

Investigating International Crimes in Norway

A Criminological Analysis of the Police Section for International Crimes

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May 22, 2019

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Abstract

Title: Investigating International Crimes in Norway: A Criminological Analysis of the Police Section for International Crimes.

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Spring 2019

Criminal justice has always been considered a problem for the nation state, but global processes have resulted in crimes no longer being constrained by borders. International crimes such as genocide, war crimes and crimes against humanity concern the whole world. Therefore, it was time to establish universal rules to prevent future atrocities. The International Criminal Court was established to prosecute international crimes, whereas domestic courts still have the primary responsibility for these cases. This thesis explores how the Norwegian police investigate international crimes. People are on the move, and the risk of having war criminals residing in Norway is now a challenge for the police. The backbone of this thesis is largely grounded in international criminal justice and transnational policing. There is extensive research on these two fields on their own, however much less has been written on the combination of international criminal justice and transnational policing. This thesis seeks to fill the gap in the literature on national policing of international crimes.

Based on ten qualitative interviews with the Section for international crimes at Kripos in Norway, the thesis' research questions are as follows: How does national police enforce international crimes in Norway? How do they present their contribution both nationally and internationally? And what is Norway's role in international criminal justice? The data from the interviews is crucial in answering these research questions. The data is separated into two parts, one for the descriptive part; Who is this Section? What do they do? The second part brings up themes that is based on previous research and themes that arose during the interviews such as; Who are the perpetrators of international crimes? Who do this Section co-operate with? Performance management within the police and the Section's institutional representation.

An important finding derived from the data was the symbolic role of the Section for international crimes. The argument is that this Section serve another role besides investigating war criminal in Norway. This role involves promoting Norway outward in giving Norway international recognition. The international community is argued to have a strong influence on the nation state today. Drawing on globalization as the overall theoretical framework, the thesis challenges the traditional role of the nation state. As suggested in the conclusion, it is necessary to expand research and knowledge around the national aspect of fighting international crimes.

Acknowledgements

First of all, I want to express my gratitude to all the informants I have interviewed. Thank you for contributing with your knowledge, experiences and thoughts. This master thesis would not have been possible without you.

Thank you to my supervisor Kjersti Lohne for providing constructive feedback and brilliant insights. I am so grateful for your support, engagement and encouragement throughout this whole process. This thesis would not have been the same without you.

Thank you to my co-students and friends at Domus Nova for all the discussions, frustrations and smiles throughout the past two years. You made this journey enjoyable.

Many thanks to my friend Hedda for dedicating your time to proof-read my thesis, I am forever grateful for this. I am also grateful for last-minute feedback and conversations with Pernille.

I would further like to thank my friend Henriette, who has been my study-buddy throughout these years. It has been a rollercoaster, but you have been there every step of the way. Thank you for cheering me up every time I wanted to give up. Thank you for all your feedback and valuable insights.

Last, I would like to thank my family and friends for always believing in me. Thank you Eirik for putting up with me during these years, it has not always been easy.

To all of you, thank you so much!

Oslo, May 2019

Maria Fasmer

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1 Introduction

Criminal justice has always been considered a problem for the nation state, but with the development of globalization crimes are no longer constrained by borders. International crimes such as genocide, war crimes and crimes against humanity have received attention during the last years because they concern the whole world. These crimes are extreme forms of collective violence and are often committed in context of mass violence (Smeulers 2014:233).

After the Second World War there was a need to establish universal rules to prevent future atrocities (Savelsberg 2010). This led to the Rome Conference in 1998 where 120 states adopted the Rome Statute of the International Criminal Court (ICC). The ICC was established to prosecute international crimes committed after 2002 (Smeulers et al. 2013). However, domestic courts have the primary responsibility for these cases, whilst the ICC steps in when domestic courts are unable or unwilling to do so (Stigen 2008).

Global developments have had profound impact on national states and law enforcement whereas new arrangements of policing and regulations are fixed in order to deal with these crimes (Crawford 2011). Norway adopted the Rome Statute and in 2005 the New Penal Code covering genocide, war crimes and crimes against humanity came and took effect from 2008. Further, the Norwegian police have been investigating war criminals since 2005 because people are on the move, and the risk of having war criminals residing in Norway are more relevant than ever as a result of globalization. This relevance can be illustrated with the headline from a Norwegian newspaper: “*Hunting Syrian war criminals in Norway: Have found more than 20 ‘interesting people’*” (VG 2019a, my translation).

There are a few questions to be raised regarding this matter. How does the police deal with war criminals in Norway? How do they investigate international crimes? How does this affect Norway’s role in international criminal justice? This thesis focuses on these questions and is centered around the research question: *How does national police enforce international crimes in Norway?* The findings arriving from my analysis are contributing to illustrate the importance of a global framework in criminology where the traditional role of the nation state is challenged.

Research aim and research questions

The research project developed out of an interest in international criminal justice and the role of national police in dealing with international crimes. It further explores how the Norwegian police investigates international crimes. The thesis is based on ten qualitative interviews of professionals working with the Section for International Crime at Kripes in Norway. No research existed on this Section prior to this project. The aim is to identify, analyze and discuss how national police work with international crimes. During the course of this project, smaller research questions emerged from the data material such as:

How do they present their contribution both nationally and internationally?

What is Norway's role in international criminal justice?

These smaller research questions became increasingly more important during the project. In exploring the different aspect of how the Section work with international crimes and the role of the Section in representing Norway outward emerged from the empirical material. This thesis therefore attempts to explore this role further and will be discussed in chapter five about Norway's role.

While there is extensive research on international criminal justice and transnational policing on their own, it seemed interesting to bridge these two literatures in order to explore the national aspect of international crimes. In doing so, the thesis uses globalization as a framework to show how the nation state is influenced by the international community (Aas 2013). It is particularly concerned with how globalization affects Norway's role in international criminal justice. Because, what does it really mean to have a Section working with international crimes in Norway?

During the past few decades there has been a considerable amount of literature on the ICC and the effectiveness of the court, however little attention has been devoted to national enforcement of international crimes. If the ICC is meant to be a Court of last resort, it means that the work that each state does is crucial in fighting international crimes which form the basis for this thesis.

International criminal justice in practice

International criminal justice is a fairly new concept within the discipline of criminology. However, during the last decade it has received attention in theory, policy and practice (Roberts and McMillan 2003). The literature on the field is increasingly growing into a large field, however in a Norwegian context there has been little research on Norway's role within international criminal justice. With the implementation of international crimes in the Norwegian Penal Code and the establishment of a Section working with international crimes it is perhaps time to explore the role of Norwegian police within international criminal justice.

International crimes are defined as behavior that is punished by international law and is often characterized by the fact that they concern the entire world community (Cassese 2013). These crimes are often considered 'core crimes' that threatens international peace and security. This is why states are willing to reduce their sovereignty by ratifying the Rome Statute (Baumann and Stigen 2018:22). The 'core crimes' are all under the ICC's jurisdiction and have been further incorporated in several national jurisdiction over the years. *Genocide* refers to acts with the intention to destroy entire groups (Baumann and Stigen 2018). *War crimes* refer to gross violations of humanitarian law that give rise to individual criminal liability under international law (Baumann and Stigen 2018). *Crimes against humanity* are acts that constitute particular serious violations of the civilian population in an area (Baumann and Stigen 2018). The above crimes are part of the Norwegian Penal Code from 2005 and regulated in chapter 16¹. Nation states have over the recent years taken an interest in investigating international crimes. The Section for International Crimes has the responsibility in Norway for investigating genocide, war crimes and crimes against humanity.

This Section was established in 2005 and is the only agency in Norway which is authorized to investigate international crimes committed outside of Norway by someone located in Norway. The Section consists of professionals of the police, lawyers, political scientists and employees of the administration of Kripas. They bring in, process and use information about international crimes in investigating cases of the matter. This information can lead to perpetrators being brought to justice in Norway.

¹ Crime of Aggression is additionally part of the Rome Statute and exists through the use of force between states of such nature that the act is accompanied by individual criminal liability for the political and/or military leaders of the states (Baumann and Stigen 2018). However, crime of aggression is not (yet) regulated under Norwegian law and will therefore not be dealt with in this thesis.

Structure of the thesis

Chapter two will present globalization as the overall *theoretical* perspective. International criminal justice and transnational policing will further be presented as the two fields that form the background for this thesis. It will finish off with summary of previous research and gaps in the literature. This chapter outlines both the theoretical field and empirical fields that this thesis aims to discuss.

In chapter three, the *methodological* approach is presented. This chapter presents a qualitative method with the use of semi-structured interviews. It provides detailed descriptions of how the data was gathered, how much data and how it was analyzed. It finishes off with ethical considerations, scientific value and reflections around the methodological approach. This chapter aims to show how I engaged with the empirical data in this thesis.

Chapter four is the *analysis* chapter. This is where I engage with the empirical data for this thesis. This chapter is composed of five parts that I believe is important in order to answer the research questions for this thesis. The first part of this chapter introduces the reader for the Section for International Crimes. The second part looks at perpetrators of international crimes. Who are they and how does this affect police investigations? Third, who do the Section cooperate with? Non-Governmental organizations (NGOs) have become a central aspect of international criminal justice. How do the Section relate to NGOs? Fourth, how are success measured? This part presents performance management in relation to the Section. The last part brings up the Section's institutional representation.

Chapter five provides the *discussion* of the themes that arrived from the analysis. This chapter attempts to place the empirical data from the interviews in a larger criminological context. What is Norway's role in international criminal justice? Globalization is central in this discussion. Further, global mobility, the changing role of the nation state, punishment and a global framework will be important themes in this chapter.

Chapter six *concludes* and summarize the main points of the thesis. The relevance of the thesis will be offered along with ideas for future research on the topic.

2 Emerging fields and knowledge gaps: A literature review

This chapter will present the theoretical framework for the thesis and provide an overview of the current fields of study. It starts off by presenting globalization as the overall framework for the thesis. Further, this thesis speaks to two fields within criminology: international criminal justice and transnational policing. These two fields form the background for the thesis. It is relevant to provide an overview over these two fields in order to set the stage for the analysis. The research questions for this thesis make it necessary to analyze national police in a greater global context which requires theoretical approaches at different levels.

This chapter finishes with an overview over previous research along with gaps in the literature. This is to provide insights into why it is important to research this field and where in the research this thesis belongs.

Globalization

Globalization can be a difficult concept to define which can be a result of people using the word in their everyday talk. Aas (2007:285) further discuss the debate concerning globalization, where criminologist have noted some discomfort with using the word in regard to the generalized and polarized nature of the debate. However, what happens is that globalization perspectives force us to analyze the society from a new perspective (Aas 2013:3). Globalization refers to exchange of world news, products, ideas and so on internationally. Globalization affects society, politics, culture and economy and is driven by migration and international trade among other things. This has given rise to criminal activity and made traveling across borders easier (Aas 2013). After September 2011 there has been an increased focus on security, the globalized world needed to be more actively controlled (Johansen et al. 2013). The image of global threat is increasingly becoming more complex and the transportation revolution resulted in mass movements of good and people around the world. This has created both opportunities as well as challenges. The capacity to communicate around the world has increased through technology (Bowling 2009). Globalization ties the world together and events that are happening far away from Norway can quickly have serious consequences in Norway. The development on transnational crimes and cross-border crimes places demands on the police's ability to adapt.

Bowling (2009) discuss globalization and the impact on policing practices. Whereas traveling across borders has become easier, there is a need to control this traveling and this creates challenges for the policing practices in a country.

Globalization has made it easier for international and transnational forces to operate and as a result transforms the nature of the state (Aas 2013). Global flows are moving across national borders and boundaries between inside and outside are increasingly being blurred (Aas 2013:8). This transformation includes people moving across borders which leads to international crimes becoming a central aspect of nation-state priorities. Even though globalization makes it easier for international forces to operate it seems like it additionally makes it difficult to regulate these forces. What happens when these forces become difficult to regulate? It seems like the transnational activity challenges nation states in a different way than before.

Globalization has resulted in international criminal justice becoming a priority for several nation states including Norway. The relation between globalization and punishment will be crucial for the discussion in chapter five. The world has become more interconnected and people like never before are travelling and relocating (Aas 2013). This desire to relocate can be influenced by disaster, economic reasons or by war and conflicts. This requires a new thinking about the approaches to crime and crime control. The responses to crime control are no longer just shaped within the borders of the nation state but goes beyond these borders. It is important for the discipline of criminology to follow this development. How do globalization influence law enforcement within the nation state? What significance do globalization have for criminology? This will be further discussed in chapter five.

Increased global processes poses greater risk than before for potential war criminals residing in Norway and elsewhere in the world. This is a result of globalization. The international community could no longer neglect mass atrocities and international crimes have received more attention during the last years. The development of the global processes can be seen in national states and within the national police. Consequently, the crimes that happens in Rwanda, Balkan or Syria are not only their concern anymore. Even though these crimes have happened far away from Norway in geography, globalization results in criminals residing in countries such as Norway. Foreign citizens are now a topic of debate. Global mobility of people has often been linked with suspicion (Aas 2013:31). Bauman (1996) refers to two groups in this global mobility of people: 'tourists' and 'vagabonds'. The tourists are the elites that have both time

and money to travel for pleasure and vagabonds are at the 'bottom' and often forced to move. The latter can be linked to asylum seekers and the immigrant. Increased immigration can increase the risk of various forms of crime. This sharp increase in asylum seekers can create challenges for countries. Today, immigration control and crime control are increasingly linked to each other (Gundhus and Larsson 2014:283).

Crimmigration

Crimmigration is the intertwining of criminal and immigration law. Working with international crimes in Norway means that there are people who have committed the 'core crimes' outside of Norway who are residing in Norway. The concept of crimmigration include new forms of control that are emerging between immigration control and crime control. There have always existed links between crime and migration, but after the 'asylum crisis' in the 1990s these links have become more established (van der Woude et al. 2017). The image of the deviant immigrant has created a "fear of the stranger" (Aas 2013:79). Those are the ones that the state is uncertain of and are perceived to pose a risk for the society. The distinction between the criminal and the law-abiding citizen seems to be linked to the foreign and the national (Aas 2013:79). This is the result of the state wanting to control who is in their territory (Aas 2013). Crime does not necessarily increase on the basis of migration, but it seems like the control mechanism is increasing in pace with the flow of refugees over the borders. The control of national borders is as a result not just a matter of national matters, but also international matters.

Mass border crossing has become a key feature of the global processes (Bowling and Westetra 2018). In Norway, the refugee flow from 2015 gave the police a greater role in the work that was usually governed by The Norwegian Directorate of Immigration (UDI²) and The Immigration Appeals Board (UNE³). Immigrants are today constituting a growing proportion of the population in most Western countries (Aas 2013:101). The police work and the work of UDI and UNE are intersecting to an extent. This intersecting of police control and immigration control is a result of global processes that makes it easier for people to travel across borders. Measures are taken that are perceived as punishment and are increasingly being used as part of foreigner's control and this further leads to unclear boundaries between migration and crime (Aas 2013). Bowling and Westetra (2018:16) argues that the crimmigration control system

² UDI is the Norwegian abbreviation for *Utlendingsdirektoratet*.

³ UNE is the Norwegian abbreviation for *Utlendingsnemnda*.

provide a link between both domestic and global systems of policing, punishment and control. Crimmigration connects all these aspects of the state together. Whereas crimmigration is a concept that has been used about the intertwining of criminal and immigration law, it is perhaps new to apply this concept to international crimes.

International criminal justice

International criminal justice is a multidisciplinary field of international law to ensure accountability for the most serious crimes such as genocide, war crimes, crimes against humanity and crimes of aggression. These crimes are referred to as ‘international crimes’ and ‘core crimes’. This field is a response of the international community to mass atrocities. The Rome Statute defines these crimes as the gravest crimes that threaten peace, security and the well-being of the world (Natarajan 2010:335). This field have received more and more attention and have been studied by many disciplines. Criminology has however been slow in recognizing international crimes as a field of inquiry (Smeulers and Haveman 2008). This field can be referred to as ‘supranational criminology’ a subfield within criminology presented by Smeulers and Haveman (2008).

A historical perspective

During the last 100 years, far more have been killed by a result of their own government than as a result of other crimes (Maier-Katkin et al. 2009). This has largely been neglected by the discipline of criminology earlier but have received more focus during the last decade. Criminology has tended to focus on crimes committed *within states* rather than crimes committed *by states*. According to Green and Ward (2007) criminology has ignored with a few exceptions, that serious crimes are predominantly committed by states and their officials. International criminal justice was perhaps considered a matter of politics rather than sociology (Schabas 2011:346). 169 million people were murdered by their own government or other people’s government between 1900 and 1987 (Savelsberg 2010:9). This illustrates the importance of why criminology should and can contribute.

Atrocities was not always considered as crimes. The perpetrators were not always considered criminals, on the contrary some were considered war heroes (Savelsberg 2010). It is only in recent history that perpetrators of these crimes no longer can go down in history as heroes. After the Second World War, there was a need to establish universal rules to prevent future atrocities.

The Holocaust is usually present behind the debates about mass atrocities. The Nuremberg trials marked the beginning of the responses against international crimes. This was the first time that individuals were held legally accountable for their offences to civilians for mass atrocities. Victims now gained the status of sacred (Savelsberg 2010). The interest in the field of mass atrocities are closely linked to the growing salience of human rights (Aas 2013:218). The 1948 Universal Declaration of Human Rights was a response to Nazi terror and at the same time was the Convention of the Prevention and Punishment of the Crime and Genocide approved (Savelsberg 2010:27). Genocide was now on the agenda. The plan was also to establish an international criminal court, but because of the Cold War nothing happened for over 30 years.

In 1998 the idea of an international criminal court was approved. This was a time-consuming process and they were dependent on co-operation from several states around the world. At the same time, in 1990's a new model of criminal liability emerged, this was motivated by the atrocities of the Balkan wars and the Rwandan genocide (Glasius 2002:139). This model took the shape of ad hoc tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). In addition, similar ad hoc tribunals were established to deal with conflicts in Cambodia, Lebanon, Sierra Leone and East Timor. These courts are considered hybrid courts which means that the staff and judges are a mixture of both national and international actors (Smeulers et al. 2013:9). These tribunals were created to make up for failure of the states to take actions or for the lack of responses at the domestic level. It was now time to establish a permanent court that would deal with these atrocities at the international level.

The International Criminal Court

The Rome Statute of the International Criminal Court (ICC) was passed and the court became operational in 2002 (Smeulers et al. 2013). The ICC is in the heart of the international criminal justice field and based in the Hague. The ICC can potentially prosecute all international crimes committed from 1 July 2002 (Smeulers et al. 2013). The Rome Statute is a treaty that serves as the ICC foundation. States became party to the Rome Statute, and by ratifying they became member of the ICC. The Court fully rely on State Parties, and this Statute counts 123 State Parties at the time writing. This includes 33 African States, 19 Asia-Pacific States, 18 Eastern Europe States, 28 from Latin American and Caribbean States and 25 from Western Europe and other states. However, the United States, Russia, China and India are not part of this, and the

ICC has no jurisdiction in those states. They only have jurisdiction in states that have ratified the treaty (Savelsberg 2010; Smeulers et al. 2013).

The court has received criticism since its birth in 2002 (Sunga 2015). Some of this criticism has been towards the fact that the ICC only had cases related to Africa which suggest that the ICC is able to intervene in those countries where the governments are disorganized or weak. The Court experienced serious challenges in 2016 for their relationship with Africa (Clarke et al. 2016). This led to many African states threatening to withdraw from the Rome Statute (Clarke et al. 2016:1). The target on African countries were not because there was peace elsewhere in the world, there was and still are conflicts in Syria, Cambodia, Afghanistan and Iraq to name a few (Sunga 2015). When states are threatening to withdraw from the Rome Statute it also threatens the ICC claim to represent the 'international community'. It is difficult to represent the international community when states choose to withdraw. The ICC has however opened preliminary investigations of states outside of Africa, this might be a response to the criticism. It should be necessary to consider that most of the African cases were referred by the government of those states themselves. Although there are many obstacles confronting the ICC, the establishment of the Court nevertheless represent an important aspect of international criminal justice.

