

Racist violence in the Netherlands

Nature and extent, judicial reaction, offender types

Summary

This study examines the issue of racist violence in relation to three questions. The first question concerns the nature and scope of racist incidents and/or racist violence in the Netherlands. The second question seeks to obtain more background information on incidents involving actual suspects. How do the police and judicial authorities process these cases? The third question focuses specifically on the offenders themselves, examining such factors as their backgrounds, their motivations for committing racist crimes and their involvement in radical right wing parties, movements or groups.

We classify incidents into different categories including: defamation, *threats*, *bomb threats*, *confrontation*, *destruction of buildings and other property*, *(attempted) arson*, *(attempted) bombings*, *assault*, use of racist and/or discriminatory language, distribution of leaflets and similar materials, mailings of books, letters, etc., and a "miscellaneous" category. The types of incidents listed in italics can be classified as racist violence.

Nature and scope

In answering our first research question, we drew up an inventory of the racist incidents that occurred in the Netherlands during the course of 1994. The materials used for this study were derived primarily from two sources of information: the Internal Security Service (BVD) and the National Criminal Intelligence Division (CRI) of the Netherlands' law enforcement authorities.

Three additional sources were consulted in order to determine the completeness of this basic body of information sources. First and foremost, we consulted two police districts: the *Amsterdam-Amstelland* district and the *Gooien Vechtstreek* district. The second supplementary source was a database of the Anti Discrimination Bureau (ADB) in Rotterdam, more commonly known as RADAR. The third source comprised press reports. Using an analysis of seventeen regional and seven national newspapers, we drew up an overview of incidents occurring in 1994. The findings in consulting these three sources suggest that the actual number of incidents occurring in 1994 may well have been higher than the figure indicated by the basic information sources.

According to the basic information sources, a total of 1,228 incidents took place. The grand majority of those incidents fall under the defamation category. The second largest category of registered incidents comprises a fairly large number of threats. Distribution of leaflets, pamphlets and similar materials follows as the third major category. The figures for the remaining categories were very low. In distinguishing between violent and non-violent incidents throughout the different categories, we found a total of 295 incidents involving violence. Almost half of those were classified as threats. Incidents involving destruction fell in second place, followed by bomb threats in third.

Apparently, the police rarely investigate or arrest individuals who have committed racist offences. In 1994, over 96% of offenders involved in such incidents walked out free - at least insofar as indicated by the information from the Internal Security Service (*BVD*) and the Netherlands National Criminal Intelligence Division (*CRI*). In examining the type of incidents leading to arrest, we found a fairly frequent number of offences involving the use of racist language. Of the bomb threats, arson attempts, mailings of books, letters, etc. registered in the basic information sources, none led to any arrests.

In 1994, the increase in incidents involving defamation is very significant as compared to the two previous years, rising from 81 in 1992 to 74 in 1993, and soaring from there to 690 in 1994. This development may be related to the municipal council elections in March, as well as the Lower House elections in May, 1994. The increase in the number of incidents in other categories is limited. The number of violent incidents rose from 272 in 1993 to 295 in 1994. Before presenting our conclusions here, we should point out that they have been drawn with some reservation. Given that the records on racist incidents have proven inadequate in various respects, the figures derived from them cannot be considered reliable. Moreover, the definition of racist violence in the research consulted for purposes of comparison was not identical to that used here.

Case processing by police and judicial authorities

In exploring our second research question, which focuses on how police and judicial authorities process cases involving racist offences, we compiled information from police and public prosecution department records on 115 arrested suspects. Using excerpts from judicial authority records, we also ran a background check on all of the suspects in these incidents to screen them for previous police records.

The different procedures used in processing cases were compared as regarding a number of points. Our comparisons sought, among other things, to establish whether there are any demonstrable factors in criminal cases that might determine (entirely or in part) the level at which a case is processed - i.e. at the police, public prosecution department or court level.

