satisfied.

5.4. Other noteworthy aspects of the trial

In the last two sections the narratives of both the Public Prosecution and Belkacem and his defense team have been analyzed. This paragraph will highlight some interesting events that occurred during the court hearings. These might not necessarily be part of the narrative of one of the parties discussed above, but are still worth mentioning from the perspective of lawfare.

Gag order for the attorneys

Prior to the trial, the *staflhouder* Kati Verstrepen issued a gag order for the attorneys of the defendants, which is a court order that bans the attorneys from reporting or publicly disclosing anything related to the case. This order was extended until after the verdict. This measure received a fair amount of media attention - where they spoke of “lawyers muzzled” and “how the

⁷¹ Mediahuis. (December 10, 2014). Live-blog dag 8 terrorismeproces Sharia4Belgium. Retrieved from <http://embed.scribblelive.com/Embed/v7.aspx?Id=978616>.

⁷² De Morgen. (2014, September 30). Hoe veroordeel je ‘ een groep scouts vrienden’? Retrieved from <http://www.demorgen.be/plus/hoe-veroordeel-je-een-groepscootsvrienden-b-1412191300616/>.

Sharia4Belgium process breaches press freedom” - and was certainly not received well by the Flemish Association of Journalists (VVJ) who regarded this as a breach of the right to information. According to Verstrepen she simply applied the regulations, which were tightened last year, as the Sharia4Belgium trial is a sensitive case - one where the defendants are continuously reproaching each other.⁷³ This decision by the Stafhouder of the court did convey a message towards the public on the sensitivity and importance of this trial. Furthermore, this measure prevents attorneys from disseminating their messages directly through the media.

Pleas of the other defendants

While this thesis is only focused on Fouad Belkacem, it is interesting to quickly address other defense pleas in relation to the one of Belkacem. In section 5.3. it was discussed how Belkacem and his defense team had presented Sharia4Belgium as a “group of friends” and Belkacem merely as a provocateur. Most defendants did not discredit Belkacem in their defense pleas and denied any involvement of Belkacem in their decision to travel to Syria. Both defendant Lakdim and El Makhouki denied membership of Sharia4Belgium in the first place and asserted to have travelled to Syria in order to fight the Assad-regime.⁷⁴ Their defenses pleas did not contradict with the narrative that Belkacem and his defense team were trying to convey.

This line of reasoning was not adopted by the defense team of Jejoen Bontinck. Bontinck, who also served as the key witness in this case, presented a different case. His defense was rooted in the fact that Sharia4Belgium had used “brain-wash techniques” to radicalize Belgian youngsters and make them travel to Syria to join the fight. According to Bontinck and his attorneys all these activities were led by Fouad Belkacem, who he designated as a coward that stayed, while the others went to Syria to die. This led to a furious reaction by Belkacem and other supporters of Sharia4Belgium. Differing and especially conflicting narratives by another defense team could also affect the resonance of Belkacem’s narrative in the media. Although this will not be investigated in this research it is important to keep in mind. Especially Bontinck’s defense team

⁷³ De Morgen. (2014, October 9). Pleiten, zien en zwijgen. Retrieved from <http://www.demorgen.be/plus/pleiten-zien-en-zwijgen-b-1412811362156/>.

⁷⁴ De Morgen. (2014, November 26). Syriëstrijders steunen Belkacem. Retrieved from <http://www.demorgen.be/binnenland/-syriestrijders-steunen-belkacem-b2edd3bf/>.

argued the exact opposite of what Belkacem was saying and this might also influence to what extent Belkacem's message has resonated with his target audience.

5.5. Resonance of main actor's messages with their target audience

This section will be dedicated to analyzing to what extent the messages of the main actors have resonated with their target audiences. As laid down in chapter 3 this will be done through an analysis of both the news coverage of the Sharia4Belgium trial by two newspapers and discussion on this topic within public fora. Based on the narrative analysis of Belkacem it seemed he wanted to convey the message that he is not a terrorist and thereby he may not only aimed to address the Belgian Muslim community. The decision was made to analyze the media coverage on resonance of both the main messages of the Public Prosecution and of Belkacem and his defense team.

5.4.1. News coverage in the media

This paragraph provides the findings of the analysis of the news coverage on the Sharia4Belgium trial in two newspapers and will provide us with more insight into the resonance of the main actor's messages within the public domain. Both De Morgen and De Standaard reported extensively on the Sharia4Belgium trial. As there were no substantial differences in the amount or content with respect to the articles they published, the following analysis applies to the news coverage of both newspapers. Furthermore, in the text below when speaking of 'the media' this refers only to De Morgen and De Standaard as no other media outlets have been used for this analysis. This paragraph is divided into three sections: pre-trial, trial and post-trial. This division was made to keep the analysis structured and might reveal some differences in the amount or content of media coverage during the different phases.

Pre-trial (30/6/2014-29/9/2014)

The pre-trial period covers the period from the day the case was referred to the court until the first substantial hearing. This will provide some more insight into the issues that featured in the media before the actors presented their case in court. The amount of articles before the first court day was quite limited. The search conducted in the online archives of both newspapers for this period resulted in less than 30 articles in total. Several of these articles merely announced the start of the

process.⁷⁵ However, some of the pieces appeared quite critical towards the Public Prosecution or at least paid attention to the thin line between designating someone as a freedom fighter or a terrorist. Several articles involved a discussion if Belkacem was indeed a terrorist, provocateur or maybe a freedom fighter.⁷⁶ De Morgen published an article on the 30th of June 2014 in which it compared the Bosnian-Serb Nationalist Princip, who by some is seen as a terrorist but by others as a freedom fighter, to members of Sharia4Belgium. The article asserted that the same “semantic game” – freedom fighter or terrorist – would be played during the Sharia4Belgium trial. An interview with Sven Mary in newspaper *De Zondag* received significant attention in both newspapers⁷⁷. Mary, who had represented Belkacem during a previous court case, told *De Zondag* how the house searches that had been conducted in the context of this case were purely aimed at calming public opinion and Belkacem served as the ideal “*spuwbak*”⁷⁸ of society.