Jurisdiction

The ICC is dependent on states ratifying the Rome Statute, by doing so they give away some of their sovereign power to protect themselves against future situations where their citizens might be harmed by their state. The Court only have the power to prosecute an individual if the state has ratified the Statute or if the crimes is committed in a state that has done so (Glasius 2002:138). The Court has no police force or power to arrest so they are dependent on national co-operation and states to actually deliver international criminals (Glasius 2002). An example of this challenge is the Omar Al-Bashir case. South-Africa let him leave when he was visiting the country even though the ICC had two arrest warrants on him (Tladi 2015). Their defense argument was that Al-Bashir have diplomatic immunity which overruled the demand from the ICC (Tladi 2015:1034-1035). This illustrates how the ICC is dependent on co-operation from the states.

The Rome Statute is structured as it does not allow governments to refer cases to the Court without the risk that the Court also are able to prosecute government officials (Simmons and Danner 2010:230). This is to cover the entire course of the conflict and not just one of the sides in the conflict. An example of this was when Uganda referred crimes committed by the Lord's Resistance Army (a rebel group in Africa) to the ICC, the prosecutor ensured that they would investigate all the crimes in Northern Uganda. This included alleged crimes committed by the government (Simmons and Danner 2010:231). These structures within the Rome Statute is designed to ensure that the government cannot refer cases that only plays in their advance. However, this does not guarantee that all perpetrators of international crimes will be punished, rather they only take two-three cases each year.

The ICC is the world's first permanent tribunals established to end impunity for the gravest international crimes (Sagan 2010). Bearing this in mind, it might be problematic that some of the world's most powerful states have not yet ratified the Statute such as the United States, Russia and China (Simmons and Danner 2010). It questions the international aspect of the Court at least. The ICC are only one part of the international criminal justice 'project' where national mechanism also has a role to play.

National courts

The ICC can only deal with a small number of cases each year because these cases are complex and time-consuming (Clark 2011). This means that the court alone cannot do justice for international crimes, they are dependent on states to co-operate and for domestic courts to contribute. The Rome Statute builds on two assumptions: that international crimes must be punished, and the crimes should preferably be prosecuted at the national level (Stigen 2006:11).

In recent years, there has been a development in states taking more and more responsibility by prosecuting international crimes. This is something that is not done overnight, one must expect that it takes time, but it is important in the fight against impunity for international crimes that each state takes steps towards prosecuting these crimes within the state. The creation of the Court led to many states adopting some aspects of the Rome Statute into their domestic regimes (Schabas 2012). This means that a large number of states have incorporated the crime of genocide within their own legislation including Norway (Schabas 2012).

International criminal justice in Norway

International crimes have received more attention the last few years. When Norway ratified the Rome Statute in 2000, the work to create their own provision for genocide, war crimes and crimes against humanity into the Norwegian Penal Code began. The Penal Code from 1902 did not include these crimes. The Penal Code from 2005 however included these categories and chapter 16 about genocide, war crimes and crimes against humanity was put into effect from 2008 (Baumann and Stigen 2018). This means that that Norway can prosecute Norwegians, residents and foreigners of these crimes regardless of where those offences occurred. The suspect must however be present in Norway.

In Norway, the maximum penalty has been 21 years, but for these crimes listed in chapter 16 the maximum penalty is 30 years detention. This means that these crimes along with terrorism will potentially be punished with the country's maximum penalty law. This is interesting, because it illustrates how the international arena can affect the national sovereignty. There are differences in how the international crimes are defined in the Norwegian Penal Code and the Rome Statute, but it is evident that the international criminal tribunals have had an influence on the Norwegian Penal Code. There is still no one that has been convicted under the new Penal Code, because it does not have retroactive effect. There was a case in 2008 with the conflict from Bosnia-Herzegovina in 1992, where there was a man who was convicted of war crimes (O'Connor 2012:1016). However, in the appeal from 2010 the Norwegian Supreme Court dismissed the conviction and changed it to offences under ordinary penal provisions. This was because it was in conflict with the Constitution, he could not be convicted of war crimes when this did not enter into force before 2008 and the crimes were committed in 1992 (O'Connor 2012:1017).

There may be several reasons for implementing these crimes into the Norwegian Penal Code. The legal reason might be that that according to the Rome Statute, which Norway ratified, the ICC can punish individuals who breach the rules if their own government are unwilling or unable to do so (Glasius 2002). Prior to the new Penal Code, Norway would have been unable to prosecute under these categories. Norway could as a consequence potentially be forced to surrender a citizen to the ICC.

Further, the normative reason might be the Bagaragaza case. In 2006, the prosecutor of ICTR wanted to transfer a case to Norway. This was the case for Michel Bagaragaza who was charged with involvement in the genocide in Rwanda. The Tribunal's regulations opens for a case to be transferred to other countries. Norway agreed to try Bagaragaza, even though Norway had no domestic criminal statute against genocide at that time (Luban et al. 2014). Instead Norway attempted to try Bagaragaza under the domestic murder statute. The consequences of this led ICTR's Trial Chamber denying the motion to transfer Bagaragaza to Norway. This was because trying Bagaragaza under the domestic murder statute would not be sufficient enough related to the severity of the crimes committed (Luban et al. 2014). This was an unfortunate case for Norway and inflicted the Norwegian government to lose face in the eyes of the international community. This might have been the cornerstone in regard to Norway's new Penal Code covering genocide, war crimes and crimes against humanity to prevent future incidents like that. It did at least speed up the process.

To summarize, international criminal justice has received a large amount of attention the last decade. It has additionally become a part of Norway and implemented in the criminal law from 2005. The role of international criminal justice in Norway will further be discussed in chapter five.

Transnational policing

International criminal justice and transnational policing are the bridged literatures behind this thesis. How national police work with international crimes is the research question and the transnational aspect of policing is relevant in order to deal with this research question.

The police according to Reiner (2010:4) refers to "a particular kind of institution, while 'policing' implies a set of processes with specific social functions". This illustrates the importance to distinguish between 'the police' and 'policing'. Policing have existed throughout history, but the police as an institution is relatively new (Ellefson and Larsson 2014). The idea about the police is an aspect of the general concept social control (Reiner 2010). Social control refers to a way in which society respond to problematic, threatening or undesirable behavior (Cohen 1985). Policing is not social control itself, rather an aspect of it. Today, this system is most familiar as the police (Reiner 2010:5). The police are the only one what can execute force in time of peace (Finstad 2014:229). The modern police are concerned with maintenance or order and entrusted to deploy legitimate force that they monopolize (Reiner 2010). The police

are one of the professions with the broadest mandate in the society and it is difficult to establish exactly what the police's tasks are (Larsson et al. 2014).

The development of global travelling and technology have had a huge impact on many aspects of society and law enforcement (Prost 2008:123). This has led to co-operation in criminal matters and across borders for the police. When crimes become global, the police have to follow. National policing is increasingly linked with counterparts overseas which has strengthened the aspect of international police co-operation (Bowling and Sheptycki 2014).

The transnational policing literature is often about criminals travelling across borders and that criminal acts can be planned in one country but committed in another. Bowling and Sheptycki (2013:3) defines transnational policing as “any form of order maintenance, law enforcement, peacekeeping, crime investigation, intelligence sharing, or other form of police work that transcends or traverses’ national boundaries”. This is a fairly broad definition that includes several aspects. Policing today is connected around the world through technology and police work is no longer constrained within national borders (Bowling and Sheptycki 2012:128). Criminal activity was usually a local or regional concern but has developed to be a concern across borders. These crimes can be referred to as ‘transnational crimes’ which are crimes ‘that in one of several ways involves two or more sovereign jurisdiction’ (Madsen 2009:8). These are crimes that often take the form of violent high-profile crimes; human trafficking and drug smuggling. The violations are no longer confined within national borders (Gammelgård 2001) Transnational crimes have been a well-known phenomenon over the last decade.

International crimes and transnational crimes may not be entirely the same. International crimes are crimes violative of international laws including but not limited to crimes against humanity, whilst transnational crimes are violative of law that involves more than one country in their planning, execution, or impact (Reichel and Albanese 2013). The difference between transnational crimes and international crimes lies in the fact that although the criminality of transnational crimes stems from international law – international law does not deem a transnational crime universally criminal. This decision is left to the states themselves. Whereas international crime is deemed universally criminal by international law (Heller 2017:354). This means that international crimes are acts that are criminalized, investigated and prosecuted both nationally and internationally whereas transnational crimes are still being dealt with nationally even though they might be of international concern.

International crimes are characterized as the worst crimes one can commit and have therefore become subject for more control. Whereas international crimes are not new, mechanism to control these crimes are. This is a product of globalization that will be discussed further in the thesis. These crimes result in the need for better international instruments (Gammelgård 2001:242). Politicians have become more engaged in policing and international crimes in general which is illustrated by the implementation of chapter 16 in the Norwegian Penal Code. Crime was earlier considered a domestic problem, but with this internationalization of crime it has become necessary to deal with this on an international basis (Gammelgård 2001).

While it seems like transnational crimes and international crimes may differ in jurisdiction, they could both arguably require transnational policing in order to deal with these crimes. Investigating international crimes in Norway would require some sort of co-operation with the police and other institutions in different countries.

Police co-operation in Norway

International police co-operation has become an important aspect of today's policing. This is also true for Norway. The implications for international police co-operation would lie in the fact that there is an increase in violations of law that is no longer confined within national borders (Gammelgård 2001). The new aspect of these crimes are the crimes of genocide, war crimes and crimes against humanity. These types of crimes require co-operation with the police elsewhere in the world. It is important with an effective police force in Norway and this is what manages the society. The co-operation with other actors and the minimal force shapes Norway's attitude towards other regional issues as well (Hills 2009). According to Aas and colleagues (2010) the police is the only institution in Norway that is explicitly responsible for the security in the country. Today, there are other institutions that are additionally providers of security in Norway. This is a result of the privatization of institutions in Norway. The police are however still the institutions that are responsible for the security in the society and they are dependent on co-operation in order to provide this security.

Interpol (International Criminal Police Commission) is the cornerstone for multinational co-operation. Norway joined Interpol in 1931. Norway is linked with several other member countries through Interpol (Gammelgård 2001). Interpol is the only supranational policing institution funded with taxpayer's money (Bowling and Sheptycki 2012:53). Interpol however

does not have police powers of arrest and detention, rather one of their primary roles is to aid transnational police-to-police communication. This makes it useful as a police organization for ongoing police work. Interpol is an obvious starting point for 'global policing' and what transforms transitional policing to global policing – a policing entity that have a global reach (Bowling 2009). Global policing may function as the theoretical aspect whilst transnational policing is the practical aspect of policing.

Another important aspect of police co-operation in Norway is the co-operation with the other Nordic countries. The institutional co-operations started already in 1952. For Norway and the other Nordic countries, it has always been a priority to ensure good co-operation between the countries (Gammelgård 2001). This also applies to the police. This co-operation gradually increased as there has been a greater need for cross-border crime fighting. International crimes are an example of the need for co-operation across borders. The Section for International Crimes within Kripos was established in 2005 and their investigations requires police co-operation with police in the Nordic countries and elsewhere in the world. This is first and foremost about the police gaining a much bigger role beyond just the national stage. International crimes along with transnational crimes challenge the aspect of national policing, the police must operate at the international level in dealing with these crimes. Internationalization of the police tasks will shape the future police tasks. The Nordic countries participation in international police work will help build platforms to prevent and combat crime (Gundhus and Larsson 2014:279

Transnational policing is best known as the response to organized crimes. Bowling (2009) argues that using transnational policing on just transnational organized crime and terrorism is flawed. He further argues that there is a need to see transnational policing in a larger globalized context. It is important to provide research into how police co-operation is regulated by national and international law (Bowling 2009). The transnational policing will continue to expand. The argument here is that policing international crimes would require transnational policing and co-operation with institutions across borders.

To summarize, transnational policing is an important aspect of policing in a globalized society. International crimes often require police co-operation across borders. Investigating international crimes in Norway will require the police to co-operate with institutions around the world in order to locate information and evidence about cases. When the crimes are committed

in another country than Norway, it is crucial that there exists co-operation with the countries around the world.

Previous research and concluding remarks

This chapter has presented globalization as the overall perspective. Further, the two fields of literature within criminology: international criminal justice and transnational policing has been presented. Global have become a popular frame of reference for transnational policing and international criminal justice among others (Aas 2012). Transnational connections have as a result encouraged criminology to transcend its traditional framework (Aas 2012:10). International crimes have received more attention in recent years, but there are some aspects that have not yet been researched properly. Policing transnational crimes have received attention, however, policing international crimes is a field with little to no research. Even though transnational crimes and international crimes may differ, the argument is that they both would require transnational policing. Hence, it is important to bridge these literatures. Today, there exist several national Sections working with these specific crimes and it requires further research. The ambition with this thesis is to provide empirical research into this field of inquiry.

In recent years, there have been a larger focus on international criminal justice and international crimes. Previous research has been outlined in this chapter through a literature review of two fields: international criminal justice and transnational policing. International criminal justice is a part of the growing body that seeks to investigate the gravest crimes such as genocide, war crimes, crimes against humanity and crimes of aggression. There are several criminologists that have stressed the importance of giving attention to the field of international criminal justice in recent years (See Roberts and McMillan 2003; Savelsberg 2010; Smeulers et al. 2014). This has however become a huge field within criminology and other disciplines today.

Transnational policing has generally engaged in transnational crimes such as human trafficking and drug smuggling. The transnational policing literature emerged as the result of changes in patterns of governance. There are some central researchers on this field (See Bowling and Sheptycki 2012). This field was first recognized as a field by academic research around the 1980s. (See Anderson 1989; Nadelmann 1994). Today, the transnational policing literature is extensive. This field is enabled by the development of technology and globalization and is highly relevant in today's debate about police work across borders.

While there is extensive research on these two fields on its own, much less has been written on the bridging of these two fields: enforcing international crimes domestically. National policing of international crimes is an important aspect in fighting international crimes today. Therefore, it is needed more research on this field. This thesis seeks to fill the gap in the literature on the national policing of international crimes. In addition, it aims to enrich the criminological body on the nation state and punishment, by opening up the criminological debate to new aspects of punishment beyond the nation state.

3 Methodology

Considering the research questions for this thesis, a qualitative research project was seen appropriate. The thesis explores in depth how the Section for International Crimes work and how they view their contribution to international criminal justice. Based on this, semi-structured interviews were chosen in order to get in direct contact with those who work with the Section. Additionally, documents were used as a supplement for providing information about who the Section for International Crimes is. This chapter will present how the empirical data was gathered and the process of working with the research questions.

Methodological approach

Qualitative method is used to achieve an understanding of society and its social phenomena (Thagaard 2011:11). Qualitative research often focuses on micro level phenomenon, while quantitative research often addresses macro societal level phenomenon (Tewksbury 2009). The Section for International Crimes can best be seen as a micro level phenomenon. The choice of method involves a combination of literature study and interview data, but with a greater focus on the latter. The literature study is used to explore the two literatures that this thesis builds on. There is a small amount of research on policing international crimes, hence the empirical data will be crucial in order to answer the research questions. In order to gain insight into how the Section work, it will not be essential to focus on measurable numbers that one does with quantitative research. Qualitative research is a strategy that emphasizes on words rather than quantification (Bryman 2012). The interviews will be central throughout the thesis.

The interview situation represents a social interaction between the interviewer and the interview person. Interviews is an active knowledge process; the interviewer and interview person produce knowledge together (Kvale and Brinkmann 2015). This interview knowledge is produced through conversations and is a way to understand particular parts of the interview person daily life, from his or her perspective (Kvale and Brinkmann 2015:42). The purpose of doing interviews is to form a picture of how the Section work and how they contribute to international criminal justice. In doing interviews, this thesis looked at the representations of their contribution in regard to international criminal justice. Doing interviews produces knowledge about how people present themselves rather than what they actually do. Do we need

to know if a story is true or false? The interview will tell us something about how they view themselves rather than the truth, the information could nevertheless teach us something about the society, people and culture (Sandberg 2010:462). Representations can be equally interesting as the truth.

Selection of informants

The selection of informants arrived from a strategic selection. This means that I beforehand thought through what type of audience that would be most suited to participate in the research (Johannessen et al. 2010). Considering the focus on international crimes, it seemed relevant to interview the ones who work with these crimes in Norway. The selection of informants consists of professionals working within the Section for International Crimes. My contact person was the head of the Section. First, I took a shot in the dark and sent an email to the general email belonging to Kripos and a few weeks later I received an answer from the head of the Section. We arranged a meeting where I showed him my research proposal and explained the purpose of the research project. He seemed eager to help me with the project but explained that I could not get access to sensitive information about cases and so on. I understood this and it was never the purpose with the thesis either. The goal was to find out how the Section work rather than focus on sensitive case-related information. There was no prior research on this Section beforehand which might explain why he thought it would be interesting to participate in the research project.

From there on, it was decided that I could interview 10 people from the Section. Today this Section consists of the head of the Section, an adviser, two police lawyers, three chief investigators, investigators and an analyst. It was crucial that I had the opportunity to interview almost everyone working with the Section in order to write about the Section as a whole and not just with a few representatives which would strengthen the data material.

Expert interviews

This type of interviews can be referred to as what Kvale and Brinkmann (2015) describes as elite or expert interviews. It involves people who are experts or professionals in position of power. This can be people who are leaders or people who work higher up in the system on important social areas. The police make up a professional group of informants and for this thesis, the informants are the ones who work within the Section for International Crimes at

Kripos. As is common with expert interviewing, interviews are centered more on the informant's role as representatives of an institution, rather than their personal biographies. The purpose was to explore how the Section work with international crimes and expert interviews opened up for this kind of information. During interviews Kvale and Brinkmann (2015) explains an asymmetric power relationship where the researchers has power through his or hers position over the interviewees. This can be turned the other way around in expert interviews (Kvale and Brinkmann 2015).

There may be some difficulties with expert interviews; the problem of gaining access to these groups and the specific interaction during the interview (Kvale and Brinkmann 2015). For this thesis, the access to informants turned out to be relatively unproblematic. This was mostly because my contact person arranged every interview and I just had to turn up to the specific date and time. Where the interviewer in expert interviews should possess adequate knowledge about the phenomenon and technical terms in order to receive respect during the interviews; it was rather important to gain this knowledge through the interviews than possessing this knowledge beforehand. The purpose for this was both the fact that the information available on this Section was minimal and because I wanted them to 'teach' me as much as possible about the Section and what they do.

The interview questions

I designed an interview guide which I sent to the head of the Section in order for him to go through the questions. It was important for my informants that they knew about some of the questions that could arise during the interview in advance. This illustrates some of the characteristics of expert interviews, where experts and elites often want to be in charge of the situation to keep a sense of control over the interview situation. Harvey (2011: 439) suggest that elites often will try and control an interview especially in regard to the questions they are willing to answer. This can demonstrate a power relation between the interviewer and the interview person (Kvale and Brinkmann 2015). The interview can be described as semi-structured. I often asked the same questions for each interview, but in different form and order. Even though the questions were written beforehand, there was room for new ideas and questions to be brought up. The interview questions had a similar formula regardless of their position within the Section. This is because it seemed important to look for differences and similarities in their answers in order to see where the Section answered questions as an institution or as an

individual working within an institution. There were some questions that were quite obvious that I would receive the same answers, but it was nevertheless important to ask everyone about it as there could still be differences in their answers. This was questions such as the purpose for the Section.

The interview questions started with an introduction about who they are, what role they have within the Section and what kind of tasks they workday consists of. Further, questions were asked about the Section in general such as the purpose of the Section and their main tasks. Then, questions were asked about the core of the analysis. Who do they cooperate with? How are they measured in terms of goals and results? How do they view their contribution both nationally and internationally? At last, questions were asked about both positive and negative aspects of working with international crimes. These questions were asked in order to understand how the Section work with international crimes, more specific their presentation of working with international crimes. In an interview, the questions asked is often influenced by what the researcher know beforehand about the topic. This is what determines what questions that ought to be asked and how they are asked. My themes and questions in the interviews were decided with background from the literature and what I wanted to explore. There was also room for questions to arise during the interview as I chose semi-structured interviews. This means that the questions did not emerge from nothing, they were chosen with background from existing literature and potential gaps in previous research. Those were the questions that I prior to the research believed would help contribute to the field of inquiry.

