

PRISON MANAGEMENT OF TERRORISM-RELATED OFFENDERS: IS SEPARATION EFFECTIVE?

Dr Julia Rushchenko



“It is imperative that as terrorism evolves our criminal justice system transforms in tandem to tackle its root causes. This report has many findings that will now need the close attention of the UK Government. Be it updating and reviewing risk assessment tools or investigating the process of those who have served their sentence upon release, it is critical that politicians continue to keep counter-terrorism and its sentencing at the top of the agenda.”

“Protecting our citizens is the first role of Government and Parliament. We must now progress with this report to ensure that no opportunities are missed to increase the safety of the population.”

Rt. Hon. David Hanson MP

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By Dr Julia Rushchenko

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Executive Summary

- In the European Union, many states do not have any terrorist prisoners in their jails, and most of the countries house only a handful of terrorism-related offenders. When such prisoners appear in the correctional system, they can have a powerful effect on other inmates. The presence of violent extremist offenders in the criminal justice system generates unique challenges for most states worldwide, and this issue has prompted an ongoing debate concerning the rehabilitation and reintegration strategies, and on the successes and failures of the prison policies.
- According to Europol, in recent years there has been an increase in terrorism-related arrests in the UK, France and Spain. The largest proportion of arrests in the EU in 2013–2015 was linked to Islamist terrorism, compared to smaller numbers of arrests for separatist, left-wing and right-wing terrorism.¹ The phenomenon of returning foreign fighters is yet another concern for criminal justice systems worldwide, including the processes of prosecution and incarceration. In October 2017, the BBC reported that 121 British foreign fighters have been convicted,² but little information is available about how exactly inmates with foreign military training are managed in the UK prison system.
- British prisons have a long history of coping with terrorists and political and religious extremists. Most recently, the increase in legislative scope and security responses in the wake of 7/7 led to a significant increase in conviction rates for terrorist offences. As of June 2015, there were 182 offenders convicted of, or on remand for, offences linked to terrorism and extremism in prisons in England and Wales, including people who hold neo-Nazi views and Islamist extremists.³ Current trends of returning foreign fighters suggest that the number of people to be prosecuted is likely to increase.⁴
- Most of those who appear to be radicalised in prisons begin their incarceration with not particularly strong religious affiliation. Radicalisation in prisons has been mentioned repeatedly by academics and practitioners as one of the most pressing security concerns, particularly in the context of Islamist ideology. While both prison and probation are supposed to be strong partners in deradicalisation and resettlement, instead of promoting disengagement from violence, these systems frequently facilitate extremism because of the push and pull factors discussed in this report.
- Unlike traditional criminals whose illicit activities are often disrupted in prisons, violent extremists might be comfortable with their convictions because of opportunities to preach in correctional institutions. According to an inquiry carried out by Ian Acheson in 2016, Islamist ideology in prisons could be threatening in various ways, including Muslim gang culture, charismatic prisoners acting as self-styled “emirs” and exerting a radicalising influence on Muslim inmates, aggressive encouragement of conversions to Islam, availability of educational materials promoting Islamist extremism, exploitation of staff’s fear of being labelled racist, and so on.⁵

¹ ‘European Union Terrorism Situation and Trend Report’, 2016, *Europol, The Hague: European Union*, p. 18.

² ‘Who Are Britain’s Jihadists?’ *BBC News*, 12 October 2017, available at: <http://www.bbc.co.uk/news/uk-32026985>, last visited: 6 February 2018.

³ ‘Counter-Extremism Strategy’, *HM Government*, October 2015, available at: <https://www.gov.uk/government/publications/counter-extremism-strategy>, last visited: 6 February 2018, p. 15.

⁴ Corera. G., ‘MI5 boss Andrew Parker warns of “intense” terror threat’, *BBC News*, 17 October 2017, available at: <http://www.bbc.co.uk/news/uk-41655488>, last visited: 6 February 2018.

⁵ ‘Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice’, *HM Government*, 22 August 2016, available at: <https://www.gov.uk/government/publications/islamist-extremism-in-prisons-probation-and-youth-justice/summary-of-the-main-findings-of-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice>, last visited: 6 February 2018.

- Following the above-mentioned inquiry, the government announced its plans to crack down on the spread of Islamist ideology in prisons by creating three “separation centres” (HMP Frankland near Durham, HMP Full Sutton near York and HMP Woodhill in Milton Keynes) which are expected to hold the most subversive offenders, including Michael Adebolajo and Anjem Choudary. As of January 2018, HMP Frankland near Durham has been created,⁶ and it is the first time the UK government has practised the policy of separating terrorism-related offenders.
- At the same time, most of the mass media coverage of the UK experiment with regard to tackling radicalisation in prisons has been negative and focused on drawing parallels between UK separation centres and Guantanamo Bay, labelling the centres “jihad jails”.⁷ One of the main points of criticism revolves around the idea that segregation is counter-productive as it could potentially give an elevated status to the most dangerous extremists and intensify the issue of Islamism in prisons.
- Currently, a more balanced and nuanced evaluation of the containment policy is absent from UK discourse. Although there is a risk that a new intervention will generate additional safety concerns, this report argues that separating the most dangerous terrorism-related offenders is the only viable solution for mitigating the threat of prison radicalisation. However, it is crucial to develop a comprehensive policy framework that takes into account the recent dynamics of radicalisation threats, including demographic changes such as gender and age.

[probation-and-youth-justice/summary-of-the-main-findings-of-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice](https://www.gov.uk/government/publications/islamist-extremism-in-prisons-probation-and-youth-justice/summary-of-the-main-findings-of-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice), last visited: 6 February 2018.

⁶ Hill, M., ‘The Terrorism Acts in 2016: Report of the Independent Reviewer of Terrorism Legislation on the Operation of the Terrorism Acts 2000 and 2006’, January 2018, available at: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2018/01/Terrorism-Acts-in-2016.pdf>, last visited: 6 February 2018, p. 7.

⁷ Parveen. N., ‘Guantánamo UK? Durham jail first to have “terrorists only” wing’, *The Guardian*, 31 March 2017, available at: <https://www.theguardian.com/society/2017/mar/31/guantanamo-uk-durham-jail-first-to-have-terrorists-only-wing>, last visited: 6 February 2018.

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Terminology

Deradicalisation – A process that leads to renunciation of terrorism; a cognitive shift that consists in rejecting the use of violence as a means to achieve political change.

Desistance – Cessation of offending or other antisocial behaviour.

Disengagement – Behavioural move from the radical organisation, ideology or ideas. Disengagement is a necessary precondition for deradicalisation and can take place following moral considerations or rational cost-benefit calculation.

ERG 22+ – Extremist radicalisation guidance. ERGA 22+ is a methodology of assessing offenders. It was designed by forensic psychologists and introduced in the UK in 2011 as a means of determining the level of danger presented by extremist offenders in custody.

FIES (Ficheros de Internos de Especial Seguimiento) – Policy of differentiation of inmates in Spanish prisons according to the danger they pose and the level of required control and surveillance.

HMPPS – Her Majesty’s Prison and Probation Service.

NOMS – National Offender Management Service.

Radicalisation – A process by which an individual or a group comes to adopt increasingly extreme political, social and religious ideas and aspirations.

Security inmate – A term used in Israel to describe an inmate who has been convicted and sentenced to incarceration, or has been arrested on suspicion of an offence which, by its nature or under the circumstances, has been deemed a security offence or nationalistically motivated offence.

SRG – Risk assessment framework used in the UK before the introduction of ERG 22+.

TPIM – The Terrorism Prevention and Investigation Measures Act 2011 is an Act of Parliament of the United Kingdom that abolished control orders and provides new powers to allow the Home Secretary to impose restrictions on the behaviour of a specified individual.

TW – Terrorist wing.

VEO – Violent extremist offenders.

VERA – Violent extremism risk assessment developed by Elaine Pressman in 2009. Vera 2 is a revised version used by psychologists and psychiatrists with knowledge of violent extremism. It can also be used by analysts of security and intelligence services, forensic social workers and police forces.

1. Introduction

1.1. Conceptualising Prisoner Radicalisation

The concern about prisons turning into “hotbeds of extremism” has been mentioned repeatedly by academics and practitioners as one of the most pressing security issues that require an immediate response worldwide. Prisons have played an instrumental role in the narratives of many radical political organisations in the twentieth century, including Irish Republicans, German Marxists and Egyptian Islamists.⁸ Additionally, prison radicalisation poses threats with regard to enhancing the structure and recruitment pools of criminal networks. In the Soviet Union, Gulags enabled development of a unique criminal subculture that generated “thieves in law”, or a special rank of violent, elite criminals who vetted and recruited future cadres for their gangs in high-security jails.⁹ Some of the most powerful Brazilian criminal groups, such as the Primeiro Comando da Capital¹⁰ in Sao Paulo and the Comando Vermelho¹¹ in Rio de Janeiro, originated in prisons.¹²

Prisoner radicalisation is defined as “the process by which inmates adopt extreme views, including beliefs that violent measures need to be taken for political and religious purposes”.¹³ The process of prisoner radicalisation is described by Mark Hamm, a criminologist from Indiana University who has conducted extensive research on prisons and extremism, as a “double-edged sword”, capable of triggering both positive and negative results. Looking at historical examples, including Mahatma Gandhi and Nelson Mandela, Hamm points out that some prison radicals achieved great heights of public service as leaders of national liberal movements and prominent government officials.¹⁴ At the same time, in the context of Islamism, prisons are known as “universities of terror” for extremists who adopt violent ideology behind bars, as exemplified by the well-documented biographies of many famous jihadists.

In the Middle East, prisons have proved to be formative in the development of extremism from an organisational and logistical perspective as they have provided a platform for inmate encounters and collaboration. One of the most telling examples is how Camp Bucca, a prison maintained by the United States in Iraq from 2003 until 2009, contributed to networking between two different groups of inmates. The detention of large number of jihadists and ex-Ba’athists¹⁵ during the Iraqi insurgency resulted in opportunities for the two groups to forge alliances and

⁸ Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State* (New York, London: W. W. Norton & Company, 2016). Townshend, C., *Ireland: The 20th Century* (London: Arnold, 1999).
⁹ Zenide, P., ‘Thieves by Law – Vory V Zakone 2010 Document FullHD HD english subtitles’, *Youtube*, 28 June 2011, available at: <https://www.youtube.com/watch?v=1w8zME-uDtw>, last visited: 7 February 2018.
¹⁰ Primeiro Comando da Capital is the largest Brazilian criminal organisation and has a membership of 13,000, of whom 6,000 are in prison.
¹¹ Comando Vermelho is Brazil’s oldest criminal group, created in a Rio de Janeiro prison in the 1970s as a self-protection group for prisoners.
¹² Mulcahy, E., S. Merrington and P. Bell, The Radicalisation of Prison Inmates: A Review of the Literature On Recruitment, Religion and Prisoner Vulnerability. *Journal of Human Security*, 2013, Vol. 9, Issue 1: 4-14.
¹³ US Department of Justice, 2004.
¹⁴ Hamm, M., *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat* (New York and London: New York University Press, 2013), p. 1.
¹⁵ Immediately following its invasion, the United States dissolved Iraq’s standing army and declared persona non grata any government employee who had been a member of the Ba’ath Party. According to Soufan, this policy pushed Ba’athists into the arms of al-Qaeda in Iraq, especially considering that the two groups already shared a common goal of restoring their Sunni sect to the dominant position. Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, pp. 240-241.

exchange experiences, including combat doctrine. The Ba’athists brought military skills, discipline, excellent training and a network of experienced bureaucrats that other radical organisations lacked,¹⁶ and this symbiotic relationship contributed to the first military achievements of ISIS. Although the administration did successfully separate the inmates along sectarian lines to avoid tensions, they failed to separate the extremist Sunni inmates from the moderate Sunnis, and this situation created a breeding ground for extremism.¹⁷

A significant number of the Islamic State’s senior members passed at some point through either Saddam’s prisons or the US-run Camp Bucca, known as the “Academy” among extremists.¹⁸ Abu Bakr al-Baghdadi was a detainee at Camp Bucca in southern Iraq from 2005 until 2009.¹⁹ Although some sources claim that he had been radicalised even before his detention, it is clear that al-Baghdadi’s time in jail was either a turning point or a logical continuation of his political mobilisation.²⁰ Al-Baghdadi most likely overlapped in Camp Bucca with some former members of the Ba’ath party who subsequently became senior leaders of the Islamic State.²¹ Haji Bakr, a former Ba’athist colonel who once was very far from fundamentalism but who later helped al-Baghdadi rise to power after being imprisoned for two years at Camp Bucca, is among them.²² Abu Mohammed al-Adnani, an ISIS spokesperson, was another detainee from 2005 until 2010.²³ Other former inmates include Abu Abdul Rahman al-Bilawi, who planned the operation that seized Mosul; Abu Qasim, in charge of foreign fighters and suicide bombers; Abu Luay, a senior security official, among many others.²⁴

However, as pointed out by Ali Soufan, a former FBI agent and a director of the US-based consulting company The Soufan Group, it was not the first time prison would galvanise a jihadi movement, and nor would it be the last. In the 1980s, imprisonment in Mubarak’s Egypt strengthened future terrorist leaders, such as al-Qaeda’s leader Ayman al-Zawahiri, who was imprisoned following the assassination of the Egyptian President Anwar Sadat in 1981.²⁵ Soufan argues that, although al-Zawahiri was a committed jihadist before his arrest, his experience in prison made his determination more clear, and he became more convinced of the need to use violence for political change.²⁶

Besides empowering already committed extremists, some prison regimes exacerbate the issue of radicalisation by mixing different categories of inmates. In Lebanon, prisoners are not categorised according to their criminal records, and minor offenders have repeatedly been jailed in the Roumieh prison²⁷ together with perpetrators who have committed serious crimes, including

¹⁶ Barrett, R., ‘The Islamic State’, *The Soufan Group*, November 2014, available at: <http://soufangroup.com/wp-content/uploads/2014/10/TSG-The-Islamic-State-Nov14.pdf>, last visited: 7 February 2018.

