



ANALYSIS OF THE PRISON STRIKES IN FRANCE

UNDERSTANDING VIOLENT ESCALATIONS IN PRISON BEYOND RADICALISATION

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The recent violent prison strikes in France have contributed in shedding new light on how institutional actors interact within radicalisation phenomena and what consequences wrong political, tactical and judicial decisions may have on a security level, particularly on the prevention of violence within prisons.

The European policies adopted by several EU Member States after 9/11 focus mainly on perpetrators and their profiles to prevent phenomena of terrorism and radicalisation. Unfortunately, they consider only one aspect of the multiple fronts, namely the inmates and suspicious radicals with their narratives. Mainstreaming strategies are based upon old-fashioned concepts of the preventive armamentarium of the 90th, which combine environmental crime prevention with the sociological and psychological approaches from the 70th.

Outside prison environments a parallel mass-surveillance system is being deployed by LEAs and intelligence agencies to intercept early signs of radicalisation through population screening, using old epidemiological methodologies to sample high risk suspects and administratively act against them through preventive measures based on contested risk assessments. Fortunately, ideas are not diseases, normally, and these operations present high levels of false negative and positive, with a primary impact on the *defiance* of sub-communities, which feel labelled and criminalized and therefore are disenfranchised from citizenship and institutions.

Considering the importance of 'early detection' in the pre-crime area, a cornucopia of new alleged and well-paid 'experts' are recruited at the EU and MS Levels, pretending to interpret these signs of radicalisation through bizarre interpretations of Islam or Islamophobic tools based upon socio-psychological theories aimed at addressing the 'root causes' of terrorism. They analyse 'suspect' behaviours through different ideological and divisive lenses ('British values', 'moderate Islam', 'mainstreaming behaviours', conformist ideas', '*laïcité* against religions', etc.), which contribute in the polarization of the societies and undermine the basis of social cohesion.

In this framework, the French strikes have contributed in bringing back practitioners, stakeholders and politicians to the brutal reality of our daily world and have revealed the existence of real and well-known prison dynamics behind violent behaviours from *an all-actors perspective*, where the interaction between first line practitioners and stakeholders with perpetrators may set off multivariable (and often unexpected) outcomes.



Facts

The French prison strikes started on January 11 in Vendin-le-Vieil, in northern France, after an attack with scissors and a razor blade against prison staff by the 51-year-old and high-risk prisoner, Christian Ganczarski, an inmate sentenced to 18 years in prison for the Djerba bombing.



List of very recent Prison Incidents behind the strikes

On January 16, a guard at Grenoble-Varces prison almost lost an eye in an attack. On the same day, a 28-year-old inmate at the Tarascon prison punched a female supervisor in the face.

On January 17, a guard at Grenoble-Varces prison was assaulted by an inmate who wanted to go to the prison infirmary without a doctor's appointment. On January 19, two guards were attacked by four inmates at the Borgo jail in Corsica. On January 21, two guards -- a man and a woman -- at Longuenesse Penitentiary in northern France, were severely beaten by an inmate armed with an iron bar. On January 21, a total of 123 inmates of Fleury-Mérogis prison, in a suburb of Paris, refused to return to their cells at the end of exercise period. Intervention teams were called in to prevent a riot. On January 22, guards at Craquelin Penitentiary in Chateauroux (central France), disarmed an inmate while threatening others with a knife.

In several cases the perpetrators were wrongly labelled as 'islamists' or 'radicals' due to their nationality and faith, even though the cases had different reasons

French Figures: 10 Interregional Prison Services Directions covering 188 jails, 103 Rehabilitation and Probation Prison Services- Over 37 000 prison staffs- On January 1st, 2018: 79.215 persons held :68.974 prisoners (among which 19.815 remanded prisoners). 10.241 persons under electronic monitoring

As a result of the attack in Vendin-le-Vieil against prison staff, which lightly wounded three guards, employees at the local prison staged a protest. Then a string of separate assaults in the following week fuelled nationwide anger. The 28,000 prison guards who work at France's more than 130 penal institutions went on a bitter and more and more violent strike for better security conditions. Citing the rise of jihadist and radicalized inmates they blockaded penitentiaries, cutting off access entirely in some cases. During the strike, which ended after more than 2 weeks of serious riots, the prison blockade was so bad that guards placed huge barricades of tires and wooden pallets blocking the entrance to the notorious Fleury-Mérogis prison south of Paris, the biggest in Europe, and went to work hooded at the penitentiary in Beziers to avoid being identified. Serious clashes with the police occurred in several locations. About 120 to 130 of France's 188 prisons were affected by the initiatives of the prison guards.



