

# RADICALISATION WITHIN PRISONS

## *PUBLIC PRIVATE PARTNERSHIP FROM THE PERSPECTIVE OF THE CIVIL SOCIETY*



## **Objective**

This short position paper wants to address a number of issues concerning Multi-Agency, Private and Public Partnership (PPP) within Prison & Probation environments and beyond. The position paper is seen from the angle of an NGO specialized in security and counter-terrorism and therefore considers PPP as part of a broader approach to strengthen the efficacy of counterterrorism policies from a democratic point of view that respects the balance among different powers, actors and jurisdictions.

### **1. Is the threat properly evaluated?**

The attacks in Paris and Brussels are clear indicators that the terrorism threat is alive and can hit our societies.

However these events highlighted also the intrinsic weaknesses of prevention policies based solely of security and the inability of the security apparatus to provide viable solutions for this type of asymmetric conflicts.

Paradoxically both attacks were carried out in a framework of high security measures and were conducted by people and groups who were already identified, well-known to intelligence agencies and scrutinized as potential threats and in some case on top of the list of the most wanted persons.

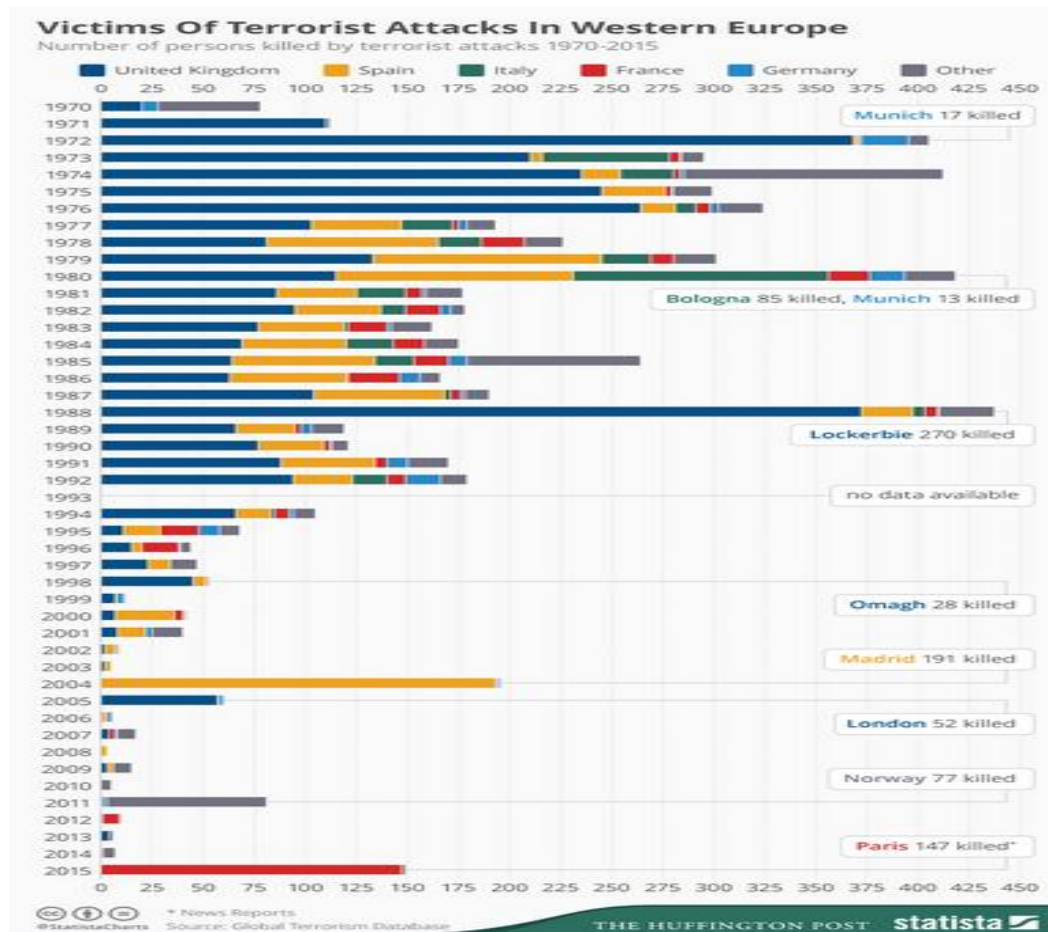
The military presence as well as the security apparatus is very visible both in Paris and Brussels; moreover, both countries, France and Belgium, adopted an aggressive communication strategy on the specific issue of terrorism and framed the problem of radicalism within a war paradigm. Both countries implemented draconian legislations on foreign terrorist fighters and are very active as key stakeholders among the intelligence community.