¹⁷ Moreover, the guards did not speak Arabic.

¹⁸ Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, p. 239.

¹⁹ Freeman, C., ‘Iraq crisis: the jihadist behind the takeover of Mosul – and how America let him go’, *The Telegraph*, 11 June 2014, available at: <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10891700/Iraq-crisis-the-jihadist-behind-the-takeover-of-Mosul-and-how-America-let-him-go.html>, last visited: 7 February 2018.

²⁰ According to the first point of view, al-Baghdadi was a radical Salafi during the Saddam era. Freeman, C., ‘Iraq crisis: the jihadist behind the takeover of Mosul – and how America let him go’, *The Telegraph*, 11 June 2014.

²¹ Barrett, R., ‘The Islamic State’, *The Soufan Group*, November 2014.

²² Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, p. 241.

²³ Muhammed al-Adnani was a senior strategic and operational leader of ISIS. He was killed in an airstrike in Northern Syria on 31 August 2016.

²⁴ Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, p. 241.

²⁵ *ibid.*, p. 168.

²⁶ *ibid.*, p. 169.

²⁷ Roumieh is the largest prison in Lebanon that holds juveniles, women and men in separate sections.

terrorism.²⁸ Moreover, inmates with sectarian and political connections appear to be untouchable. It has been reported that Fatah al-Islam, the fundamentalist Islamist group, is the most powerful group in this jail, and its members regularly enforce “God’s judgement” on their fellow inmates, including Christians and Shia who pay a levy to remain free from harm.²⁹ In a number of the Middle Eastern countries there is a problem with the lack of classification of prisoners, and lack of separation of pre-trial and convicted prisoners.³⁰

Prisons in Israel are described by Esmail Nashif, an academic from Bir Zeit University, as “one of the major sites of Palestinian national movement”.³¹ Most prisoners report being more politically attuned and having a better understanding of the conflict and the struggle after they have entered prison. Sagit Yehoshua of the International Institute for Counter-Terrorism (ICT) Inter-Disciplinary Centre at Herzliya argues that, unlike the typical experiences of alienation, loss of freedom and trauma reported by prisoners worldwide, Palestinian terrorism-related prisoners show a remarkable adjustment to prison during the first stages of their incarceration, taking leadership roles and gaining education.³² Yehoshua links it to the Palestinian – and Arab – cultural perception that views prisoner status as honourable and admirable. For the prisoners who used to occupy leadership ranks in the terrorist hierarchy, this position of status allows them opportunities for self-improvement as well as improvement of conditions for their families.

1.2. Aims and Structure of the Report

Considering that the above-mentioned strategies of housing terrorism-related offenders in the Middle East have failed to decrease the risks of prison radicalisation, but rather are exacerbating the issue and providing extremists with a common platform and learning tools, an important question to pose is whether the separation strategy could produce better results in terms of the management of extremists. This report aims to fill the gap by examining strategies for dealing with Islamism in prisons worldwide and assessing the UK experiment from the point of view of its potential to tackle the spread of radicalisation in prisons.

The report consists of six chapters. The first chapter conceptualises prisoner radicalisation and discusses why prison policies have failed to tackle the issue of radicalisation in the Middle East. The second chapter provides a rationale for the study’s methodology. The third chapter examines the dangers of prison radicalisation, focusing on push and pull factors of Islamism in prisons. The fourth chapter evaluates and assesses strategies of dealing with extremism in prisons in nine countries, and the fifth chapter focuses on the UK background. The last chapter provides a number of policy recommendations based on the analysis of best practices and failures.

²⁸ For more information, see ‘Prisons in Lebanon: Humanitarian & Legal Concerns’, *Lebanese Center for Human Rights*, available at: <https://docs.google.com/a/cldh-lebanon.org/viewer?a=v&pid=sites&srcid=Y2xkaC1sZWJhbm9uLm9yZ3xjbGRofGd4OjU5MDI2NDY1Zjg2MDFhNmU>, last visited: 7 February 2018.

²⁹ Mortada, R., ‘Roumieh Prison: Rule by the Sword’, *Al Akhbar*, 14 October 2012, available at: <http://english.al-akhbar.com/node/12967>, last visited: 7 February 2018.

³⁰ ‘Preventing radicalisation in prisons’, *Penal Reform International*, December 2015, available at: <https://cdn.penalreform.org/wp-content/uploads/2016/02/PRI-Radicalisation-briefing-paper-V2.pdf>, last visited: 7 February 2018.

³¹ Nashif, E., ‘Structures of a Revolutionary Pedagogy: Palestinian Political Captives in Israeli Prisons’, in Ewing, E. T. (ed.), *Revolution and Pedagogy* (New York: Palgrave Macmillan, 2005).

³² Yehoshua, S., ‘The Israeli Experience of Terrorist Leaders in Prisons: Issues in Radicalisation and De-Radicalisation’, in Silke A. (ed.), *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalisation and Reform* (London and New York: Routledge, 2014), pp. 144-156.

2. Methodology

This study is based on a comparative criminal justice methodology. There is a rich tradition of scholarship in the area of comparative penology in social sciences and law.³³ Cavadino and Dignan, criminologists from the University of Sheffield who analysed 12 countries in a comparative perspective, argue that, despite a great diversity of cultural, political and legal indicators that exist cross-nationally, it is essential to understand the international dimensions of punishment.³⁴ Francis Pakes, an academic from the University of Portsmouth, points out theoretical as well as practical incentives to the comparative study of criminal justice, as globalisation and notable changes in legislation make comparisons more relevant.³⁵ Contextualising justice arrangements designed for terrorism-related offenders helps researchers to acquire specific knowledge about how cultural settings and legal traditions shape counter-terrorism responses. Comparative criminal justice also helps to generate insights into the efficacy of various policy initiatives on tackling extremism in prisons. Assessing existing best practice with regard to tackling radicalisation in prisons is one of the goals of this paper.

The first step of data collection was based on a literature review which examined different penal strategies with regard to tackling the issue of extremism: containment, dispersal and mixed approach. The following countries were reviewed: the United States, Australia, the Netherlands, Spain, Belgium, France, Germany, Russia and Israel. The penal strategies that governments and policymakers might pursue are related to the penal philosophies, or ideas, about what might morally justify practices of punishment.³⁶ Typically, such philosophies also indicate the aims that a morally justified practice of punishment should pursue, such as prevention or reduction in crime through deterrence, or the incapacitation of offenders by physically preventing them from reoffending through such means as imprisonment.³⁷

The second step of data collection relied on gathering information about the UK imprisonment of terrorism-related offenders and the new policy of separation centres. This step of data collection, in addition to a review of existing literature, is based on interviews with academics and practitioners about prison reform and current challenges that the prison and probation system is facing. The main research questions of this paper are: 1) How effective is separation of terrorism-related offenders? 2) Under what circumstances will this policy be successful in the UK?

While assessing the effectiveness of the current policies, it is important to point out what is understood by “effective” and “successful” in this study. “Successful” and “effective” in this context means that the strategy contributes to decreasing the risks of radicalisation and the recidivism rates, or prevents extremism-related offenders from returning to violence and from endorsing ideology based on violence.

³³ Comparative criminology is an old tradition that has its reflection in works of the “founding fathers” of criminology, such as Beccaria, Bentham and many other scholars of the eighteenth-century Enlightenment. A renewed interest in comparative criminology, prompted by globalisation, emerged quite recently in the last decade of the twentieth century.

³⁴ Cavadino, M. and J. Dignan, *Penal Systems: A Comparative Approach*, preface.

³⁵ Pakes, F., *Comparative Criminal Justice. Third Edition* (London and New York: Routledge, 2015).

³⁶ Cavadino and Dignan distinguish the following penal strategies: the harshly punitive Strategy A, the managerialist Strategy B and the human rights approach Strategy C.

³⁷ Cavadino, M. and J. Dignan, *Penal Systems: A Comparative Approach*, preface.

3. Understanding the Dangers of Prison Radicalisation

3.1. Criminals as a New Terrorist Recruitment Pool

In 2000, an al-Qaeda training manual entitled ‘Military Studies in the Jihad (Holy War) Against the Tyrants’, seized during a police raid in Manchester, identified Western prisoners as candidates for conversion to Islam because they may harbour hostility toward their governments.³⁸ Although this tactic was identified and disseminated among jihadist followers almost two decades ago, recruitment in prisons among the disaffected inmates in the West is still an appealing technique for attracting new followers. In 2015, the Prison Officers Association (POA) claimed that Islamist extremists were deliberately seeking custodial punishments or jobs in prisons to target vulnerable populations, and local recruitment posed a problem as there was a danger of extremists applying to high-security prisons such as Belmarsh.³⁹

Muslims make up more than 10,000 of the 80,000 prison population in the UK,⁴⁰ and they could be a target for Islamist charismatic preachers or other inmates with extremist beliefs. According to a report published by the International Centre for the Study of Radicalisation and Political Violence (ICSR) in 2016, more than 50% of foreign fighters included in their database have previously been involved in crime and have been known to police. This exemplifies a worrying trend of the convergence of criminals and extremists.⁴¹ The authors argue that, ideologically, the jihadist narrative is well aligned with the personal needs and desires of criminals, and terrorist groups are increasingly relying on the pool of people previously convicted or involved in common criminality.

Monica Lloyd and Cristopher Dean, practitioners from the National Offender Management Service, suggest that criminals could be an easier target for extremist recruiters because, unlike people who have not been involved in crime before, those with a criminal record do not require the period of conditioning or grooming that would normally be needed to overcome their inhibitions about breaking the law.⁴² Their study also argues that the involvement of criminals in the al-Qaeda-influenced extremist organisations appears to be opportunistic and self-serving, and they do not always share the same belief systems or religiosity with other radicalised individuals. Criminal history is an important aspect to consider when assessing inmates’ capability to engage in extremist violence in the future, and it is included as one of the factors that forensic psychologists use to assess extremist offenders in the UK prisons (please see chapter five for a discussion of the ERG 22+ risk assessment).

³⁸ Hamm, M., *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, p. 43.

³⁹ Batty, D., ‘Islamists actively seek prison sentences to radicalise other convicts, say officers’, *The Guardian*, 12 December 2015, available at: <https://www.theguardian.com/society/2015/dec/12/islamists-radicalise-convicts-prison-officers>, last visited: 7 February 2018.

⁴⁰ ‘Counter-Extremism Strategy’, *HM Government*, October 2015, p. 15.

⁴¹ ‘Criminal Pasts, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus’, *ICSR*, 11 October 2016, available at: <http://icsr.info/2016/10/new-icsr-report-criminal-pasts-terrorist-futures-european-jihadists-new-crime-terror-nexus/>, last visited: 7 February 2018.

⁴² Lloyd, M. and C. Dean, ‘The Development of the Structured Guidelines for Assessing Risk in Extremist Offenders’, *Journal of Threat Assessment and Management*, Vol. 2, No. 1, 40-52.

Before his conversion to radical Islam, Abu Musab al-Zarqawi, a Jordanian petty criminal and a future leader of al-Qaeda in Iraq, served time in prison for sexual assault and drug possession.⁴³ Recent examples from Europe also show that there is a strong link between convictions and radicalisation. Moreover, the backgrounds of the terrorists who carried out attacks in Paris, Brussels and Barcelona in 2015, 2016 and 2017 demonstrate that criminal careers enhance the profiles of aspiring jihadists as extremist networks often raise funds through drug smuggling, robberies, fraud and other illicit activities. Abdelbaki Es Satty, a Moroccan imam at the Ripoll mosque in Catalonia who was instrumental in radicalising the Barcelona attackers, had previously served time in jail for drug trafficking. He met several al-Qaeda members during his imprisonment, including Rachid Aglif, who was serving an 18-year sentence for his part in the 2004 Madrid train bombing. This encounter is believed to have been a pivotal moment in the development of Es Satty's radical ideas.⁴⁴

Anis Amri, a failed asylum seeker who murdered 12 people when he drove a truck into a Christmas market in Berlin, had previously been accused of armed robbery back in his home country of Tunisia. He had a history of dealing drugs in Europe and travelling throughout the EU using multiple identity documents under different aliases after his asylum application was rejected,⁴⁵ and was sentenced to a four-year prison term (but released in 2015) for starting a fire in a refugee centre.⁴⁶ Indeed, while ideology has a part to play in radicalising and motivating terrorists, the opportunity to engage in criminal violence for its own sake appears to be just as significant a draw.⁴⁷

Amedy Coulibaly, a Malian Frenchman who was responsible for the Montrouge shooting that resulted in killing a police officer and a kosher supermarket siege in which he killed four hostages, had been previously convicted at least five times for robbery and drug trafficking since the age of 17. Coming from a family that did not practise a radical version of Islam, he was exposed to the jihadists' ideology for the first time while serving time in the the Fleury-Mérogis jail where he was influenced by top al-Qaeda operative Djamel Beghal, an Algerian Frenchman who had been convicted for a plot to destroy the US embassy in Paris.⁴⁸ The two managed to communicate and build

Abdelbaki Es Satty

A Moroccan imam at the Ripoll mosque who was instrumental in radicalising the Barcelona attackers, had previously served time in jail for drug trafficking.

Amedy Coulibaly

A Malian French who was responsible for the Montrouge shooting that resulted in killing a police officer and a kosher supermarket siege, was previously convicted at least five times for robbery and drug trafficking.

⁴³ Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, p. 110.

⁴⁴ Dunleavy, P., 'Barcelona Terror Imam's Familiar Path From Prison to ISIS Soldier', *IPT News*, 23 August 2017, available at: <https://www.investigativeproject.org/6545/barcelona-terror-imam-familiar-path-from-prison>, last visited: 7 February 2018.

⁴⁵ 'European Union: Serious and Organised Crime Threat Assessment. Crime in the Age of Technology', *Europol*, 2017, p. 20.