Information was available on the processing level for a total of 105 of the criminal cases: police (30), the public prosecutions department (31) and courts (44). The proceedings used by the public prosecution department and the courts were found to differ. The proceedings used by the public prosecution department include: dismissal on technicality (6 cases); settlement out of court in consideration of a fine (10 cases) and notification of decision to drop further criminal proceedings (15 cases). Cases were processed in court by means of: acquittal (6 cases), dismissal from criminal prosecution (1 case) and verdicts of guilty with sentences (33 cases); no information is available on the contents of four verdicts.

Given that very few of these 105 cases involved violent crimes, it is impossible to make any conclusive statements about the level at which cases are most frequently processed. Only two types of non-violent racist incidents (i.e. the use of racist language and distribution of pamphlets) occurred in sufficient numbers to distinguish a certain pattern. Cases involving the use of racist language are processed fairly frequently at police level. The grand majority of cases involving the distribution of pamphlets containing (what might be construed as) expressions of racism lead to the instigation of criminal proceedings and trial. All of the suspects accused of distributing pamphlets were members or sympathisers of radical right-wing parties.

In general, there appear to be only few distinct criteria on the basis of which police transfer cases involving racism to the Public Prosecution Department. Personal factors, such as the age of the suspect, do not appear to play any decisive role. Although the existence of a previous police record does seem to prompt stronger response, it is no "guarantee" that the suspect will be prosecuted. Apparently, the police transfer cases of a public nature (e.g. those involving propaganda for the radical right-wing) to the Public Prosecution Department of a fairly frequent basis. The fact that producing evidence is a fairly simple task in such cases (because of the involvement of witnesses) may contribute to this tendency. All the same, criminal proceedings were dropped in various known cases despite the availability of witnesses. Offences involving group cooperation appear consistently to prompt more extensive criminal proceedings. This probably occurs primarily in cases where police authorities have reason to believe that some (radical right-wing) organisation in the background is "pulling the puppet strings" on the group in question.

The judicial system too appears to be rarely predictable in its policies on racist cases. One explanation for its vigorous approach in tackling "pamphlet distribution cases" may also be the public nature of these cases and/or the fact that the pamphlets in question were from the *Centrumpartij '86 (CP '86)*, a radical right-wing party. This may be an effort on the part of judicial authorities to respond to public unrest caused by the activities of the radical right wing. Remarkably, police and judicial authorities make use of legislation on discrimination in few cases only, applying it primarily in cases involving the use of racist language or distribution of pamphlets. In itself, this is understandable. After all, these offences entail the kind of verbal or written expressions of racism referred to in the anti-discrimination provisions laid down in legislation. Other expressions of racism fall - according to criminal legislation - under the "regular" definitions for defamation, assault or intentional assault and battery. It is difficult in these cases to provide solid evidence of racist motives since the offenders' conduct cannot necessarily be interpreted in that light.

Offenders

Originally, we had planned to interview in-depth a number of individuals who had committed violent racist offences. None of the twenty individuals approached, however, proved willing to be interviewed. To compensate for this gap in personally provided information, we studied extensively the files of the police and judicial authorities to obtain as much information as possible concerning the backgrounds and motives of the offenders.

Using a quantitative analysis and a series of extensive case descriptions, we will present an overall picture of the different categories of offenders. These include individuals who have committed violent crimes (threats, destruction, arson and assault) as well as those involved in non-violent offences (defamation, distribution of pamphlets and use of racist language). Our report covers 85 suspects whose cases were transferred to the Public Prosecution Department.

A number of basic data is presented per type of offence, including with regard to gender, age, group involvement, (relationship with) the victim, the use of alcohol and/or drugs, personal information, previous police records, motives and backgrounds, and political involvement. At least one case description is presented per type of offence. These descriptions provide information on the offenders' circumstances, personal and social backgrounds, motives and past police records, as well as on case processing in the judicial system and political aspects.