The investment in security and defense are growing in both countries as well as their military interventions in Syria and Iraq. Counter-radicalization and counter-narrative programs are active in both countries and the prison system adopted a hard stance against any form of alleged radicalisation within prisons.

Unfortunately this didn't prevented two very serious attacks with high number of casualties.

We are seriously concerned that overblown evaluations of radical phenomena may lead to disproportionate solutions that risks to become push factors towards terrorism and violence. Looking from a civil society perspective, the European Union, MSs and security agencies tend to exaggerate the threat represented by radicalisation and we are therefore concerned that decisions in this field are taken under the pressure of media campaign driven by the security industry in absence of a clear risk analysis.

It's clear that casualties provoked by terrorism are always distressing and need a clear reaction by the States. But we need also to rationally frame these events within their own context.



(Chart 1)

Data from TE-SAT reports 2015 confirms the decreasing trend of the terrorist threat as clearly illustrated in *chart 1*. This tendency is also corroborated by numerous serious and independent researchers at International level but strongly contrasted by State actors who tend to exploit counter-terrorism laws to introduce emergency regulations and compress the socio-political competitive dynamics.

In this framework, despite quite a bit of alarmed commentary to the contrary, prisons do not seem to have served as hotbeds for terror recruitment. Even in the United States the alarmist trends previously pushed by Islamophobic organizations is decreasing after that the CRSR (Congressional Research Service Report) concluded that "*threat emanating from prisons does not seem as substantial as some experts may fear*" (Bjoloopera, 2013, pg. 22 and Gartenstein-Ross and Grossman, 2009, pg. 58-59, John Mueller and Mark G. Stewart, 2015, pg. 96).

Our suggestion is that DG HOME and JUSTICE support actions aimed at producing scientific risk analysis based upon proper metric and framed within probability analysis, leaving aside political pressures and media campaigns or, even worst, emotional reactions provoked by terrorist attacks.

Paris climate activists put under house arrest using emergency laws

French police arrest activists for flouting ban on organising protests during climate talks next week



Activists protest against French authorities using emergency law to ban demonstrations at the Place de la République in Paris. Photograph: Ian Langdon/EPA

This overvaluation and mediatization of the threat has tangible consequences in terms of political and financial priorities but first of all in terms of prejudices for the civil liberties and freedoms at EU and MS levels and this is what terrorists want.

Indeed, this alarmist and exaggerated approach that spread fears can paradoxically cause the escalation of radical dynamics by vulnerable individuals and groups, thus undermining trust in State institutions and therefore exposing the security sector to the risks of being part of the problem more than part of the solution.

While terrorist cannot destroy our society, as proven by the constant and tangible decrease of terrorism indicators in all Western countries and by the low level of damaged caused by the attacks if compared with other threat indicators, and contrary to continuums alarms lanced by the security industry, every time we pretend we are fighting in an emergency area, we not only confer greater power and importance to terrorists than they deserve but we also at the same time act as their main recruiting agents by suggesting that they have the slightest potential for success.

This is a particularly critical aspect for prison environments where groups dynamics are a key factor and therefore vulnerable individuals can assume radical narratives to acquire protection of groups perceived as powerful and strong, thus assuming their behavioral methodologies. If we start from wrong assessment we may generate monsters.