⁴⁶ Huggler, J., 'Berlin Christmas market attacker was a "ladies' man and a charmer" before being radicalised in prison', *The Telegraph*, 10 February 2017, available at: <http://www.telegraph.co.uk/news/2017/02/10/berlin-christmas-market-attacker-ladies-man-charmer-radicalised/>, last visited: 7 February 2018.

⁴⁷ Soufan, A., *Anatomy of Terror. From the Death of Bin Laden to the Rise of the Islamic State*, p. 111.

⁴⁸ Callimachi, R. and J. Yardley, 'From Amateur to Ruthless Jihadist In France', *The New York Times*, 17 January 2015, available at: <https://www.nytimes.com/2015/01/18/world/europe/paris-terrorism-brothers-said-cherif-kouachi-charlie-hebdo.html>, last visited: 7 February 2018.

Chérif Kouachi

One of the brothers behind the Charlie Hebdo massacre, had previously served time in the Fleury-Mérogis prison that provided him with an opportunity to build contacts and meet like-minded individuals.

Anis Amri

A Tunisian national who drove a truck into a Christmas market in Berlin, had a lengthy criminal past, being sentenced in absentia to five years in prison for robbery in Tunisia. After his asylum application got rejected, Amri served a three-and-a-half year sentence in Italy for setting fire to a refugee centre.

networks in jail, even despite Beghal's solitary confinement, by passing messages to each other's cells and speaking through open windows. Coulibaly and Beghal stayed in touch after their release while the latter was under house arrest in a hotel in Murat. As evidenced by photos, Coulibaly was practising the use of weapons at that time.⁴⁹ Ironically, in 2009 Coulibaly was received by President Nicolas Sarkozy at the Élysée Palace, where he was honoured as a model of successful rehabilitation.

Chérif Kouachi, one of the brothers behind the Charlie Hebdo massacre, was arrested in January 2005 when he was about to join the jihad against US troops in Iraq, and it was the prison environment of Fleury-Mérogis that offered him an opportunity to build contacts and meet like-minded individuals. In prison, Kouachi became acquainted with Amedy Coulibaly, who had by then been convicted for armed robberies, and Djamel Beghal. An investigation into their lives shows that Kouachi was also mentored by Beghal, and the two men remained close after being released from prison.⁵¹ Gilles Kepel argues that the Fleury-Mérogis prison served as a relay between the "second" and "third" generations of jihadists, or between al-Qaeda's largely defeated pyramidal organisation and the network-based system.⁵² Moreover, Kouachi was reported in a French television video to have said he was radicalised by the self-taught preacher Farid Benyettou, who was jailed alongside him.⁵³

Chérif's elder brother, Saïd, who had also frequented the Buttes-Chaumont gang, followed a similar criminal trajectory but without serving time in prison. He was searched and held in police custody in 2010.⁵⁴ The Buttes-Chaumont gang is also known as the 'Nineteenth Arrondissement Iraqi Networks'. Buttes-Chaumont is a name taken from the park where a group of like-minded radical French Algerians met and did physical training.⁵⁵ According to an investigation by Channel 4,⁵⁶ the group was sending men to fight against US coalition forces in Iraq, and Saïd and Chérif Kouachi were known members. While the group's aim was ideological, and it had ties to al-

⁴⁹ Coulibaly also clandestinely made a film denouncing prison conditions, extracts from which were shown on television after his release and about which he was interviewed. Kepel G., *Terror in France: Rise of Jihad in the West* (Princeton University Press, 2016).

⁵⁰ Djamel Beghal himself had been supplied with a false passport by another UK-based jihadist from Leicester, Bahgdad Meziane, to travel to a training camp in Afghanistan. This is yet another example of the links between organised crime and terrorism.

⁵¹ Rayner, G., 'Charlie Hebdo suspect "mentored" by Abu Hamza disciple', *The Telegraph*, 8 January 2015, available at: <http://www.telegraph.co.uk/news/worldnews/europe/france/11333776/Charlie-Hebdo-suspect-mentored-by-Abu-Hamza-disciple.html>, last visited: 7 February 2018.

⁵² Kepel G., *Terror in France: Rise of Jihad in the West*, p. 157.

⁵³ "Buttes Chaumont" network behind Paris attacks', *Channel 4 News*, 9 January 2015, available at: <https://www.channel4.com/news/butte-chaumont-network-paris-attacks-who-did-he>, last visited: 7 February 2018.

⁵⁴ Kepel, G., *Terror in France: Rise of Jihad in the West*, p. 158.

⁵⁵ "Buttes Chaumont" network behind Paris attacks', *Channel 4 News*, 9 January 2015.

⁵⁶ *ibid.*

Qaeda in Yemen,⁵⁷ it is clear that criminal skills and criminal networks facilitated recruitment of new members and transmission of knowledge.

Furthermore, available data suggests that among radicalised individuals there is a growing number of people with criminal pasts from non-Muslim backgrounds who took a decision to embrace Islam in a prison setting as a means of redemption, rebellion or identity-seeking.⁵⁸ Therefore, the danger of Islamist ideology extends beyond Muslim communities, and both Muslim and non-Muslim inmates could be at risk of being targeted as potential recruits.

3.2. Islam in Prisons: A Threat or a Tool for Rehabilitation?

Individuals are usually more receptive to religious ideologies at times when their self-identity is questioned, and prisons are environments conducive to searching for a new identity, hope and recognition to fill the void. Since the 9/11 attacks, Islam has become the fastest-growing religion among prisoners in Europe and North America, and the number of Muslim prisoners is rising dramatically.

In France, roughly 8% of the population is Muslim, yet Muslims make up an astounding 80% of some French prisons.⁵⁹ In the United States, experts estimate that among those who seek religion while imprisoned, 80% embrace the Muslim faith.⁶⁰ This percentage translates into a prisoner conversion rate of approximately 30,000 per year.⁶¹ Conversion to Islam in prisons is not a new phenomenon in the USA: it has been present in American prisons since their inception in the early nineteenth century. In the UK, a large number of Muslims in prisons converted while serving their sentences.⁶² Muslims appear to be the fastest-growing segments of the prison population, as exemplified by the situation in the UK.

In many local contexts, a growing percentage of Muslims in prisons reflects general demographic tendencies. However, in Britain the percentage rise in Muslim prisoner numbers has been far greater than the increase of the Muslim population generally. As of 2015, Muslim inmates accounted for 14.4% of those behind bars, compared with 7% in 2002.⁶³ Research suggests that around one-third of Muslim inmates are from Caribbean or African backgrounds, and the Muslim prison population is set to continue rising rapidly because of the large numbers of Muslim teenagers in young offender establishments.⁶⁴ Around 58% of Muslim prisoners are aged 28 or under (compared with 45% of the overall population). Although there is strong evidence of disproportionate representation of Muslim men in prisons, only a fraction of inmates serve their

⁵⁷ *ibid.*

⁵⁸ Rushchenko, J., 'Converts to Islam and Home-Grown Jihadism', *The Henry Jackson Society*, 2017, available at: <http://henryjacksonsociety.org/wp-content/uploads/2017/10/HJS-Converts-to-Islam-Report.pdf>, last visited: 7 February 2018.

⁵⁹ Hamm, M., *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, p. 43.

⁶⁰ *ibid.*, p. 44.

⁶¹ *ibid.*, p. 44.

⁶² Forty-nine of 164 Muslim prisoners, or 30% of the respondents, interviewed during the fieldwork conducted in the framework of the research led by Dame Anne Owers in 2010 were converts. 'Muslim prisoners' experiences: A thematic review', *HM Chief Inspector of Prisons*, June 2010, available at: <http://www.ohrn.nhs.uk/resource/policy/MuslimPrisonersThematic.pdf>, last visited: 7 February 2018, pp. 29-32.

⁶³ Shaw D., 'Why the surge in Muslim prisoners?' *BBC News*, 11 March 2015, available at: <http://www.bbc.co.uk/news/uk-31794599>, last visited: 7 February 2018.

⁶⁴ Morris, N., 'Number of Muslims in prisons doubles in decade to 12,000', *The Independent*, 28 March 2014, available at: <http://www.independent.co.uk/news/uk/politics/number-of-muslims-in-prison-doubles-in-decade-to-12000-9222237.html>, last visited: 7 February 2018.

sentences because of political reasons. According to the Ministry of Justice, less than 1% of the total Muslim prisoner population was convicted for terrorism-related offences in 2014.⁶⁵ This data demonstrates a large pool of young Muslim offenders jailed for petty crimes who could potentially fall prey to radical preachers. However, how do prisoners who turn to Islam, including disaffected converts in the prison and probation settings, contribute to radicalisation?

Two contrasting points of view attribute different characteristics and outcomes to the growing number of Muslims in jails. The first line of argument maintains that Western prisons have become incubators for radical Islamism.⁶⁶ Because radical preachers feed on the individual vulnerabilities and marginalisation that are prevalent in prisons, and exploit many socio-economic and racial grievances, the issue of terrorist recruitment becomes a particular concern among both heritage Muslims and converts. A report published by Quilliam in 2009 revealed evidence of proactive recruitment by convicted extremists in UK prisons, spread of extremist literature and widespread lack of understanding of Islamism among the prison staff.^{66a}

In England, Belmarsh prison⁶⁷ is often used for the detention of prisoners convicted of terrorism-related offences. Its notable inmates included Anjem Choudary,⁶⁸ Michael Adebolajo and Michael Adebowale,⁶⁹ as well as other individuals jailed for serious crimes such as child abuse, serial killings and right-wing extremism. A former inmate who served a sentence for fraud in Belmarsh prison and was approached by Islamist preachers confessed in an interview to *ITV News* in 2016:

Walking down the exercise yard, they come up to you and give you words of encouragement... There is a sense of camaraderie, and this is what they then use to manoeuvre against you.⁷⁰

A report published by the UK Parliament's Home Affairs Select Committee in 2012 points out that short prison sentences are particularly problematic as they could lead to serious unintended consequences in terms of life choices and behaviour.⁷¹ While acknowledging the difficulty of finding firm evidence or of quantifying the impact of radicalisation in prisons, the authors agree that there is potential for people to be manipulated in prison settings. The report also provides the following example:

An individual who went into Belmarsh on remand was three cells away from Abdullah al-Faisal when he was there. Within three days, Abdullah al-Faisal had convinced him to undertake a martyrdom mission. He left prison – he was acquitted of his offence – went straight to Yemen, desperately looking for jihad, desperately seeking a training camp. Fortunately, the handlers there in Yemen channelled him into an appropriate kind of madrassa... who taught him the correct understanding and sent him back to us.⁷²

⁶⁵ Ministry of Justice data shows that between October 2012 and January 2015 there were 104 Muslims out of 178 prisoners who had been jailed for terrorism-related offences. Shaw D., 'Why the surge in Muslim prisoners?' *BBC News*, 11 March 2015.

⁶⁶ Pantucci, R., 'UK prisons: incubators for terrorism?' *The Guardian*, 4 February 2009, available at: <https://www.theguardian.com/commentisfree/2009/feb/03/islam-prisonsandprobation>, last visited: 7 February 2018.

^{66a} Brandon, J., *Unlocking Al-Qaeda: Islamist Extremism in British Prisons* (London: Quilliam, 2009).

⁶⁷ Belmarsh is a Category A men's high-security prison in the south-east of London.

⁶⁸ Anjem Choudary is a radical preacher who was jailed in 2016 for inciting support for ISIS.

⁶⁹ Michael Adebolajo and Michael Adebowale were jailed for killing British army soldier Lee Rigby in 2013.

⁷⁰ 'Prison officers concerned about radicalisation in jails', *ITV News*, 22 August 2016, available at:

<https://www.youtube.com/watch?v=xUD2X3YAjF8>, last visited: 7 February 2018.

⁷¹ 'Roots of violent radicalisation', *House of Commons Home Affairs Committee*, 6 February 2012, available at: <https://publications.parliament.uk/pa/cm201012/cmselect/cmhaff/1446/1446.pdf>, last visited: 7 February 2018.

⁷² *ibid.*

According to the second point of view, instead of posing a security threat, Islam makes a meaningful contribution to the rehabilitation process. Mark Hamm conducted a two-year study interviewing prison chaplains, intelligence officers and individuals incarcerated in Florida and California for violent crimes, and argues that Islam contributes to the process of reformation owing to the structure and sense of identity that it offers to inmates. Moreover, it reinforces self-discipline. Clear and Sumter, US-based academics, surveyed 769 prisoners from 12 state prisons and found that increasing levels of religiosity are associated with high levels of in-prison adjustment and are also significantly related to inmates being placed in disciplinary confinement for violating prison rules on fewer occasions.⁷³ A similar conclusion was drawn in a report published by the Chief Inspector of Prisons, Dame Anne Owers, in 2010. It emphasised the rehabilitative role Islam plays in inmates' lives, and the calm that religious observance can induce in a stressed prison environment.⁷⁴ Many Muslim prisoners interviewed for Anne Owers' research, including converts, acknowledged that rituals such as fasting and prayers brought them discipline and helped to give them perspective.⁷⁵

In a similar vein, Hamm argues that positive changes in personal behaviour that many former gang leaders adopt in prisons following converting to, or "rediscovering", Islam, such as giving up smoking, drinking and gambling, are occasionally considered false signs of radicalisation instead of attempts at self-discipline.⁷⁶ At the same time, Hamm is wary that prisoner radicalisation does occur under specific conditions of confinement in disorderly, overcrowded maximum-security prisons.⁷⁷

3.3. Operational Dynamics of Prison Radicalisation: Push and Pull Factors

Prison conditions can play a significant role in increasing or mitigating the radicalisation risks. The prison environment includes the infrastructure, values, relationships, procedures and policies that constitute the day-to-day functioning of a prison.⁷⁸ Prisons are "places of vulnerability" that produce "identity seekers", "rebels" and "protection seekers" in greater numbers than other environments, and over-crowding and under-staffing amplify the conditions that lend themselves to radicalisation.⁷⁹ Institutionalised penal crises observed in some Western countries demonstrate that prisons suffer from a chronic crisis of legitimacy, being viewed by incarcerated individuals as ineffective in controlling crime, inefficient and inhumane.⁸⁰ In addition, there is a shortage of prison resources as facilities tend to be over-stretched.⁸¹ Penal crisis experienced by many Western countries is one of the factors that contributes to prisons being "incubators of extremism". In 2015 it was noted by the non-profit organisation Penal Reform International that

⁷³ Clear T. and M. Sumter, 'Prisoners, prison, and religion', *Journal of Offender Rehabilitation*, 2002; 35(3-4):125-156.