Thus, media coverage on the trial before the substantial hearings started was quite limited, but, apart from articles that merely mentioned the start of the trial, discussion in the media revolved around the fact if Belkacem could indeed be designated as a terrorist or that the Belgian state was making something out of Belkacem he wasn't. The fact that this discussion was already taking place in the media might be interesting in the context of lawfare since it already shows that in the media the political nature of the case was recognized and it might provide opportunities for both the Public Prosecution and the defense to convince the public of their viewpoint.

⁷⁵ . De Morgen. (2014, June 30). Proces tegen Sharia4Belgium van start. Retrieved from <http://www.demorgen.be/binnenland/proces-tegen-sharia-4-belgium-van-start-ba14a25f/>.

De Morgen. (2014, July 1). Proces tegen Sharia4Belgium start eind september <http://www.demorgen.be/plus/proces-tegen-sharia4belgium-start-eind-september-b->

De Standaard. (2014, June 30). Proces tegen Sharia4Belgium van start. http://www.standaard.be/cnt/dmf20140630_0116176

De Dtandaard. (2014, June 30). Proces Sharia4Belgium start op 29 september. http://www.standaard.be/cnt/dmf20140630_01161675

De Standaard. (2014, July 1). Terroriseproces vanaf 29 september. http://www.standaard.be/cnt/dmf20140630_01162590

⁷⁶ De Morgen. (2014, June 30). Standpunt: vrijheidstrijder of terrorist? <http://www.demorgen.be/plus/standpunt-b-1412190703331/>

De Morgen. (2014, June 30). Is Belkacem ene terrorist? <http://www.demorgen.be/plus/is-belkacem-een-terrorist-b-1412190703464/>.

De Morgen. (2014, September 27). Fouad Belkacem: terrorist of gevaarlijke gek? <http://www.demorgen.be/plus/fouad-belkacem-terrorist-of-gevaarlijke-gek-b-1412190837051/>

⁷⁷ De Morgen. (2014, August 17). Sven Mary: Belkacem is de ideale spuwbak voor de samenleving. Retrieved from <http://www.demorgen.be/binnenland/sven-mary-belkacem-is-de-ideale-spuwbak-voor-de-samenleving-bfd2ab48/>.

⁷⁸ ‘Spuwbak’ refers to a spittoon and in this sentence is used by Mary to denote that Belkacem served as the ideal scapegoat for all problems relating to the fear of Jihadi terrorism and Islam in general.

During the trial both newspapers reported extensively on the subject and over 140 articles had been retrieved through the search. Many of the publications merely provided short accounts of what had been said during the hearings and reported on a number of incidents that occurred, e.g. a number of times a mother of one of the defendants got escorted out of the courtroom.⁷⁹ Due to the issuance of the gag order none of the attorneys spoke out in the media. Moreover, there was a lot of attention for defendants Jejoen Bontinck and Brian de Mulder.

Still there were several media reports that did reveal a certain amount of resonance of the messages brought forward by both the Public Prosecution and Belkacem and his defense team. During the Sharia4Belgium trial the narratives of both actors revolved around one central theme: can Sharia4Belgium be designated as a terrorist organization and following this, is Belkacem a terrorist? For the Public Prosecution it was evident that this was indeed the case, while Belkacem's defense team painted a picture of Belkacem as the scapegoat for Belgium's problems with foreign fighters and the fear of Islam. When analyzing the media coverage of the trial it seemed like the latter viewpoint received the most attention in the media. Right after the Public Prosecutor held her requisitoir De Morgen published an article in which it stated: "*Fouad Belkacem: head of a terrorist organization or a cunning leader of a sect? Who heard the argument put forward by the Prosecutor's Office will tend to pick the latter.*"⁸⁰ The article elaborately discussed the arguments presented by the Public Prosecutor and emphasized the lack of concrete evidence of acts of terrorism. On the 8th of October the defense team of Belkacem presented their case for the first time. The media quickly picked up on the main messages identified in the narrative analysis. Both newspapers published articles with quotes of the defense team as headings and provided elaborate accounts of the argumentation presented by Belkacem's defense team, focusing on the contention

⁷⁹ De Standaard. (2014, September 29). Moeder van Brian de Mulder scheldt Belkacem de huid vol. Retrieved from http://www.standaard.be/cnt/dmf20140929_01293859.

De Standaard. (2014, September 30). Belkacem heeft mijn enige zoon afgepakt. Retrieved from http://www.standaard.be/cnt/dmf20140929_01294822.

De Morgen. (2014, September 30). Moeder Brian de Mulder uit de zaal gezet. Retrieved from <http://www.demorgen.be/plus/moeder-brian-de-mulder-uit-de-zaal-gezet-b-1412191300055/>.

De Morgen (2014, November 26). Moeder Brian de Mulder Scheldt Belkacem de huid vol. Retrieved from <http://www.demorgen.be/binnenland/moeder-de-mulder-scheldt-belkacem-de-huid-vol-bf9093ac/>.