Therefore independent and experienced NGOs play a crucial role to contribute to correct disproportionate measures taken by the security industry that are a substantial part of the radicalisation process be it within prisons, universities, media or the societies at large. As part of their advocacy campaigns, NGOs can contribute to control and deal with, or at least productively to worry about, the fear and overreaction that terrorism so routinely inspires and that generally constitute its most damaging effect.

## **2- Risks connected to the securitization of radical phenomena**

We are seriously concerned of the securitization of socio-political phenomena, such as “radicalisation” in its diverse forms.

Radicalism is part of social conflicting dynamics and can be a negative factor leading to violence and terrorism, but also a positive factor leading to necessary social and political changes.

Moreover who is a radical today may be a moderate tomorrow, depending from a number of very complex factors. Repentant within the prisons may be a fundamental asset to counter terrorism. Last but not least, recent MS-legislations pretend to address socio-political phenomena from a security perspective and these measure are too recent and politically too sensitive to offer today a clear perspective on the impacts they may produce in the long run.



Begin as most wanted terrorist in the thirties was the then Israeli Prime Minister in Camp David and awarded of the Nobel Prize for Peace

For all these reasons a common and homogenate European counterradicalisation policy failed. Some MS countries adopted the UK-inspired approach, which paved the way for the EU counter-terrorism strategy and which is based on the prevalence of police forces to counter radicalisation, which is always perceived as a threat; other MS adopted the so-called Aarhus-approach, which uses 'Prevent' within differentiated treatments, framed within a socio-psychological approach and led by a multitude of public and private actors; while the majority of MSs didn't adopt any codified and comprehensive strategy in the 'Prevent' area, where the identification of specific crimes is not given for granted.

However, despite this fragmentation that has serious political implications, in the last 5 years a trend emerged in the EU and MS legislations to criminalize radicalisation as such, wrongly connecting it with violence and terrorism. The natural consequence of this attitude is the growing numbers of young radicals detained and awaiting judgment, convicted or imprisoned in different contexts.

We are seriously concerned because imprisonment of radicals who didn't committed any act of violence, didn't pose a direct and serious threat of disruption of good order and a clear and tangible menace to safety or security, should be considered as measure of last resort, in line with International standards. Unfortunately today a tendency emerges in Europe to arrest suspect radicals as a form of prevention. We think that this approach has a number of negative effects on the individual concerned and also on the prison system at large.

We call the European institutions to revise norms, punishments and methods in counter-radicalisation and counter-terrorism policies that use imprisonment as a form of prevention because this can create serious damages to the EU security.

For individuals, imprisonments perceived as unjust, as in the case of Foreign Fighters travelers, or ideological, as in the case of hate crimes, may be a driver towards new grievances, escalations and criminal networking. Therefore it produces damages and may contribute to further radicalize vulnerable individuals.

NGOs can contribute to avoid such negative effects by tailoring alternative measures in cooperation with the judiciary and prison systems, aimed at re-socializing the individuals concerned and at transforming their revolutionary energy and search for identity into a positive social factor. NGOs can contribute to positively polarize radical dynamics in critical contexts.

Moreover the disproportionate use of imprisonment as a preventive measure has also negative consequences for the prison system, as shown by the 2015 Eurojust statistics:

Number of verdicts, convictions and acquittals per EU Member State in 2014, as reported to Eurojust

Member State	Convictions	Acquittals	Total	Acquittals in %
Austria	2	0	2	0%
Belgium	41	5	46	11%
Croatia	1	0	1	0%
Czech Republic	1	0	1	0%
Denmark	3	10	13	77%
Finland	4	0	4	0%
France	35	2	37	5%
Germany	11	0	11	0%
Greece	10	0	10	0%
Italy	2	2	4	50%
Lithuania	1	3	4	75%
Netherlands	4	1	5	20%
Slovakia	1	0	1	0%
Spain	114	84	198	42%
United Kingdom	115	N/A	115	N/A
<b>Total</b>	<b>345</b>	<b>107</b>	<b>452</b>	<b>24%</b>

In 2014 despite the relevant decrease of terrorist attacks in Europe and only 2 suspected 'Islamist'<sup>1</sup> attacks<sup>2</sup>, Eurojust recorded 774 individuals arrested for terrorism related offences in 16 EU Member States, that's to say a real increase compared with the previous year.