⁷⁴ 'Muslim prisoners' experiences: A thematic review', *HM Chief Inspector of Prisons*, June 2010.

⁷⁵ *ibid.*

⁷⁶ Hamm, M., *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, p. 48.

⁷⁷ *ibid.*, p. 51.

⁷⁸ Williams, R., 'RAN P&P Practitioners' working paper: Approaches to violent extremist offenders and countering radicalisation in prisons and probation', *RAN Centre of Excellence*, second edition, 2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-p-and-p/docs/ran_pp_approaches_to_violent_extremist_en.pdf, last visited: 7 February 2018.

⁷⁹ 'Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 countries', *ICSR*, 19 August 2010, available at: <http://icsr.info/2010/08/prisons-and-terrorism-radicalisation-and-de-radicalisation-in-15-countries/>, last visited: 7 February 2018.

⁸⁰ Cavadino M. and J. Dignan, *Penal Systems: A Comparative Approach*, p. 43.

⁸¹ *ibid.*

poor conditions in prisons, including overcrowding and lack of access to adequate health care as well as long periods of time in pre-trial detention, create a context in which radicalisation can flourish.⁸²

At the same time, as conditions deteriorate, faith becomes more important for incarcerated individuals. Liebling and Arnold, academics from the University of Cambridge, conducted a repeated sociological study of interpersonal relationships in one of the high-security prisons in the UK in 2009-2010. They discovered that faith identity played a central and complex role in prisoner conflict, and some of the serious violent incidents were related to faith or ideological disputes.⁸³ Comparing their results with a similar research project carried out in the same prison in 1998-1999, the authors concluded that prison had become a more tense environment, with higher levels of mistrust and fear among staff and prisoners. A new population mix, including younger, black and minority ethnic (BME) inmates, was disrupting established hierarchies. Muslim prisoners had a more pronounced "collective identity" and felt more "oppositional" or distrusting of staff in comparison to non-Muslim prisoners.⁸⁴ Moreover, changes in sentencing practices⁸⁵ meant that many prisoners regarded their sentences as "less legitimate", which aggravated existing grievances.⁸⁶

Besides harsh prison conditions, overcrowded facilities and deterioration of staff-prisoner relationships, sentences perceived as punitive and unjust also contribute to the push factors of radicalisation. According to Liebling and Arnold, new sentencing practices (e.g. criminalising the "glorification" of terrorism and other non-violent acts) prompted changes in the dynamics of the relationships between prisoners, one of which was a higher threat and fear of violence. Among the significant new population groups to enter high-security prisons since 9/11 were individuals convicted of committing or planning acts of terrorist-related violence. They were disproportionately al-Qaeda-inspired Muslim prisoners. Liebling and Arnold documented how faith-inspired narratives started being framed to "justify" violence. For example, faith-related disputes were used to conceal ordinary conflicts and seek retaliation because violence to defend faith was "justified" among Muslim prisoners.

Violence is a major problem in many prisons worldwide and indicates a step away from meaningful rehabilitation. However, gang culture in UK prisons, as identified by several reports, is another push factor.^{87 88} Inmates in high-security prisons in the UK have repeatedly reported concerns for their safety, and told inspectors that people are converting to Islam for their own

⁸² 'Preventing radicalisation in prisons', *Penal Reform International*, December 2015, available at: <https://cdn.penalreform.org/wp-content/uploads/2016/02/PRI-Radicalisation-briefing-paper-V2.pdf>, last visited: 7 February 2018.

⁸³ Liebling, A. and H. Arnold, 'Social relationships between prisoners in a maximum security prison: violence, faith, and the declining nature of trust', *Journal of Criminal Justice*, 2012, 40(5): 413-424.

⁸⁴ *ibid.*

⁸⁵ Changes of sentencing practices included new offences or new uses of existing offences and were particularly visible with regard to terrorism-related crime in the wake of 7/7 (e.g. broadening of the scope of domestic legislation criminalising terrorism financing, glorification of terrorism or participation in a proscribed group).

⁸⁶ Liebling, A. and H. Arnold, 'Social relationships between prisoners in a maximum security prison: violence, faith, and the declining nature of trust'.

⁸⁷ Batty, D., 'Islamists actively seek prison sentences to radicalise other convicts, say officers', *The Guardian*, 12 December 2015.

⁸⁸ 'Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice', *HM Ministry of Justice*, 22 August 2016. 'Muslim prisoners' experiences: A thematic review', *HM Chief Inspector of Prisons*, June 2010.

protection against growing gang-related violence.⁸⁹ In 2011, Nick Hardwick, Chief Inspector of Prisons, claimed that gang activity was growing, but the problem was not so much to do with the existing gangs, but with the new recruits, particularly those who join Muslims gangs.⁹⁰

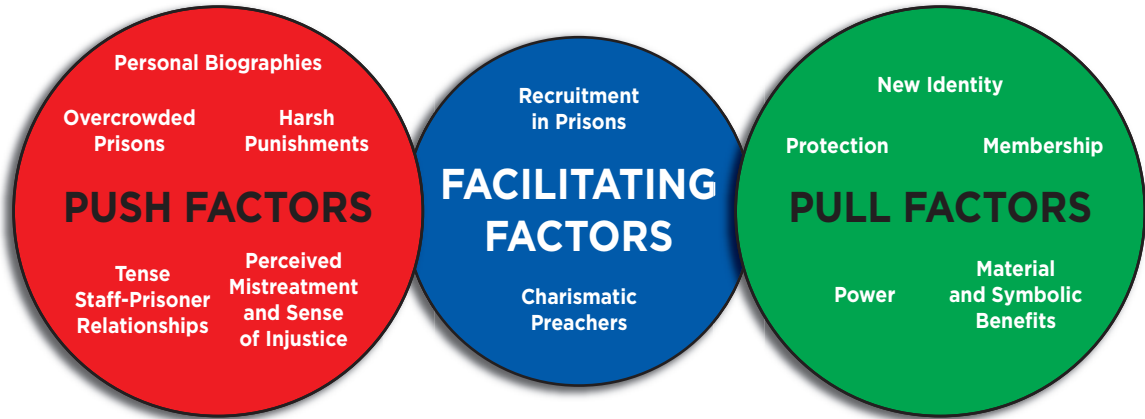
Concerning pull factors, embracing radical ideology could be appealing for inmates who seek confidence, esteem, membership and belonging. Moreover, as documented by research in UK prisons, conversion to Islam is known as a protection-seeking strategy and a means of gaining more material benefits, such as better food during Ramadan or more time out of cells during serving time.⁹¹ Embracing Islam in prison demonstrates another way of exerting power by individuals who would like to be regarded as leaders and who tend to show their power in a violent way, justifying it by faith.⁹²

Besides push and pull factors, it is important to consider facilitating factors that help recruit individuals. Charismatic radical preachers become facilitating agents that capitalise on both push and pull factors, exerting a controlling influence on both Muslim and non-Muslim populations. There have recently been reports that Michael Adebolajo, one of the Lee Rigby killers who was given a whole-life sentence, may have helped convert inmates to Islam and has been exerting a considerable influence on other prisoners as a “charismatic” person.⁹³ Abdullah el-Faisal has also had an important influence on some inmates, including a former prisoner who went to Yemen after his release, hoping to participate in a suicide mission.⁹⁴

Literature containing extremist content could also be considered a facilitating factor that contributes to radicalisation in prison. In the UK, the Ministry of Justice recorded 56 cases of extreme Islamist publications being confiscated in the period between June 2016 and November 2017.⁹⁵ The number increased significantly in 2017, when 44 prisoners were caught in possession of radical Islamist teachings.⁹⁶ Previously, an inquiry into the spread of Islamism in prisons carried out by Ian Acheson pointed out that books and educational materials promoting Islamism were available in chaplaincy libraries or held by individual prisoners. The problem was exacerbated by staff’s inability to tackle it, owing to fear of being labelled racist, a situation described as “institutional timidity”.⁹⁷

⁸⁹ *ibid.*
⁹⁰ HMP Feltham and HMP Brixton were mentioned as particularly problematic. ‘Violence & the Justice System: The Rise of Gangs in UK Prisons’, *Prisonphone*, 22 June 2015, available at: <https://www.prisonphone.co.uk/violence-the-justice-system-the-rise-of-gangs-in-uk-prisons/>, last visited: 7 February 2018.
⁹¹ ‘Muslim prisoners’ experiences: A thematic review’, *HM Chief Inspector of Prisons*, June 2010.
⁹² Liebling, A. and H. Arnold, ‘Social relationships between prisoners in a maximum security prison: violence, faith, and the declining nature of trust’, *Journal of Criminal Justice*, 2012, 40(5): 413-424.
⁹³ Simpson, F., ‘Extremist Lee Rigby killer Michael Adebolajo has converted inmates to Islam, court told’, *Evening Standard*, 31 October 2017, available at: <https://www.standard.co.uk/news/crime/extremist-lee-rigby-killer-michael-adebolajo-has-converted-inmates-to-islam-court-told-a3672661.html>, last visited: 7 February 2018.
⁹⁴ ‘Roots of violent radicalisation’, *House of Commons Home Affairs Committee*, 6 February 2012.
⁹⁵ Lyons I., ‘Significant increase in prisoners caught with radical Islamist books fuelling concerns jails are becoming hotbeds of extremism’, *The Telegraph*, 7 November 2017, available at: http://www.telegraph.co.uk/news/2017/11/07/significant-increase-prisonerscaught-radical-islamist-books/?WT.mc_id=tmg_share_tw, last visited: 7 February 2018.
⁹⁶ *ibid.*
⁹⁷ ‘Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice’, *HM Ministry of Justice*, 22 August 2016. Interview with Ian Acheson, 15 September 2017.

Figure 1. Push and Pull Factors



4. Terrorism and Prison Policies Worldwide: Comparative Analysis

4.1. Strategies for Dealing with Extremism in Prisons

Experts identify three main policies for dealing with violent or non-violent extremists in prisons: containment, dispersal or a mixed approach. Countries worldwide use one of these three regimes to deal with terrorism-related offenders and those deemed at risk of influencing others.

Dispersal model: the most common strategy of dealing with terrorism-related offenders. Inmates believed to be capable of radicalising others are placed among the mainstream prison population. Although problematic inmates may warrant special treatment, the same regime is applied to both terrorism-related offenders and regular prisoners. As a result, terrorism-related individuals are not subject to stigma and do not benefit from a status of “martyr” that separate units might create. There is also the possibility that radicalised individuals might change their views through interactions with the mainstream prisoner population.

At the same time, this policy poses significant risks of prisoner radicalisation, and the danger that violent extremist offenders (VEOs) will exert influence over others. Moreover, they could also be influenced by criminal gangs, perpetuating the nexus between terrorism and organised crime. As discussed in the introduction, Middle Eastern countries tend to follow the dispersal method, separating prisoners only according to sectarian lines and not according to the crimes committed. The general units also lack staff who are specially trained to understand the threat of violent extremism and are equipped with the knowledge and ability to recognise and address vulnerabilities.

Containment model: a more expensive and less common regime of housing inmates. Those suspected of being able to radicalise others are placed in separate units that benefit from previously trained staff. Sometimes these units follow a similar regime, and sometimes they have unique regimes that help staff manage specific risks and behaviours. It is expected that the inmates will be measured against particular criteria to enter the separate units (i.e. not all terrorism-related offenders are deemed dangerous enough to be placed in these units). The policy of containment allows prison staff to monitor inmates closely. It also prevents terrorism-related offenders from exerting their influence on “regular” inmates and from potentially recruiting people who are not involved in politically motivated violence.

The following disadvantages are usually cited as possible outcomes of the containment policy: 1) these units could be a source of status for convicted people that will be perceived as such by the outside world; 2) the policy could strengthen social bonds between inmates, reinforcing their ideological beliefs; 3) it could influence society’s perceptions about unfair treatment and discrimination in prisons.⁹⁸ In addition, the separation approach treats all terrorism-related offenders as equal in degree and severity of risk, despite a range of offences (e.g. non-violent or violent extremism).^{99 100}

⁹⁸ Williams, R., ‘RAN P&P working paper: Approaches to violent extremist offenders and countering radicalisation in prisons and probation, *RAN Centre of Excellence*, second edition, 2016.

⁹⁹ Williams, R., ‘RAN P&P working paper: Approaches to violent extremist offenders and countering radicalisation in prisons and probation, *RAN Centre of Excellence*, second edition, 2016.

Mixed approach: a combination of both strategies carried out on the basis of a risk assessment. Although this strategy offers more flexibility with regard to the placement of individuals in a general or a specialist unit and ensures a tailor-made approach, a RAN paper argues that it does not set out a precise list of criteria for an inmate to be considered for placement in the specialist unit.¹⁰¹ There are also concerns about the adequate implementation of “exit” criteria that operate within the legal frameworks.¹⁰²

In order to gain a better understanding of the prison regime choices in the local contexts, the next section will consider policies implemented in the countries affected by terrorism in a comparative perspective, examining how the United States, Australia, the Netherlands, Spain, Belgium, France, Germany, Russia and Israel manage terrorism-related offenders in custody.