⁸⁰ De Morgen. (2014, September 30). Hoe veroordeel je 'een groep scouts vrienden'? Retrieved from <http://www.demorgen.be/plus/hoe-veroordeel-je-een-groepscootsvrienden-b-1412191300616/>.

that Belkacem was just a provocateur and that he is used as a scapegoat by Belgian authorities.⁸¹ These were exactly the main messages identified in the narrative analysis in paragraph 5.3. Furthermore when Belkacem spoke out himself on December 10th the media published a number of articles purely dedicated to his plea.⁸² De Morgen wrote a piece with the heading “*Belkacem and co. steal the show at the last day of the Sharia4Belgium trial*” in which it was stated: “*The last day of the trial against Sharia4Belgium provided a defense that knocked the accusations out of the park*”.⁸³ The article also mentioned that the evidence and legislation in this case is open to multiple interpretations, pointing to the fact that the judge will have a difficult time linking the members of Sharia4Belgium to possible crimes.⁸⁴

This attention for the messages brought forward by the Public Prosecution seemed to be less in comparison with the attention paid to Belkacem and his defense team. A total of 6 articles were dedicated to the messages brought forward by the Public Prosecutor, but most of them were considerably shorter than the articles written on Belkacem’s defense. In these articles the main points of the requisitoir were highlighted, but not much more was written on it. One article published in De Morgen did elaborate extensively on the Public Prosecutor’s plea regarding the role of Belkacem as leader and spokesperson of Sharia4Belgium who engaged in incitement and called for violent action against non-Muslims.⁸⁵ However, while with respect to Belkacem and his

⁸¹ De Morgen. (2014, October 9). Advocaten Belkacem: ‘Waar zijn de bewijzen?’ Retrieved from <http://www.demorgen.be/plus/advocaten-belkacem-waar-zijn-de-bewijzen-b-1412811304720/>

De Standaard. (2014, October 8). ‘Fouad Belkacem is een schenenschopper, meer niet’. Retrieved from http://www.standaard.be/cnt/dmf20141008_01309595

De Standaard. (2014, October 9). Barbertje moet hangen. Retrieved from http://www.standaard.be/cnt/dmf20141008_01311255

⁸² De Morgen. (2014, December 10). Belkacem spreekt op terrorismeproces. Retrieved from <http://www.demorgen.be/binnenland/belkacem-spreekt-op-terrorismeproces-b203122b/>

De Morgen. (2014, December 10). Belkacem en co. stelen de show op laatste dag Sharia4Belgium-proces. Retrieved from <http://www.demorgen.be/binnenland/belkacem-en-co-stelen-de-show-op-laatste-dag-sharia4belgium-proces-b3856874/>

De Standaard. (2014, December 10). Fouad Belkacem: ‘Ik ben geen terrorist’. Retrieved from http://www.standaard.be/cnt/dmf20141210_01421693

De Standaard. (2014, December 10). ‘Ik ben geen terrorist en heb niemand naar Syrië willen sturen’. Retrieved from http://www.standaard.be/cnt/dmf20141210_01422147

De Standaard. (2014, December 11). ‘Ik een terrorist? Serieus blijven he!’

⁸³ Erkul, A. (2014, December 10). Belkacem en co. Stelen de show op laatste dag Sharia4Belgium-proces. *De Morgen*. Retrieved from <http://www.demorgen.be/binnenland/belkacem-en-co-stelen-de-show-op-laatste-dag-sharia4belgium-proces-b3856874/>.

⁸⁴ Ibid.

⁸⁵ De Morgen. (2014, September 29). Belkacem zet doelbewust aan tot haat en geweld. Retrieved from <http://www.demorgen.be/binnenland/-belkacem-zet-doelbewust-aan-tot-haat-en-geweld-b5e43963/>

defense team their main messages could easily be identified in media reports, this was less clear in the case of the Public Prosecutor.

The opinion pages of both newspapers features several articles on the trial, some of them more in line with the Public Prosecution's narrative⁸⁶ and others that questioned it, although not necessarily agreeing with the Belkacem and his defense team that Sharia4Belgium was merely a group of friends⁸⁷. Furthermore during the trial many articles were dedicated to the reasons behind Belgium's problems with foreign fighters.⁸⁸

Naturally, the verdict was also covered by both media outlets.⁸⁹ The court had agreed with the Public Prosecution and stated in its verdict that it was proven that Sharia4Belgium's actions were rooted in violent jihadism and aimed at overthrowing existing governments and replacing them with a totalitarian Islamic state. Furthermore, there was no doubt Belkacem headed this terrorist organization and was responsible for both mentally and physically preparing youngsters to join the fight in Syria.⁹⁰ Eline Bergmans, a reporter of De Standaard, stated: "*The judge probably wanted to send out a strong signal by penalizing Belkacem as the leader of Sharia4Belgium*".⁹¹ Both newspapers reported on the reaction of the Mayor of Antwerp Mr. de Wever to the verdict. According to the articles de Wever was satisfied with the outcome of the trial and contended that this trial send a clear signal that the problems are taking seriously and that Sharia4Belgium was a

⁸⁶ Ellian, A. (2014, October 3). De tolerantie voor het Islamisme is voorbij. *De Morgen*. Retrieved from <http://www.demorgen.be/plus/de-tolerantie-voor-het-islamisme-is-voorbij-b-1412292961605>.

⁸⁷ De Morgen. (2014, October 4). "Belkacem is product van mislukte integratie, geen terrorist". Retrieved from <http://www.demorgen.be/binnenland/-belkacem-is-product-van-mislukte-integratie-geen-terrorist-b32f2007/>
Van Deale, J. (2014, October 2). Hebben we Syriestrijders al proberen te begrijpen? *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20141001_01298442

⁸⁸ De Morgen. (2014, September 30). We creëren vaten vol frustratie – Jozef de Wite verklaart groot aantal Belgische Syriestrijders met sociaal-economische cijfers. Retrieved from <http://www.demorgen.be/plus/-we-creeren-vaten-vol-frustratie-b-1412191202209/>.