As a result of this strategy of securitization of alleged radical behaviors and ideas, the number of arrests is growing, thus causing problems to the prison system- who risk to become the 'damping area of sociological conflicts'- and to the justice system at large, to whom political stakeholders seem to delegate a subsidiary role due to their absence.

Moreover Prison systems are confronted with new typologies of detainees which require tailored measures and therefore specific skills of the staff and resources which are not available nowadays.

Another paradox emerge from the analysis of the statistics: almost half of the arrests (48%) in 2014 were for membership of a terrorist organizations, whereas 22% was related to travelling to

<sup>1</sup> This term is part of the Islamophobic language used to create a false connection between terrorism and political movements inspired by different Muslim tendencies. In reality 'Islamists' or perfectly legitimate movements, such as the Ikhwan al-Muslimun or different Salafy parties from 'tajdidi' styles.

<sup>2</sup> In reality only one in Belgium with 4 casualties. Also for what concerns statistics NGOs can help to see the problem from the other angle...

conflict zones and 9% for terrorist propaganda. The percentage of people convicted for real attacks, immediate and serious threats or risk of escape- and not for ideological positions or associative crimes- was minimal. It's growing the number of sentences pronounced without detention or with low level convictions, an apparent contradiction if measured with the seriousness of the crimes that based the arrests and the legal proceedings.

This highlights that the majority of arrests are the result of new security legislations implemented at MS-level under the pressure of political and supranational bodies and in absence of specific national threats. This is a paradox also because in parallel to the growing numbers of arrests, also the REAL number of acquittals increases, thus empowering grievances of injustice by people and groups who are detained in very critical conditions and exposed to the prison environments.

We are seriously concerned that this recent approach, often promoted by political stakeholders for electoral reasons, may cause an increase of violent radicals within the prisons and outside and can provide a social base for terrorist organizations who can exploit new grievances against the justice systems.

Another aspect that should be highlighted to counter radical dynamics is the urgency to limit the extensive use of administrative procedures. There is a tendency across EU institutions and MS to justify the use of these extraordinary and emergency administrative and extra-judiciary procedures as part of the counter-terrorism and anti-radicalisation campaigns.



#### Student who was wrongfully arrested on suspicion of being a terrorist is awarded £20,000 by police

• **Rizwaan Sabir had downloaded a terrorist manual from a U.S. government website to help his research**

By Daily Mail Reporter  
UPDATED 11:45 GMT 10 September 2011

A student who was arrested under the Terrorism Act and kept in custody for six days has been awarded £20,000 compensation by the police

Rizwaan Sabir, 22, who was studying for a masters at Nottingham University, was arrested after downloading a terrorist manual for his research on an online

Police arrested him on the university campus on May 14, 2008 on suspicion of possessing extremist material



Wrongfully arrested, Rizwaan Sabir has secured a £20,000 payout from police

#### BBC uses RIPA terrorism laws to catch TV licence fee dodgers in Northern Ireland

Exclusive: Broadcaster is using Regulation of Investigatory Powers Act used for surveillance

By Adrian Rutherford

PUBLISHED

16/9/2015



Businessman Looking Through Large Binoculars

The BBC is using anti-terror spy laws to trap licence fee dodgers in Northern Ireland, the Belfast Telegraph can reveal.

However these disproportionate measures taken in absence of a judicial procedure affect then the society at large and have also a serious impact on the attitudes of prisoners/detainees towards prisons and institutions. The Guantanamo case is a good example on how wrong measures taken in one specific context may affect many other environments and in some cases lead to critical events. A number of cases are also available in EU MS and widely promoted by terrorist organizations in third countries.