To find answers to our questions concerning the motives of offenders, we used a typology similar to the one described by American authors, Levin and McDevitt (1993). They make distinctions between three types of "hate crimes": thrill-seeking hate crimes, reactive hate crimes and mission hate crimes. Offenders involved in thrill-seeking hate crimes are motivated primarily by the "kick" they get from violent behaviour; they are sensation seekers. Offenders guilty of reactive hate crimes feel that their interests are being threatened by a minority group (for reasons that may or may not be objective). Ideology and political sympathies play a major role in mission hate crimes. In these cases, (violent) hostile action against minorities has developed into a full-blown system. Levin and McDevitt further distinguish a sub-category of mission hate crimes: the individual variety. Frequently, individual mission hate crimes are committed by offenders suffering from a psychiatric disorder, who, having been inspired by a distorted belief system, have made it their life's goal to wage a campaign against a minority group. Our database includes examples of all of the different categories of offenders, except for offenders involved in violent mission hate crimes.

Sensation seekers appear to have a physical need to indulge their aggressive urges. They seek out opponents on whom to take out their aggression. We encountered a prime example of sensation seekers in a case involving three fifteen-year-old boys who had desecrated a memorial to war victims. They had also set fire to the mantel draped over the memorial before the unveiling. Their intention was not so much to convey some political message as it was to draw public attention to themselves. It even appears that some offenders are driven more by a hunger for sensation in using racist slogans and the Hitler salute. Football fans who commit acts of violence and bellow out racist or anti-Semitic slurs could also be characterized as a separate category of sensation seekers.

Offenders in reactive hate crimes appear to be motivated primarily by fear (of suffering need) or frustration (at feeling that they have suffered need). Most of the hate crimes encountered in this study fell under this category. These crimes consisted largely of the use of racist language. One case we encountered illustrates how this particular offence has the potential to evolve into long-term harassment. The case involved an Armenian family that had been traumatized by its Dutch neighbours. Offences other than those involving the use of racist language are also prompted by fear and frustration. One such case is illustrated here. It involved two young men aged twenty who set fire to a facility that was to become an asylum-seekers residence centre. The building had previously been a home for the elderly, and the young men felt that "their" senior citizens had to make way for asylum seekers. They were also indignant that residential facilities had been provided so promptly for asylum seekers, whereas one of them had been on a waiting list for housing for years and still had no residence. Another case involved an Antillean couple who had suffered threats and assault from a group of men around the age of thirty. Probably, these offenders had been motivated primarily by fear of "intruders". Apparently, they did not trust anyone outside their own community.

Given the findings of this study concerning mission hate crimes, it is safe to assume - at least as regarding the year 1994 - that no radical right wing movements or groups resorted to systematic use of violence. Moreover, the findings of this report do not confirm any claims that the increasing racist violence involves a radical right-wing element. However, application of the definition of mission hate crimes to non-violent forms of racist conduct leads invariably to the conclusion that the CP '86 political party has made explicit attempts to carry its "mission", namely that of fighting minorities. In doing so, the party deployed small groups to distribute pamphlets with varying contents and hang up posters. This report contains an extensive description of one of their "poster campaigns".

According to Levin and McDevitt, offenders in reactive and mission hate crimes are usually older than those involved in thrill-seeking hate crimes. The sensation seekers in the Netherlands have also proven to be fairly

young. We were unable to establish whether committers of violent mission hate crimes are older on average than sensation seekers as there were no such offenders - at least in the information available to us. We did, however, encounter cases of non-violent mission hate crimes. Our finding that offenders in reactive hate crimes are more strategic in selecting their victims than are thrill seekers falls in line with Levin and McDevitt's findings.

A look at the three different categories would reveal striking differences between them as regarding the role of alcohol. Football fans, for instance, are known to use alcohol to work themselves up into a rabble-rousing mood especially for the occasion. Offenders involved reactive hate crimes appear able to maintain a reasonable amount of self control as long as they stay away from alcohol. A few drinks can tear down their self restraint. Alcohol plays no significant role in the distribution of pamphlets, which is, of course, not a violent offence. As revealed in other studies, racist violence is often preceded by alcohol abuse.