⁸⁹ De Morgen. (2015, February 11). Fouad Belkacem veroordeeld tot 12 jaar cel. Retrieved from <http://www.demorgen.be/binnenland/fouad-belkacem-veroordeeld-tot-12-jaar-cel-b1a22b48/>

De Morgen. (2015, February 11). "Rechter oordeelde toch streng". Retrieved from <http://www.demorgen.be/binnenland/-rechter-oordeelde-toch-streng-bf78f425/>.

Van Thillo, J. (2015, February 11). Fouad Belkacem veroordeeld tot twaalf jaar cel, Jejoen 40 maanden. *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20150211_01523191.

⁹⁰ De Rechtbank van Eerste Aanleg Antwerpen February 11th 2015, FD35.98.47-12 - AN35.F1.1809-12 - zaak I.

⁹¹ De Bauw, A. (2015, February 11). Rechtbank geeft een zeer duidelijk signal. *De Standaard*. Retrieved from http://www.standaard.be/cnt/dmf20150211_01523778.

terrorist organization that aimed at ruining the Belgian society.⁹² Thereby reiterating the message put forward by the Public Prosecutor.

Post-trial (12/2/2015 – 12/4/2015)

In the post-trial period a total of 28 articles on the Sharia4Belgium trial were published in De Morgen and De Standaard. By far most media attention was directed of the appeals of the defendants.⁹³ The media did report on a briefing of the Belgian Minister of Interior Mr. Jambon in which he stated that Belgium had gained the respect internationally because of their approach in tackling violent extremism. Jambon underlined how the trial against Sharia4Belgium had impressed other states by prosecuting terrorists on such a large scale.⁹⁴ In paragraph 5.1. it was already mentioned how the timing of the Sharia4Belgium might be interesting from the perspective of lawfare. Jambon's statement seems to confirm that the trial also served as a way of showing the international community how well Belgium is tackling the threat stemming from jihadism. Furthermore, de Standaard reported on a Facebook message posted by Belkacem in which he responded to the verdict.⁹⁵ Next, De Morgen also published an article with the heading "*Belkacem speaks: 'I was used as deterrent'*"⁹⁶, which provides an account of a telephone interview with Belkacem. Thus, the media was still providing Belkacem a platform to spread his message in which he kept portraying himself as a victim.

⁹² De Morgen. (2015, February 11). "Problematiek wordt eindelijk ernstig genomen". Retrieved from <http://www.demorgen.be/binnenland/-problematiek-wordt-eindelijk-ernstig-genomen-b8297a7f/>
De Standaard. (2015, February 11). Bart de Wever: 'Rechtbank neemt problematiek van terreur eindelijk ernstig'. Retrieved from http://www.standaard.be/cnt/dmf20150211_01523782

⁹³ De Standaard. (2015, February 16). Fouad Belkacem in broep tegen twaalf jaar cel. Retrieved from http://www.standaard.be/cnt/dmf20150216_01532269.

De Standaard. (2015, February 17). Jejoen Bontinck gaat niet in beroep. Retrieved from http://www.standaard.be/cnt/dmf20150217_01533978.

De Morgen. (2015, February 16). Belkacem aat in beroep: "We zien argumenten voor vrijspraak". Retrieved from <http://www.demorgen.be/binnenland/belkacem-gaat-in-beroep-we-zien-argumenten-voor-vrijspraak-b7af6d3e/>

De Morgen. (2015, February 17). Jejoen Bontinck gaat niet in beroep tegen veroordeling. Retrieved from <http://www.demorgen.be/binnenland/jejoen-bontinck-gaat-niet-in-beroep-tegen-veroordeling-b094f50a/>

⁹⁴ De Standaard. (2015, February 22). Jambon: 'Belgische aanpak oogst respect, maar nog werk aan de winkel'. Retrieved from http://www.standaard.be/cnt/dmf20150222_01542046.

⁹⁵ De Standaard. (2015, February 26). Belkacem op Facebook: 'Zolang die radicale jongeren maar weg zijn, dat is de spirit van justitie'. Retrieved from http://www.standaard.be/cnt/dmf20150226_01550218.

⁹⁶ Grommen, S. (2015, March 4). Belkacem spreekt: "Ik werd gebruikt als afschrikkingsmiddel". *De Morgen*. Retrieved from <http://www.demorgen.be/binnenland/belkacem-spreekt-ik-werd-gebruikt-als-afschrikkingsmiddel-be6e1161/>.

Apart from this, attention in the media was limited, which makes it difficult to make any sound conclusions with respect to what extent the main messages of both actors still resonated in Belgian society in the two months after the verdict.

5.4.2. Public fora

The previous paragraph has looked into the news coverage on the Sharia4Belgium trial and to what extent the narratives of both the Public Prosecution and defendant resonated. This has revealed that the media paid attention to both narratives, although it seemed the main messages of the defense were more extensively covered. However, with respect to the media coverage it was hard to distinguish between different target audiences. This section has analyzed messages posted on Fok.nl and Marokko.nl in order to see if the main messages brought forward by both actors feature in conversations/discussions on these fora. The rationale behind selecting these specific fora has been explicated in Chapter 3.

5.4.2.1. Fok.nl

On Fok.nl four conversations took place relating to the Sharia4Belgium-trial within the timeframe of this research. During the search it became clear that most discussions involving Sharia4Belgium dated from the time the organization was still active. Although the number of discussions was very limited, most discussions involved different people and led to a fair amount of responses. Some discussion took place that resembled the one in court and revolved around the question if Sharia4Belgium was indeed a terrorist organization and thus Belkacem could be designated a terrorist.