I experienced during the communication process that new questions emerged. This contributed to an increased nuance that would otherwise not happen and formed the basis for follow-up questions. When designing an interview guide it is crucial to have questions that can receive as much information about the phenomenon as possible, this suggest that good questions should be open-ended and not just yes/no questions. Which was in my mind when creating the questions for this thesis. It was important that the informants had the opportunity to answer differently to the same questions. Each interview ended with questions about whether they had anything they wanted to add, or whether there was something they felt we had not talked about. The interview guide used for this thesis can be found in appendix 3.

The process of interviewing

The interviews were conducted between May and June 2018. All 10 interviews were held at Kripos, which is based in Oslo. Five interviews were conducted the first time I came in and the remaining five were done over several days in June. Some of those working at the Section were quite busy in June and we had to schedule the interviews when they had time. Before starting the interviews, we had coffee and talked through what I was doing and for what purpose I was doing it for. This was to establish contact before starting and it made it easier going through with the interviews.

The duration of the interviews lasted from around 40 minutes until 1 hour and 20 minutes. The majority of the interviews lasted for 1 hour. The duration of the interviews varied by how long they had worked with the Section. Those who had worked there for many years had more to say compared to those who had worked there for around a year. This will be visible during the analysis; there will be some who have received more space than others. This was seen as natural since there was a variation in how much information I received during the interviews. It has been attempted to balance this to the best of my abilities.

Audio recording

A normal conversation may drift along without a specific goal, however in interviews the researcher guides the discussion asking for specific questions related to the research. It can be helpful to record the interviews. There are both advantages and disadvantages with using audio recording in interview (Kvale and Brinkmann 2015:102). One of the advantages was that I could concentrate on the interview and the conversation instead of concentrating on writing up everything they said. I nevertheless noted a few things during the interview that seemed important in order to follow this up later in the interview. I additionally wanted to use statements from the interviews in the thesis and on account of this it was a huge advantage to have every interview on tape.

The disadvantage of using audio recording may be that it is time-consuming to transcribe, and it can be difficult to interpret the situation and mood when listening to the tape. I nevertheless found that it was mostly advantages with using audio recording as a tool during the interviews. One major factor in using audio recording in interviews is to receive permission beforehand. I started every interview asking permission to use the recorder and this was not seen as a problem for my informants.

Transcription

Transcription of interviews is a time-consuming process. The recordings were listened to and transcribed by me personally on a secured computer with password that only I had access to. I used the f4 software to transcribe the interviews. Inhalation, exhalation and suction was not included in the transcriptions. The goal in this case was not to detail all emotional expressions and fill words as the transcription was not used for linguistic analysis or conversation analysis. I was more interested in what was being said instead of how it was said. I nevertheless attempted to transcribe almost every word and sentences as it was said in order to not having to go back and listen to it again. You never know what you need when starting the analysis. During the process of transcribing I got close to the material and began slowly to analyze it alongside with transcribing. The transcribing process is consequently a vital part of the analysis.

With regard to the ethical perspective, it might be advantageous to hide the interview person's identity already in the transcription stage (Kvale and Brinkmann 2015:213). I have been careful with this matter and attempted to hide their identity as much as possible already in the transcriptions in order to respect their anonymity.

The interviews were done in Norwegian, hence the empirical data was in Norwegian. The statements used in the analysis is translated to English. Some of the wording of the quotes will inevitably be lost in translation. Sentences that would have an intended meaning in Norwegian will possibly be somewhat flat in English. Yet, I have attempted to convey the meaning of the statements to the best of my abilities. There will be statements that would perhaps display a rather simple English language, that is to not lose the meaning in the translation process and to keep it close to the original statement.

Strengths and weaknesses

There are strengths with using semi-structured interviews as it allows the informants to be asked the same questions within a flexible framework where you at the same time can be more freely than with structured interviews. When using semi-structured interviews, the main job is to get the informants to talk freely and openly. This require interviewing skills and this approach is therefore very much dependent on the interviewer having the adequate skills to conduct these interviews.

It was my first-time doing interviews for a research project and the first few interviews may experience traces of this. It took time to ease into the process, however this is a part of doing research. Semi-structured interviews may also lead informants giving answers that he or she think that the interviewer would want to hear.

Documents

Documents were used as a supplement when introducing the Section for International Crimes in the analysis chapter. Documents are not an objective source (Duedahl and Jacobsen 2010). Documents are usually written for a specific audience and for a specific cause, this is important to keep in mind when using documents in analysis. For this thesis, NOU reports have been used in order to introduce the Section. NOU reports are documents that have been prepared by a committee appointed by the Norwegian government. The information can be somewhat colored by the purpose of the documents. The documents have been used in order to gather “facts” about the Section, this is because there is very little information available about the Section in the literature. The interviews are the main source of data, but documents are used as a supplement in the introduction.

Analytic approach

Each interview had information about thoughts, insights and presentations that would be useful for my thesis. This is some of the strengths of qualitative research, but it can be difficult to categorize and know what to include or exclude. It can be a bit overwhelming sitting with all the data. I read through the transcription of every interview in an attempt to categorize and finding themes that became visible throughout the interviews. This can be referred to as thematic categorizing (Kvale and Brinkmann 2015:232). Thematic analysis is a method used to identify, analyze and report themes within the data (Braun and Clarke 2006). These categories involved the themes that was thought through beforehand and implemented in the interview guide. At first there was several categories and throughout the process these categories were narrowed down to the ones that seemed most appropriate for the research questions. I was interested in how the Section presented themselves and how national police are working with international crimes and hopefully this is illustrated in the analysis. The analysis was both driven by inductive and deductive viewpoints. This means that the thesis analyzed with basis in both existing literature on the field and themes that arose from my own data.

When doing analysis, I separated the data in two parts: one for the descriptive part of the analysis and one for the categories that make up the discussion for the thesis. The first part is included to introduce the Section: Who are they? How many works within the Section? How do they investigate? Challenges with investigating? This is to get a picture of whom and what the Section are and does. The second part brings up themes that arose during the interviews based on previous research on the field that seemed important to discuss in order to answer the research questions for this thesis. These themes are as following:

1. Perpetrators of international crimes. Who are the perpetrators and where do they come from? How does this affect police investigations? In the literature it is suggested that many ordinary people commit international crimes (Smeulers 2014; Houge 2015). Taking into account this research, I wanted to explore how the Section for International Crimes see these perpetrators and how it may affect police investigations. This is further linked to globalization and crimmigration.
2. Co-operation with international actors. Investigating international crimes require co-operation with both national and international actors. Considering that human rights NGOs have become key players in the field of international criminal justice, I wanted to figure out how the Section for International Crimes relates to NGOs. Further, NGOs have been criticized for having their own agenda (Bolhuis 2018; Wapner 2008; Haddad 2018). It therefore seemed interesting to see if this was consistent with the Section for International Crimes and their relationship with NGOs. Co-operation is part of transnational policing.
3. The police are measured by performance management. There has been research on how performance management affect police work (Wathne 2018; Granér and Kronkvist 2014; Christensen and Lærgreid 2015). This was therefore included in the analysis in order to see how performance management affect the Section for International Crimes in their investigations. Are we measuring the right things?
4. The last theme will present the institutional representation of the Section for International Crimes. How do they present themselves both nationally and internationally? This is a Section that there is no prior research on, and I will therefore

draw attention to their institutional representation. Are they communicating to the general public or do they have an entirely different audience?

Most of these themes were part of the questions in the interview guide that was thought through prior to conducting interviews, however there were some questions that arose during the interview process such as performance management. Whereas the part with NGOs and perpetrators were something that I wanted to figure out based on prior research on the field. The last question was additionally thought through beforehand and incorporated in the interview guide. After analyzing all the data, these were the questions that I believed would illustrate the research questions and contribute to push knowledge forward on this field of inquiry.

Ethical considerations

Ethical considerations are highly important in doing research. Ethics are the norms and standards that distinguish between what is right and what is wrong (Miller et al. 2012). The integrity and validity of the researcher rely on adherence to ethical principles. These principles are crucial in all type of research. In qualitative research, ethical principles are centered around the “do not harm” foundation. Examples of principles that can arise during the research process can be voluntary participation and informed consent (Punch 1994). Informed consent stresses the researcher’s responsibility to completely inform the participants on the different aspects of the research project. This also refers to that research shall be conducted in a way where participants have complete understanding at all times (Noaks and Wincup 2004).

There were several ethical principles to take into consideration prior to the research project. The project was reported to and accepted by, NSD (Norwegian Centre for Research Data) before conducting the interviews. Every research project involving the processing of personal data must be reported to a privacy representative. When conducting research that deals with personal data, researchers are responsible for informing the participants of the research and obtain their consent (NESH 2016). This given consent means that the researcher has provided adequate information about what the project is and what it means to take part of it. This research project used an informed consent form where the research project was properly outlined and explained. It additionally opened up for questions before and after the interview in order for the

informants to understand what they were participating in. The informants were also made aware of the sound recording prior the interviews.

The informants in this thesis wanted to be anonymous. The Section is small, so steps were taken to ensure the participants anonymity during the process of transcribing. All the personal data that emerged during the interviews were further anonymized in the processed material. To identify different participants, this thesis refers to them as interview person one, two, three etc. as mentioned earlier. The files with transcription are not connected to the informant's names. They had the opportunity to tick a box if they wanted to be anonymous and everyone did this, it was important to respect their wishes in order to this.

Scientific value

Validity and reliability are traditionally considered very important in quantitative studies. It has been discussions around the relevance to qualitative research (Bryman 2012:390). Validity in social science is concerned with if the method is qualified to do what it was meant to do (Thagaard 2009).

In a qualitative research, the possibility to fulfill the claim of being reliable will be impossible and not the wanted outcome. This means that repeated studies will accomplish the same result. Using interviews as empirical data means that the data will be characterized and influenced by the researcher personally. It will additionally be characterized by the interaction between researcher and informants. This suggest that it will be difficult to arrive at the same result in a repeated study (Johannessen et al. 2015).

There is a distinction between internal and external validity. Internal validity means that there is a relationship between theory, literature and empirical data which puts the phenomenon in a context. The external validity is about generalization and transferability (Bryman 2012). The internal validity is illustrated throughout the thesis with use of both theory, existing literature and my own empirical data to place the research question in a bigger context. As for the external validity, I believe that I can discuss the Section as a whole considering the number of informants interviewed for this thesis. This is because I interviewed almost everyone working with the Section. This makes it easier to present the Section as a whole. The study can however not

generalize to Kripos or the police in general, but rather the specific Section within Kripos. It can further contribute to the understanding of policing in Norway.

Reflections and concluding remarks

In what concerns the challenges of interviewing what Kvale and Brinkmann (2015) refer to as elites' these interviews did not experience the challenges with access. There were some who were skeptical to the interviews, but after explaining in detail more about what I was actually looking for, this went fine. This skepticism was probably related to confidentiality and loyalty to the department. Some of the informants seemed unmotivated at first, this changed during the interview as it turns out that when one talks about work and interests' people are usually eager to share.

As far as the researcher's role, the most fertile information usually arrives when the researcher allows the informant to talk without being influenced by the researcher. However, when conducting interviews, one must keep a certain direction in order to receive relevant information. It was often that the informants talked without me interfering, this has something to do with my research questions. I wanted to know as much as possible about how they work with international crimes and could as a result let them talk without interference at times. This resulted in fruitful empirical data. As a researcher, one has influenced what happened during the interview both as an observer and as a processor of the data. The own background of the researcher and understanding has been included in the interviews and in the processing of the data and has influenced the process (Johannessen et al. 2010).

Having professionals working with the police as informants was perceived as a group who wanted to share experiences and topic that they work with on a daily basis. The field of international crimes are a relatively new field that not many people know much about, this leads to those working with this on a daily basis especially eager to share. One can thus ask whether one receives the collective culture in the answers rather than the individual employee's opinions, experiences and values. They wanted to go through the questions beforehand, the consequence of this could be a collective culture in the answers. Professionals working with this field are eager to promote knowledge. Consequently, this can mean that internal prepared visions and narratives are thus incorporated into their work lives and the disclosure can bear mark of this. It should nonetheless be mentioned that even though some answers were affected

by this, there were answers that seemed influenced by the individual's own personal opinions and experiences. This is seen when the same questions were asked and there were different answers with personal opinions incorporated in the answers.

There are many excerpts from the interviews in the analysis chapter, this is because in this research the empirical data found in the interviews are crucial in order to answer the research questions. There has been difficulty to narrow the statements at times in fear of losing valuable information. Many of the statements could have been used elsewhere in the analysis, but I have tried to the best of my abilities to place them where they best illustrate the point made.

4 Enforcing international crimes in Norway: Towards an analysis

The following chapter will present and discuss the findings that emerged from the data material. It will further highlight these findings with use of theoretical perspectives and previous research.

The chapter is composed of five parts. The first part is an introductory part about the Section for International Crimes. This part will introduce who they are and what they do. The purpose of this part is to provide the reader with enough information in order to follow the rest of the analysis. This part will include investigation methods and challenges with both older conflicts and ongoing conflicts. The second part presents and discuss perpetrators of international crimes. Who are the perpetrators? Research have shown that perpetrators of international crimes often are ordinary people in extraordinary situations. I discuss how this can affect police investigations.

The third part examines NGOs in investigations. What are NGOs and how does the Section relate to NGOs? These questions are central in this part. NGOs have become key players in the field of international criminal justice, but research suggest that they often have their own agendas. This will be dealt with in this part. I will further introduce one NGO as an example of what has been discussed in this part. The fourth part will deal with performance management within the police. The police are being somewhat measured in relation to performance management. How can this affect this Section in working with international crimes when cases take years to solve?

The fifth and last part will discuss the Section's institutional presentation. This part will explore what kind of role the Section has in both Norway and internationally. I draw attention to how they view their contribution to international criminal justice. It is discussed in previous research that status is a key driver for small states such as Norway, and this will be explored in this part. The argument is that international recognition is important and that this is visible by establishing a Section working with international crimes.

4.1 The Section for International crimes

Kripos is a unit that works with organized and serious crimes. Kripos was primarily created to assist police districts in their work with the tasks that they do not have the capacity or knowledge to do themselves (NOU 2017:11). Kripos have expertise in several fields, and this expertise is of considerable value in clarifying serious and complex cases. Kripos have grown extensively since 2005 both in size and tasks. They have been given a series of new tasks, both temporarily and permanent. Kripos is also the Centre for international co-operation, which includes participating in Interpol and Europol (NOU 2017:11). Kripos has a special unit, the Section for International Crimes (SIC). They were given the national responsibility for the investigation of war crimes, genocide and crimes against humanity in 2005. This responsibility requires international co-operation and co-operation in criminal proceedings. It additionally requires co-operation with the countries where the crime was committed (NOU 2017:11). This competence on international police co-operation are used for cases internationally where the perpetrator or the victim is Norwegian.

The SIC was established in 2005 and holds the national responsibility to investigate war crimes, genocide and crimes against humanity. They have the responsibility to investigate Norwegian or foreign nationals residing in Norway who are suspected of having committed these above crimes abroad (NOU 2017:11). They collect, process and use information on international crimes. This information could result in a suspect being prosecuted and convicted in Norway. The suspect could also be extradited to another country or international criminal court. How many people working within the Section is presented by one of the informants:

Interview person 2: We are 17 people in theory, but we are never so many. There are always vacant positions because they are in the United Nations service, study leave or sick. We are about 12-13 at any time. We are set up with two prosecution lawyers, three chief investigators, an analyst, investigators, team consultant and the head of the Section.

This thesis consists of 10 interviews, which is nearly the whole Section. There is a variety of professionals with different expert areas within the Section and this might strengthen the gathered expertise of the Section. There has been a steady development in relation to people working with the SIC from around 2008 until now as explained by one of the informants:

Interview person 6: The Section was established in 2005, but initially there were only two-three investigators, but there was a political will that the positions were created. The funds to hire those positions came in 2008, which led to hiring six people at the same time and that strengthened the Section significantly. Before we started, the work was really about a concrete case from the Balkans, which was prosecuted here in Norway. There was a case portfolio with cases that was handed over to us from Oslo police district that had the responsibility until this Section was created in 2005. In 2008, the Section was divided into 2 parts: the one part worked on some specific cases from a specific country, while the other part worked with the portfolio to see what was there (...)

Prior to the establishment there was a portfolio with cases that Oslo police district had before handing them over. This was cases that Oslo police district did not have to prioritize or knew how to deal with. It was crucial to start with these cases as interview person 6 mentioned above. In 2008, the Section was strengthened in form of new positions. Several Chief of Police suggest that there was a need for national competence on specific areas such as war crimes and genocide (NOU 2017:11). This might be a reason for the political will behind the positions created within the SIC, that there is a need for special competence on this field. When asked what their primary focus in cases was, one informant explain:

Interview person 10: In 2008, it was Bosnia. The theme for our job is the same and that is of course working against people who have or are associated with a war... that is what it is about (...) it's clear that when we started it was Bosnia, the war on Balkan that was the starting point, and then there have been more countries involved afterwards. In the last 5 years if not more, Rwanda has been the focus. You have had extradition and you have had things going on in Norway where you have worked operatively with this. Thus, you build and change the way you investigate and collect information, learn from what you have done before and develop in that way.

The focus was primarily Bosnia and the war on Balkan in the beginning. It shifted a bit to Rwanda, which has been the focus for several years. There have been many cases from Rwanda during the years. Prior to the establishment of the SIC, no one had looked into the number of suspected war criminals from the conflict in Rwanda. As a result, it became a major focus a

few years ago. The Middle East also became a focus area for the SIC in relation to the massive refugee flow a few years back as described here:

Interview person 2: We did not work with the Middle East portfolio in 2008, back then other areas were of greater importance such as Rwanda. We had a Rwanda portfolio. It is not that we are not working on Rwanda issues today, but it was a major focus a few years ago. Because no one had looked into the number of potentially suspected war criminals from the conflict in Rwanda.

Due to the situation between the veto powers in the UN Security Council, there are currently no war criminals from Syria who can be brought before an international criminal court such as the ICC. That is why it is all the more important that the individual countries have a focus on what is happening in Syria (VG 2019a). The SIC is investigating both part of the conflict, the crimes committed by people on the authorities' side and crimes committed by the oppositions' side. There are still no war criminals from Syria who have been brought before a Norwegian court. This is because it is very difficult to prove that one suspect has actually committed the specific crime in Syria.

The mandate

The SIC was as mentioned before established for investigating war crimes, genocide and crimes against humanity, one informant explains:

Interview person 10: Our job is to investigate people who are in Norway who have committed acts within the genocide principle, you can say, genocide, crimes against humanity and war crimes. That is our mandate, which is the purpose of our Section.

The purpose is quite clear and was presented in every interview. This is the foundation for their existence and their main focus. They have other tasks that is not "written" in their mandate:

Interview person 4: We have a mandate, that is, investigating matters related to war crimes, genocide and crimes against humanity. But we also contribute to cases where perhaps Norwegians have in one or another way ended up in a situation in a foreign country where Norwegian police are involved. However, our mandate are the core crimes.

While the SIC have their mandate, they do however contribute in other cases internationally where Norwegians are involved. For example, cases involving kidnapping or the case with French and Moland where the SIC were involved. Their international co-operation related to their mandate might be a reason for their involvement in other cases besides the core crimes. The purpose for the Section was also presented as showing that Norway is part of the international arena as put by one of the informants:

Interview person 3: I think that our purpose is to contribute to the international responsibility. We have to move in the right direction and illustrate that Norway is not a safe haven where one can hide and go free if one has committed war crimes for example.