The real causes behind the new Ganczarski's case

Ganczarski's case has all ingredients for the perfect radical storm. Firstly, because normal common events in prison have been transformed into a 'big plot' thank to 'radicalism', which was the golden thread which connected the distinct and scattered dots. Radicalism contributed to transform the 'usual' into 'exceptional'. Moreover, Ganczarski's profile and his judiciary past perfectly fit the public image of a radical jihadist recruiter. He is said to have given the physical perpetrator of the Djerba attack the green light to carry out the bombing during two phone calls before the explosion, one between Nawar and Ganczarski and the other one with Khalid Sheikh Mohammed, the mastermind of 9/11 in the U.S. He has a past in Pakistan and Afghanistan and was clearly an Al-Qa'idah supporter, even though he always denied his involvement in the Djerba massacre.

As a consequence of these two elements, the strike raised the usual media debates around radicalisation and jihadism framed within the very difficult security situation in France, object of recent bloody terrorist assaults, aggravated by draconian laws after more than 2 years of state of emergency. Normal cases of violent reactions for denial of transfers (Tarascon), overcrowding, access to the prison infirmary without a doctor's appointment (Grenoble-Varces), or mass protest for the horrible prison conditions, like in Fleury-Mérogis (a prison populated by the biggest rats I have seen in my life...), are all transformed into cases of 'radicalism' mainly because of inmates of Arab origin are involved.

Radicalism is a perfect excuse for the government to hide its failures in prison management and an excellent argument for the unions to support their legitimate requests for more security, better salaries and living conditions. Moreover, radical ideologies are the perfect remedy for inmates looking for justification and protection. So, all the ingredients of a 'perfect storm' are readily available.

Accordingly, as a result of the strikes, riots, and media campaign, the French Justice Minister, Nicole Belloubet, promised to open new prison spaces which will include "sealed" facilities to house radicalized prisoners who are suspected of "proselytizing", increase the number of guards, as well as their salaries and provide new defensive equipment.

Nowadays, this is a usual narrative plot of political decision-makers aimed at hiding responsibilities in critical and major security events. 'Radicalisation' is a magic sand in which all stakeholders, practitioners and policy-makers can often hide their head and responsibilities.

Nevertheless, if we closely analyse the Ganczarski case, among others, and the reasons behind his sudden violent explosion of anger which triggered a chain of events, we easily discover that radicalisation and terrorism are largely foreign to the problem. For example, it remains quite difficult to imagine forms of prostelytism in Ganczarski's case, as repeatedly written by the mainstream media, considering that he barely speaks French or English and his prison behaviour was good enough to allow him early release.

Ganczarski, who is a German citizen, was arrested in 2003 thanks to a secret extraordinary rendition - secretly apprehending suspected terrorists and transferring them to other countries without any judicial review or where law allows extreme decisions. The extraordinary rendition to France for a German citizen initially investigated but then freed by German authorities, was coordinated by C.I.A. operatives, code-named



Alliance Base, that was set up by the CIA and French intelligence services in 2002, headed by the DGSE but with the active participation of other 3 countries, in addition to France, Germany and the United States.

Since 2003, when Ganczarski was arrested and consigned to the French authorities thanks to a stop-over in Paris during his forced journey from Saudi Arabia to Germany, U.S. and French authorities were aware of his alleged links with the Sept. 11 architect Khalid Sheikh Mohammed. These *investigative evidences* clearly emerged during the interrogation of Ganczarski and his accomplice, Ahmed Mehdi, behind the bars of the Fresnes Prison outside Paris. Despite Ganczarski's steadfast denial of all charges against him (while admitting his links with al-Qa'idah), he was found guilty of complicity in the Djerba plot and sentenced to 18 years in prison. However, the French judge at the time had not found Ganczarski guilty of conspiring against Americans, a crime which was initially contested. Due to this procedural anomaly and lack of transparency by the investigative bodies, for 15 years Ganczarski was unable to exercise his rights to defense on this specific issue, and his lawyer was not in the position to do his job to protect the rights of the defendants and eventually conduct timely counter-investigations, to avoid the extradition. This behaviour of the authorities contrasts with several European laws and procedures.

Finally, to complete an abnormal legal procedure, the late US formal accusation was publicly disclosed with details of the case in a press statement, a form which is not really appreciated by the EU and French law when legal procedures are pending.

This chain of clumsy and unprofessional events was the triggering factor of the violent reaction, not radicalism. Contents and modalities of the behaviour of US and French authorities in this case raise concerns for the lack of professionalism, respect of the rule of the law and conventions and certainly contributed to pave the way and favoured wrong reactions by the defendants.

Who paid the price for this unprofessional behaviour was the prison staff, who were faced with the reaction of the inmate and the threat to their lives.

His case is only one, among many others, where third country nationals or foreign prisoners clash with the prison system for misunderstanding the date of release, or specific legal measures including lack of proper communication by the competent authorities or normal logistical issues of the everyday life. Minor events assume a disproportionate significance due to the identity of the inmates or their cultural patterns, often misunderstood by the prison system, which, in its turn, is pressed by political authorities.