One person stated:

”Although I am against these type of persons, I do consider this a dangerous development. Sooner or later everyone against the state is designated a terrorist, I have quite some reservations with respect to this verdict.”⁹⁷

With respect to a discussion on the verdict one person posted:

⁹⁷ ‘Sharia4Belgium is terreurgroep’ (2015, February 11). Retrieved from <http://frontpage.fok.nl/nieuws/689080/1/1/50/sharia4belgium-is-terreurgroep.html>.

“Good news, show other terrorists that you cannot mess with the Western rule of law”⁹⁸.

These messages do resemble some of the arguments put forward during the trial, with some people expressing doubts regarding the portrayal of Belkacem as a terrorist, while others emphasizing the importance to protect the Belgian society against the terrorist threat.

However, most messages posted on Fok.nl were quite blatant and expressed feelings of hate and disgust towards Belkacem and Sharia4Belgium and were in favor of putting him in prison (most of the time even calling for an even more severe punishment). People posted at the fora scolded each other and many posted hate comments towards the Islam. This was neither a narrative adopted by the prosecution or the Belkacem and his defense.

5.4.2.2. Marokko.nl

On the forum Marokko.nl 8 discussions relating to the Sharia4Belgium trial and Belkacem could be found in the designated time period of this research. This makes it questionable to what extent the discussions on these fora really provide a good picture of the resonance of the main messages within the Muslim community. However, some of the messages posted were quite interesting in the context of this research and will therefore be discussed below.

First of all, the messages were of a completely different tone when compared to the messages posted at Fok.nl. The general feeling towards the Sharia4Belgium trial in these discussions seemed to be that the terrorism process was a “political process” and that the Belgian government was overreacting in designating Belkacem as a terrorist and were limiting the right to freedom of expression:

“What evidence do they have? You can condemn what the group does or thinks, but this doesn’t mean they did something wrong”⁹⁹.

⁹⁸ ‘Leider Sharia4Belgium draait de bak in’ (2015, February 11). <http://forum.fok.nl/topic/2196398/1/25>.

⁹⁹ ‘Sharia4Belgium wilde democratie omverwerpen’. (2014, September 30). Retrieved from <http://forums.marokko.nl/archive/index.php/t-5118377-sharia4belgium-wilde-democratie-omverwerpen.html>.

*“Not that I agree with these idiots of Sharia4Belgium, but let’s be honest. This is just a political process”.*¹⁰⁰

*“He is a provocateur in a so-called free country, this is not prohibited and doesn’t make him a terrorist. Democratic Belgium has made a fool of itself with this process.. really ugly.”*¹⁰¹

People generally did not show any support for Belkacem or Sharia4Belgium, but were convinced the Public Prosecution was turning Belkacem in something he isn’t. The term ‘political trial’ featured frequently in people’s comments. By using this term it seems like some members were implying that the Belgian government is using this trial for strategic purposes instead of punishing terrorists. Furthermore, the notion that Belkacem is just a ‘provocateur’ is one of the main messages of Belkacem and his defense team and this idea is accepted by most people active in this forum. So one might say, within this forum one of the main messages put forward by Belkacem and his defense team resonated quite well and they did share the same vision of injustice.

In one of the larger discussions on the day before the verdict a couple of members also underlined the, according to them, discriminatory element of this trial by emphasizing how Muslims are treated differently in society:

*“Muslims are tried differently than white persons”*¹⁰²

Only rarely a message stated something contrary to the ones mentioned above. When it did, these remarks were often without any nuance or any arguments and resembled those at Fok.nl, such as:

*“Traitors [Belkacem] used to receive the death penalty”.*¹⁰³

*“20 years in jail and then evict him, so he can serve some 20 more years in Morocco”.*¹⁰⁴

¹⁰⁰ ‘Ontknoping in zaak tegen Belkacem en Sharia4Belgium’. (2015, February 10). Retrieved from <http://forums.marokko.nl/archive/index.php/t-5209016-ontknoping-in-zaak-tegen-belkacem-en-sharia4belgium-p-3.html>

¹⁰¹ ‘Miljoenen moslims dromen van een kalifaat’ – een genuanceerdere, nuchtere visie. (2014, October 10). Retrieved from <http://forums.marokko.nl/showthread.php?t=5121189&page=2>

¹⁰² ‘Een ontknoping in de zaak tegen Belkacem en Sharia4Belgium. (2015, February 10). Retrieved from <http://forums.marokko.nl/archive/index.php/t-5209016-ontknoping-in-zaak-tegen-belkacem-en-sharia4belgium-p-3.html>

¹⁰³ ‘Sharia4Belgium wilde democratie omverwerpen’. (2014, September 30). Retrieved from <http://forums.marokko.nl/archive/index.php/t-5118377-sharia4belgium-wilde-democratie-omverwerpen.html>

¹⁰⁴ ‘Belkacem en 45 anderen staan vanaf maandag terecht in terrorismeproces’. Retrieved from <http://forums.marokko.nl/archive/index.php/t-5115410-belkacem-en-45-anderen-staan-vanaf-maandag-terecht-in-terrorismeproces.html>

Remarkably, in none of the discussions the crimes of which Belkacem was accused are explicitly mentioned or debated. Almost all discussions revolved around the more general debate if Belkacem indeed could be designated a terrorist or not. The overall opinion of the people responding in these discussion was clear: Belkacem was just a provocateur and the Belgian government the Sharia4Belgium trial is highly political.