Investigation

The SIC is responsible for investigating international crimes. They do however often start inspection cases instead of investigations, this is because full scale investigations are expensive considering they have to travel to the crime scene. There is therefore two parts of investigations: inspection and investigation. Most of the cases are inspection cases as explained by an informant here:

Interview person 6: The case I am working with now is here (investigation) 95% of the cases are on the other side (inspection). With some of these things, it is a dilemma and it is really a problem that has existed all the way. How far can we go in the inspection phase before we are over on investigation? (...) There has been a discussion really, how far can we go before, per definition, we are over on investigation. The chief at Kripos knows that if we are to embark on such a full-scale investigation that can result in 6-7 investigations in a country in Africa with interpreter, hotels, it will cost hundreds of thousands of kroners per trip. We therefore must have some kind of probability, what is the chance of succeeding? This result in very few cases getting through to the investigation phase.

This illustrate how difficult it is for cases to make it to the investigation phase. These cases often require investigation in countries where the crimes were committed, and it requires a lot of resources for each and every case. There are in total only a few cases that makes it through

to investigation. The SIC has had two cases prosecuted in Norway and some extradition cases since their establishment in 2005. This shows how difficult it is to investigate these crimes.

Extradition is an important aspect of working with international crimes. Extradition is the process of a person found in one state being surrendered to another for trial or punishment (Bassiouni 2008:269). Is it really justice for the country where the crimes were committed to punish an individual in Norway? According to the SIC, the person who has committed the crime in a country must return to the responsibility of those people in the place he or she committed the crime. This is done so that the country experience justice; however, this cannot always be done. There have been 5 extradition cases, but not to countries like Syria. where there are ongoing conflicts. The country must be able to safeguard the legal security for the person they extradite.

Interview person 7: If you are out investigating and are in the country where the crime occurred, there is interrogation and co-operation with local police, co-operation with other local actors who may have information. It is about information gathering. Visit the crime scene, see how it looks, it becomes operational and concrete against the specific case. However, this is a small part of the job; most work is in here (at the offices in Oslo). If you are in a phase where you attempt to find and identify possible cases, it will involve looking for information in open sources and have contact with local partners here in Norway that can give information about a potential war criminal residing in Norway.

Most of their work lies in information gathering and preparing. In order to start a full-scale investigation, there is need for as much information as possible prior to travelling to the country where the crime was committed. These trips are explained to involve heavily preparing as presented here:

Interview person 7: The operational phase is the shortest of all we do. That is what we do the least of, but it is usually where the most is at stake, so it involves a lot of planning. It is very important planning and mapping before travelling. The critical phase of information gathering is when you are in the operational phase -you have less control over how things play out.

Information

According to my informants, the SIC receive information from different places and from other national actors. The information can come from international partners, NGOs, the Norwegian police and the Norwegian Police Security Service (PST) among others. They rarely start from scratch; however, there is often little to go on from the information that they receive. This police work indicates reactive policework as opposed to proactive. Which depends on people knowing where to turn with this information. Throughout the interviews, I learned there are people within the police that possibly do not know about this Section and their existence. This may perhaps be a challenge when the SIC is dependent on receiving information about cases and potentially war criminals. An informant explains where they receive information from:

Interview person 6: I will draw a bit for you. We receive information from UDI, UNE, the police (national) and foreign police. They are the ones who initially get information that leads us to investigate a matter. We receive certainly most from UDI/UNE and that is people who through their explanations to the immigration authorities self-incriminate to a greater or lesser extent. They are people who come from conflict areas, applies for protection in Norway, and therefore must share the reason for protection. The reason they often share is that they have been involved in a conflict that in some way can cause a suspicion about involvement in genocide, war crimes or crimes against humanity. (...) We receive a bunch of cases in here and most of the cases are of such nature that we do not have enough information to start investigating.

It is clear that UDI and UNE are important for the SIC. They are the first ones to receive information from people coming to Norway for asylum. Unfortunately, most of the cases have too little information to start an investigation. My informants stressed that they must establish suspicion of a criminal offense in order to start an investigation. Most of the cases lack evidence and information and must as a consequence be put on hold.

Interview person 2: (..) If anybody comes across information as I just mentioned they might let it be because they do not know that there exists a Section that works with this that may be interested in looking into it. We have a challenge there, that our own organization becomes more aware of what we do and that we exist. I remember on the PU (National Police Immigration Service) days where they were training new staff at

PU and they were asked how many know about this Section, there were 3 out of 30 people who raised their hands, right. That is a bit of an issue when PU are the ones we work closest with. They have the first handling of asylum seekers who come to Norway, so they identify a lot of information (...)

The SIC has been around for 14 years; it is seen as a challenge that people working within the same organizations not know that there exists a Section working with this matter. The cases that the SIC works with are complex and time-consuming. The police districts around the country has neither the time nor the expertise to take on these cases. The SIC is dependent on the information being provided to them.

There have throughout the years developed new forms of investigative methods such as social media and open sources. Social media have become part of investigations in recent years and is part of new methods that the police have to take use of in order to deal with investigations.

Social media in investigations

The amount of resources used in investigating crimes committed far back in time is extensive, but these crimes are still happening today, and it will continue to happen in the future. The SIC is investigating crimes from ongoing conflicts, but as discussed earlier in the chapter these ongoing conflicts are almost impossible to investigate. They gather information that they have resources to do at the point and from there they have to put cases on hold for future years to come. When conducting investigations from ongoing conflicts there are different methods compared to investigating older conflicts. In older conflicts, you are dependent on witness testimonies. Today, there is social media, there is internet and there are mobile phones. This suggest that there is evidence to find on the internet. The use of technology in law enforcement are developing rapidly (Gavshon and Gorur 2019).

Interview person 4: It was a different methodology, in 92 there was very few smart phones that filmed the attacks, torture and executions as it is in Syria now.

The internet is now a crucial tool in investigating international crimes. The use of open sources has been used in several countries. We use internet and mobile phones extensively today, and this is also true in conflict areas (Pham and Aronson 2019). The war in Syria is said to be the

most documented conflict ever. There are millions of images, videos and audio files documenting the conflict in Syria. YouTube is being used to document events that occur during the conflict.

Interview person 1: You have had cases in recent years in Sweden, Finland and some other countries that are based on the material you get from the internet where the perpetrators are on the right side of the camera (...) there have been some cases in Europe where you have succeeded and had convictions. I'd like to admit that I thought we'd get some cases of such nature here since 2015 until today. We implemented some measures and had a clear focus on obtaining such information, but so far, we have not succeeded with this. It can still happen, and I expect that it will at some time.

Internet and social media can assist in investigating international crimes. In recent years, we have seen videos posted on Facebook of executions and so on. Social media may be a platform of evidence that can assist in prosecuting war criminals. The above statement highlights the importance of material gathered from the Internet. Norway have not yet succeeded with using material from open sources, but as presented in the above statement Sweden and Finland have had success with using these kinds of material (Kaleck and Kroker 2018). Social media and internet are examples of how investigations methods develop throughout the years. The ICC have recently had its first arrest warrant based largely on evidence collected from open sources, in 2017 (Irving 2017). This further illustrate the recent interest in social media in investigation and prosecuting of war criminals. This opens up for a new era of open source material as evidence. However, it additionally opens up for a new era of difficulties.

Social media is subject to the same rules as with other evidence such as paper documents and electronically stored information (Murphy and Fontecilla 2013). The unique nature of social media can be easily manipulated. This is possibly why it has been difficult to use social media as evidence so far in cases in Norway. This new material of evidence seems to be a way for the SIC to legitimate their work, because even if cases are not solved today, they might be solved in the years to come. Social media may decrease the costs and increase time-efficiency. Open sources might require lesser resources in the future and opens up for investigating ongoing conflicts. Social media will arguably play a huge role in investigating international crimes in the future.

The field of social media will eventually require expertise on the field. It will supposedly be important to have people who have competence on this field in order to investigate social media as a source of evidence. Social media will definitely play a key role in the ongoing conflict from Syria, and it is crucial to hold the necessary competence on this field. If Syria is the most documented conflict in history, it will be essential to have the competence to work through this myriad of potential evidence. It will further be important to have trained police officers on how to collect intelligence from social media and how this evidence can be collected legally and ethically, because there are considerations that needs to be taken into account as mentioned above with social media as evidence. Where ongoing conflict was earlier nearly impossible to investigate, it has now opened up opportunities to investigate these conflicts without the need to visit the crime scenes.

Challenges with investigations

Investigating international crimes can be challenging for a number of reasons: it is time-consuming based on the fact that cases usually takes years to investigate. It can further be difficult to use witness testimonies for crimes committed many years ago.

Interview person 6: We have had 2 people who have been arrested and convicted in Norway. A Bosnia case, which was the first one, and then it was a Rwanda case. In addition, we have had some extradition cases as well. That's the other thing we do, right.

What is it that makes these cases so difficult to investigate? Most of the cases involves crimes committed many years ago and that makes witness testimony very crucial for investigation. Documentary and forensic evidence are often unavailable in those cases (Bolhuis and van Wijk 2015:157). The SIC had and still have cases from Rwanda and Balkan and in these cases, they are reliant on witness testimonies.

Interview person 4: Rwanda and other conflicts and genocides, they become very witness-based, because you do not have this type of documentation (internet). You cannot look through the internet, so we therefore have to interrogate large amounts of witnesses.

Using testimonies as reliable evidence can be challenging. Combs (2010) argues very critical towards using witness testimonies as evidence in international crimes. Trauma, language barriers and cultural issues may complicate them. She argues that eyewitness testimony according to research are unreliable (Combs 2010:6). This is also evident in my interviews; they acknowledge the difficulties with using witnesses. The cases are old, some of them over 20 years old. The Rwanda genocide happened between the period of 1990-1994, and that is around 25 years ago. It may be difficult for witnesses to remember exactly what happened 25 years ago; it would be difficult for most people to remember what happened that exact date 25 years ago. An informant explains:

Interview person 10: (...) the biggest challenge is perhaps what do the witnesses remember of what happened 15 years ago. What have the witnesses seen themselves? What have the witnesses heard and talked to other witnesses for so long after that they might think that they have seen it (...).

Combs (2010:15) further argues that research indicates that individuals who witness violent events are more likely to misperceive this event than individuals who witness non-violent events. However, in my interviews one of the informants claimed the opposite; the witnesses who have experienced trauma remember details from that event:

Interview person 9: It has been over 20 years, so it's a long time, and it is about the credibility of the witnesses, it is about memory simply. How much details are it possible to remember so far back in time? But again, it is proven or documented that experiences in relation with traumatic events sticks very good and we can see that in the explanations that we get.

Language is also a factor. These crimes have happened in countries usually far away from Norway where they speak other languages. In order to interrogate witnesses the SIC often need to use language interpreter which can be difficult at times as explained here:

Interview person 10: We have to be good at interrogating. Another challenge is that it's far away, it's costly and requires a lot of resources: traveling, having interpreters, doing research in a country with investigators for several weeks. It's expensive to travel, hotel and not least interpreters as I mentioned are very expensive.

Language interpreters have become more usual in legal proceedings of Western nations (Combs 2010). They also assist when doing interrogations of witnesses and the SIC need to bring them with them when travelling to former conflicts areas. They can however make mistakes when translating which may give explanations different meaning or change key words. Combs (2010:66-67) illustrate this by using examples where in a trial words as “shoot” was translated to “kill” and “car” was translated to “couch”. This will of course give the sentence a whole other meaning that can later make the case difficult to solve.

Interview person 8: The fact that in most cases we must use interpreter when talking to people is a challenge. Interpreting generally means that you in some way can lose information or that things are interpreted in a different way than it was meant, both ways really. It is always better if you can talk to the person directly, so it is clear that this is a challenge (...).

Ongoing conflicts

It is clear that investigating these cases can be very difficult and it requires a lot of resources to conduct investigations. Most of the cases are old and for this reason problematic to investigate. However, they do not only work with the cases from Rwanda and Balkan. They have in recent years worked with cases from the conflict in the Middle East. This may also create some challenges. In relation to the refugee flow from the Middle East, especially Syria a few years back. The SIC started looking into a few people who came to Norway to seek asylum from those countries. Kaleck and Kroker (2018:173) suggest that European countries such as Norway are closer to the Syrian war than other non-European countries, this is due to the presence of individuals in European territory who have fled from the armed conflict. Syria became a focus for the SIC as explained by one of the informants:

Interview person 2: We are somewhat controlled by the conflicts we follow on an ongoing basis and try to investigate. So far, we see that there is a major ongoing conflict in Syria and Iraq and there are reports about massive human rights violations and war crimes. This put together with the fact that there was a refugee stream a couple of years ago, which has decreased somewhat now, but where many came from that region to Norway, we fear that there is a certain number of people who are not legitimate asylum seekers, rather war criminals.

Investigating ongoing conflicts can be challenging because of exactly that – they are ongoing conflicts. However, if people are coming to Norway from conflict areas for asylum there might be a chance that they have engaged in criminal activities. In order to investigate cases committed abroad, there is often a need to visit the crime scene. However, with the Syrian conflict where people have fled to Europe, there are witnesses that can be questioned without the need to visit the crime scene. It is impossible for the SIC to travel down to these countries where there are ongoing conflicts. This has to do with security as one of the informants explains:

Interview person 10: (...) that is what it is all about; it is not possible for a Norwegian police officer to travel to a country where there is an ongoing conflict and no security. We see the same with Iraq and Afghanistan, where we of course have many cases we could have been working with, but the security bit is of such nature that it doesn't allow that now.

Cases from ongoing conflicts are cases that the SIC can investigate what they are able to in Norway with potential witnesses and co-operation with different actors. However, these cases often need to be put on hold based on lack of evidence. Thus, with social media and open sources there are cases that can be solved based on evidence coming from these sources. The SIC therefore work with cases from this conflict in hope of establishing enough evidence without having to travel there.

Interview person 2: (...) here you are building stone on stone, right. I am sure we will be working with the conflicts in Syria and Iraq for 10-20 years to come. Perhaps it will be peace in the country at some time, I hope, so we can travel down there. Now you cannot do that.

Today, as the situations is now in Syria, it is impossible for the SIC to travel to Syria to collect documentation and they are not able to carry witnesses out because there is no way of guaranteeing their security when they return to the country later. This situation is something that the SIC hope will improve with time as illustrated in the above statement. Open sources as evidence will evidently be important in these cases. Norway has not yet prosecuted or convicted Syrian war criminals in Norway, however in Sweden for instance a 28-year old man was sentenced to eight years imprisonment for war crimes in 2016 based on an incriminating video posted on Facebook (Kaleck and Kroker 2018).

Proactive versus reactive police work

My informants point to the complexity of investigating international crimes. The police work that the SIC does can be considered as reactive police work. Proactive refers to being on the offensive and prepare for possible problems, whilst reactive police work is reacting and adjusting only after something have happened (Gundhus 2010:19). Reactive policing was also known as traditional policing. In recent years, great attention has been paid to proactive police work. The police are to take initiatives to prevent criminal acts from happening and thereby limit negative development. The SIC is working with cases that has already happened, although they are hoping that this work might act preventive. It is difficult doing proactive police work when working with international crimes, these cases have usually happened many years ago or they are happening right now during ongoing conflicts, but with the present responses to these crimes there is a hope of being part of preventing future atrocities. However, the SIC is working actively with UDI as explained earlier in this chapter and that may contribute to proactive police work.

Interview person 8: I think it's about both. I think it's certainly both. Investigation can also be preventive.

Where proactive police work is the work before something happens, it is at best naïve to think that the SIC can contribute much to end international crimes from occurring in the first place. However, by being visible on the arena with actors from different countries they are all in some way contributing to the fight against impunity for these crimes.

My informants emphasize that they are hoping that by investigating these cases it can have a preventive effect for perpetrators of these crimes. That perpetrators will know that Norway is not a safe haven for war criminals. Perpetrators of these crimes are difficult to locate, and the SIC is using a lot of time identifying and locating potential war criminals. Moving on from the introductory part, the next part will explore perpetrators of international crimes and how that can affect investigating these cases. As we shall see, perpetrators of international crimes can often be ordinary people in extraordinary situations.

4.2 The Perpetrators

International crimes such as war crimes, genocide and crimes against humanity are often referred to as the worst crimes that one might commit (Smeulers 2014). These crimes are often committed in the context of a conflict and mass violence and it is often on behalf of the state. In the literature it is suggested that ordinary people get involved in committing these atrocities (Smeulers 2014; Houge 2015; Harrendorf 2014). This part will discuss the perpetrators of these crimes and how this can affect police investigations.

Interview person 6: It is really about keeping track of who seeks asylum in Norway, which countries seek asylum in Norway. They mainly come from conflict areas and this is where the criminals come from (...)

During the interviews it became clear that it was difficult to establish exactly where the perpetrators came from. The above statement may be linked to crimmigration; the increasing link between immigration control and crime control (Gundhus and Larsson 2014:283). The informant explains how crucial it is to keep track of the ones who seek asylum in Norway. This illustrates how important it is for the SIC to co-operate with UDI, the immigration control in Norway. The police work and the work of UDI are therefore intersecting as there is often a reason that people come to Norway for asylum. They are usually running away from something and that something is often a conflict or war. It is consequently likely to think that the police are interested in whoever seeks asylum in Norway. There is a chance that a certain percent of the people coming to Norway have engaged in a conflict in some way, either as perpetrators, victims or witnesses. The focus area can suddenly change as indicated here:

Interview person 9: It has been much in relation to the conflict in Syria (...) but if it suddenly breaks out a civil war in Thailand, the focus might change, if people start coming from Thailand to Norway.

There are often several reasons for people to fled to other countries such as Norway. One informant explains that one reason may be because one of the parties in a conflict is about to lose:

Interview person 2: My opinion is probably that one might see a greatest concentration of refugee war criminals when one of the parties in the conflict is about to lose. Then it 'burns under the feet' of military leaders etc. who do not want to be captured and facilitated for what they have done.

People might therefore attempt to seek asylum in Norway for instance in order to avoid being held responsible for what they have done in the country they are running away from. This illustrates the importance of keeping track of those who seeks asylum in Norway.

Ordinary people in extraordinary situations

There was a massive refugee flow a few years back in relation to the conflict in Syria. This has according to my informants resulted in the SIC wanting to have a certain overview of these conflict areas, this includes locating perpetrators. But who are these perpetrators? Society often creates a distance between ordinary people and those who are perpetrators of international crimes. Smeulers (2014) argues that there are thousands of ordinary people who get involved in mass atrocities. One might see these people committing the worst crimes as monsters, rather they are often ordinary people who do awful things in extraordinary situations. According to Smeulers (2014) one of the reasons that perpetrators get involved in international crimes is because they believe that they have to and because of the better good of the society. These crimes can also be referred to as crimes of obedience instead of crimes of deviance. This was introduced by Kelman and Hamilton (1989) to understand the willingness of people to exert physical and psychological harm to others. After all, this is about wanting to understand how some people can commit such actions. This was present in the interviews; they are usually not monsters as explained here:

Interview person 6: (...) Out of the suspects we have had in Norway, I see that they behave well, they are nice people, very nice to talk to and few of them have anything on their criminal record at all and seem to function quite alright in both family and work context.

This support the arguments about perpetrators of mass atrocities often being ordinary people. It can be difficult to grasp that the perpetrators might be ordinary people rather than monsters or mentally deranged people. Yet, most of the literature suggest that the perpetrators are

ordinary people who under ordinary circumstances would be law-abiding citizens (Smeulers 2014). Atrocities requires a large number of perpetrators to take place and this number might therefore be too large for all the perpetrators to be monsters (Houge 2015:419). The perpetrators often believe that they are doing the right thing. However, some might engage in mass atrocities because they already are criminals. This might be people that already have criminal records and would be involved in crimes under ordinary circumstances as well as during a conflict or war (Smeulers 2014). It is clear that there are degrees of perpetrators. Some people sit higher up and give orders, this can be people who in different situations otherwise would be criminals. Then you have people who follow these orders, and they are the ones who may be referred to as ordinary people in extraordinary situations. This is explained by one of my informants here:

Interview person 1: (...) You have a wide range from the management level within a government apparatus and down to the practitioner and within this spectrum the motive may be different. Many may be in a situation where it is difficult to orientate, and one might be characterized by confusion and fear. So, I think one should be open for ordinary people to come in situations where one commit crimes (...)