Other negative examples can be drawn from the differentiated treatments reserved to Muslim travelers and volunteers compared with other secularist or Christian foreign fighters in Syria, Iraq or Ukraine. Double Standards practiced by state institutions when dealing with Christians, Kurds or

Sunni and Shi'i Foreign Fighters tend to aggravate the grievances underpinning radical dynamics and discredit the role of the law as a fundamental pillar of our society.



Independent intermediary bodies from the civil society can contribute to mediate between all different needs, properly addressing the urgency of a credible communication towards the different communities in favor of the role and rule of the law, thus avoiding misinterpretation leading to phenomena of escalation and properly channeling their requests towards the most appropriate institutions and subsidiary bodies. It's not the duty of NGOs to change the minds of radicals or to take positions in form of counter-narratives. But it's our duty to address the grievances emerging from the most vulnerable part of the society in a way different from the institutions.

### 3. Beyond Binary Approaches to Evaluate Radical Dynamics

Although the alarmists may exaggerate, the subtext of their message should perhaps be taken seriously: ultimately the enemy in fact is us. We know that radicalisation is a dynamic phenomenon. However all mainstreaming analysis have a binary approach ('goodies and baddies', 'us/them') and tend to underestimate the role of governments and institutions (including media) as integral part of the escalation processes.

Good prison managements are a necessary pre-condition to prevent radical escalations. Real or perceived discrimination, overcrowding, violence and alleged injustices committed by State institutions, Islamophobia and extremist secularism, poor social and environmental conditions within prisons, lack of delivery, disregard of identities and double standards, aggressive policies and overreactions- all these aspects are not part of the analysis and remedies proposed to counter radical escalations today. The policies addressing counterradicalisation are unidirectional and this limit the capacity to tangibly address the problems. We need to restore credibility to be effective.

Paradoxically radicalisation, as a dynamic interplay involving all actors, has to do also with the decisions taken by the institutions at all levels, that need to be considered as a pull factor for individual and group dynamics. When radicalisation processes can be powered by disproportionate measures deployed by prison administrations or by wrong behaviors and



methods adopted by prison governors and staff, a clear need of independent assessment emerge to restore credibility in the system at large. The application of the existing international regulations on this matter (starting with the EU Prison Standards according to the Recommendation R(2006) 2 of the Committee of Ministries of the Member States on penitentiary European rules adopted by the Council of Ministries on January 11th 2006) is not considered part of the prevent pillar. Contrary to this, we think that a clear reference to the prison rules defined by the Council of Europe and the related Guidelines on Radicalisation must be part of the EU Prevent Strategy to counter the so-called 'prison radicalisation' and this can contribute to put the problem in its comprehensive context.

This is exactly the reason why NGOs must be involved in counter-radicalisation policies. In this context NGOs play a crucial role to carry out independent assessment on prison conditions (an example is the inspection methodology designed and tested by Agenfor in many EU, Western Balkans and Arab prisons, summarized in **Annex 1** to this document). Independent and expert NGOs who combine a proven knowledge in security and prison cooperation, may help prison institutions to:

- adapt to EU standards and basic human rights as part of the radical escalations;
- comply with the duties of prison institutions and governments for what concerns rehabilitation, as part of the de-escalation and prevention;
- respect the autonomy of the prison institutions, their bodies, staff and their jurisdiction- including their role towards the families of the detainees/prisoners and their community at large- in front of expanding powers pretended by other state agencies, such as intelligence and external police forces. Custodians and prisoners are linked by a loyalty pact that is an essential part of the rehabilitative work. In this sense we are concerned for the use of expressions contained in the RAN document such as '*Confidentiality and privacy issues can hinder multi-agency cooperation*'. In the Snowden's days we agree that the States needs to acknowledge the fundamental rights to confidentiality, privacy and freedom from inappropriate and sometime illegal interferences;
- carry out comprehensive community impact assessment (CIA)-evaluating also the decisions taken at institutional level- as part of a balanced decision support for prison governors, staff, LEAs, civil bodies, magistrates and civil society to avoid future escalations;
- advocate for the implementation of neglected EU directives by MS such as the FDs 2008/909-829-947 that have the objective to rejoin prisoners to their community of origin, thus alleviating some fundamental conditions that may lead to radical escalations. We think that a specific reference should be made to the pillar of probation, alternative measures and rehabilitation policies led by private organizations as a substantial part of the work to CVE, during the imprisonment and after the release;
- have an independent brokerage between the complaints of the prisoners-their families and communities-, the decisions of the prison staff and the role of magistrates.