4.2. United States

American prisons currently hold 443 convicted terrorists, and this number has increased by more than 150 inmates since 2007.¹⁰³ The USA follows a mixed approach of dealing with terrorism-related offenders: the most dangerous terrorists are held in maximum-security prisons, while the rest are housed at facilities across the country. Many well-known convicted terrorists, such as Zacarias Moussaoui,¹⁰⁴ Richard Reid,¹⁰⁵ Dzhokhar Tsarnaev¹⁰⁶ and Umar Farouk Abdulmutallab,¹⁰⁷ are placed in the highest-security prison in the country: the United States Penitentiary, Administrative Maximum (ADX) facility located in Florence, Colorado. The prison was opened in November 1994 as a purpose-built “super-maximum” security facility, and it is currently the only highest-security designation prison in the federal system.¹⁰⁸ With capacity for 490 male prisoners, most inmates assigned to ADX have reportedly been convicted of serious offences such as assault or murder. The vast majority of ADX prisoners are confined to solitary cells for 22–24 hours a day in conditions of strict physical and social isolation without any opportunity for recreational or educational facilities.¹⁰⁹ The cells have solid walls preventing prisoners from seeing or having direct contact with those in adjacent cells, and visits by prison staff take place at the cell door. All outside visits are non-contact.¹¹⁰

At least 25 convicted terrorists are held in two federal prisons in Indiana (Terre Haute) and Illinois (Marion), which have special Communications Management Units designed to isolate

¹⁰⁰ Although non-violent extremism is not illegal, this refers to the instances of criminalised non-violent extremist behaviour such as glorification of terrorism or disseminating extremist materials.

¹⁰¹ Williams, R., ‘RAN P&P working paper: Approaches to violent extremist offenders and countering radicalisation in prisons and probation, *RAN Centre of Excellence*, second edition, 2016.

¹⁰² ‘Preventing Radicalisation to Terrorism and Violent Extremism: Prison and probation interventions’, *RAN*, 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/ran-best-practices/docs/prison-and-probation-interventions_en.pdf, last visited: 7 February 2018.

¹⁰³ Fairfield, H. and T. Wallace, ‘The Terrorists in U.S. Prisons’, *The New York Times*, 7 April, 2016, available at: <https://www.nytimes.com/interactive/2016/04/07/us/terrorists-in-us-prisons.html>, last visited: 7 February 2018.

¹⁰⁴ A member of al-Qaeda who was directly linked to the September 11 attacks.

¹⁰⁵ Richard Reid was trying to detonate a bomb on a transatlantic flight en route from the UK to the USA.

¹⁰⁶ One of the Boston marathon bombers who is now on death row.

¹⁰⁷ Convicted of attempting to detonate plastic explosives hidden in his underwear while on board a Northwest Airlines flight from Amsterdam to Detroit.

¹⁰⁸ ‘Entombed: Isolation in the US Federal Prison System’, *Amnesty International*, 2014, available at: <https://www.amnestyusa.org/files/amr510402014en.pdf>, last visited: 7 February 2018.

¹⁰⁹ The conditions apparent in H-Wing at Florence, Colorado’s Supermax prison, would not be in accordance with Europe’s Human Rights Acts (but seemingly are within the UN’s Human Rights Committee regulations).

¹¹⁰ ‘Entombed: Isolation in the US Federal Prison System’, *Amnesty International*, 2014.

certain prisoners from other inmates and limit their contact with the outside world. Mail and telephone calls are restricted, and all communications are required to be in English, unless special permission has been granted. Prisoners in the units are not allowed to have any physical contact with visitors or family members.¹¹¹

Many other terrorists prosecuted and incarcerated for lesser crimes, such as financing terrorist organisations or recruitment, are held at low-security prisons across the country. For example, the low-security prison on Terminal Island at the Port of Los Angeles houses Mohammad El-Mezain, who was convicted of providing material support to Hamas in 2009.¹¹²

While US authorities have always been able to segregate prisoners for their own protection or as a penalty for disciplinary offences, super-maximum security facilities differ in that they are designed to *isolate* prisoners long term as a management tool. According to human rights organisations such as Amnesty International and the Human Rights Watch, although supermax facilities are designed to house incorrigibly violent or dangerous inmates, many of the inmates confined in them do not meet those criteria.¹¹³

However, there are reasons to believe that US policy has allowed for the prevention of further radicalisation within its prison networks. With a post-9/11 pivot towards terrorism interdiction, prosecutions at an earlier stage of criminality are becoming increasingly common. Therefore, those confined to US prisons are far less competent, motivated or operationally capable. This has led to a lack of structured and commutative connections within the prison networks.¹¹⁴

Various other tactics have been used by the US authorities to help prevent further radicalisation of prison inmates. These include: 1) housing the most dangerous terrorists under restrictive conditions to ensure that they cannot influence others, gain reinforcing prestige or use other inmates to send or receive messages; 2) enhancement of the screening process for inmates; 3) improving security awareness of religious materials and increased supervision of religious services and activities, including of inmate-led groups, and provision of educational materials prepared by Muslim chaplains.¹¹⁵

4.3. Australia

Australia follows a dispersal approach. However, the Goulburn high-security prison (located in New South Wales) was built in 2001 and now houses Australia's most concerning offenders, including terror convicts. With 62 people charged after 27 separate counter-terror operations in the two years since ISIS managed to capture large swathes of land in Syria, 34 of the prison wing's 48 inmates have been placed there for terror offences, almost all of them of Middle Eastern background.¹¹⁶

¹¹¹ Fairfield, H. and T. Wallace, 'The Terrorists in U.S. Prisons', *The New York Times*, 7 April 2016.

¹¹² *ibid.*

¹¹³ 'Entombed: Isolation in the US Federal Prison System', *Amnesty International*, 16 July 2014, available at: <https://www.amnestyusa.org/reports/entombed-isolation-in-the-us-federal-prison-system/>, last visited: 8 February 2018.

¹¹⁴ Levin, B., 'Terror Inmates: Countering Violent Extremism in Prison and Beyond', *Huffington Post*, 27 October 2016, available at: https://www.huffingtonpost.com/brian-levin-jd/terror-inmates-countering_b_8404448.html, last visited: 8 February 2018.

¹¹⁵ 'Fact sheet: Justice Department Counter-Terrorism Efforts Since 9/11', *US Department of Justice*, 11 September 2008, available at: <https://www.justice.gov/archive/opa/pr/2008/September/08-nsd-807.html>, last visited: 8 February 2018.

¹¹⁶ Hunt, E., 'Turnbull ministers welcome new NSW prison for radical inmates', *The Guardian*, 11 June 2017, available at: <https://www.theguardian.com/australia-news/2017/jun/11/turnbull-ministers-welcome-new-nsw-prison-for-radical->

It has been argued that the problem of the spread of Islamism has now largely moved from mosques into the Australian prison system. While the maximum-security Goulburn prison was meant to impede fundamentalists from influencing others, the correction facility became known as a hotbed of radicalisation activity. According to former inmate Junaid Thorne, serving time at the Goulburn SuperMax renders inmates with a greater influence among extremists.¹¹⁷ Following these arguments, an investigation was launched into the conditions of the prison, which reported that prisoners were breaking the rules by shouting to each other, passing messages and speaking in code. Moreover, mobile phones were also discovered in a disturbed security breach.¹¹⁸

Considering the threat of radicalisation that is taking place in the Goulburn prison, there has recently been a debate concerning whether a specialist unit within the same prison needs to be created to ensure segregation of prisoners inspired by al-Qaeda and ISIS. The initial proposal drew mixed responses from policymakers and counter-extremism experts, as there is overwhelming concern that a stronger emphasis on separation will exacerbate the situation.¹¹⁹

In other states, radical inmates are spread throughout the system.¹²⁰ Currently, other states, including South Australia, Victoria and Western Australia, are pushing for a Commonwealth facility to house the most dangerous terrorists to limit their potentially dangerous influence on other inmates.¹²¹ While Prime Minister Malcolm Turnbull did not indicate a proposal for a federal prison for terrorists, he has recently called for tougher national parole laws, as al-Qaeda-related extremists jailed after 9/11 are starting to be eligible for parole.¹²² New federal government laws could also allow authorities to detain unrepentant extremists beyond the term of their sentence, and these laws could potentially apply to many of the inmates housed at Goulburn prison.

4.4. Netherlands

The Netherlands is one of the few states in the world able to successfully house its entire terrorist population in two high-security prison facilities (PI Vught and PI Rotterdam),¹²³ owing to the lower

inmates, last visited: 8 February 2018. Maley, P., 'To the SuperMax', *The Australian*, 1 April 2017, available at: <http://www.theaustralian.com.au/life/weekend-australian-magazine/to-the-supermax/news-story/1222806a796f1d3b7a2c1a79d45cc515>, last visited: 8 February 2018.

¹¹⁷ Rubinsztein-Dunlop, S. and S. Dredge, 'Plan to imprison terrorists in Goulburn Supermax prison "backfiring", former inmate Junaid Thorne warns', *ABC News*, 10 October 2016, available at: <http://www.abc.net.au/news/2016-10-10/junaid-thorne-describes-life-inside-goulburn-supermax/7917726>, last visited: 8 February 2018.

¹¹⁸ Rubinsztein-Dunlop, S. and S. Dredge, 'Islamic State: Counter-terrorism officials fear Supermax prison further radicalising inmates', *ABC News*, 10 October 2016, available at: <http://www.abc.net.au/news/2016-10-10/supermax-prison-to-be-overhauled-due-to-radicalisation-fears/7918782>, last visited: 8 February 2018.

¹¹⁹ *ibid.*

¹²⁰ Maley, P., 'To the SuperMax', *The Australian*, 1 April 2017.

¹²¹ Edwards, M., 'States push for federal supermax prison for terrorists, but experts warn it could "breed terrorism"', *ABC News*, 10 June 2017, available at: <http://www.abc.net.au/news/2017-06-10/coag-talks-call-for-federal-supermax-prison-to-house-terrorists/8607144>, last visited: 8 February 2018.

¹²² *ibid.*

¹²³ PI Vught (Penitentiare Inrichting Vught) is one of the largest prisons in the Netherlands, to which many offenders who are difficult to handle or treat in other Dutch prisons are transferred. PI Rotterdam has two locations: De Schie and Hoogvliet. More information from: 'DJI - PI Rotterdam', *Dienst Justitiele Inrichtingen. Ministerie van Justitie en Veiligheid*, available at: <https://www.dji.nl/locaties/penitentiare-inrichtingen/pi-rotterdam/index.aspx>, last visited: 8 February 2018. 'PI Vught', *Dienst Justitiele Inrichtingen. Ministerie van Justitie en Veiligheid*, available at: <https://www.dji.nl/locaties/penitentiare-inrichtingen/pi-vught/>, last visited: 8 February 2018.

rate of terror offences committed in the country.¹²⁴ Since 2006, the Netherlands has had a specific prison regime that places those who are charged with terrorist activities, convicted of terrorism-related activities or showing signs of radicalisation in prison, in a special wing (referred to as the “terrorist wing”) which physically separates them from other prisoners. The Dutch TW (terrorist wing) encompasses six different departments, located in two separate prisons. Five of these departments are located in the penitentiary institute (PI) in Vught. Another one was created in 2007 at the De Schie prison in Rotterdam. As of 2017, more than 160 people have passed through the terrorist units. The two terrorist units have a combined holding capacity of 48.¹²⁵

Once a prisoner is placed in the terrorist wing, a tailor-made approach is applied which consists of periodic medical and psychological assessments. For safety and security reasons, a differentiation is made between males and females, types of ideology, and whether prisoners are leaders, followers or criminal opportunists.¹²⁶

Amnesty International, however, points out the deficiencies of the system, arguing that the authorities do not conduct adequate assessment regarding specific threats posed by offenders, and any person suspected or convicted of a terrorism-related offence is automatically placed in the terrorist wing.¹²⁷ This policy has not always been consistent. The murderer of Theo Van-Gogh, Mohammed Bouyeri, was initially placed in the terrorist wing at Vught after his notes confirmed a religious motivation for his crime,¹²⁸ but has since been placed in the extra-security unit (EBI) of the prison – essentially a maximum-security wing – which allows him to maintain contact and communication with other categories of detainees.¹²⁹

Research conducted by the University of Groningen reveals that issues are apparent within the policy implementation. There are criteria that are supposed to be met for prisoners to be housed in the terrorism wing at Vught; however, these are not automatically followed. Some inmates are removed and placed in “standard” prison wings while others are removed from standard prison wings and placed into the terrorism wing¹³⁰ – after they have had contact with the “ordinary” prison population.¹³¹ Furthermore, two significant problems arise with the implementation of the segregation regimes. With the policy seen as both discriminating¹³² and repressive, it can develop the extent to which radicalisation is present within the prison system. Finally, the limitations on inmates may only serve to exacerbate the extent to which the inmates are already radicalised, turning them further from the state and making any potential rehabilitation programmes entirely futile. Although the terrorism wing is suitable to prevent direct contact between terrorists and

¹²⁴ As of 2010, only five people had been convicted of terror offences and all were housed in the same terrorist wing. However, the numbers have been changing since 2010.

¹²⁵ ‘Anti-terrorism Detention Regime in the Netherlands Breaches Human Rights’, *Amnesty International*, 31 October 2017, available at: <https://www.amnesty.org/en/press-releases/2017/10/anti-terror-prisons-breach-human-rights-in-netherlands/>, last visited: 8 February 2018.

¹²⁶ ‘Terrorist Wing Vught’, *European Commission: Migration and Home Affairs*, available at: https://ec.europa.eu/home-affairs/content/terrorist-wing-vught_en, last visited: 8 February 2018.

¹²⁷ *ibid.*

¹²⁸ ‘Amsterdamed, part one’, *The Guardian*, 5 December 2004, available at: <https://www.theguardian.com/theobserver/2004/dec/05/features.magazine77>, last visited: 8 February 2018.