A well-known example of people doing things they might not otherwise do is the Milgram experiment. This experiment illustrated that people tend to obey authority even if it is a clear violation of norms and values in the society. Milgram (1974) explained that ordinary people can become agents in a terrible destructive process. He further explains that relatively few people have the resources needed to resist authority. This research however raised serious ethical questions in regard to human subjects in psychological experiments. It has received criticism throughout the years, but it still remains rather powerful and might have inspired other researchers to explore what makes people obey orders.

The literature on genocide was a late bloomer in criminology, yet criminology has not entirely overlooked genocide. Nils Christie (1972) wrote a book on prison guards in concentration camps where he argued that prisoners were inflicted with pain by ordinary Norwegians. They were not harmed by Germans, mentally ill people, psychopaths or other categories that created distance., they were ordinary Norwegians. He further argues that ordinary people can be driven to extreme actions if they are put in extreme situations (Christe 1972). It is the arranged system that breaks down people's identity and normal behavior. The notion about ordinary people in

extraordinary situations have existed for many years. It can be difficult to imagine what one would do in such a situation as one informant points out:

Interview person 8: One can also ask, how would we have reacted if we had been convinced; now there are someone who are coming to take you, either you have to do something now or you will be taken. If you manage to be convinced that this is the case, how would you react?

This illustrates how the situations in itself can create perpetrators of these crimes. There is usually a reason for people to do what they do. Reasons that we might never understand fully. However, this does not mean that they not should be punished for their actions. The SIC is very clear on this, people should be punished for their actions despite that there are situations that is difficult to understand. There is the context around, these actions cannot be understood in a vacuum:

Interview person 4: It is a dilemma, if it is you who are in the situations, right? One thing is that one can easily say that this is just nonsense, but how was it for the one who experiences it? There are a lot of these things. But legally speaking, there are no grounds for impunity, rather an aspect that must be considered.

The complexity of these perpetrators may be linked to the discussion about the role of agency in international criminal justice. Dominic Ongwen was the first known person to be charged with war crimes before the ICC that he himself was a victim of and represent this debate about child soldiers and agency in war crimes (Baines 2009). Baines (2009:164) raises questions about what agency is available for these individuals who are born and raised within the setting of extreme brutality. She further argues that these complex political perpetrators must be recognized or else they have little reason to participate in local courts (Baines 2009:185). This is complex matters and Ongwen represents many thousand kids who are abducted to contribute in rebel groups (Baines 2009). These complex political perpetrators represent the youths who grow up in the conditions of crisis.

In terms of the SIC, the above statement demonstrates these questions around aspects that must be considered in regard to the complex perpetrators of international crimes. My informant emphasizes that there are no grounds for impunity in legal terms, but there is a context around

these cases that must be taken into account. The concept of ordinary people in extraordinary situations is evident in my interviews as one informant explains:

Interview person 9: It is very often that I'm thinking can this be right? Has he committed the charges he has been accused of here? Because he is a normal person really.

To this end, this part has discussed some of the challenges related to perpetrators of international crimes. How does this affect police investigations?

Police investigations

The police have a way of working and a way of interpreting situations. "Politiblikket" is a Norwegian term introduced by Liv Finstad in her book from 2000. She analyzed the police's way of interpreting a situation, the role and behavior of the police. This is not just a specific way of focusing and reading the surroundings, but a holistic way of thinking which is developed through experience (Finstad 2000). This term can be useful in looking at how the police investigate war crimes, genocide and crimes against humanity. The police use knowledge-based information and signs to look for suspects in many situations. Holmberg (1999) explains how a Mazda 626 made an easy target for the police, but if the driver was a woman, the car would not be stopped. This illustrates the knowledge-based policework that have existed for the last 20 years (NOU 2009:12). "Politiblikket" will be referred to as 'police gaze'. The 'police gaze' forms through practical experience and this experience leads to professionalism (Paulsen and Frogner 2017). The police officer needs to know what to look for. There is not enough time to check everyone. The 'police gaze' used in investigations might be difficult when investigating perpetrators of genocide, war crimes and crimes against humanity. The signs and earlier experience might be challenging to use when looking for suspects who committed the crime for 20 years ago. This is illustrated by one of my informants:

Interview person 2: (...) these cases are very challenging, it is not like they arrive at Gardermoen (Norwegian airport) with a green flag saying they are war criminals, you see, I exaggerated a bit, but they are hiding, right? And we have far fewer tools to work with. The crime happened far away and maybe far back in time (...)

If the suspects are ordinary people with family, work and no criminal record it would further complicate the investigations. The signs and experience that the police often go on, would be useless in some of these cases. This illustrates how complex it is for the SIC to investigate cases of this matter. This might shed light on why there is only two cases prosecuted and convicted in Norway from 2005 until now.

Establishing evidentiary basis is difficult when there is rarely any forensic evidence with the older cases. Locating suspects based on oral accounts of witnesses and victims can be challenging. The cases that the SIC usually have dealt with are cases from the Balkan wars and the Rwandan genocide which are conflicts that happened many years ago. The alleged perpetrators have had time to seek asylum in Norway, get a job, family and a network which makes them harder to locate. One of my informants' points to the challenges:

Interview person 2: Our challenges then... I have noted that our biggest challenge is to identify war criminals (...) those we are looking for have not committed the crime here, they have already committed the crime somewhere else. Here, they hide and become integrated into society and often become law-abiding, decent people who adapt with family and work. We do not locate them in the way they behave or what they do here. Rather, you have to find information for what they've done 15 years ago and that is a completely different setting.

It became evident throughout the interview that one of the biggest challenges is to identify and locate war criminals. They cannot use the same methods as with other cases. They have to find information based on something the suspect did 15-20 years ago. All these aspects will have an effect on how the police investigate suspects of international crimes. Where the 'police gaze' usually contributes police investigators in solving cases, it will be difficult using the same 'police gaze' in investigating international crimes. This is why this field of investigating international crimes is a complex and difficult field. The police often locate suspects on the way they behave and what crimes they have committed within the country, for the SIC it has often been about locating suspect based on what they did over 20 years ago in a completely different country far away from Norway. The police's investigative methods are the same throughout the police in general, it is the case related matters that distinguish it from general police work. These are the challenges with investigating perpetrators of crimes committed many years ago, what about investigating perpetrators of ongoing conflicts?

The SIC do have cases from ongoing conflicts such as Syria and Iraq. The problem with these conflicts as presented in the previous part is that these conflicts are ongoing and makes it rather difficult for the police to travel to these countries to conduct investigations. They must investigate what they can in Norway, this results in many cases being put on hold for future years to come. It is complex to investigate perpetrators of ongoing conflicts based on the amount of evidence available. Where there is still no one from Syria who has been prosecuted in Norway, the SIC do have people that they are looking into in Norway that they suspect have been part of the conflict in one way or another. The challenge with these cases is that it is difficult to prove that the suspect has actually committed the specific crime to the time and place in Syria. These crimes might have happened a few years back in time which complicates it even further. The conflict in Syria has been going for around 8 years now so if they are looking into a crime that happened 5 years ago it would be difficult to establish the evidentiary basis. The SIC is hoping that there are witnesses around in Europe that can contribute with information in these cases from ongoing conflicts in Syria and Iraq.

A prerequisite for being able to investigate international crimes is of course that one has the expertise and knowledge it requires to work with this field. This will require knowledge about the different types of perpetrators of these crimes, where they come from and examining the context of the situations. This will further require knowledge about social media and open sources as this has become important in cases from ongoing conflicts. These crimes are committed far away from Norway under very other circumstances. It is clear that this requires knowledge about the different countries and the law of war. The nature of the cases is why it requires a Section that are specialized on the field. Kripos are specialists within their field. They work with the same tasks every day and they are usually better equipped to handle challenges that require special expertise. Police officers engaged in specialized fields can be very effective in investigations if they are able to focus on their area of expertise (Holmberg 2014:173). What happens is that specialized police are often used for other work instead of the area of expertise. It is consequently crucial that there exists a Section working specifically on this area of international crimes. This way the expertise will be gathered in one Section, where they have the opportunity to focus only on these crimes and where they have the time to work with the cases as they otherwise would not within the police districts.

Investigating perpetrators of international crimes have been argued to be a complex matter that requires specialist's competence. The SIC is dependent on information in cases and this usually

requires co-operation with different actors. Above I discussed the complexity of investigate perpetrators of international crimes. Here I will focus on the importance of co-operation as means to handle these challenges.

International co-operation

Crime is changing and the police services develops new practices to deal with the battle against globalized forms of crimes (Christensen 2018). Former national problems have today branched across borders and criminal networks are expanding, collaborating and adapting to this global marked. International co-operating is an important and crucial aspect of policing international crimes. The police have to follow this development with co-operating with other international actors. This can be in form of mutual assistance, exchanging experiences and extradition as means to overcome barriers of sovereignty and for the international community to stand together in dealing with international crimes (Prost 2008). This co-operation is vital for the SIC to succeed in their investigations. This co-operation is often about information exchange as expressed here:

Interview person 4: All in all, I want to say that our co-operation is very much based on information exchange. You also have the ICC and the Dutch police who we are obviously meeting. But again, there is more information exchange and informing about what we do and what they do, etc.

The SIC is dependent on this information in order to investigate cases. Even though the alleged perpetrator is within Norwegian borders, victims and witnesses might be located in other countries. This is why co-operation is essential in working with international crimes. The SIC has good routines for sharing information with other countries where they see that it may be relevant. They notify when there is suspicion of war criminals in countries where they can contribute. The SIC among others co-operate with the Europol-countries, Eurojust and the Nordic countries. The fact is that they often face similar challenges and therefore find it comforting to share this information and as a result co-operate with other countries (Močnik 2008). This can be referred to as what Bowling and Sheptycki (2012) explains as transnational policing – policing across borders. They also co-operate with similar units around the world as illustrates here:

Interview person 5: Most countries have the same unit as this, or at least someone who is dedicated to working with such cases. So, you have exchange of experiences and of course co-operation in a concrete case if necessary. Those who have committed such type of crime are usually scattered around the world. So, it is not uncommon for two or more countries to co-operate on the same case – but with different suspects.

Contrary to decades ago where policing usually happened within nation states, nowadays serious crimes involve investigations in more than one country, the police need to seek co-operation across borders to share intelligence (Block 2008). One informant explains this co-operation further:

Interview person 2: We participate in co-operation with other war crimes units in Europe through Eurojust. Here we meet several times a year and share information with each other, specifically on matters on e.g. methods, expertise, etc... We have Nordic co-operation and in addition we are waiting to participate in Europol's network in these cases.

This is part of transnational policing, where the work that the SIC do transgresses national boundaries to share information or collecting evidence (Bowling and Sheptycki 2015). Bowling and Sheptycki (2015:146) argues that national police are increasingly drawn into transnational networks in order to exchange knowledge. The SIC is part of these transnational networks as illustrated in the above statement. It is important for national police to adapt their practices and broadening expertise in order to address these global processes such as international crimes (Wakefield and Fleming 2009). International co-operation enables national police agencies to operate outside their own jurisdiction and this is what makes transnational policing (Wakefield and Fleming 2009). The Norwegian police work together with other state's police forces where they have access to information and intelligence and the other way around (Ugelvik 2017:9). Even though the exchanging of information is important, there are some issues in regard to this co-operation. When asked if there was something difficult in investigating these crimes, one informant said this:

Interview person 6: Something that works poorly... (...) we work together as I said with similar Sections or units elsewhere, we could imagine it was easier to share information and maybe work together with an investigation. Let's say that there is one from the

Netherlands for example in a case we investigate. What if we had co-operated and investigated together; if they had questioned 50 witnesses and we had questioned 50 witnesses where one had asked about both perpetrators then one could exchange information and used it in the respective cases. This is rarely done... often because you have different regulation and ways to investigate (...)

The different regulation and methods for investigations can make it difficult for countries to work together in one case as explained above. According to the SIC, there are many witnesses that needs to be interrogated for a case, and these witnesses may be spread all over the world. The SIC therefore stresses the importance of international co-operation in the fight against impunity for these crimes.

In this part about perpetrators of international crimes, I have dealt with challenges of investigating international crimes and how this can affect police investigations. I have further discussed the important role of international co-operation in assisting with these complex investigations. Where co-operation is important, human rights NGOs have become central in the fight against international crimes and they have played a key role in the field of international criminal justice through raising awareness of international crimes. It became apparent during interviews that the SIC use human rights NGOs to some extent in investigating international crimes. This is because human rights NGOs often are the first one to bear witness of mass atrocities (Sunga 2017). But what role do human rights NGOs have in the enforcement of international crimes in Norway? I wanted to explore the role of NGOs in police investigations and will therefore discuss this in the next part.

4.3 Human rights NGOs in investigations

Human rights NGOs can be useful in police investigations as they often are the first one to attend the crime scene after a conflict (Sunga 2017). Non-governmental organizations have therefore become key players in the field of international criminal justice (van der Wilt 2015; Lohne 2017; Sunga 2017). NGOs are non-profit organizations that operates independently of any government and are often referred to as “civil society” (Barberet 2011). Many NGOs dedicates their effort in protecting human rights and ending mass atrocities. There has been research on NGOs participation in investigations such as human trafficking (Herz 2012). When legal changes occur such as international criminal justice is an example of, NGOs are seen to foster and lobbying this transnational change (Bachmann et al. 2019). This part will examine the role of NGOs in investigation of international crimes. How are they involved in police investigations? Are there any challenges with using NGOs in police investigations? These are the questions that this part will engage with.

Human Rights NGOs

There has been a growth in NGOs after the cold war and they serve a critical role in providing awareness of the ICC. The “civil society” has arguably influenced the development of international law positively (Haslam 2011). NGOs are active at all levels: local level, national level and international level (Haddad 2012). They have been closely involved with the establishment of the ICTY, ICTR and the ICC (Sunga 2017:118-119). They are typically designed to address a social or political issue. The creation of the ICC was seen as an outstanding achievement for international human rights (Welch and Watkins 2011). There are around 2,500 NGOs from 150 countries which are members of the Coalition for the International Criminal Court (CICC) (Dixon and Tenove 2013:401). The Coalition was founded in 1995 where the main purpose was to advocate for an effective and just International Criminal Court (Glasius 2006).

International human rights NGOs are major players on the world stage. They are there to secure the vital interests of human beings on the larger international scale (Bell 2006). This is not to say that everything they do produce the desirable outcome. There are some ethical considerations with NGOs and especially regarding NGOs in investigations. They have over

the years been regarded as significant in the fight against impunity (Engle et al 2016; Lohne, 2017).

NGOs in investigations

Information and co-operation are two central aspects of investigating international crimes. The SIC receive information and co-operate with different actors. Verified information and evidence are the most valuable in investigation of war and armed conflict. What role does NGOs serve in the investigations of international crimes in Norway?

Interview person 2: We approach NGOs based on the needs we have and based on what we know about the NGOs. It's a bit like... it can be a problematic field (...) they are usually the first to enter a field and retrieve important information. There are some NGOs that you know to be relatively objective and then you have NGOs that are very driven by one or the other party in a conflict, right?

NGOs can be useful in investigations considering that they are usually the first to bear witness of mass atrocities, while investigators may take years to appear at the scene (Sunga 2017). It can take several years for the SIC to arrive at the scene. The Balkan wars and the Rwandan genocide happened 25 years ago and the SIC is still travelling down to these countries to investigate cases. This is where NGOs can be valuable, they may have visited the crime scene closer to when the crimes were committed. Bolhuis (2018) found in his study that internationally operating NGOs such as Amnesty International, Human Rights Watch and Global Witness are often among the few to be “on ground” in conflict situations. This is consistent with the findings from the interviews and possibly what makes them relevant for the SIC in their investigations as expressed here:

Interview person 9: (...) they (NGOs) certainly do a very good job and help us find the right people to talk to, but we have to do the job our self and we have to do it our way. But we often have a good relationship with them.

In addition to contribute with information, they can find relevant people for the SIC in their investigations. They can provide names that may be relevant for the SIC, but if they have written any report on the matter then the SIC nonetheless have to talk to that person themselves. In one

interview they were referred to as “door openers” which may illustrate the relationship the SIC has with NGOs.

There was skepticism towards NGOs in nearly every interview. NGOs are not perceived as objective as they often would like to present themselves. Bolhuis (2018) explains how internationally operating NGOs may serve their own specific purpose. He further argues that even the most established NGOs have an agenda. These findings are consistent with previous research about NGOs. Wapner (2008) argues that NGOs are unelected groups who operates freely and at times advance self-serving interest. Haddad (2018) argues that NGOs may not always share objective information and advice, rather they usually represent a political perspective. Even though Haddad write about NGOs in relation to the court, it can be viewed as relevant for this matter too. This is consisted with the findings from the interviews as presented here:

Interview person 5: One must try to get information where you can, and then you must assess the value of the information of course. Some NGOs have interest in a particular direction – a conflict. It may be noble enough, but it may also color the information you get. It's the kind of thing you have to be aware of at least.

NGOs can be providers of information, but they might be groups that are vested in a certain political outcome, this in turn will color the information they provide. Many NGOs are dependent on funds in order to continue their work, this might result in them doing work based on this rather than objectivity. This additionally questions their independence, because in reality they seem quite dependent on the government for support? There exist these accountability schemes from donors that pressure NGOs to professionalize their organizations, this in turn can lead to NGOs focusing on the most easily achievable goals to demonstrate success that is inconsistent with their long-term goal (Keating and Thrandardottir 2017). All this can affect NGOs in their work to gather information about a case. The SIC do not co-operate with NGOs; they merely receive information that might come handy in their investigations. They do not share any information they have gathered with NGOs.

Interview person 4: In relation to NGOs, I would like to say that we do not co-operate with NGOs, but you can receive information from NGOs, and you can choose whether

to call it co-operation, but we are very cautious on the fact that NGOs often have a focus or direction which promotes a point of view.

The SIC cannot rely on the information provided from NGOs. According to Bolhuis (2018) relying on information from NGOs as starting point for prosecution could frustrate the criminal case. Although the information can be colored by their focus or interest, it can nevertheless open doors for the SIC that they otherwise would not have been familiar with. All information that can help in a case will be valuable even if one has to check this information. The SIC either way have to do their own investigations and do it as objective as they can.

International criminal justice institutions depend on the civil society to help them in the fight against impunity (Dixon and Tenove 2013). This civil society is important for mobilizing moral authority and they contribute on behalf of victims of international crimes (Dixon and Tenove 2013). Human rights NGOs are part of this ‘civil society’ and is for this reason crucial in the field of international criminal justice. Their role in the ‘civil society’ is not without criticism as argued above, but they either way serve an important role at the ICC. The Commission for International Justice and Accountability (CIJA) is a non-governmental organization that illustrates these points of NGOs having different methods in gathering evidence. This is further an NGO that have received attention the last few days in the media in Norway for investigating war criminals. During my research, this organization emerged as of particular interest.

The Commission for International Justice and Accountability

The CIJA is a non-governmental organization that is dedicated to conducting criminal investigations during armed conflict and analyzing evidence of genocide, war crimes and crimes against humanity in Syria and Iraq (Rankin 2018). The conflicts in Syria and Iraq has provoked debates in the international community on how to respond to these mass atrocities. The CIJA is an organization operating outside of state agencies and Rankin (2018:405) questions their legitimacy. The unique nature of this organization is that they have Syrian and Iraq investigators that operates during war at significant risk and they have the expertise to establish criminal liability of leaders in the conflict (Rankin 2018:395). This organization distinguish themselves from traditional human rights organization in that way that they are investigating up to a criminal law standard. This means that the evidence is ready to use in a trial. The SIC cannot investigate the crime scenes in ongoing conflicts, the reason for this is

that they cannot risk the life of themselves and the life of potential victims or witnesses. This is one of the biggest challenges with ongoing conflicts. A non-governmental organization does not have the same regulation as the police in conducting investigations, and as argued above this also makes the co-operation problematic at times. NGOs have other ways to go about evidence gathering than the police.