In all these areas NGOs can contribute to design specific multi-agency strategies, framed within public-private partnership, to de-escalate tensions conducive to radicalization.

#### 4. Ownership of the actions in the multi-actors partnership

The ongoing strategies are based on two assumptions that we consider substantially unfounded:

- 1- Radicalisation is a new form of criminality in itself;
- 2- Police has the ownership and leadership of counter-radicalisation policies.

These two pillars need to be re-considered in the framework of the public-private partnership where a multi-actors dimension is in place.

1. We reiterate that radicalisation is part of very complex dynamics that involve socio-political, psychological, anthropological and religious multi-dimensions, at individual and collective levels (communities, parties, movements, etc.). It can lead to violence and terrorism but it can also contribute to a better society and positive changes in governments. Religious conversions within prisons that may be deemed as radical, can be a positive indicator for individual changes towards social rehabilitation. Therefore we must be very careful when we base our risk analysis on automatic assessments that lead to punitive and restrictive measures taken in absence of third parties (judges).
2. Considering this complexity and the multi-polarity nature of the phenomenon, radical dynamics cannot be always addressed by police forces as owners of the actions at all levels. LEAs can be a leading body in specific cases (protect, pursue, respond), but they have mainly an ancillary role in prevent strategies.

EU COUNTER TERRORISM STRATEGY			
To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice			
<b>PREVENT</b> <i>To prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally</i>	<b>PROTECT</b> To protect citizens and infrastructure and reduce our vulnerability to attack, including through improved security of borders, transport and critical infrastructure	<b>PURSUE</b> To pursue and investigate terrorists across our borders and globally; to impede planning, travel and communications; to disrupt support networks; to cut off funding and access to attack materials; and bring terrorists to justice	<b>RESPOND</b> To prepare ourselves, in the spirit of solidarity, to manage and minimise the consequences of a terrorist attack, by improving capabilities to deal with: the aftermath; the co-ordination of the response; and the needs of the victims

For this reason, the role of the prison administration and justice, as separate bodies in all their different aspects (judgment, security and rehabilitation), must be preserved as part of the multi-agency approach.

In terms of rehabilitation and probation, then, the major role is played by private subsidiary organizations capable of creating job

opportunities within and outside the prisons and to connect the prison systems with the external local economy, including the communities (family, church, social environments, etc.) from where

the prisoners originated. The Italian experience of DAP Triveneto, in this sense, is an excellence among all EU models.

Moreover there is a substantial need to respect the different juridical and institutional traditions of the EU-MSs. While in the UK, as an example, the primacy of police forces in critical and major events is a consolidated tradition, in other countries the prison system is under the competences of the Ministry of Justice and has its own police body and its independent structures, composed of security and civil staff with a complex hierarchical structure interrelated with the juridical and justice system.

In these countries, while police forces have a number of duties, rehabilitation policies are under the responsibilities of other departments, where also surveillance judges, probation and other public and private bodies are pro-actively involved.

In the same line, the external LEAs or the intelligence cannot usually operate within the area of responsibility of the prison administration and we consider recent legislations that violate the principle of independency of the prison roles and rules – in its complexity- as a serious infringement against data protection and privacy.