¹²⁹ Veldhuis, T., et al, ‘Terrorists in Prison: Evaluation of the Dutch terrorism wing’, *University of Groningen*, 2010, available at: https://www.wodc.nl/binaries/summary_tcm28-71209.pdf, last visited: 8 February 2018, p. 6.

¹³⁰ *ibid.*, p. 5.

¹³¹ *ibid.*, p. 2.

¹³² ‘Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries’, *ICSR*, 2010, p.15.

other categories of prisoners, this policy is incapable of tackling indirect influence processes (e.g. martyrdom or other ideological constructs) that might contribute to the spread of radicalisation.¹³³

4.5. Spain

A relatively unique approach has been adopted by Spain which uses a different approach to terrorist inmates dependent on their motive. Spain has long dealt with the issue of Basque separatists and, while ETA (Euskadi Ta Askatasuna, or “Basque Homeland and Liberty”) agreed to a ceasefire in 2011 and to disarm its militant wing entirely as recently as April 2017,¹³⁴ there are still 300 ETA prisoners dispersed throughout the Spanish and French federal prison systems to prevent communication between the inmates.¹³⁵ Spain’s dispersal of ETA inmates is explained by two reasons: 1) ETA is a tightly structured organisation which, if its prisoners were concentrated, would attempt to re-create its operational command structures, make desertions more difficult, and present the prison authorities with a united front;¹³⁶ 2) prison policy in relation to ETA is considered a potential bargaining chip, which may be used in future peace negotiations.¹³⁷

However, Spain has a different approach with regard to Islamist terrorists. It contains them within a few prisons – not just one “supermax” prison – to avoid the creation of a “focal point” of public interest/protest. There are currently 254 Islamism-related offenders in prisons.¹³⁸ Throughout Spain, excluding Catalonia, there is a policy of differentiation of inmates, called FIES 2014. According to this policy, inmates are divided into three groups: people inspired by Islamist ideology; individuals who show skills of leadership and terrorist capability; inmates who show signs of radicalisation.¹³⁹

Furthermore, Spain, like all other Western States, has not implemented a regime of permanent isolation of terrorist prisoners, as this would violate various international and European human rights conventions.¹⁴⁰ Convicted terrorists are therefore still able to maintain communication within their prisons, which can have potentially dire consequences. This issue came to the fore when terrorists planned an attack on the anniversary of the Madrid attacks (2004) from their cells. Radicalisation in Spanish prisons has also been discussed in the context of the recent Barcelona attack, when it emerged that Abdelbaki Es Satty, a Moroccan imam at the Ripoll mosque who had previously served time in jail for drug trafficking, was instrumental in radicalising the perpetrators.

4.6. Belgium

Belgium’s overpopulated prisons house 11,000 inmates, around 35% of whom are Muslim, despite the Muslim population of Belgium only contributing about 7% of the country’s total

¹³³ Veldhuis, T., et al, ‘Terrorists in Prison: Evaluation of the Dutch Terrorism Wing’, *University of Groningen*, 2010.

¹³⁴ ‘Eta: Basque separatists plan to unilaterally disarm on Saturday’, *BBC News*, 7 April 2017, available at: <http://www.bbc.co.uk/news/world-europe-39512637>, last visited: 8 February 2018.

¹³⁵ ‘Mass rally calls for end to Spain’s dispersion policy for ETA prisoners’, *EuroNews*, 15 January 2017, available at: <http://www.euronews.com/2017/01/15/mass-rally-calls-for-end-to-spain-s-dispersion-policy-for-eta-prisoners>, last visited: 8 February 2018.

¹³⁶ ‘Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries’, *ICSR*, 2010, p. 18.

¹³⁷ *ibid.*

¹³⁸ Dolz Ortega, P., ‘Un 21% de los acusados de yihadismo desde 2016 fueron absueltos’, *El País*, 10 June 2017, available at: https://politica.elpais.com/politica/2017/06/10/actualidad/1497117952_613789.html, last visited: 8 February 2018. ‘España tiene ya presos más terroristas islamistas que etarras’, *El Periodico*, 7 August 2017, available at: <http://www.elperiodico.com/es/politica/20170807/espana-tiene-mas-terroristas-islamistas-presos-que-etarras-6211773>, last visited: 8 February 2018.

¹³⁹ Dolz Ortega, P., ‘Un 21% de los acusados de yihadismo desde 2016 fueron absueltos’, *El País*, 10 June 2017.

¹⁴⁰ ‘Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries’, *ICSR*, 2010, p. 18.

population.¹⁴¹ Several of the men linked to the Brussels and Paris attacks had spent time in Belgian prisons in the years before the attacks, including alleged Paris ringleader Abdelhamid Abaaoud, and Salah Abdeslam, the lone surviving suspect.¹⁴² Ismael Omar Mostefai, who shot 89 people at the Bataclan concert together with two other perpetrators, had previously been arrested several times for breaking the law, such as driving without a licence, but was never imprisoned.¹⁴³ Ibrahim El Bakraoui and his brother, Khalid, had also served time before their suicide attacks on Brussels in March 2016.¹⁴⁴ Moreover, Belgian prisons' dire conditions have been blamed for fuelling inmates' grievances.

Similar to most countries, Belgium has traditionally implemented a method of dispersal, although a step in the direction of containment has been taken as recently as April 2016. Just a week prior to the attacks on a Belgian airport and the transport system, which took place on 22 March 2016, Belgium's Ministry of Justice released its plans to segregate radicalised Islamist inmates from the ordinary prison population. These plans were implemented in April 2016.¹⁴⁵

Sieghild Lacoere, a Ministry spokeswoman, stated that "only 5 inmates clearly qualify" for confinement at the Ittre or Hasselt prisons.¹⁴⁶ Therefore, it appears that despite the implementation of new regulations allowing for confinement of extremist prisoners, there are still various legal issues and definitions that prevent inmates from being housed separately from the ordinary prison population. As of 2016, there were four people in solitary confinement in recently opened deradicalisation units, with more expected to arrive in the future.¹⁴⁷

4.7. France

The phenomenon of radicalisation in French jails was first pointed out by the sociologist Farhad Khosrokhavar in his pioneering work 'L'Islam dans les prisons' ('Islam in jails') in 2004, although this concern has not been addressed until quite recently. Muslims constitute a disproportionate majority of the French penal population – an estimated 60%, as opposed to 8% in society at large – and the proportion of Islamic radicals among the country's 68,000 prisoners is growing.¹⁴⁸ The process of radicalisation in France dates back to the mid-2000s, as this period was marked by growing religiosity and emergence of *cads*, or leaders of the new trend towards a more forceful assertion of Muslim identity.¹⁴⁹ Violence is considered one of the top concerns, as demonstrated

¹⁴¹ Kuebler, M., 'Are Belgium's deteriorating prisons fuelling radicalisation?' *Deutsche Welle*, 26 May 2016, available at: <http://www.dw.com/en/are-belgiums-deteriorating-prisons-fueling-radicalization/a-19285261>, last visited: 8 February 2018.

¹⁴² *ibid.*

¹⁴³ Newton-Small, J., 'Paris Attacker Is an Example of France's Homegrown Terrorists', *Time*, 16 November 2015, available at: <http://time.com/4113864/paris-attacks-isis-homegrown-terrorism/>, last visited: 8 February 2018.

¹⁴⁴ Mufson, S., 'How Belgian prisons became a breeding ground for Islamic extremism', *The Washington Post*, 27 March 2016, available at: https://www.washingtonpost.com/world/europe/how-belgian-prisons-became-a-breeding-ground-for-islamic-extremism/2016/03/27/ac437fd8-f39b-11e5-a2a3-d4e9697917d1_story.html?utm_term=.d267fc396db0, last visited: 8 February 2018.

¹⁴⁵ Mufson, S., 'How Belgian prisons became a breeding ground for Islamic extremism', *The Washington Post*, 27 March 2016.

¹⁴⁶ *ibid.*

¹⁴⁷ Stahl, A., 'Concern over "political" use of solitary confinement in European prisons', *The Guardian*, 2 May 2016, available at: <https://www.theguardian.com/world/2016/may/02/solitary-confinement-european-prisons-terror-threat>, last visited: 8 February 2018.

¹⁴⁸ de Bellaigue, C., 'Are French prisons "finishing schools" for terrorism?', *The Guardian*, 17 March 2016, available at: <https://www.theguardian.com/world/2016/mar/17/are-french-prisons-finishing-schools-for-terrorism>, last visited: 8 February 2018.

¹⁴⁹ *ibid.*

by protests at multiple French prisons sparked by a knife attack reportedly carried out by Christian Ganczarski linked to a 2002 synagogue attack in Tunisia.¹⁵⁰

According to Mohamed Oueslati, a Muslim chaplain since 2011, Muslims tend to share "the same characteristics as other prisoners: rather young, little educated, from poor, broken families".¹⁵¹ Gilles Kepel includes indoctrination in jails as a component of the "third wave of jihadism", and the danger of prison radicalisation is clearly exemplified by recent terrorist attacks in France carried out by individuals recruited in jails. One example of the dangers of the link between a criminal record, convictions and radicalisation is Mohammed Merah.¹⁵² Merah, a French Algerian responsible for the deaths of seven people at a Jewish school, was a juvenile delinquent and was reported at least 15 times for acts of violence. First arrested in 2005, he served two short prison terms, in 2007 and 2009. Merah's convictions included thefts and driving offences.¹⁵³

Chérif Kouachi, one of the brothers behind the Charlie Hebdo massacre, was mentored by top al-Qaeda operative Djamel Beghal, whom he had met in jail. French investigators argue that Kouachi, arrested and jailed in 2005, was recruited by Beghal while awaiting his trial in the Fleury-Mérogis prison, and the two men remained close after being released from prison.¹⁵⁴ Situated 15 miles south of Paris, the above-mentioned jail is the largest prison complex in France and is known for its poor conditions. At that time it was also roiling with Islamic resentment and provided an opportunity to expose Kouachi to one of France's most radical jihadists. Besides Beghal, Kouachi befriended a petty criminal convicted for robbery, Amedy Coulibaly, who would later synchronise his own terrorist attack with the Kouachi brothers, carrying out the Fontenay-aux-Roses shooting and Porte de Vincennes siege, bringing the death toll to 17.¹⁵⁵ This is yet another example of how extremists manage to forge alliances and engage in networking in prisons.

Acknowledging the severity of the threat, France has recently launched dedicated anti-radicalisation units. In the wake of the Paris attacks, Fresnes prison, located close to Paris, began a scheme to single out extremists who were recruiting fellow prisoners and to keep them apart from others for most activities. This initiative was followed by the creation of deradicalisation initiatives for the units. However, prison experts are aware that to roll out this project across France would be challenging, given the serious problem of overcrowding in French jails and the growing number of inmates incarcerated for terrorism-related offences.¹⁵⁶ Moreover, the policy has been subjected

¹⁵⁰ The protests in multiple French prisons were sparked by a knife attack last week at the Vendin-le-Vieil jail in January 2018. 'French prison officers burn tyres in protest against violent inmates', *The Guardian*, 16 January 2018, available at: https://www.theguardian.com/world/2018/jan/16/french-prison-officers-protests-against-violent-inmates?CMP=share_btn_tw, last visited: 8 February 2018.

¹⁵¹ Quoted in Kepel G., *Terror in France: Rise of Jihad in the West*, p. 32,

¹⁵² Merah was a French-Algerian gunman who killed seven people at a Jewish school in Toulouse in 2012.

¹⁵³ 'Mohamed Merah: Who was Toulouse gunman?', *BBC News*, 22 March 2012, available at: <http://www.bbc.co.uk/news/world-europe-17456541>, last visited: 8 February 2018.

¹⁵⁴ After his release, Beghal was stripped of his French citizenship but was appealing extradition to Algeria. Rayner, G., 'Charlie Hebdo suspect "mentored" by Abu Hamza disciple', *The Telegraph*, 8 January 2015, available at: <http://www.telegraph.co.uk/news/worldnews/europe/france/11333776/Charlie-Hebdo-suspect-mentored-by-Abu-Hamza-disciple.html>, last visited: 8 February 2018.

¹⁵⁵ Callimachi, R. and J. Yardley, 'From Amateur to Ruthless Jihadist In France', *The New York Times*, 17 January 2015.

¹⁵⁶ 'The French prisons controller, Adeline Hazan, has recently voiced this opinion. Chrisafis A., 'France began isolating Islamic extremists in jails after Paris attacks', *The Guardian*, 22 August 2016, available at: <https://www.theguardian.com/world/2016/aug/22/france-isolation-units-islamic-extremist-prisoners-uk-paris-attacks>, last visited: 8 February 2018.

to the same criticism as the policy of “separation centres” in the UK, and since its implementation it has been under intense scrutiny by human rights non-profit organisations.¹⁵⁷

4.8. Germany

There are currently around 155 terrorism-related offenders in the German prison system,¹⁵⁸ and the current trends demonstrate that in the next years the number of jihad-inspired individuals in custody will increase.¹⁵⁹ Germany follows the dispersal policy of housing terrorism-related offenders. However, they are distributed disproportionately throughout the federal states. Most of the Islamists are incarcerated in Bavaria (51), Berlin (35) and North Rhine Westphalia (34), and there are five states that do not have a single Islamism-related offender in custody. René Müller, Chairman of the Confederation of Prison Staff of Germany, suggests that there are more inmates who support extremist ideas than the above-mentioned number, and prison staff are not ready to confront these challenges.¹⁶⁰

Although the numbers of Muslims in prisons across German states are not as high as in France and Belgium, the issue of prison radicalisation has become particularly important in Germany, considering recent prosecutions of returning foreign fighters and individuals assisting foreign terrorist organisations, such as influential Salafi preacher Sven Lau.¹⁶¹ In March 2015, the German authorities reported 68 criminal proceedings against 106 returning foreign fighters, compared to eight in early 2014.¹⁶² By December 2015, the numbers had doubled: there were 135 criminal proceedings against 200 alleged foreign fighters on the federal level, in addition to another 135 proceedings that were led by the states.¹⁶³

Germany’s federal political order is reflected in the diversity of the management of terrorism-related offenders. There is no official deradicalisation programme at the national level, and every state has its own strategy. Hesse is known as a pioneer in deradicalisation efforts, as the state launched a prevention network against Salafism in 2014. Since 2016, the network has been coordinating all the prison deradicalisation efforts, and collecting evidence about radical tendencies and conspicuous objects in detention centres.¹⁶⁴ In North Rhine Westphalia, the

¹⁵⁷ *ibid.* Author interview, 5 February 2017.