Strikingly, many of the offenders involved in violent racist crimes had also committed "non-racist" acts of violence. For most of the offenders, the racist crimes were merely a chapter in a more extensive criminal career. Even some of the pamphlet distributors proved to have been prosecuted in the past for various violent offences (of a non-racist nature). Naturally, we make no claims to the effect that motivation behind these other offences and that behind the racist offences was the same. Nevertheless, the tendency towards violence as a means of resolving conflicts appears almost to have become a personality trait in numerous offenders, a trait which manifests itself in ways other than their aggressive behaviour towards ethnic minorities. Although we are not in a position to demonstrate this, it would seem safe to assume that many of the offenders in mission hate crimes fell, at some earlier stage in life, under one of the other categories of offenders.

Recommendations

Registration

To develop an effective policy to combat racism, the government must have a clear picture of the nature and scope of racist incidents in society. Moreover, given the potential need for response from the judicial system, the BVD, police, judicial authorities and other anti-racist organizations, such as the *Landelijke Bureau Racismebestrijding* (National Bureau against Racism) and the anti-discrimination boards (ADBs), should set up and maintain an efficient registration system. This is the only means by which these organizations can stay - and keep each other - informed of current developments. There is every reason to strive towards this goal. After all, efforts to combat racism should take account of the area of overlap between racist crime and crime instigated by the radical right wing, an area where law enforcement authorities, as well as intelligence services, are (supposed to be) active. The task of ensuring efficient registration at police level could involve appointing an officer in each region to trace and register racist incidents. Police officers should also receive clear instruction (starting in basic training at police academies) to enable them to distinguish between what can or cannot be classified as racist/discriminatory conduct. They should also be taught how to determine in incidents that might involve an element of racism whether that is indeed the case. Introduction of a new standard classification item (labelled "possibly racist motive") into the *Besturings Proces Systeem* or *BPS* (Management Processing System) is an option in this regard. If introduced, the cases with a positive score on this item could be submitted for review to the discrimination case officer in the relevant court district.

The Public Prosecution Department, in its turn, is responsible to implement an active investigation policy and may not adopt a reserved position and await developments in discrimination cases. Discrimination case officers are responsible to ensure that all relevant cases are actually submitted to the Public Prosecution Department. These officers could update information on these cases, including on all further processing, in a special database.

Prosecution

That proceedings were dropped against a good many suspects would seem incongruous with the stipulation in the discrimination directive laid down in the assembly of the Procurators-General as regarding investigation and prosecution in racist cases: as a rule, these cases are to be prosecuted. In practice, the authorities have yet to become consistent in following this directive. Moreover, there appears to be some proportional discrepancy between investigation and prosecution.

At present, some favour introducing racist violence as a separate offence in criminal legislation. The findings of this study offer arguments against taking such action - if for no other reason than the fact that it is often impossible in concrete cases to establish the degree of actual racist motivation. One option would be to specify racist motivation as a factor that would determine in part the kind and severity of the sentence imposed.

Prevention

Measures of prevention should focus on each of the categories distinguished, but concentrate primarily on the youngest and most vulnerable group, the sensation seekers. This applies especially when evidence points to active recruitment on the part of radical right-wing parties and groups among certain groups of young people. Timely response to the need for excitement and sensation in young people under legal age would enhance the success of prevention efforts. Various institutions and people could help in this regard, including (local) government bodies, schools and parents. Another major task in achieving this goal is that of discouraging excessive use of alcohol (and possibly also drug abuse) at parties, demonstrations, sport meets and similar events. At times, the situation even calls for a complete ban.

Prevention measures should, however, also extend to (potential) committers of reactive hate crimes. This goal too would require effort from the same people and institutions mentioned above. The task of the institutions is to remove objective reasons for frustration, that is, wherever possible. The task facing parents and others involved in the child-rearing process is to make sure that children learn from their earliest formative years to vent frustration using means other than aggressive behaviour.

Where there is a legitimate outlet for the need for excitement and sensation, and where frustration does not automatically trigger aggression, fewer people are likely to feel drawn towards movements or parties who advocate waging a systematic campaign of violent action against minorities, whether they do so openly or covertly.

Racistisch geweld in Nederland; aard en omvang, strafrechtelijke afdoening, dadertypen

M.W. Bol, E.G. Wiersma

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