The SIC is receiving information from The Commission for International Justice and Accountability. This was confirmed in conversation with the SIC. They said that they do receive information from the CIJA, but this information must be verified on the same level as with everything else. It is not co-operation in that sense, rather they receive information that becomes part of a larger puzzle in investigations. This is not incriminating evidence, rather information that can be used to assist in an investigation. The CIJA has gathered over 800.000 documents with 'evidence' (VG 2019b). It is obvious that the CIJA has not had time to verify all this information themselves, but there might be information that can assist the SIC in their investigations. This applies to NGOs in general, all information must be verified regardless of where the information come from. There are different NGOs, some have a clear interest in one side of the conflict whilst some are perceived to be more objective. They nevertheless have different methods in regard to information gathering.

There was a case covering this organization online 14.03.19 in the Norwegian newspaper 'VG'. This article states that private detectives are risking their life smuggling out top-secret documents that prove war crimes. Most of those working within this organization have background from the police, prosecutors and international courts and they are experts on how a war criminal trial is built up according to the article (VG 2019b). William Wiley who is the founder of the CIJA worked at the Section working for international crimes in Canada himself and have over 20 years of experience with international criminal justice (Rankin 2018). According to Rankin's article (2018:404) the CIJA has collected and prepared evidence that is "trial ready" for eight cases against fifty of the leaders in the Syrian Government.

There are some issues and criticism towards the CIJA. One of them is that they are non-state actors that investigate these cases with different methods of information retrieval. In order to collect material, they work with groups that during the war also have been suspected of committing war crimes (Rankin 2018:405). According to the article in VG (2019b) Wiley states that they co-operate with armed position and that they do commit abuse, but he argues that they

have to work with someone – otherwise there will not be no criminal investigations. He further says that they keep away from armed opposition groups that have particularly bad reputation, but that for most part they work with those who are willing to co-operate with them. They do not co-operate with the Nusra Front, which is listed as a terror organization and they do not co-operate with the Islamic State of Iraq and Syria (ISIS) (VG 2019b). On the other side they claim to be in a unique position to gather evidence. Their investigators operate within a high-risk tolerance when investigating during conflict (Rankin 2018). This raises important questions about whether the evidence is admissible when introduced to a court. NGOs are often the first to bear witness of a crime scene in a conflict as discussed above. The CIJA illustrates this. Whereas the ICC is limited in terms of universal jurisdiction, organizations such as the CIJA could complement the ICC's role in the broader system (Rankin 2018:406).

Wiley argues in the article that it is not strange that many of the war criminals related to refugee flows only is charged with membership in terror organizations (VG 2019b). The prosecuting authorities in the different countries do not have access to enough evidence to prosecute war crimes (VG 2019b). This supports the complex cases that the SIC has and that it is difficult to prosecute war criminals due to lack of evidence. According to Wiley, war crime cases are complicated with high demands for evidence (VG 2019b).

Rankin (2018:408) argues that if there are enough evidence to prosecute the most senior leaders in Syria, there must be a willingness to establish a court. This can be linked to the current debate in media about whether to establish a court to prosecute war criminals and ISIS fighters from Syria (VG 2019c). The ICC does not have jurisdiction over the territory where these crimes are committed, neither Syria nor Iraq have signed the ICC's Rome Statute. There is only the U.N. Security Council that can refer the crisis in Syria to the ICC. In 2014 there was a draft resolution that was blocked by both Russia and China that would have granted the Court with jurisdiction over war crimes committed by all sides in the conflict (Rankin 2018:394). There are other options for the CIJA such as on the domestic arena (Rankin 2018:409). The CIJA has been in contact with national authorities such as the Section for International Crimes in Norway (VG 2019b).

There are several national authorities that have received information from the CIJA, and they can provide useful information about investigations of war criminals residing in Norway from the ongoing conflicts in Iraq and Syria. They have the capacity to run names throughout their

systems to check asylum seekers for multiple countries, national security and anti-terror police (VG 2019b). Today, the CIJA is co-operating with 13 states, usually war crimes units such as the SIC. The CIJA received over 500 requests from national governments in Europe to run names through their systems between April 2017 and March 2018 (VG 2019b). This illustrates the importance of national authorities using the CIJA to assist in investigating international crimes.

This NGO illustrates the arguments about NGOs role in investigations. As argued above there are some challenges in co-operating with NGOs. NGOs often give the impression of being representatives of justice, but they have very different methods of gathering evidence and this “justice” often includes a number of self-interests. Were the CIJA can risk their life in investigating these crimes, the police can never do that. Wiley says that public authorities have limited resources and scope, as well as low physical risk tolerance, they cannot allow their people to be harmed (VG 2019b). This is why the CIJA might contribute with information that the SIC would never obtain otherwise. There are completely different ways to go about evidence gathering. This raises a number of questions about their legitimacy. The CIJA has co-operated with armed opposition in order to retrieve important information. These methods are of course questionable. However, the CIJA provide crucial and useful information about ongoing conflicts. The secret behind the CIJA according to Wiley is that the vast majority of the people working for the CIJA are local Syrians and Iraqis (VG 2019b).

The Statute of the ICC acknowledges the importance of NGOs role as a legitimate source of information (Tornquist-Chesnier 2004). Whereas for this thesis, the findings arriving from the interviews suggest that this information must be verified in order to use it in investigations. There is a risk that NGOs often identify themselves as spokesmen of humanity which requires independency. Can they really be independent when receiving funds from governments? This creates questions about NGOs and their legitimacy. On one hand, they contribute with valuable information that is important in investigating war criminals, but on the other hand, that information may not be as objective as required for the SIC to use it. All things considered, NGOs play a certain role in investigations, but it is important to be aware of their own interests and agendas.

Co-operation is an important aspect of investigating international crimes, as it requires information and investigations in other countries than Norway. NGOs are a big part of

international criminal justice today and they can provide valuable information in investigations. While the SIC do not refer to it as co-operation, NGOs nonetheless assist in investigations. Receiving information in cases may save time and can help reaching valuable information faster. The police are today managed by performance management and this is to be efficient in reaching goals. Co-operation and assistance may help reach these goals faster. How is good police work measured? What qualifies as 'good policework' on international crimes in Norway? The next part looks closer at the role of performance management.

4.4 Performance Management

The Norwegian police are undergoing a reform with focus on performance management. This is to be more efficient and reduce costs at all levels. This has been the trend in Europe the last 30 years. This performance management can be linked to New Public Management reforms (NPM) (Gundhus and Larsson 2014:299). This means that the police need to be more effective in reaching goals. This subject is widely discussed in the literature. Goal and performance management can in broad sense be regarded as a management philosophy. An overall principle or idea that is adapted to the individual agency. There are however challenges with performance management, police work is not always subject for quantification. The SIC has had two cases prosecuted and convicted in Norway during 14 years of existence, this suggest that much of their work cannot be measured in numbers.

This part of the analysis will examine how the SIC work with their cases in relation to performance management. Are they managed in the same way as other police Sections are? How can the SIC be measured in numbers when cases take years to investigate?

New Public Management

The modern form of performance management can be linked to the reform-wave New Public Management. The NPM is a set of management techniques building on performance criteria and practices that was introduced in 1980s (Lapsley 2009). This was introduced to improve the efficiency in public sector such as the police (Christensen and Lærgreid 2015). The performance management serve a central role in public sector reforms whereas its focus lies on performance and results. The implementation of NPM practices arrived later in Norway compared to other countries but have been implemented in several public sector organizations. Although in Norway, there are not pure NPM reforms but rather NPM inspired reforms. The Police Management Tool (PSV) was introduced in the Norwegian police as a performance indicator. PSV is a system for monitoring police results and was developed to improve the efficiency within the police.

The police districts are managed by key performance indicator (KPI) which include percentage of crimes solved, number of controlled vehicles and numbers of days spent to complete cases (NOU 2012:14). The performance indicator presupposes goals that can be measured

quantitatively; this can be problematic since the police tasks are often without limits. When the goal is to measure good police work, it offers another issue because many aspects of the police work is actually invisible. Big parts of the work they do is not subject of quantification. This could suggest that the police are often managed in a way which involves quantification rather than what is important for the society (Gundhus and Larsson 2014; Finstad 2000).

Management practice within the SIC

Measurement of results is an effective barometer to map out what an organization uses its resources on. This can show whether the efforts work and whether they have the desired effect. The management principle makes it possible for the organization to prioritize correctly, however it seems like a trend that the police work is moving towards measurable crime-fighting tasks that are at the expense of other parts of the police work that are equally or even more important (Wathne 2018:10).

Interview person 8: You have to show results, but there is no requirement for how much time you spend on one thing which is the case for violent crime and juvenile delinquency. We are excepted from that, because it would not work for us. However, it is clear that you have to be patient working with this; you are not able to see results from day to day. It can be frustrating to know that there is information that could clarify or solve the case, but you cannot get a hold of it because the information is not available to us. That can be frustrating.

Performance management is present for every Section or police districts within the police. How does the work that the SIC do differ from other police's work? Their police methods are the same. My informants' stresses that there is no 'hocus pocus' related to investigating international crimes compared to other crimes. The police work is basically the same as one informant explains:

Interview person 7: The investigation itself is the same, when you first get a case, when doing interrogations, when investigating the scene or other technical investigations, whether there are electronic tracks, typical investigation steps, then there are a lot of the same things you do in the police in general.

The investigations are explained to be the same as with other police work. However, there are some aspects that makes these cases differ from other cases within police investigations as one of my informants' express here:

Interview person 1: We also differ to a great extent from other Sections also here at Kripas based on the type of case we have. The case type makes it different with the type of information that one usually starts with and builds on. If one thinks of organized crime, for example, then there will often be focus on crime taking place here and now (...) of course, there are parallels and most of us have experiences from other types of Sections previously. But there is a special case type in relation to the conditions for punishment to be clarified and how the investigation can take place, so it is quite different to work in this Section compared to other Sections.

The case related matter is what makes this Section differ from other Sections within the police. The cases that the SIC work with may take up to several years to investigate and is difficult to quantify compared to other cases with other Sections. If the ICC has two-three cases each year, it is perhaps realistic that the SIC uses several years to investigate a case. My informants stress the importance of quality instead of quantity as emphasized here:

Interview person 9: What is important, not only in those cases here, but other investigative cases are that the investigation holds high quality rather than clarification percent and time spent. Although that is some of the Attorney General's criteria for investigation. However, an investigation cannot be measured on clarification and processing time, because I think than an investigation can hold very high quality even though it is not clarified, while a clarified case may have been poorly investigated. Therefore, it is wrong to apply those criteria here. I think it is clear that we must have boundaries, we cannot hold on into infinity either, we have to set some boundaries. There are, among other things, chief investigators who write such investigation plans, outlining progress, milestones and when to finish it. You must try to comply with this, though these are not deadlines that are registered in the police's management tools.

The above statement explains how difficult it is to measure the quality of the policework within the SIC. The argument is that investigations can hold good quality despite having solved the case. This is not only the case for the SIC, but for the rest of the police in general. Good police

work cannot always be measured in numbers and performance management have received criticism throughout the years (Wathne 2018). One of the consequences of performance management may be that numbers easily can be manipulated. There have been serious consequences of performance management internationally like provoking confessions, but there are consequences within the Norwegian police as well. Wathne (2015:292) found that people working within the police in Norway are “decorating” on the result which means that they record better numbers in the PSV than there are grounds for. The unconscious and conscious manipulation of numbers may as a result be present in the police organization in Norway. Why “decorate” on the results? According to Wathne (2018:163) decorating the results must be seen in light of the fact that performance management does not embrace the most important tasks while being resource-intensive and stealing time from the more important tasks. These consequences can be seen in the context of the goal and management practice.

The management system counts one case as one regardless of the size and severity. This can lead the police taking several easy cases that can be measured, rather than difficult and resource-intensive matters. Consequently, it can be said that good police work can not only be measured in numbers. What can the SIC do to avoid being measured in numbers?

Interview person 9: That's why we often start with, when you receive a message, you do not start an investigation, you rather start something called an inspection case because these cases are not included in the statistics such as criminal cases. Then you inspection it, and as I said before, you either choose to put it on hold because there is not enough to initiate investigation, or you see that there is enough to initiate investigation. From there on in, you have to create a case that is linked to a violation of criminal law and then the time starts, and we are measured.

Instead of starting an investigation they start inspection cases to avoid being included in the statistics. There are aspects of the police's professional practice that are more difficult to measure than others, and it can be assumed that the police have not yet been able to create a satisfactory performance indicator for the qualitative tasks. We know that the police work covers broadly, there are few or no limits to what the police should and should not do. The police vague goals and the fact that there are many qualitative aspects of police investigations makes it difficult to develop good measuring systems. The result is instead that the police find ways to avoid being included in these statistics. For what happens if you display poor results?

You receive less resources. What happens if you display good results? You receive more resources and if there is anything the police argue that they need it is more resources.

The quantitative numbers are often used to achieve a goal and the goal is often confused with target numbers. If the goal is to increase traffic safety, it will be measured through how many breathalyzers they have gathered in one district for instance (Granér and Kronkvist 2014:77). This way of measure the police work may confuse the actual goal in the end and this creates conflicting goals. How can we then measure good police work and ensure that the police are effective in reaching the goals?

Are we measuring the right things?

What is good police work? The police desire to ensure good police work, but at the same time the police management has a desire for good numbers, high achievements and results. The police are woven into a complex political and social network of organized interests which makes this a difficult matter. There has been discussed that there are challenges related to goal and performance management. This is due to the fact that much of the police work cannot be measured in numbers, it is rather difficult to measure the crime that never occurred because of the police's efforts (Wathne 2018:153). These aspects make performance management difficult and complex. It is difficult for a Section such as the SIC to be result-driven when cases take years to investigate.

At the same time, the police are characterized by new reforms that are necessary in order to follow the development in the society. It is about preparing a measurement system that is capable of taking care of the complex tasks that the police have. There are probably more aspects that should be accommodated in the management tool system. There is no doubt that one needs a system that can measure the results and goals with the police organization, but such a system must include the other aspects of police work that are equally important. There is a need for a balanced management tool.

This discussion can further be linked to the institutional representation of the Section. This is part of who the Section is and how they present themselves. Organizations usually legitimize their existence based on results. How do the SIC legitimate their existence when it is difficult to measure their police work? Cases are difficult to measure in numbers because they take years

to investigate. Are there other factors that is important in legitimizing their existence? This will be discussed further in the next part.

4.5 Institutional presentation

The previous parts of the analysis have attempted to present and discuss different aspects of working with international crimes, but how does the SIC present themselves as an institution? What kind of institution is the SIC and what role do they serve on the international arena? This is a Section that not so many people know about, how do they legitimate their existence? Who do they speak to? These are questions that this part of the analysis attempts to discuss.

Interview person 7: Norway is such a peace-loving country and we would like to join the international arena in peace negotiations and contribute to peace and reconciliations in the world. I think it is important that we show that we investigate and prosecute war criminals. It is not without reason that there is a political will for the existence of this Section, and that it is part of where Norway places itself in terms of international crimes, war and reconciliation.

As illustrated in the above statement, the focus on Norway's reputation outward is very much present. International crimes are considered the worst crimes exactly for being that – international crimes. There is an expectation that Norway shall contribute to this field and not be a safe haven for war criminals. The solution in dealing with international crimes cannot be found in one country alone, it has to be done internationally. It concerns the whole world and it requires international co-operation. It is also what connects the SIC to the international community. The Nordic police are highly appreciated internationally on the basis of education and high competence, they are often requested as experts (Gundhus and Larsson 2014:280). This suggests that the SIC has a role that has become central to international co-operation where status might be the reward.

Norway as status-seekers

It is obvious that the reputation outward is important both for Norway and for the SIC. There is an interest in showing that Norway focuses on these crimes. This reputation is however important as it makes co-operation with other international actors possible. This has been important for Norway throughout the years; to show an effort in promoting peace and reconciliation in the world. This is visible in attempting to have good relations with key international actors such as the US and other global actors such as EU, Russia and India.

Norway additionally serve as a major contribution to the UN and this further enhances the credibility in the international community. The focus on international crimes in promoting Norway outward is explained by one of my informants:

Interview person 6: I think that if you manage to prosecute some of these cases from different areas of conflict that it will be good for Norway's reputation outward. This goes back to the safe haven for criminal's thing, it should not be that central criminals from various conflicts should be able to hide in other countries and live in peace for the rest of their lives without being responsible for their actions.

Status is a key driver for many small states in the everyday life of international society (de Carvalho and Neumann 2015:1). Norway have and still works closely with the UN and are interested in many things going on there. The first Secretary-General of the UN was Norway's former Minister of Foreign Affairs, Trygve Lie (Bullion 2001:77). Norway is recognized in the field of peace and reconciliation (de Carvalho and Neumann 2015). However, Skånland (2010) discuss in her article that this picture can be a bit blurry as Norway have contributed in military operations abroad. It can be argued that small states such as Norway seem to be happy with contributing to such operations as long as they are on the right side of great powers (de Carvalho and Neumann 2015:16). Can this status-seeking be the principle behind the SIC and their existence?

There might be limited what the Section can do in regard of the international arena. The reasons for this are the low amount of cases prosecuted. As mentioned previously, there have been two cases prosecuted and convicted along with extradition cases. The ICC have two-three cases each year and based on this we cannot expect that much more either. The SIC might for this reason have a symbolic role. One of my informants' points to what they are able to do in a bigger context:

Interview person 4: (...) What we can accomplish in the big context is highly questionable and probably many opinions about. We must, of course, be realistic and realize that we need to find motivation in the little things, but the little things can be great for the ones which this concerns as a perpetrator and not least for the one whom the perpetrator has committed the crime against.

That there exists such a Section working with international crimes are of course important, but it also reflects Norway's role internationally. There was this sudden focus on these crimes in Norway in 2005; The SIC was established, and the new Penal Code of 2005 was amended in 2008 which include separate chapters on genocide, crimes against humanity and war crimes. It became evident, international crimes was now a focus also in Norway. Who do this Section communicates to? The general public or the international community?

Trust from the public or international recognition?

The population's confidence in the police is a recurring theme in the public debate. This is not very strange considering that the size and organization of the Norwegian police suggest that an organization like this cannot function without a significant degree of trust among the population (Runhovde 2010). How is this related to the SIC? We have seen earlier in the thesis that this a Section that not so many know about. How can the public have confidence and trust in something they don't know exists? Who are they communicating to?

Interview person 9: There are many that I talk to, colleagues otherwise in the police, when I say where I work, they say: oh, what is that? What are you doing there? You have to take the same explanation every time. But we are a small Section, we are 17 people (...) it is not super ordinary matters either. It is not the mass cases that the Norwegian police are used to handling.

In Norway we have maintained high confidence and trust in the police over a long time (Larsson 2010). The police must ensure a minimal risk in the daily life. They are responsible for removing threats to security, safety and trust. This trust may be the foundation that the police largely lives on. When people don't know that there exists such a Section, there might not be trust that the SIC base their existence upon.

There has been argued that the reputation outward for Norway is clearly a huge priority and a focus. The political will for the existence of the SIC is somewhat based on an international aspect. It reflects the status-seeking matter. They are speaking to someone else, and this is interesting. They are possibly communicating to the field of punishment and how the national state and crime is in constant movement. They do not only communicate to traditional criminal justice, rather they also communicate to the larger international community. Trust is about

visibility of the police, a Section such as the SIC is not that visible for the general public. So, what does this Section mean for Norway?

Interview person 9: What does this Section mean for Norway? As I said, I don't think there are so many who know about us (...) so I think that it doesn't mean that much. It is important for Norway that by prosecuting these cases, Norway would appear as a country where it is difficult to hide and not be discovered.