CHAPTER 6

CONCLUSION & DISCUSSION

The following chapter will combine the theoretical part and empirical part of this thesis and will provide an answer to the research question: To what extent do the main messages of the most important actors within the Sharia4Belgium trial resonate with the different target audiences of the actors? First, this chapter will elaborate on the findings with respect to the sub-questions of the research. Finally, this chapter will also contain a discussion on the limitations of this study and will reflect on the usefulness of the concept of lawfare in relation to terrorism trials.

6.1. Conclusion

This study has looked at the Sharia4Belgium trial through the lens of lawfare. So far limited research has been conducted into this concept and until now lawfare was never used as a perspective to study terrorism trials. This meant that this thesis had a very explorative character. The study identified three elements of lawfare: 1) actors, 2) narratives and 3) resonance with the target audience, along these lines the Sharia4Belgium trial was analyzed.

Sub-question 1: Who are the most important actors in the Sharia4Belgium trial and what is their main message?

Lawfare incorporates the assumption that different actors wage a political battle of narratives in court and aim to get their message of justice/injustice across and convince their target audience. Therefore this research first set out to reconstruct the narratives of the most important actors and identify their main messages. The main actors are the opponents within the legal system of criminal justice: the Public Prosecutor's Office and the defense. With respect to the defense this study focused solely on the alleged leader of Sharia4Belgium: Fouad Belkacem (including his defense team).

The Public Prosecutor's Office consisted of Public Prosecutor Ms. Fransen and First Substitute Mr. Festraets. Their narrative revolved around convincing the judge that Fouad Belkacem was a terrorist and, as the leader of Sharia4Belgium, bore heavy responsibility for indoctrinating Belgian youngsters with the Salafist ideology and their recruitment for armed conflict in Syria. The Public Prosecutor underlined the importance of sending a powerful message by means of this trial and

called upon society to take measures to prevent groups like Sharia4Belgium from gaining more support and spreading their ideology further. This strong message of protecting Belgian democracy and the rule of law is interesting, since it seems the Public Prosecution is using the trial to convey a message directed at Belgian society as a whole that seems to go beyond the mere expressivist function of law. This message is strengthened by the Public Prosecutor's elaborate account of Salafism and other Salafist organizations and their request for the maximum sentences. Clear was that this trial had to show the Belgian public, and maybe even the rest of the world, that Belgium was not taking terrorism lightly.

Another important message of the Public Prosecutor revolved around the fact that under Belgian law it is not necessary to commit a terrorist attack to be convicted for terrorism. This argument was very important in the case of Belkacem since he never committed an actual terrorist attack in Belgium, and, unlike the other defendants, also never left to fight in Syria. The relevance of this message from the perspective of lawfare is questionable, since Belgian Law foresees in the criminalization of these ancillary offences and it's not strange the Public Prosecution is making use of these laws in order to convince the judge to convict Belkacem. In Chapter two the so-called 'preventive turn' in criminal law was discussed and you may wonder if the concept of lawfare may be more applicable to the creation of these laws instead of their use in court. We will return to this point in the discussion paragraph.

The narrative of Belkacem and his defense team was directed towards proving Belkacem was merely a provocateur and only engaged in "jihad by word". The attorneys of Belkacem played an important role during the trial by elaborately outlining the arguments for his case and discarding those put forward by the Public Prosecutor. Moreover, one of the main messages of Belkacem's defense team was not only that Belkacem had become the scapegoat for Belgium's issues with foreign fighters, but that Belkacem fell victim to the feelings of anxiety and fear towards terrorism and Islam in general. The attorneys of Belkacem attacked the Public Prosecution for creating an atmosphere of 'hostility' against Belkacem and even contended they were 'misusing the law'. One might say that they were accusing the Public Prosecution of engaging in lawfare.

Another one of the main messages brought forward by Belkacem's defense team was that Sharia4Belgium was not a terrorist organization and that participation in a domestic violent conflict cannot be designated as an act of terrorism. They contested the definition of terrorism as defined by the Public Prosecution and attempted to show how terrorism law was not applicable in

this case. The narrative adopted by Belkacem and his defense team seemed purely directed at proving Belkacem was innocent and downplaying the activities of Sharia4Belgium. In chapter 4 it was discussed how the activities of Sharia4Belgium could be designated as ‘spectacle activism’, which meant they organized protests with the aim of attracting the media and thereby making sure their message would be disseminated. Based on this, one might have expected that Belkacem would have used this trial to engage in ‘spectacle activism’, but this did not occur. Belkacem’s behavior during the trial might have been odd, laughing at times and acting indifferent, but his words were clear: I am just an orthodox Muslim and feel sorry that so many Muslim youngsters left for Syria. He never openly rejected the legitimacy of the Belgian legal system and clearly just wanted to make sure he would stay out of prison.

So it looked like Belkacem did not use the trial to further the goals of Sharia4Belgium. The main message of his defense was focused on accusing the Public Prosecution of ‘scapegoating’ him and treating him unfairly, as he never committed any terrorist attack. It seems like Belkacem and his defense team were attempting to portray the Public Prosecution as a political player who turned the trial into a political process due to the increased fear of Jihadist terrorism and an anti-Islam sentiment in Belgium. In this way the defense of Belkacem did contain a political element, but not in the way that was expected beforehand.

Sub-question 2: To what extent do the main messages of these actors resonate with the target audience?

Studying a terrorism trial from the perspective of lawfare also meant determining to what extent the main messages put forward by both actors during the hearings have resonated in society and more specifically with their target audience. In this thesis it was decided that resonating meant assessing if the messages had been heard by their target audience and thus if it featured in both in the media and at public fora. Lawfare entails a political battle of narratives and is only successful when they have been able to convince their target audience of their vision.