As well known by prison practitioners, the behaviour of the authorities, their respect of the procedural rules, roles, and regulations, as well as their capacity to establish proactive and trustful relations, matters for all type of inmates much more than the analysis of religions, faiths or ideologies. More than al-Qa'idah, we need to pay attention to the respect of prison regulations, practices and laws in force, to understand Ganczarski's case, because radicalisation in his case was only an excuse manipulated by different actors for several contrasting interests.

Risk Management which increases risks

Moreover, Ganczarski's case sheds also lights on other important aspects of the ongoing CVE policies and practices behind bars.



In France, like in all Member States, Arab and Muslim inmates are subject to a massive security screening aimed at assessing their loyalty to the State's ideology and their behaviours in relation to what we conveniently believe to be the 'true' (usually also defined as 'moderate') Islam. Bizarre indicators and tools are used to do this classification, which have been drastically challenged by academics, practitioners and NGOs. Failure to comply with these indicators, may have serious consequences for the inmates far beyond their legal status.

| APPARENCE/ COMPORTEMENT / VIE QUOTIDIENNE | Oui | Non | Observations/Motifs |
|--|-----|-----|---------------------|
| Porte des signes ostensibles de sa confession | | | |
| Détient des objets religieux | | | |
| Adopte un régime alimentaire spécifique (sans porc, végétarien, ne prend pas le plateau) | | | |
| Refuse la télévision / tout objet avec représentation humaine en cellule | | | |
| S'intéresse particulièrement à l'actualité | | | |
| Adopte ou tente d'adopter une attitude de domination vis-à-vis des autres détenus | | | |
| S'entoure de personnes détenues identifiées comme radicalisées | | | |
| Se montre influençable par les autres détenus | | | |
| Adopte une attitude de repli sur soi | | | |
| Refuse d'avoir affaire au personnel féminin | | | |
| A subitement modifié son comportement en détention | | | |
| Organise sa cellule d'affectation de manière rigoureuse et très entretenue | | | |
| DISCOURS | Oui | Non | Observations/Motifs |
| Tient un discours empreint de religion, d'une identité religieuse affirmée | | | |
| Emet des commentaires négatifs sur les événements d'actualité | | | |
| Manifeste de l'hostilité à l'égard de la République française | | | |
| Adopte un discours sur la théorie du complot | | | |
| Manifeste de la sympathie pour des organisations terroristes ou se revendique d'elles | | | |
| INCIDENTS EN DETENTION | Oui | Non | Observations/Motifs |
| Remet en cause le règlement intérieur pour un motif religieux ou politique | | | |
| Adopte un comportement hostile et/ou agressif pour un motif religieux ou politique | | | |
| Refuse l'affectation d'un codétenu non musulman dans sa cellule voire de tout détenu dans sa cellule | | | |
| Est l'auteur de violences verbales ou physiques à l'encontre des personnels ou des codétenus | | | |
| RELATIONS AVEC L'EXTERIEUR | Oui | Non | Observations/Motifs |
| Ne reçoit pas de visite | | | |
| Ne reçoit aucun subside | | | |

| APPARENCE/ COMPORTEMENT / VIE QUOTIDIENNE | Oui | Non | Observations/Motifs |
|---|-----|-----|---------------------|
| Porte des signes ostensibles de sa confession | | | |
| Détient des objets religieux | | | |
| Adopte un régime alimentaire spécifique (sans porc, végétarien, ne prend pas le plateau) | | | |
| Refuse la télévision / tout objet avec représentation humaine en cellule | | | |
| Adopte ou tente d'adopter une attitude de domination vis-à-vis des autres détenus | | | |
| S'entoure de personnes détenues identifiées comme radicalisées | | | |
| Se montre influençable par les autres détenus | | | |
| Adopte une attitude de repli sur soi | | | |
| Refuse d'avoir affaire au personnel féminin | | | |
| Organise sa cellule d'affectation de manière rigoureuse et très entretenue | | | |
| REPERAGE | | | |
| Diriez-vous que ce détenu semble plutôt : | | | |
| <input type="checkbox"/> ne présente aucun signe significatif d'une radicalisation violente <input type="checkbox"/> être dans la dissimulation <input type="checkbox"/> être vulnérable et perméable à un discours radical <input type="checkbox"/> être en voie de radicalisation <input type="checkbox"/> présente des signes préoccupants de radicalisation avec prosélytisme en détention <input type="checkbox"/> Présente des signes préoccupants de radicalisation sans prosélytisme en détention <input type="checkbox"/> présente des signes alarmants de radicalisation avec risque de passage à l'acte violent fo un motif religieux à l'intérieur de l'établissement <input type="checkbox"/> Présente des signes alarmants de radicalisation avec risque de passage à l'acte violent fo un motif religieux à l'extérieur | | | |

(Grids used by the French Administration to assess level of radicalisation)

Failure to comply with these multi-semantic and ambivalent indicators, may have serious consequences for the inmates far beyond their legal status.