The focus is the international community, but when investigating and prosecuting these crimes it contributes to Norway's recognition internationally. Norway is a small state in the world, and it is limited what Norway can do on its own. As an actor who wants to have anything to say in the international community, we are dependent on co-operation and agreements with other states. This co-operation does not come easily, this is why it is important that Norway contribute to the field of international criminal justice. This may be the essence behind establishing a Section like the SIC. Norway's strong urge in emphasizing peace and reconciliation work, can perhaps be an attempt to cover the fact that Norway lacks hard power in world politics. When small states lack the traditional form of power, they must devote their time on how to employ their resources and relationships (Long 2016:187). This is what Norway does with emphasizing on peace and reconciliation work to gain international recognition such as establishing a Section working with international crimes. The Scandinavian countries have developed recognition over the years internationally with their domestic societies and foreign policies (Long 2016:196). Finland have received attention for being smart, they reach high results in school and receive recognition for that. This is about using the countries resources and strengths in order to achieve some sort of fame outwards.

Where the Norwegian police is very much dependent on resources, there is always challenging to decide who and what to prioritize with the resources at hand. Internationalization and demands for quality challenges the agency's resources, capacity and competence (Politidirektoratet 2008). International crimes have been shown to require both time and a lot of resources throughout this thesis. If one chooses to investigate international crimes it might be on the expense of something else in Norway, it can therefore be questionable to use so much resources on investigating international crimes. Ugelvik (2017:2) raises questions whether globalization has changed the way the Norwegian police allocate their resources. Resources are

increasingly spent on international aspects of social problems (Ugelvik 2017:2). The SIC is an example of this priority on international aspects. The consequence is of course that ordinary police work would receive less resources as a result of this. Ugelvik (2017:15) therefore points to problems such as the focus being turned away from regular, everyday crime that most people are victims of. As put by an informant:

Interview person 2: (...) The Norwegian police are facing challenges with the economy. If one chooses to investigate war crime cases, then it will be at the expense of other cases and issues that Kripas is responsible for here at home. As explained before, these cases are expensive to investigate.

This strengthens the argument about the SIC and their role besides investigating war crimes in Norway. The establishment of the SIC has resulted in Norway contributing to global justice. This further demonstrates to the international community that Norway is a country that respects international humanitarian law and in doing so promotes Norway's reputation outward (Selman-Ayetey 2013).

To conclude, it seems like international recognition is an important element behind establishing a Section working with international crimes in Norway. This does not mean that this Section is not important for that reason, it just means that it can be argued that they serve another role besides investigating war criminals residing in Norway.

5 Norway's penal role: beyond the nation state

When discussing how national police work with international crimes, the previous chapter has dealt with aspects that illustrates the complexity of working with cases that takes years to investigate. It appears that this results in few cases making it all the way to convictions. The SIC has had two cases prosecuted and convicted in Norway along with five extradition cases from their establishment in 2005 until recent date. Throughout the analysis, there has been pointed to several reasons for this such as the complexity of investigating cases from around 20 years ago to the complexity of investigating ongoing conflicts. Social media has been discussed as a tool to help investigate the latter. Where cases might not be solved now, the work that the Section does now will still be important in the future as explained by my informants. The conflict in Syria and Iraq are important and will be of great importance now and in the future. These are ongoing conflicts that makes it difficult to investigate, as mentioned earlier in the thesis. It creates questions about the responses to these crimes and there have been debates about whether to establish an international court to prosecute leaders from the conflict in Syria (VG 2019c). These are current topics that are relevant today. The conflicts in Syria and Iraq will probably receive more and more attention in the future as one suspect that there are many war criminals from Syria residing in Norway. It will be important to continue to do research on these ongoing conflicts in international criminal justice.

There have been discussions around the role that the SIC serve on the international arena. It is now evident that there are few perpetrators convicted in Norway. This was perhaps never their ambition either – to be able to prosecute every war criminal residing in Norway. I therefore argue that they serve another role, the role that reflects Norway's reputation outward. This is an important role for Norway in their quest towards status internationally as a small state. It illustrates that the symbolic role of the SIC might be just as important as the cases they are able to prosecute. This is a new symbolic function aimed outwards, but punishment has always had a symbolic value in the sociology of punishment. Feinberg (1965:403) argues that punishment besides expressing judgement is a symbolic way of getting back at the criminal with expressing vindictive resentment. Garland (2013:487) further explains how punishment may be selected for its symbolic role rather than the instrumental effect albeit there is usually a relationship present between those two.

Whether status is a goal in itself can of course be questioned, because Norway is further perceived to act not solely of out of self-interest, but with regard to benefiting international society as a whole (Wohlforth 2018:540). When I started this research project, I wanted to explore how national police work with international crimes in Norway. However, during this process, the role of the SIC in promoting Norway's role internationally emerged as a very interesting aspect. The previous chapter has dealt with several themes that arose during the interviews. These themes have attempted to show how the SIC work with international crimes and the different aspects of working with such complex cases.

As discussed in part two, the perpetrators of international crimes are difficult to locate and creates challenges for the SIC. Most of their work consists of locating war criminals residing in Norway. This is a time-consuming process and research have shown that most perpetrators of international crimes often are ordinary people who have found themselves in extraordinary situations (Smeulers 2014). This in turn will have an effect on how the police investigate these cases. It is difficult to establish an evidentiary basis and result in cases taking years to investigate together with the fact that most cases have been committed for over 20 years ago. Most of their cases have in fact been cases from the Balkan wars and the Rwandan genocide. This makes it difficult to locate the alleged perpetrators and makes it difficult to locate any evidence which result in cases taking years to investigate.

Further, the SIC is investigating cases from ongoing conflicts. Syria became a focus seen together with the refugee flow a few years back. According to the SIC there are many war criminals from Syria residing in Norway today, they are as a result looking into around 20 people that may potentially be war criminals from Syria (VG 2019a). These ongoing conflicts creates challenges with travelling down to the crime scene and conducting investigations. It is crucial for the SIC to be able to travel to the conflict area and do their own investigations. Albeit, with the development of social media it has become increasingly important to build evidence from open sources and this can help contribute to solve cases from ongoing conflicts (Kaleck and Kroker 2018; Irving 2017). With cases being complex and the perpetrators difficult to locate it creates challenges with investigating these cases and it was discussed that this requires co-operation from different actors.

Co-operation is an important aspect of investigating international crimes. Human rights NGOs have become key players in the field of international criminal justice over the years. They are

often the first to attend the crime scene after a conflict which makes them valuable for police investigations (Sunga 2017). Throughout the interviews with the SIC it became evident that there are mixed feelings about co-operating with NGOs. The police have their own way of investigating cases and it must be done objectively. It is part of the basic principles in the law on police which means that no one should be unnecessarily exposed to suspicion or inconvenience (Myhrer 2014:100). The SIC has pointed out that NGOs often have their own agendas in cases and can be influenced by one or the other side of a conflict. The SIC is skeptical towards co-operation with NGOs on that ground. This is consistent with previous research on the field (Bolhuis 2018; Haddad 2018; Keating and Thrandardottir 2017).

NGOs serve a mixed role in investigating international crimes. On one side they contribute with information that the police otherwise would not have obtained, but on the other side this information must be verified. The CIJA was presented to illustrate some of the challenges with NGOs. They have very different methods in investigations, whereas the CIJA can risk the life of their investigators in obtaining information, the police cannot do that. Despite these challenges, NGOs contribute with useful information that can help the SIC in their investigations. The SIC will not refer to it as co-operation, but rather they receive information that can assist in investigations.

Another important element in police work is performance management. Cases can take years to investigate, so how are success measured? It is difficult to measure their police work in terms of numbers. International crimes require investigations in other countries than Norway, often far away and with different cultures and languages that makes them challenging to investigate. Performance management within the police have been debated since the introduction with NPM (Gundhus and Larsson 2014:299). This thesis has raised questions about whether we are measuring the right things. This discussion is part of the larger discussion about the institutional representation of the Section. When it is impossible to measure success based on cases solved, is it perhaps other ways to measure the work that they do? As any other Section within the police it is crucial for the future of the SIC to be supplied with enough resources to investigate international crimes. They are governed by how much Kripos receives in grants. There is a pressure on delivering results, we can accordingly see a hint of a symbolic policy. There are other factors behind their existence besides the results delivered in numbers.

The institutional representation of the Section is an important aspect of the analysis. It is part of who the Section communicates to. It does not seem like the SIC is communicating to the general population in Norway, most people seem to not know they exist. The question became: who do they communicate to? This Section represents a global era within criminology. They are communicating to the international community. They are part of contributing to Norway's reputation outward. What does this mean for the discipline of criminology?

Increased globalization entails a greater risk than before for people who have been guilty of genocide, war crimes and crimes against humanity staying in Norway (Stigen 2009:1).

Globalization processes has made the world smaller and it was about time to acknowledge international crimes. Punishment can no longer be viewed just within the nation state's borders. The field of international crimes requires that the nation state moves beyond the borders in order to response to mass atrocities. The analysis of the Section for International Crimes has illustrated the shift in moving beyond national borders. The SIC is communicating to the larger international community and becomes a great example of the power and forces that the international community have on nation states. It is apparent that the power Norway as a state has have become influenced by the international community. In exploring these global processes Aas (2013:200) argues that "*Exploring global complexity therefore forces us to challenge the traditional focus of criminal law and criminology on the nation state and its control of its territory.*"

Small states tend to seek protection from bigger states in order to receive protection (de Carvalho and Neumann 2015). This is often done by establishing networks, signing agreements and co-operation with important actors and states to gain this form of protection. This is merely a step in surviving as a small state. It is therefore important for Norway to be a part of international criminal justice in order to have the support and recognition by other bigger powerful states. We know that examples of important benefits in international politics are control, security, profitable investments, important natural resources and a good reputation. Norway now have a Section working with international crimes and a Penal Code that includes the categories of war crimes, genocide and crimes against humanity. Norway is as a result part of international criminal justice. These global processes are influenced by the constant increasing mass movements across borders. There are many people coming to Norway for asylum whereas the police suspects that some have engaged in conflicts one way or another.

This creates challenges and illustrate how global mobility result in international criminal justice being on Norway's agenda.

Global mobility

There has been a growing awareness towards new forms of control that are associated with the 'punitive states' of late modernity (Garland 2001). With globalization the rise of mass movements in the population occurred. Today, tens of millions of people are traveling annually in the world (Weber and Bowling 2004). The global mobility creates a political rhetoric about 'illegal immigrants' where the act itself of seeking asylum has been a negative aspect of globalization (Weber and Bowling 2004:198). This mobility represents a challenge for the state trying to control it (Aas 2013:31). The police have earlier been tied to the nation state, today the police work transcends national borders. There has been an increased concurrence between criminal and immigration law the past decades which has resulted in innovative forms of border control and policing. The global mobility result in people residing in Norway and the residing of people in Norway increases the risk of potentially war criminals hiding in Norway. This makes the work that the SIC does important. The issues of migration and border control is an important aspect of the political agenda and governments are struggling to manage all those people moving around the world (Bosworth 2016). Global movement of people is why there is a need to focus on international crimes, not only in conflict areas but also in Norway. This global mobility of people results in the increase of control in Norway. Reijven and van Wijk (2015:485) argues that whereas authors discuss the war on terror and transnational organized crime there has been little attention devoted to how law enforcement deals with the threat of war criminals entering their territory. This is what this thesis has attempted to explore.

During working with the analysis, it became apparent that the SIC is working closely with UDI and UNE. This is an example of how the immigration control and crime control are becoming more attached to each other (Gundhus and Larsson 2014:283). According to my informants, the SIC is dependent on information about those who seeks asylum in Norway and UDI and UNE are the first ones to receive this information and makes this co-operation valuable to the SIC. The concept of "crimmigration" captures this link between the police and the immigration control. New forms of control arise that breach with the traditional practices of crime control (Gundhus and Larsson 2014:283). This process of crimmigration policing has placed stress on national governance (Bowling and Sheptycki 2014). Does increased immigration lead to

increases in crime? This link between the immigrant and crime is connected with the fact that immigrants typically are often young male, poorly educated and these are often the characteristics of criminals.

Asylum seekers and immigrants are often intermixed with criminals in the media: that they should not be trusted (Aas and Bosworth 2013). Asylum seekers is often marked with some sort of suspicion because we now know that many people coming to Norway for asylum have engaged in criminal activity in conflicts. This put together with media representations of immigrants as 'deviant' creates certain images (Aas 2007). Hence, these images create a clear distinction between the national and the immigrant. This creates difference between 'good' and 'bad' that can be referred to as 'tourists' and 'vagabonds' (Bauman, 1996). This conceptual distinction is highly applicable to globalization. The suspicion towards the immigrants results in an increase in border control. Where the tourists can move nearly anywhere without any concerns, the vagabonds are met with an increase in control that includes visa requirements, rejection or punishment. This is why crime control and immigration control are increasingly becoming attached to each other.

In this globalized world, the concept of borders has received a new meaning. Mobility is one of the most important features of globalization. Where there has usually been about what is happening inside a state, it is now more important what is happening outside the state. The increased mobility of people across borders is now of great concern (Pickering and Weber 2006). The unwanted border crossing is not something new, but there has been an increase in control over borders. States have incorporated both punitive and innovative methods in order to deal with the uncontrolled mobility (Pickering and Weber 2006:9). This results in a joint engagement between the police and immigration control. The SIC is very interested in the ones crossing the borders and residing in Norway. What happens with the nation state as a result of this?

The changing role of the nation state

There are challenges to state sovereignty that arrives from the increasingly interconnected global economy (Aas 2013:17). The role of the modern state is as a result fundamentally transformed under the influence of globalization. Throughout the years when discussing politics, it was usually about what goes on inside sovereign states. Everything else was referred

to foreign affairs or international relations. In this globalized world, all states are embedded in the same system and make them subject to the same pressures. We see that nations today to a greater extent become members of international organizations and enter into agreements, which may weaken the national state's power. An example of this is the Rome Statute where 123 states have ratified the treaty. These states including Norway have given away some of the sovereignty to the ICC to protect themselves against future atrocities (Baumann and Stigen 2018). The USA for instance along with other powerful states has not ratified this treaty because they will not limit their sovereignty. This means that the ICC has no jurisdiction in states that has not ratified the Rome treaty.

Aas (2013:170) argues that the declining powers of the nation state have been subject for most politically debates on globalization. The nation state can no longer be perceived as a discrete and separate entity, the modern society is transformed by the trans-border flows. This results in responses to crime not only being shaped within nation states but moved beyond the nation state (Aas 2013:229). What effect can this have on international criminal justice? And what effect can it have on the criminological theories around punishment and the state?

The modern state is often characterized by 'sovereignty' and within the borders the police are the ones with monopoly of legitimate use of force (Finstad 2000). With transnational policing, the police work goes beyond the borders of the state. Bowling and Sheptycki (2012:35) argues that the nation state system has transformed into a transnational state system. Transnational crimes and international crime have become a key issue in modern times. It has become a central theme in many states' political agendas and the notion of control has expanded. This is visible in Norway. The Section for International Crimes represents what Bowling and Sheptycki (2012:35) refers to as a transnational state system. Their police work is not just within the borders of the nation state, it goes beyond the borders with co-operation and investigations in other countries besides Norway.

This is not just about the police being able to do police work in other countries and vice versa, but also incorporating legislation and co-operation agreements within the nation state (Bowling and Sheptycki 2012). Since having signed/ratified certain international agreements, Norway eventually created their own provisions to punish actions such as international crimes (Innst.O.nr29 2007-2008:15). The fact that we now have a Section working specifically with these 'core crimes' is a result of the globalization and serve as a good example that the state is

no longer limited within the country's borders. The police have collaborated internationally for a long time, this is not new. But one sees a new tendency towards the influence that international community might have on the nation state. This is an important aspect of globalization and can perhaps contest the nation-state frame within the discipline of criminology.

As discussed, what happens internationally have an effect on Norway today. International law has a major impact on Norway's domestic laws and agreements with international actors results in commitments. Norway's involvement in the UN and in previous conflicts has been noticed and gives Norway a certain reputation. If Norway wants to have anything to say at the big table, they are dependent on these agreements and co-operation with the international community. Norway is neither a great military nation nor an important economic actor, but Norway has participated in the international arena to a greater extent than the size of the country would indicate (Wohlforth et al. 2018:541). This has been possible because Norway has been an advocate for international law, human rights and reconciliation in the world (Wohlforth et al. 2018). The SIC is an example of this contribution to international criminal justice where this establishment might have given Norway some sort of recognition in the international society.

There is a huge difference between how much power the states have. The USA is considered a superpower that can deploy its resources anywhere in the world. As discussed earlier in this thesis, Norway is regarded a small state but nevertheless an active participant in the world community (de Carvalho and Neumann 2015). All this is a result of the work that Norway has done for the international community with participating in peace and reconciliation work. Norway is often recognized as a neutral actor which enhances their credibility (Kelleher and Taulbee 2006). Establishing a Section working with international crimes and creating a new Penal Code is a result of the international influences on the national state. Leira (2013) argues that Norway's involvement in peace and reconciliation work in the world is based on the discourse about who Norway are. Norway identifies itself with promoting peace. Leira (2013) further argues that the status-seeking is rather a secondary effect of this. However, it seems evident that international recognition is important for Norway as it provides some sort of rewards.

Norway as a peace nation has received criticism (Kelleher and Taulbee 2006). Last chapter mentioned Norway's involvement in armed conflicts which makes this picture a bit blurry. The criticism is often towards Norway's participation in wars and for providing arms export

(Kelleher and Taulbee 2006:351). This illustrates the point of Norway wanting to contribute as long as it strengthens Norway in the world community. Norway is not part of the EU which results in Norway lacking the direct contact with important leaders in the world. Consequently, Norway need to pursue status work such as peace and reconciliation to enhance the relationship with the powerful states (Kelleher and Taulbee 2006). Hence, it was important for Norway considering the recent trend in international criminal justice to establish a Section working with international crimes. This focus is in accordance with Norway's general foreign policy profile as discussed above. All things considered, it seems like the role of the nation state is transformed and influenced by the international community. How may this affect the relationship between punishment and the state?

Punishment in a globalized world

Punishment as everything else may be influenced by the globalized world. What is punishment? Zedner (2016:14) argues that punishment is the most powerful exercise of state authority. Globalization demands a different understanding of punishment and penal power in the global context (Bosworth et al. 2018:46). There have been contributions to the field of globalization, punishment, penal humanitarianism, nation state and international criminal justice in recent years (Aas 2013; Lohne 2018; Zedner 2016; Savelsberg 2010; Bosworth 2017; Bosworth et al. 2018). Penal humanitarianism is described by Bosworth to explain how humanitarianism enables penal power to move beyond the nation state (Bosworth 2017). Crimes addressed at the global level is argued to be a new development (Savelsberg 2010). International crimes are codified crimes of universal concern and therefore receives attention beyond the nation state (Lohne 2018:4). There is not much engagement with crime and punishment beyond the nation state. International criminal justice and international crimes may challenge this engagement. International criminal justice is a field that has attracted attention from several disciplines the past decade including criminology (Lohne 2018).

It is common to argue that the modern state began to take place in the 18th century. There has been a tendency towards increased use of punishment both in the Scandinavian countries (Balvig 2005; Nilsson 2013) and the more neoliberal states such as the USA (Garland 2001). New forms of control have emerged in the modern society throughout the years. Earlier, the state governed through the threat of death, whilst today the state governs to protect and manage the citizens. The state's existence is today dependent upon the well-being of the population.

The governing by the state are today decentralized to different actors and institutions, however as a result of globalization the power of the nation state is also influenced by other nation states.

Globalization is argued to be a powerful process that affect criminal justice and penal policies in several countries (Savelsberg 2011). International crimes move beyond the nation state and the need to study punishment in the globalized context is an important aspect of criminology (Lohne 2018). What role does globalization have in the sociology of punishment? Punishment might not just be the nation state's concern anymore, there is a need to look at the international community. Can punishment represent something else than the increase of punishment and culture of control presented by Garland (2001)?

When crime increasingly displays international dimensions, it is difficult for nation states to deal with it. International crimes can move the focus beyond the nation state. It may be referred to as what Aas (2013:219) explains as 'perceived shared sense of humanitarian consciousness'. Non-governmental organization have played a crucial role in the lobbying of international legal responses to international crimes. They are often referred to as human rights NGOs. The connection between penal power and humanitarianism are becoming prominent (Lohne 2018:5). This has been visible in the thesis with co-operation between the SIC and NGOs.