As a consequences of this consolidated institutional and juridical structure, prevent policies need to be a shared responsibilities of the different departments of the Ministry of Justice in cooperation with the judicial bodies competent for these measures and the private entities responsible for their implementation in different forms. Measures taken to exchange information and data with third external parties (such as intelligence or other external police forces) must be subject to strict and clear procedures, with limited extension and the possibility of the prisoners or their lawyers to redress it.

### 3. Limits and Risks of the Indicator-based Profiling Policies

The attempt to define radicalization as a new form of crime has as a consequence a strategy that we call 'Chasing Ghosts': we try to identify who are the radicals to prevent their escalation towards violence and terrorism by applying preventive security measures.

As a result of 'Chasing Ghosts' a number of institutions have designed and put in place indicator-based profiling policies using different methodologies, all supposed to be 'scientific'.

We are concerned that:

1. The use of these indicators-based profiling mechanisms may lead to administrative procedures to relocate alleged radical-prisoners and to differentiated regimes, thus discriminating them without judicial procedure and based upon religious prejudices;

2. The methodologies underlying these indicators are dramatically Islamophobic and based on sub-texts and behavioral index that specifically target the Muslim communities, their tradition and identities. In fact these measures addresses only Muslim prisoners and the new 'security prisons' or 'security areas' are populated by Muslim prisoners only.

In many EU prisons today young Muslims can be *profiled* as 'radical' on the basis of different tools (indicator-based assessment often with Islamophobic backgrounds) and become objective of administrative measures and special attentions measured in different scales.

Detainees and prisoners profiled through different diverging and unclear assessment tool, may fall under strict administrative regimes and extreme security conditions, including transfer to distant locations, limitation of the connections with the families and continuous surveillance, up to the violation of basic rights. Isolated and deprived of basic human conditions, often awaiting a sentence, they risk to be exposed to the most violent part of the prison communities. To aggravate the situation, it's growing the number of those young radicals who are then acquitted or subject to minor convictions and therefore released after such harsh treatments and regimes.

Their experience in prison and the injustice suffered is cause of serious concern for the NGOs working within prisons because in many cases we see then a real dynamic of violence against the state and institutions evolving and growing as a result of this wrong prison treatment. These punitive measures, disproportionate use of force and means of restraint, addressing mainly young Muslims, accentuate the conflicts and don't contribute to de-escalation dynamics.

All these procedure may have serious consequences, particularly when these mechanisms are controlled by police forces or intelligence and cannot be redressed by the individuals concerned.

Nowadays new procedures are designed, tested and implemented following this top-down approach, with important financial, political and organizational consequences for the prison systems, for the staff and the prisoners. In some countries the society at large is affected by this process and schools, universities and hospitals are forced to apply prevent policies designed by LEAs and Intelligence bodies.

We appeal to the institutions not to reinvent the wheel in security policies.

NGOs recognize that in reality radical dynamics are very similar to other forms of groups dynamics within prisons, with few exceptions and criticalities (main exception: we deal today with third country nationals mainly), and all institutions have consolidated methodologies to observe, report and deal with such phenomena.

From our perspective, what is called improperly 'prison radicalisation' is only a new form of vulnerability within the prison group dynamics that is emerging because of the large number of

third country nationals detained. Another factor is the disproportionate role of politics and media played within the prisons, thus highlighting the urgency to reinforce the independency of technical and institutional roles for a good prison management.

Therefore the DG HOME is required to effect a serious investment concerning an evaluation of the existing and ongoing rehabilitation and preventive mechanisms for the standard prisoners among the different MS prison institutions with the objective to adapt it to the specific vulnerable groups represented by third country nationals detained or vulnerable individuals with specific needs (mental health, minorities, political prisoners, etc.).

Reference to radicalism should be avoided as much as possible and the problem should be framed within its own paradigm. This would avoid to design complex and expensive infrastructures that risk to exacerbate the problems, are not in line with the juridical and institutional traditions of all MS and are also ineffective, if not even counterproductive.