¹⁵⁸ This number includes pre-trial detention.

Krause, L. ‘Islamisten in Gefängnis. Die Radikalisierung hinter Gittern’ [‘Islamists in Prisons: Radicalisation Behind Bars’], *Rheinische Post*, 10 December 2016, available at: <http://www.rp-online.de/nrw/landespolitik/islamisten-im-gefaengnis-die-radikalisierung-hinter-gittern-aid-1.6455515>, last visited: 8 February 2018.

¹⁵⁹ The federal prosecutor’s office in Karlsruhe alone has initiated around 1000 terrorism proceedings last year. Flade, F., Stukenberg, T. ‘Wachsende Zahl von Gefährdern Alarmiert Gefängnispersonal’ [Prison Staff is Alarmed by an Increasing Number of Potential Threats] *Die Welt*, 21 February 2018, available at: https://amp.welt.de/amp/politik/deutschland/article173794804/Islamisten-in-Haft-Wachsende-Zahl-von-Gefahrnern-alarmiert-Gefaengnispersonal.html?__twitter_impression=true, last visited: 25 February 2018.

¹⁶⁰ Krause, L. ‘Islamisten in Gefängnis. Die Radikalisierung hinter Gittern’ [‘Islamists in Prisons: Radicalisation Behind Bars’], *Rheinische Post*, 10 December 2016, available at: <http://www.rp-online.de/nrw/landespolitik/islamisten-im-gefaengnis-die-radikalisierung-hinter-gittern-aid-1.6455515>, last visited: 8 February 2018.

¹⁶¹ Sven Lau is an influential Salafi preacher and a convert to Islam who was recently sentenced to five and a half years in jail for financing a terrorist organisation and other related crimes.

¹⁶² Janisch, W., ‘Haftbefehle im Wochentakt’ *Sueddeutsche Zeitung*, 18 March 2015, available at: <http://www.sueddeutsche.de/politik/umgang-mit-deutschen-dschihadisten-haftbefehle-im-wochentakt-1.2397758>, last visited: 13 February 2018

¹⁶³ *ibid.*

¹⁶⁴ Voellinger, V., ‘Knastkarriere zum Islamiste’, *Zeit Online*, 12 January 2017, available at: <http://www.zeit.de/gesellschaft/2017-01/radikalisierung-islamismus-deutsche-gefaengnisse-praevention-terrorismus>, last visited: 8 February 2018.

judiciary has recently established its own centre to combat extremism and radicalisation.¹⁶⁵ Some federal states are currently discussing the possibility of institutionalising Muslim chaplaincy as a continuous offer,¹⁶⁶ and there is a need for more coordinated cooperation between the federal states, particularly Berlin, Hesse and North Rhine Westphalia, which are known as hotbeds of Islamism.

4.9. Russia

Russia follows the dispersal policy of housing terrorism-related offenders, and after trial they are dispersed in the prison system throughout the country. However, the creation of specialised units has recently been discussed on various levels, including by the Russian Security Council.¹⁶⁷ The idea was first pitched in November 2015. Currently most convicted terrorists are sent to correctional institutions in the north, specifically Siberia.¹⁶⁸ Another place that houses extremely dangerous criminals is the Black Dolphin prison, located close to the border with Kazakhstan.

Black Dolphin – officially known as penal colony No 6 Federal Penitentiary Service of Russia in the Orenburg region – is one of the toughest Russian prisons where convicted terrorists, serial killers and the most dangerous criminals serve their sentences.¹⁶⁹ The regime at the prison is significantly different from a standard Western “supermax” prison, such as the aforementioned ADX prison in Colorado. In the Black Dolphin prison, inmates are significantly restricted in terms of their movements and what is afforded to them. The inmates are under 24-hour surveillance¹⁷⁰ – even when asleep – as lights are kept on at all times with cameras in all parts of the building. The key difference is that inmates share cells; they are not kept in solitary confinement, as they are in the majority of high-security prisons. The inmates are kept in their cells for a minimum of 23 hours a day, and when they are taken from their cells they are forcibly bent at the waist so that they are unable to familiarise themselves with the prison layout. If they are taken outside, they are also blindfolded to further prevent them from knowing anything about what is around them and to prevent any chances of escape.¹⁷¹ These are the measures applied to all who serve life sentences in Russia.

However, unlike European countries and Saudi Arabia, which devise and improve rehabilitation initiatives, reintegration of offenders is not one of the goals of the prison and probation service in

¹⁶⁵ ‘Zentrum für interkulturelle Kompetenz der Justiz (Centre for Intercultural Competence of the Judiciary) was founded in 2017 in North-Rhine Westphalia.

Flade, F., Stukenberg, T. ‘Wachsende Zahl von Gefährdern Alarmiert Gefängnispersonal’ [Prison Staff is Alarmed by an Increasing Number of Potential Threats] *Die Welt*, 21 February 2018, available at: https://amp.welt.de/amp/politik/deutschland/article173794804/Islamisten-in-Haft-Wachsende-Zahl-von-Gefahrnern-alarmiert-Gefaengnispersonal.html?__twitter_impression=true, last visited: 25 February 2018.

¹⁶⁶ Jahn, S., ‘Institutional Logic and Legal Practice: Modes of Regulations of Religious Organisations in German Prisons’, in Becci I. and O. Roy (eds), *Religious Diversity in European Prisons. Challenges and Implications for Radicalisation* (Springer, 2015), pp. 81-101.

¹⁶⁷ ‘Russia Considering Specialized Prisons Just For Terrorists’, *Sputnik International*, 26 May 2016, available at: <https://sputniknews.com/russia/201605261040279449-russia-terrorists-prison/>, last visited: 8 February 2018.

¹⁶⁸ ‘Documentary: “Pozhiznenno Zakluchennyye. Kak Sidyat Terroristy v Rossijskih Turmah” [‘Imprisoned for Life. How Terrorists Serve their Sentences in Russian Prisons’], *Youtube*, 28 April 2016, available at: <https://www.youtube.com/watch?v=qU7IZEIkEbU>, last visited: 8 February 2018.

¹⁶⁹ Engel, P., ‘Here’s what life is like inside Russia’s toughest prison’, *Business Insider UK*, 7 July 2016, available at: <http://uk.businessinsider.com/inside-russias-black-dolphin-prison-2016-7/#black-dolphin-is-located-near-the-kazakhstan-border-it-gets-its-informal-name-from-the-statue-out-front-made-by-the-prisoners-themselves-1>, last visited: 8 February 2018.

¹⁷⁰ *ibid.*

¹⁷¹ *ibid.*

Russia. As the largest single source of ISIS-inspired foreign fighters in Syria and Iraq,¹⁷² the country has been ramping up its criminal justice responses to terrorism, including several bills aimed at increasing the severity of punishment for any form of extremism, such as propaganda of Islamism. Currently the government is about to approve a draft bill to increase the penalty for terrorist recruitment from between five and ten years to life imprisonment, which will most likely contribute to the number of terrorism-related offenders in the prison system.¹⁷³ Penal punitiveness with regard to terrorism-related offenders is a feature that characterises the Russian penitentiary system.

4.10. Israel

In the Israeli Prison Service, there is a clear distinction between “criminal” and “security” prisoners who are separated during their detention period, whether in different facilities entirely or in different wings of the same facility. While both the first and second Intifadas and Israel’s shift to enhanced intelligence-led policing have led to a significant growth in the numbers of security inmates, all terrorism suspects and convicts are housed together, regardless of the ideology of the factions that they represent, such as Fatah, Hamas or Islamic Jihad, and regardless of whether they support or reject the political dialogue with Israel.

As of April 2013, there were approximately 4,700 security prisoners¹⁷⁴ in Israeli jails, 169 of them held under administrative detention without having been charged.¹⁷⁵ Most of the prisoners are from the West Bank and the Gaza Strip, which means that Israel incarcerates the largest number of non-resident security inmates of any national prison system worldwide. As a result, their imprisonment has different goals and strategies than the other countries discussed in this paper. Similar to Spain’s treatment of ETA convicts, no official policy regarding deradicalisation has ever been made public in Israel. Ganor Boaz and Ophir Falk, experts from the International Policy Institute for Counter-Terrorism in Herzliya, argue that regardless of rehabilitation efforts, the inmates’ natural environment is open to indoctrination, and once prisoners return to their homes, any efficacy of rehabilitation strategies will prove to be very limited.¹⁷⁶ The fact that terrorist organisations influence prisoners by maintaining direct contact with their families and supporting them financially is another obstacle to deradicalisation. Moreover, cultural and linguistic gaps (many guards do not speak Arabic, and inmates are not fluent in Hebrew) make staff-prisoner relationships more challenging. Acknowledging that any attempt at deradicalisation is unlikely to succeed, Israeli prison policies aim to contain and prevent violence within prison compounds.¹⁷⁷

Unlike European countries, which focus on devising and improving existing deradicalisation initiatives, Israel provides beneficial conditions that have been criticised by the Eden Commission

¹⁷² According to the recent report published by The Soufan Centre: Barrett, R., ‘Beyond the Caliphate: Foreign Fighters and the Threat of Returnees’, *The Soufan Centre*, October 2017, available at: <http://thesoufancenter.org/wp-content/uploads/2017/10/Beyond-the-Caliphate-Foreign-Fighters-and-the-Threat-of-Returnees-TSC-Report-October-2017.pdf>, last visited: 8 February 2018.

¹⁷³ Fedorova, I. ‘Verbovshikov v Terroristy Budut Pozhiznenno Derzhat v Turme’ [‘Terrorist Recruiters Will be Convicted to Life Imprisonment’], *Pravda.ru*, 16 November 2017, available at: <https://pravo.ru/news/view/145895/>, last visited: 8 February 2018.

¹⁷⁴ All extremism-related inmates in Israel are referred to as “security prisoners”, as opposed to inmates convicted for other offences.

¹⁷⁵ Fiske, G., ‘3,000 Palestinian inmates refuse meals’, *The Times of Israel*, 17 April 2013, available at: <http://www.timesofisrael.com/palestinians-mark-prisoners-day/>, last visited: 8 February 2018.

¹⁷⁶ Ganor, B. and O. Falk, ‘De-Radicalisation in Israel’s Prison System’, in *Studies in Conflict and Terrorism*, 36:2, 2013, 116-131.

¹⁷⁷ *ibid.*

as “too independent” and “too free”.¹⁷⁸ Security prisoners are allowed to hold elections to choose representatives from each Palestinian organisation.¹⁷⁹ They also have the option to gain a degree while in prison and have access to libraries.¹⁸⁰ Unlike the USA, which has implemented a rigid regime of isolation for its most threatening terrorist inmates, security prisoners in Israel are entitled to family visits and photography sessions.¹⁸¹ Prisoners can also undertake paid work.¹⁸² Moreover, in 2003, Palestinian law mandated monthly payments to people incarcerated in Israeli prisons, including inmates serving life sentences who are now considered “employees” of the Palestinian Authority.¹⁸³ According to Anat Berko, a criminologist and an Israeli politician, the favourable conditions and opportunities offered in the Israeli prisons create a situation where jails become “laboratories which turn petty terrorists into specialists, and often with diplomas”.¹⁸⁴

Nevertheless, the generous system of rewards used by the Israeli prison administration as a means of managing security prisoners provides the option of applying sanctions. In return for cooperation, inmates may be rewarded with family visits, phone calls and food. Prisoners who fail to cooperate are penalised in the same areas.¹⁸⁵ Finally, Palestinian prisoners in Israel can be a means of negotiation and a tool of diplomacy. In 2008, Israel released 198 prisoners in a “goodwill gesture”. In 2011, as part of the deal between Israel and Hamas, the Israeli government released 1,027 Palestinian prisoners in exchange for Gilad Shalit, an Israeli soldier held hostage in the Gaza Strip for more than five years.¹⁸⁶ The possibility of being released in the context of a political process is yet another reason why any collaboration with the prison administration seems unattractive for security prisoners.

¹⁷⁸ *ibid.*

¹⁷⁹ *ibid.*

¹⁸⁰ Berko, A., ‘Israeli Prisons, Hothouses for Breeding Palestinian Terrorists’, *IPT*, 2 August 2013, available at: <https://www.investigativeproject.org/4110/guest-column-sraeli-prisons-hothouses-for>, last visited: 9 February 2018.

¹⁸¹ Ganor, B. and O. Falk, ‘De-Radicalisation in Israel’s Prison System’, 2013.