With respect to resonance in the media, the first important finding of the analysis is that both *De Morgen* and *De Standaard* did report quite extensively on the trial and attention was paid to the messages brought forward during the hearings. There was no significant difference in the amount or content of the articles they published on the Sharia4Belgium trial. A number of articles that was published provided the highlights of what had been said during the hearings and live-reports were

put on the websites of several Belgian newspapers by reporters who were present at the court house in Antwerp. This also meant that everyone in Belgium was able to follow what was being said during the hearings and were kept up to date about everything related to the case.

Since the Public Prosecutor's Office charges people on behalf of the state, all Belgian people were considered their target audience. During the Sharia4Belgium trial the Public Prosecutor clearly aimed to convey the message that Belgium was taking action against the terrorist threat. The Public Prosecutor stated that Belgian society and their rule of law had to be protected against these type of organizations. In the introduction it was already mentioned that Belgium has the highest number of foreign fighters per capita. The latter was something that also frequently featured in the media and seemed to be an issue that worried Belgian people. It might be that, although this remains speculative, the Belgian government also felt the pressure to show the Belgian people they countered terrorism with an iron fist and doing all they possible can to dissuade others from radicalizing and leaving to join the fight in Syria. This was also stressed in the response of the Mayor of Antwerp to the verdict, which was published by both newspapers. The Public Prosecutor's narrative was picked upon by the media, but did not seem to gain as much attention as the messages brought forward by Belkacem and his defense team.

Regarding Belkacem, his target audience was based on the activities of Sharia4Belgium, which were directed at the Belgian Muslim community. However, over the course of the analysis it became apparent that Belkacem's defense was aimed at getting him acquitted and he did not use the trial to propagate the goals of Sharia4Belgium. In hindsight, Belkacem's target audience in this case might not necessarily have been the Belgian Muslim community. He attempted to proof to the judge, but maybe just also the Belgian people in general he was unjustly being portrayed as a terrorist. We will briefly return to the selection of the target audiences in the discussion. The main messages put forward by Belkacem and his defense team were picked up by the media. This debate already started before the first hearing on the 29th of September. In several articles published in the media it was openly stated that the Public Prosecution seemed to lack evidence and how Belkacem's defense team was 'stealing the show'. Several articles were published on the opinion pages of the newspapers that openly disputed the fact if Belkacem could really be designated a terrorist or was merely a provocateur.

Discussions on two different fora have also been analyzed. However, as has been stated in Chapter 5, the search on both forum yielded only a limited amount of messages posted on the subject. First, Fok.nl was used to study responses of the Belgian population in general. Due to the very small amount of messages it is hard to draw any conclusion with respect to the resonance of the main messages of the actors. Furthermore, most messages at Fok.nl were hate-comments on Islam and Muslim people in general, which clearly wasn't part of the narrative adopted by either the Public Prosecution nor Belkacem and his attorneys. Second, Marokko.nl was used to study the responses of the Moroccan community. The number of discussions was again very limited, but the content of the messages posted on this fora did differ greatly from those posted at Fok.nl. A number of messages in which it was expressed that the Belgian government was making Belkacem a terrorist when in fact he is only a provocateur. Some people even spoke of "a political process". These messages seem to point at a certain extent of resonance of the messages of Belkacem and his defense team, but the messages on Marokko.nl are not representative for the Belgian Muslim community.

Main research question: To what extent do the main messages of the most important actors within the Sharia4Belgium trial resonate with the different target audiences of the actors?

Thus, this thesis has described how the main actors of the Sharia4Belgium trial, the Public Prosecution and Belkacem, each adopted a different narrative during the court hearings. The Public Prosecutor clearly underlined the importance of this trial in the fight against Jihadi terrorism and expressed the need to safeguard the Belgian society and rule of law. This was not only communicated during the hearings, but also through the heavy security measures taken during the process and the fact that 46 defendants were charged, while only 9 of them were present in Belgium. Belgian society as a whole was identified as the target audience of the Public Prosecutor. The main message of the Public Prosecution did feature in several media articles. In general media coverage of the Sharia4Belgium trial was, both in *De Morgen* and *De Standaard*, quite extensive. Messages on Fok.nl were supposed to provide us with some more insight into the resonance of the main messages within the public, but only a very limited amount of messages were retrieved and most discussions were taking place in an atmosphere of hate against Islam. Belkacem and his defense team tried to convince the judge that Belkacem was being scapegoated by the Belgian state and that he merely tried to proclaim his beliefs in a provocative manner. These messages

definitely featured in the media. However, it's hard to determine if this can be directly attributed to the messages proclaimed by Belkacem's attorneys, as this discussion regarding the definition of terrorism and when to designate someone as a terrorist already took place before the Sharia4Belgium trial had started. On the forum of Marokko.nl the main messages of Belkacem seemed to have resonated to some extent as many of the responses accuse the Belgian state of holding a political trial and consider it unjust that he is being prosecuted for his radical beliefs.

The main research question already incorporated the assumption of lawfare which implied that a battle between narratives takes place during a terrorism trial. It cannot be denied that a fierce battle indeed took place during the Shara4Belgium trial and that both actors communicated clear messages. Some of these messages did seem to contain a political element. However, the Sharia4Belgium trial did not reflect the continuation of the political conflict between the Salafist organization and the Belgian state. Moreover, it remained difficult to determine when a message went beyond the classical judicial argumentation and presented a political message. The latter difficulty will be more elaborately discussed in the discussion. This research did show that a terrorism trial provides platform to spread messages to a wider audience and is used as a means of communication to proclaim one's vision of justice/injustice to not only the judge, but also to society.