The Section for International Crimes perhaps require a rethinking on the relationship punishment and the state. It is not just about punishment within the nation state, the punishment is now influenced by the international community. Why is it that Norway now have a Section working with international crimes and a new Penal Code that includes these crimes? There was a political will for this to emerge that is a product of these international influences. This is a product of globalization and why we need to think outside the nation state. The maximum penalty has gone from 21 years to 30 years on international crimes in the Norwegian Penal code, this is clearly under influence from the international community. The reasons for these provisions was first and foremost the establishment of the International Criminal Court. These global influences from the international community result in mass atrocities taking place in one country and being punished in another. This process is what international criminal justice represents. Punishment may in that way be said to transcend the borders and as a result depart from the traditional association of the national (Lohne 2018:3).

The nation state still has profound functions in the world today, it is not that globalization has destroyed the sovereignty totally. The argument is that these global processes have had impact on the nation state in that sense that international influences have significant power today. It is important to move beyond the nation state and it is important to move beyond the traditional thinking about punishment. Aas (2013:200) argues that criminology both theoretically and methodological seems to be badly equipped for understanding the global transformations. She further argues that the role of the nation state no longer seems self-evident. There is need for a global framework in order to understand crime and crime control (Aas 2013:229). International crimes are one example of the need to establish this global framework in order to understand the state and punishment today. This thesis has used this global framework in order to challenge the traditional framework of the nation state. It seems like punishment and the state may not go hand in hand any more as the discipline of criminology perhaps first assumed.

Towards a global framework

This thesis has used globalization as the theoretical framework, and it is therefore essential to link the findings to this larger criminological perspective; globalization and crime. I have illustrated how a global framework is needed to investigate how national police are working with international crimes. The SIC is an example of the need to establish this framework. They are contributing to enhancing Norway's role in international criminal justice. There is a need for a framework that can assist in understanding how the nation state is influenced by the international community. Peace and reconciliation work are important for Norway and the SIC is contributing with international recognition and credibility. In order to understand Norway, we need to understand Norway beyond the nation state – we need an epistemological shift in order to deal with the ontological change.

These aspects of global flows, global mobility and the changing role of the nation state is not something new. There has been extensive research on these fields (See Garland 2001; Sheptycki 2000, Aas 2007, 2012, 2013; Bosworth 2016, 2017; Lohne 2018), but this needs further discussions in order to fully comprehend the influence that the international have on the national. The SIC has throughout the thesis illustrated Norway's role internationally. How is the SIC contributing to strengthen Norway's role internationally? Their symbolic role outward and their international co-operation ensures that Norway are seated at the table in peace and reconciliation work in the world. The implementation of human rights efforts is about policy,

power and resources as argued in this chapter. Norway has economic interest in several countries that suffers from human rights challenges and this of course is central in Norwegian politics and foreign affairs. The international recognition brings a number of benefits internationally; Norway is allowed in decision-making and it further provides Norway with a voice internationally which is beneficial in a bigger context.

It is difficult to argue that the SIC is of great value for the people in Norway when most people don't know they exists. During the interviews it became clear that many people do not know about this Section and their work in investigating war criminals in Norway. This did not only concern the public, but also the police organization. There were people working with the police that seemed to not know about the SIC. They have however received attention in the news media lately that might contribute to spread knowledge about the SIC. This does not mean that the SIC is not valuable, rather the SIC appear to be especially valuable for Norway in promoting recognition internationally. There was a political will behind the establishment of the Section and their symbolic role was important. The decision was influenced by the international community and the shift in resources towards international aspects of crime; a result of globalization.

Globalization has already been going on for several centuries (Aas 2013). It went from trading at the silk road in the 15th and 16th centuries to the industrial revolution and all this has tied the world together. Globalization has perhaps turned a new page since the 90s with internet and modern communication. As a result of these global processes we are faced with new control mechanism to deal with crimes that are happening. International crimes are on the agenda and with global mobility it becomes a problem for Norway and other countries as well. The SIC is a product of these global processes and international recognition is important. This challenges the traditional thinking about the nation state and the global framework is important in order to deal with these aspects. This framework is needed to expand the conceptual limits of the nation state and the responses to crime challenges criminology as a discipline (Aas 2013). The SIC represents at least traces of a symbolic role together with their responsibility to investigate war crimes, genocide and crimes against humanity in Norway.

This shift emerging from globalization have been discussed in recent criminological research (Aas 2013; Bosworth 2016; Lohne 2018; Zedner 2016). The findings arriving from my analysis are contributing to illustrate the importance of a global framework in criminology. The state

and the responses to crimes are no longer tied together, there are forces outside the borders that affect these aspects. International crimes are not new, the responses to these crimes are. With globalization as the overall perspective it became fascinating to explore the role of the SIC as part of a bigger puzzle about punishment and the state. In addition, with these findings emerged a significant discussion about Norway's role in international criminal justice which this thesis has attempted to examine.

6 Conclusion

In this study, I conducted ten interviews and analyzed these along with relevant literature on the field. The goal has been to present the findings and put them in a larger criminological context. This thesis has addressed the specific challenges related to international crimes in Norway. The findings have been presented in five different parts that aims to provide an understanding into how the SIC work with international crimes. The SIC has existed for approximately 14 years and it was about time to look into what this Section means for both Norway and the international community. International crimes are the most serious crimes that concern the global community. These crimes have received attention in the Norwegian newspapers these days, which illustrates the relevance. It is estimated that over 20 potentially war criminals from Syria are located in Norway.

The research question for this thesis has been:

How does national police enforce international crimes in Norway?

In addition to this, the following research questions were developed and addressed:

How do they present their contribution both nationally and internationally?

What is Norway's role in international criminal justice?

These questions have been addressed using empirical findings combined with theoretical perspectives. The interviews with the SIC have been an important source of data for this thesis. Globalization has been the central overall theoretical perspective where international criminal justice and transnational policing have been presented as the two fields of literature that form the background. The researcher has attempted to bridge these two literatures with the empirical data. There is an extensive amount of research on both international criminal justice and transnational policing, however little research has been conducted on these two areas combined. Therefore, this thesis aimed to combine these two fields in order to deal with the enforcing of international crimes in Norway. It is crucial for nation states to contribute in order to deal with international crimes. Therefore, this thesis is relevant in providing insights into how the Norwegian police deal with these crimes and how this is a part of a larger discussion around global processes.

Globalization and the transformation of the nation state have been an important framework for this thesis. The whole reason behind establishing a Section working with international crimes in Norway is because of these global processes; the risk of war criminals residing in Norway. Global mobility has been central in this discussion, both in terms of the increased number in asylum seekers in Norway and the increased control mechanism in order to deal with these asylum seekers. “Crimmigration” turned out to be important in this context, the strong link between immigration control and the police has been revealed during the discussion (Gundhus and Larsson 2014).

It became increasingly apparent throughout the research that the SIC served another role besides investigating war criminals. This role is a part of contributing to Norway’s recognition outward. This was not evident prior to the research, where the main goal was to establish how the Norwegian police are dealing with international crimes. However, throughout the research process it was revealed that there were different turns that were interesting to look closer into. Given the fact that not many people know that this Section even exists, I therefore suggest understanding the SIC as being part of promoting Norway’s role in international criminal justice, and thus representing a symbolic role. This role is important in giving Norway a voice in the international community. The approach towards the international community contributes to show how the nation state is influenced by the international world. It is rather difficult to study what happens in Norway today without looking beyond the nation state.

The cases brought to the ICC will first and foremost have symbolic significance and the main responsibility lies on the states and their own criminal systems (Baumann and Stigen 2018). Nevertheless, I have argued that a Section such as the SIC will also have this symbolic significance, but the interaction between international and national criminal justice system will be important (Baumann and Stigen 2018). It is perhaps the long-term effects of criminal prosecution on international crimes that will have an effect. However, as Baumann and Stigen (2018:273) suggest, the institutionalized condemnation of international crimes must be presumed to have a preventative effect in the long term. Aas (2013:229) argues that there is a need for a global framework in order to understand both crime and the responses to these crimes. This thesis has hopefully contributed to further promoting this global framework in order to deal with responses to international crimes.

The discussion chapter suggested that the relationship between punishment and the state have changed. There has been a rise in international forms of justice and especially through human rights regimes, such as the responses to international crimes. These questions about criminal justice are increasingly becoming more international and challenges the traditional framework in criminology. The global processes have had profound impact on the nation state and sovereignty. With the establishment of the SIC and the new Penal Code covering genocide, war crimes and crimes against humanity it is safe to say that globalization is powerful and affects criminal justice and penal policies in Norway along with other countries (Savelsberg 2011). Exploring global processes forces us to move beyond the traditional thinking about nation-states. I have therefore hopefully contributed to show how a global framework is needed in criminology to understand the field of international criminal justice.

Moving forward

This thesis has contributed to expanding knowledge about national enforcement of international crimes. It has also contributed to challenge the traditional thinking about punishment and the state. As shown in the thesis, international criminal justice is a growing field of interest and research must continue to follow.

I believe that it is important to continue research on national enforcement of international crimes. The two paths of international criminal justice and transnational policing may have more to win if they are considered together. There has been a growth in both paths, whereas international criminal justice has blossomed with new institutions like the ICC, the law enforcement has developed in investigations and international co-operation across borders. They can as a result of this be more essential together in creating an understanding of the impact that the international community have on national law enforcement and policing.

Word count: 34019

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Appendix 1: Approval from NSD



Kjersti Lohne
Postboks 6706 St. Olavs plass
0130 OSLO

Vår dato: 08.02.2018

Vår ref: 58841 / 3 / STM

Deres dato:

Deres ref:

Forenklet vurdering fra NSD Personvernombudet for forskning

Vi viser til melding om behandling av personopplysninger, mottatt 31.01.2018.

Meldingen gjelder prosjektet:

<i>58841</i>	<i>Hvordan jobber nasjonalt politi med internasjonale forbrytelser?</i>
<i>Behandlingsansvarlig</i>	<i>Universitetet i Oslo, ved institusjonens øverste leder</i>
<i>Daglig ansvarlig</i>	<i>Kjersti Lohne</i>
<i>Student</i>	<i>Maria Fasmer</i>

Vurdering

Etter gjennomgang av opplysningene i meldeskjemaet med vedlegg, vurderer vi at prosjektet er omfattet av personopplysningsloven § 31. Personopplysningene som blir samlet inn er ikke sensitive, prosjektet er samtykkebasert og har lav personvernulempe. Prosjektet har derfor fått en forenklet vurdering. Du kan gå i gang med prosjektet. Du har selvstendig ansvar for å følge vilkårene under og sette deg inn i veiledningen i dette brevet.

Vilkår for vår vurdering

Vår anbefaling forutsetter at du gjennomfører prosjektet i tråd med:

- opplysningene gitt i meldeskjemaet
- krav til informert samtykke
- at du ikke innhenter [sensitive opplysninger](#)
- veiledning i dette brevet
- Universitetet i Oslo sine retningslinjer for datasikkerhet

Veiledning

Krav til informert samtykke

Utvalget skal få skriftlig og/eller muntlig informasjon om prosjektet og samtykke til deltakelse.

Informasjon må minst omfatte:

- at Universitetet i Oslo er behandlingsansvarlig institusjon for prosjektet
- daglig ansvarlig (eventuelt student og veileder) sine kontaktopplysninger
- prosjektets formål og hva opplysningene skal brukes til
- hvilke opplysninger som skal innhentes og hvordan opplysningene innhentes

Dokumentet er elektronisk produsert og godkjent ved NSDs rutiner for elektronisk godkjenning.

- når prosjektet skal avsluttes og når personopplysningene skal anonymiseres/slettes

På nettsidene våre finner du mer informasjon og en veiledende mal for [informasjonsskriv](#).

Forskningsetiske retningslinjer

Sett deg inn i [forskningsetiske retningslinjer](#).

Meld fra hvis du gjør vesentlige endringer i prosjektet

Dersom prosjektet endrer seg, kan det være nødvendig å sende inn endringsmelding. På våre nettsider finner du svar på hvilke [endringer](#) du må melde, samt endringskjema.

Opplysninger om prosjektet blir lagt ut på våre nettsider og i Meldingsarkivet

Vi har lagt ut opplysninger om prosjektet på nettsidene våre. Alle våre institusjoner har også tilgang til egne prosjekter i [Meldingsarkivet](#).

Vi tar kontakt om status for behandling av personopplysninger ved prosjektslutt

Ved prosjektslutt 22.08.2019 vil vi ta kontakt for å avklare status for behandlingen av personopplysninger.

Gjelder dette ditt prosjekt?

Dersom du skal bruke databehandler

Dersom du skal bruke databehandler (ekstern transkriberingsassistent/spørreskjemaleleverandør) må du inngå en databehandleravtale med vedkommende. For råd om hva databehandleravtalen bør inneholde, se [Datatilsynets veileder](#).

Hvis utvalget har taushetsplikt

Vi minner om at noen grupper (f.eks. opplærings- og helsepersonell/forvaltningsansatte) har [taushetsplikt](#). De kan derfor ikke gi deg identifiserende opplysninger om andre, med mindre de får samtykke fra den det gjelder.

Dersom du forsker på egen arbeidsplass

Vi minner om at når du [forsker på egen arbeidsplass](#) må du være bevisst din dobbeltrolle som både forsker og ansatt. Ved rekruttering er det spesielt viktig at forespørsel rettes på en slik måte at frivilligheten ved deltakelse ivaretas.

Se våre nettsider eller ta kontakt med oss dersom du har spørsmål. Vi ønsker lykke til med prosjektet!

Vennlig hilsen

Marianne Høgetveit Myhren

Sri Tenden Myklebust

Kontaktperson: Sri Tenden Myklebust tlf: 55 58 22 68 / Sri.Myklebust@nsd.no

Appendix 2: Informed consent form

Forespørsel om deltakelse i kriminologisk forskningsprosjekt

”Hvordan jobber nasjonalt politi med internasjonale forbrytelser?”

Bakgrunn og formål

Jeg er masterstudent i Kriminologi ved Universitetet i Oslo og er i gang med den avsluttende masteroppgaven. Temaet for oppgaven er hvordan nasjonalt politi jobber med internasjonale forbrytelser. Her vil jeg se på hvordan Kripos sin seksjon ‘internasjonale forbrytelser’ arbeider og hva deres bidrag til internasjonal strafferett er.

Hva innebærer deltakelse i studien?

For å finne ut av dette ønsker jeg å intervjuere denne seksjonen for internasjonale forbrytelser i Kripos. Jeg ønsker å snakke med dem som jobber med dette på dagligbasis for å finne ut av hva deres arbeid går ut på. Jeg vil bruke lydopptaker og ta notater under intervjuene. Tid og sted for intervjuene vil vi avtale sammen. Intervjutiden vil kunne variere, men vil neppe ta mer enn én time.

Hva skjer med informasjonen om deg?

Det er frivillig å være med og du har mulighet til å trekke deg når som helst underveis, uten å måtte begrunne dette nærmere. Opplysningene vil bli behandlet konfidensielt og det er også mulighet for å anonymisere, det vil si at ingen enkeltpersoner vil kunne gjenkjennes i den ferdige oppgaven. Det kan likevel være naturlig å tenke at informantene i dette prosjektet ikke vil ha noe problem med å stå frem som representanter for sin organisasjon, men det er opp til den enkelte. Det vil ikke bli spurt om noen form for sensitiv eller taushetsbelagt informasjon. Opptakene vil slettes når oppgaven er ferdig, i utgangen av 2019.

Dersom du har lyst til å være med på intervjuet, er det fint om du skriver under på den vedlagte samtykkeerklæringen.

Hvis det er noe du lurer på underveis kan du kontakte meg på 40 60 96 21, eller sende epost til maria_fasmer@hotmail.com. Du kan også kontakte min veileder Kjersti Lohne ved Institutt for Kriminologi og Rettsosiologi på mail: kjersti.lohne@jus.uio.no

Studien er meldt til Personvernombudet for forskning, NSD - Norsk senter for forskningsdata AS.

Samtykke til deltakelse i studien

Jeg har mottatt informasjon om studien, og er villig til å delta

Jeg ønsker å være anonym

Jeg motsetter meg ikke at mitt navn og opplysninger om meg offentliggjøres i det endelige arbeidet

(Signert av prosjektdeltaker, dato)

Appendix 3: Interview guide

Kripos – seksjon for internasjonale forbrytelser

Intervjuguide

Varighet: ca. 60 minutter

KRIPOS

Tema:

Bekjempelse av internasjonale forbrytelser

- Problemstilling: Hvordan jobber nasjonalt politi med internasjonale forbrytelser?
- Hvilken type institusjon er seksjonen for internasjonale forbrytelser?

1) Rammesetting

- Uformell samtale (2-5 minutter)
- Informasjon om prosjektet og problemstillingen

2) Erfaringer

- Overgangsspørsmål (5-10 minutter)
- Avdekke erfaringer og deres rolle

3) Fokusering

- Nøkkelspørsmål (50 minutter)
- Oppfølgingsspørsmål eller sjekkliste

4) Tilbakeblikk

- Oppsummering (10-15 minutter)
- Avklaring

1) *Rammesetting*

- Informasjon om prosjektet og problemstillingen (5-10 minutter)

- Bakgrunn og formål for samtalen
- Hva skal intervjuet brukes til?
- Avklaring rundt spørsmål om anonymitet og taushetsplikt
- Spør om respondenten har spørsmål eller om noe er uklart
- Informer om lydopptak, sørg for samtykke til evt. opptak
- **Start lydopptak**

2) Erfaringer

- Be respondenten fortelle litt om sitt arbeid/rolle

3) Fokusering

- Nøkkelsspørsmål

- Hvordan ser en arbeidsdag ut for deg (hvilke arbeidsoppgaver kan dagen bestå av)? (Gi gjerne eksempler)
- Har du deltatt siden oppstarten av seksjonen?
 - ➔ Hvis ja/nei - Hvordan vil du si utviklingen har vært i seksjonen fra oppstart i 2005 til dags dato?
- Hvordan vil du beskrive seksjonens formål?
- Hva er motivasjonen din for arbeidet?
- Hvordan kan arbeidet ditt være med å påvirke arbeidsfeltet?
- Hva er hovedfokuset i arbeidet akkurat nå?
 - ➔ Hvem er forbryterne – hvor kommer de fra ?
- Hva er viktig fremover for seksjonen?
- Hvor vil du si utfordringene ligger per dags dato?
- Hvordan arbeider seksjonen mot internasjonale forbrytelser?
 - ➔ Hvilke metoder blir brukt (hvordan hentes opplysninger fra utlandet)
- Hvordan samarbeider dere med nasjonale aktører i Norge og andre land?
 - ➔ Hvilke aktører (eksempler) Er det noen etiske utfordringer knyttet til samarbeid med andre aktører i andre land?
- På hvilken måte samarbeider seksjonen med ulike internasjonale aktører?
 - ➔ Hvilke typer aktører? (NGO, statlige aktører, politi, militære etc.)
- Hvordan vil du si at seksjonen for internasjonale forbrytelser bidrar på et internasjonalt nivå?
- Hva betyr denne seksjonen for internasjonal strafferett?
- Hva betyr denne seksjonen for Norge?

→ Er det deres oppgave å bidra til arbeid mot massevold etc. eller handler det om å stille personer til ansvar?

4) *Oppfølgingsspørsmål (eksempler)*

- Har du noen eksempler på noe som fungerer veldig bra i arbeidet mot internasjonale forbrytelser?
- Har du noen eksempler på noe som fungerer dårlig i arbeidet mot internasjonale forbrytelser?
- Hva vil du si er det viktigste arbeidet denne seksjonen gjør?
- Hvorfor er denne seksjonen viktig for Norge?

5) *Oppsummering (10-15 minutter)*

Oppsummerer muntlig og går gjennom de viktige punktene som kom frem i løpet av intervjuet.

6) *Avklaring*

Avklare misforståelser, spørre om man har forstått riktig dersom noe er uklart.
” Er det noe mer du ønsker å legge til?”

Stopp lydopptak