As a result of this 'prison population approach' to screen, profile and classify 'high risk offenders' beyond their legal status with naïve tools replacing the penal code, in some countries the number of inmates under the radar of radicalisation is growing dramatically. The radical phenomenon is often overblown due to the

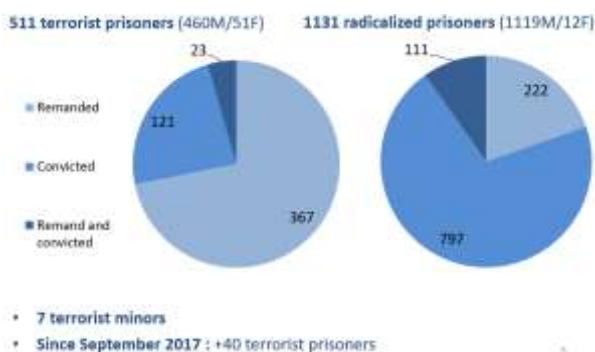


inability of analysts, practitioners and stakeholders to properly interpret multicultural patterns in an appropriate way.

Following official statistics of the French Ministry of Justice (December 1, 2017), slightly fewer than 80,000 people were in jail in France. Although in the absence of statistics on religions- forbidden in France- we are aware from an official report (2015) from the MP Jean-René Lecerf, that more than 50% of all prisoners are Muslims. Combining this sociological figure of the prison population with the new surveillance practices, which often confuse 'violations' of the State principle of *laïcité* with the 'process of radicalisation', more than 1,200 inmates convicted or suspected of petty crimes are being tracked and treated as radical Islamists, in addition to the more than 500 prisoners detained for terror-related crimes.

Such high numbers of inmates, in prison for non-related terror crimes, but which fall in a 'special' security limbo (even though not formally declared as such because security data are not disclosed and are inaccessible even for lawyers), imply a huge effort by the prison administration to grant security, appropriate controls and an adequate management.

This effort has two main implications: the first one, which emerged during the strikes, is prison understaffing. To grant appropriate surveillance and observation for approx. 1.200 suspects of a dangerous non-crime (or pre-crime) like radicalisation, which may however lead to terrorism and serious crimes, and therefore requires appropriate measures of surveillance and prevention, you need high numbers of specialized and well-trained (and well paid) staff, within and outside the prison.



You also need a very strong, extensive, comprehensive, and well-coordinated security apparatus free from the burdens imposed by the annoying principles of the rule of law, where intelligence, police and judiciary can coordinate their efforts, often involving also private organisations.

Unfortunately, the French government-like all governments- is always ready to tear off its clothes when it comes to radicalization and perceived security but is frugal when it has to open its wallet and, fortunately, is very cautious when required to drastically reform its constitutional architecture and blur lines separating State powers and jurisdictions.

However, the second implication is even more serious: basing profiling and placement on extrajudicial data, produced by Risk Assessment Tools like Vera 2R, the French prisons have now an explosion of 'suspects' who are placed within a complex but contradictory security mechanism, which marginalize judges and lawyers and seriously limit the rights to defence of the defendants.



Unfortunately, having large numbers of security cases produced by overreporting through VERA2R, it's very difficult for intelligence analysts to prioritize specific cases and properly manage and filter information. This is the main reason why all recent perpetrators of terror acts, in France as well as in the UK and in other Member States, were known to the agencies, LEAs or 'prevent' channels. However, the institutions failed to prevent the attacks due to the lack of prioritization and resources.

The prison staff pays primarily the price of these processes, where clarity and seriousness are lacking due to political manipulation.

The result on this modern form of McCarthyism, known as 'radicalisation', is a growing politicization of security and justice, and an arbitrary trend towards a massive de-jurisdictionalisation of preventive measures, which may negatively modify the profile police forces, investigators and intelligence analysts. As well, confusion of roles between public and private multifaceted hybrid agencies, which cause an overlapping of local, European and international jurisdictions, where administrative decisions prevail, judges are excluded from the procedures, procedural rights are neglected, security staff is requested to carry out welfare activities far beyond their competences and, accordingly, results of the measures taken are neither measured and nor evaluated.

To conclude: this type of preventive policies generates a perfect climate for the disruption of social cohesion and weaken the 'glue' of the social fabric, within and outside prisons. It's called 'policy of fear', which expose LEAs, intelligence, police forces, judges, prosecutors and prison administrations to new risks far beyond their traditional role.

For political gain of populists, we risk jeopardising our security.