6.2. Discussion

This discussion will first deal with the important question of the usefulness of the concept of lawfare for studying terrorism trials, as this presented an entirely novel way of looking at a terrorism trial. Following this, some other limitations of this study will be discussed.

The explorative nature of this study made it very hard to predict what kind of results this thesis would yield. There was a very limited amount of literature available on lawfare and it was mainly used in the context of traditional military conflicts. The aim of this study was to explore the applicability of lawfare in the context of a terrorism trial. The crucial question is of course: did looking at a terrorism trial through the lens of lawfare have any added value? Does it have the potential to lead to new insights in the field of terrorism trials? First of all it has proven quite difficult to develop a solid operationalization based on the existing literature. The actors in court naturally adopted competing narratives and over-emphasized certain arguments that they would consider to be their strongest ones. However, the operationalization of lawfare did not make a clear

distinction between legal messages and messages that contained a political element. In the analysis an attempt was made to identify messages that seemed to supersede the judicial domain, but this appeared not to be an easy task. General prevention and the dissemination of norms are functions of a criminal trial also identified in the legal literature. The operationalization of lawfare sometimes seemed to have fell short in enabling to differ between the classical judicial aims and actually crossing the border into lawfare. And so it seems this study could have also been conducted from the perspective of legal expressivist theory, which also underlines the important communicative function of trials. However, this is not to say that adopting the lens of lawfare had no added value at all. Some of the main messages identified did seem to contain a political element and could possibly point to the strategic use of law as defined by Dunlap. However, merely based on the main messages put forward by the main actors it is only possible to detect a political vision when they explicitly and openly formulate this and one cannot know what the exact motivations or intentions of the actors are when conveying a certain message.

In this thesis lawfare was assumed to take place in the context of a terrorism trial. The Sharia4Belgium trial also presented an interesting case because an actual terrorist attack had not been committed by Belkacem or any of the other members. The Public Prosecution continuously emphasized the fact that it was not necessary to commit a terrorist attack in order to be designated as a terrorist. In the literature review the “preventive turn” in criminal law was discussed and explained how laws were adopted that criminalized ancillary offences in order to prevent a terrorist attack from occurring. An interesting line of thought might be that this preventive function of the law might already be considered lawfare. The creations of these laws implies a way of countering terrorism through the use of laws and the legal system. This might be an interesting point for further research.

Another point of discussion relates to the use of fora to measure the resonance of the main messages with the target audiences, this method might have proven outdated. Belgium did not even have large fora of its own, which forced me to resort to Dutch fora. Even then, only a limited amount of discussions could be found on Sharia4Belgium within the designated timeframe. Although some interesting comments were posted on the fora it is of course impossible to, based on such a limited amount of messages, draw any sound conclusions on the resonance of the main messages of both actors within their target group. Today, the majority of discussions might take

place at social in groups at for example Facebook or WhatsApp. Furthermore, Twitter is also used by many people to express opinions. For further research it might be interesting to look at those type of media in order to determine resonance in society, although many conversations on Facebook and especially WhatsApp are private and are therefore hard to get access to.

Some limitations of this study with respect to the validity and reliability have already been discussed in paragraph 3.6. Most importantly the findings of this thesis should not be considered representative for all terrorism trials. In order to increase the generalizability of this research the same study should be carried out with a larger sample.

Another limitation of this research is the fact that primary literature was almost unavailable. This forced me to rely on secondary sources for the largest part of this thesis. Primary sources are needed in qualitative research to safeguard the reliability of certain statements. However, while court documents were not public, it was unavoidable to make use of the live blogs of news outlets. With respect to studying the resonance of the actor's main messages in the media two newspapers were selected that were each on a different side of the political spectrum. However, the practice of selecting newspapers based on their political ideology might have proven to be somewhat outdated, since no differences between the news coverage of both newspapers have been found. Another limitation with respect to the gathered data is that attempts to arrange an interview turned out be unsuccessful. For further research it would be interesting to talk to people involved in the trial in order to get more insight into the motivations and intentions of the main actors in the process.

CHAPTER 7

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APPENDIX

Appendix 1: overview of the live blogs

This appendix presents a short overview of the live-blogs used for the narrative analysis in this study.

- *Day 1 – September 29*
 - http://www.gva.be/cnt/dmf20140928_01292921/live-volg-het-terrorisproces-tegen-fouad-belkacem-jejoen-co.
 - <http://www.demorgen.be/binnenland/moeder-brian-de-mulder-manu-militari-uit-rechtszaal-gezet-b8bbbde5/>.
- *Day 2 - September 30*
 - http://www.standaard.be/cnt/dmf20140930_01295280
 - <http://embed.scribblelive.com/Embed/v7.aspx?Id=860192>
 - <http://www.demorgen.be/binnenland/dimitri-bontinck-jejoen-wordt-behandeld-als-een-hond-b8bc2ad7/>
- *Day 3 – October 8*
 - <http://embed.scribblelive.com/Embed/v7.aspx?Id=873252&Page=1&overlay=false>
 - http://www.nieuwsblad.be/cnt/dmf20141007_01307917
- *Day 6 – October 27*
 - <http://embed.scribblelive.com/Embed/v7.aspx?Id=904842>
 - <http://www.demorgen.be/binnenland/herbeleef-de-zesde-dag-van-het-terrorisproces-bd3c5cde/>
- *Day 8 – December 10*
 - <http://embed.scribblelive.com/Embed/v7.aspx?Id=978616>
 - <http://www.demorgen.be/binnenland/fouad-belkacem-ik-ben-geen-terrorist-b05448fd/>