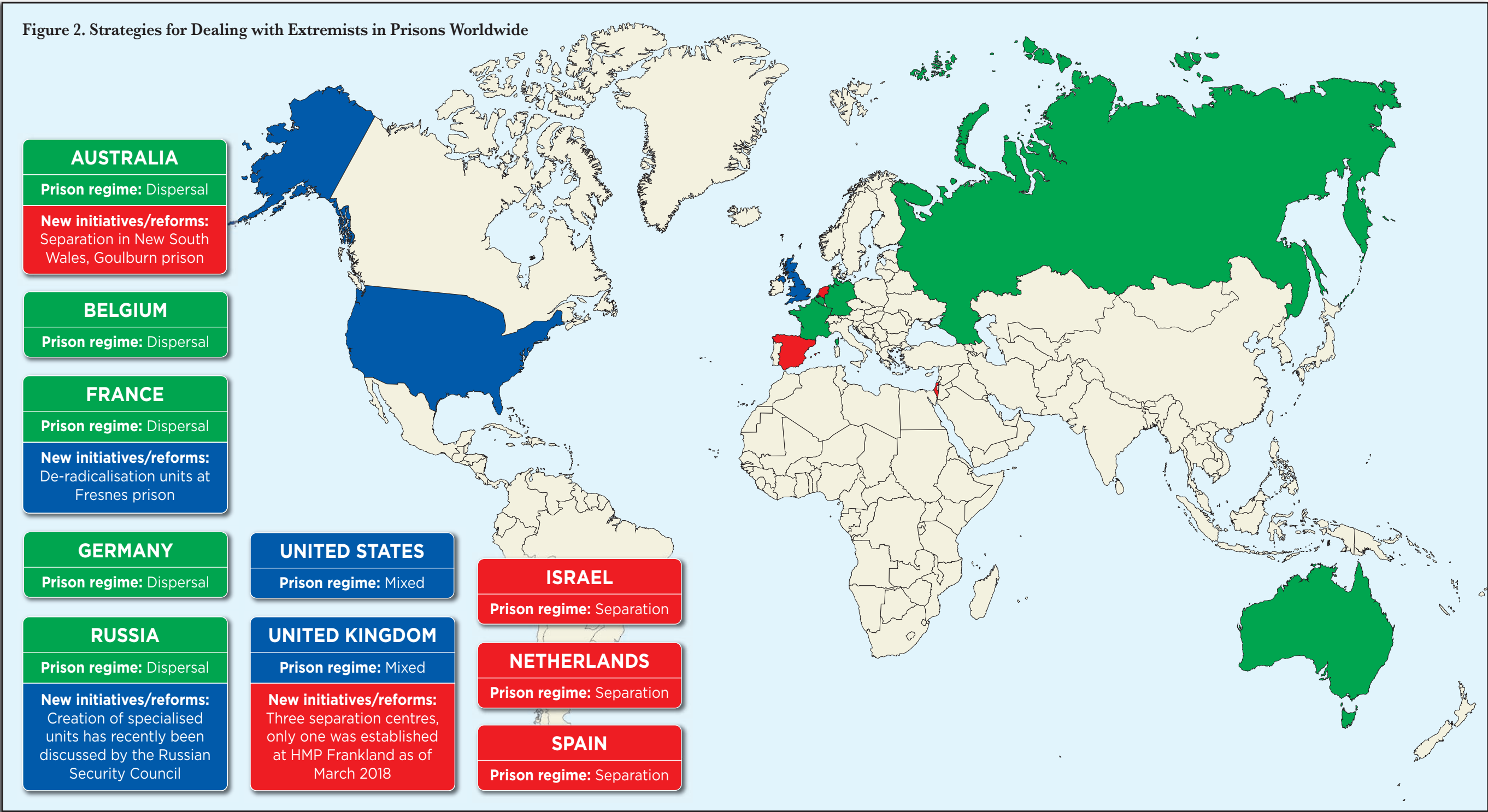
¹⁸² Which is often rejected because of the idea of non-collaboration with the Israeli regime.

¹⁸³ Nowadays payments depend on the length of prison sentence, and constitute around 7% of the Palestinian government’s budget. Booth, W., ‘Israel wants Trump to stop Palestinian payments to prisoners and families of “martyrs”’, *The Washington Post*, 21 May 2017, available at: https://www.washingtonpost.com/world/middle-east/israel-wants-trump-to-stop-palestinian-payments-to-prisoners-and-families-of-martyrs/2017/05/18/72d08c90-39af-11e7-a59b-26e0451a96fd_story.html?utm_term=.12728490e90a, last visited: 9 February 2018.

¹⁸⁴ Berko, A., ‘Israeli Prisons, Hothouses for Breeding Palestinian Terrorists’, *IPT*, 2 August 2013.

¹⁸⁵ Ganor, B. and O. Falk, ‘De-Radicalisation in Israel’s Prison System’, 2013.

¹⁸⁶ Quinn, B., ‘Gilad Shalit freed in exchange for Palestinian prisoners’, *The Guardian*, 18 October 2011, available at: <https://www.theguardian.com/world/2011/oct/18/gilad-shalit-palestine-prisoners-freed>, last visited: 9 February 2018.



5. Radicalisation in Prisons in the UK

Context: From IRA to Islamism

5.1. IRA: Previous Experience with Separation of Prisoners

The United Kingdom has a long history of grappling with the particular problem of detaining individuals involved in ethno-political and religious violence and subsequent radicalisation in prison. In the wake of the Easter Rising in 1916, the UK authorities used the wartime Defence of the Realm Regulations to detain 3,500 individuals suspected of involvement in Irish Republicanism, and around 2,000 detainees were transferred to internment camps.¹⁸⁷ Many of these individuals had no involvement in the Rising, but in the camps they eventually came under the influence of those who had participated.¹⁸⁸

Unlike in Scottish, Welsh and English prisons, general segregation of paramilitary prisoners from the remainder of the prison population was adopted in the 1970s and 1980s as one of the measures in Northern Ireland. Although segregation was a key demand by paramilitary prisoners at that time, in retrospect this policy is viewed as having been a failure, primarily because separation provided them with a barrier against informants, thereby facilitating disruptions of prison routine and even escape attempts.¹⁸⁹ Maze Prison¹⁹⁰ is usually cited as an example of segregationist policies that did not work from the point of view of security as the separation provided paramilitary prisoners with the opportunity to take control of certain areas and run them as private enclaves.¹⁹¹

Despite this negative experience, the government decided to introduce separation again at HMP Maghaberry in 2003. Following a number of protests mounted by prisoners, the Steele Review commissioned by the government concluded that a degree of separation was required within HMP Maghaberry¹⁹² to protect paramilitaries of opposing factions from each other, and to protect the “ordinary” prisoners from the paramilitaries as a group. As a result, loyalist and republican paramilitaries were transferred into a special regime of a highly controlled prison within prison.¹⁹³ This decision was largely unwelcome by the prison’s staff who were sceptical about the separation’s potential to result in improved safety for prisoners or staff. It was feared that the paramilitaries would seek to take control of the separated areas as they had previously done at Maze Prison.¹⁹⁴ Currently, Maghaberry Prison houses 50 dissident republican prisoners, 31 of

¹⁸⁷ Townshend, C., *Ireland: The 20th Century*.

¹⁸⁸ Townshend, C., *Ireland: The 20th Century*.

¹⁸⁹ Murray, C., “‘To Punish, Deter and Incapacitate’: Incarceration and Radicalisation in UK Prisons After 9/11’, in Silke, A. (ed.), *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalisation and Reform* (London and New York: Routledge, 2014), pp. 16-32.

¹⁹⁰ Maze prison (also known as Long Kesh Detention Centre), located on the outskirts of the Northern Ireland town of Lisburn, is one of the historic incarceration facilities for Irish paramilitaries.

¹⁹¹ ‘The separation of paramilitary prisoners at HMP Maghaberry’, *House of Commons, Northern Ireland Affairs Committee*, 3 February 2004, available at: <https://publications.parliament.uk/pa/cm200304/cmselect/cmniaf/302/302.pdf>, last visited: 9 February 2018.

¹⁹² HMP Maghaberry (opened in 1986) has historically functioned as an integrated establishment in which prisoners of all persuasions and backgrounds are required to live and work together. Following the closure of HMP Belfast in 1996 and HMP Maze in 2000, HMP Maghaberry was required to absorb and accommodate a number of different prisoner groups, including remand prisoners and those paramilitaries who were not to be released from prison early under the Belfast Agreement.

¹⁹³ ‘The separation of paramilitary prisoners at HMP Maghaberry’, *House of Commons, Northern Ireland Affairs Committee*, 3 February 2004.

¹⁹⁴ *ibid*.

whom are aligned to the New IRA, and the remainder are linked to the Continuity IRA.¹⁹⁵ They belong to two factions opposed to the peace process and support the continuation of armed struggle. According to a 2015 report,¹⁹⁶ recent changes did not directly improve safety or prisoners’ well-being. Moreover, Maghaberry Prison was described as being in a state of crisis and as a facility where safety had deteriorated.

In addition to the threats posed by the IRA, the increase in legislative scope and security responses in the wake of 7/7 led to a significant increase in conviction rates for terrorist offences. As of June 2015, there were 182 offenders convicted of, or on remand for, offences linked to terrorism and extremism in prisons in England and Wales, including people who hold neo-Nazi views and Islamist extremists.¹⁹⁷ Current trends suggest that the number of prisoners guilty of offences relating to terrorism and extremism (e.g. returning foreign fighters) is likely to increase, as authorities grapple with how to convict and prosecute returnees from the caliphate.¹⁹⁸ Around 850 British nationals are among the foreign fighters in the Middle East. Almost a half of them have returned and will be facing prosecution. Another concern would be individuals who repeatedly place or use extremism-related content online, as the laws on internet regulations might be tightened in the future to include penalties up to 15 years for those who repeatedly view extremist content online, as exemplified by the recent statement issued by the Home Office.¹⁹⁹

While both prison and probation are supposed to be strong partners in deradicalisation and resettlement, instead of promoting disengagement from violence, these systems frequently facilitate extremism. The above-mentioned report by the Quilliam Foundation identified imprisonment without trial, violence by non-Muslim prisoners, perceived hostility from prison staff and tensions between staff and Muslim prisoners (e.g. controversies over strip searches and halal food) as push factors of radicalisation.²⁰⁰ The report recommended establishing a specialised deradicalisation centre for key extremist prisoners and an associated programme run by specially trained full-time staff.²⁰¹

5.2. Current Challenges and Achievements of the UK Approach

More recently, Ian Acheson’s independent review, commissioned by the Secretary of Justice Michael Gove in 2015, found evidence that Islamist extremism was a growing problem within prisons in the UK, and a central, comprehensive and coordinated strategy is required to monitor and counter it.²⁰² The report concluded that Islamist ideology in prisons could be threatening in

¹⁹⁵ McDonald, H., ‘Maghaberry prison in Northern Ireland unsafe and in crisis, say inspectors’, *The Guardian*, 5 November 2015, available at: <https://www.theguardian.com/uk-news/2015/nov/05/maghaberry-prison-northern-ireland-crisis-inspectors-report>, last visited: 9 February 2018..

¹⁹⁶ ‘Report on an unannounced inspection of Maghaberry Prison’, *National Preventive Mechanism*, November 2015, available at: <http://www.cjini.org/CJNI/files/a9/a98fca95-ae81-4443-88cc-1870be44250f.pdf>, last visited: 9 February 2018.

¹⁹⁷ ‘Counter-Extremism Strategy’, *HM Government*, October 2015, p. 15.

¹⁹⁸ ‘Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice’, *HM Ministry of Justice*, 22 August 2016.

¹⁹⁹ The proposed changes will strengthen the existing offence of possessing information likely to be useful to a terrorist (Section 58 Terrorism Act 2000) so that it applies to material that is viewed repeatedly or streamed online. Currently, the power only applies to online material that has been downloaded and stored on the offender’s computer, saved on a separate device or printed off as a hard copy. ‘Law tightened to target terrorists’ use of the internet’, *Home Office*, 3 October 2017, available at: <https://www.gov.uk/government/news/law-tightened-to-target-terrorists-use-of-the-internet>, last visited: 9 February 2018.

²⁰⁰ Brandon, J., *Unlocking Al-Qaeda: Islamist Extremism in British Prisons* (London: Quilliam, 2009).

²⁰¹ *ibid*.

²⁰² ‘Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice’, *HM Ministry of Justice*, 22 August 2016.

various ways, including Muslim gang culture and the consequent violence, charismatic prisoners acting as self-styled “emirs” and exerting a controlling and radicalising influence on Muslim inmates, aggressive encouragement of conversions to Islam, available educational materials promoting Islamist extremism, exploitation of staff’s fear of being labelled racist, and so on.²⁰³

The above-mentioned review recommended giving consideration to containment of known extremists within dedicated specialist units. In an attempt to crack down on Islamist radicalisation behind bars, the government has recently announced its plans to create specialist units within the high-security estate (HMP Frankland near Durham, HMP Full Sutton near York and HMP Woodhill in Milton Keynes).²⁰⁴ The Prison (Amendment) Rules 2017, SI 2017/560, which are linked to the special offences in the legislation, allow for a special separation regime for extremist prisoners.²⁰⁵ Separation centres are meant to allow allocation on any of the following grounds:

- 5.2.1 the interests of national security;
- 5.2.2 to prevent the commission, preparation or instigation of an act of terrorism, a terrorism offence, or an offence with a terrorist connection, whether in a prison or otherwise;
- 5.2.3 to prevent the dissemination of views or beliefs that might encourage or induce others to commit any such act or offence, whether in a prison or otherwise, or to protect or safeguard others from such views or beliefs;
- 5.2.4 to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison;
- 5.2.5 to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison.²⁰⁶

Three separation centres are expected to hold up to 28 of the most subversive offenders, including Michael Adebolajo and Anjem Choudary.²⁰⁷ The main idea is to “allow greater separation and specialised management of extremists who pose the highest risk to other prisoners”.²⁰⁸ Prisoners can be placed in separation centres if they are involved in planning terrorism or are considered to pose a risk to national security. Furthermore, those who are spreading views that might encourage or influence others to commit terrorism crimes, or anyone whose views are being used in a way that undermines good order and security in prisons, may also be placed in one of the centres.²⁰⁹

²⁰³ *ibid.*

²⁰⁴ ‘Dangerous extremists to be separated from mainstream prison population’, *Ministry of Justice*, 21 April 2017, available at: <https://www.gov.uk/government/news/dangerous-extremists-to-be-separated-from-mainstream-prison-population>, last visited: 9 February 2018. However, as of January 2018, only one of the three separation centres has been established (HMP Frankland). Hill, M., ‘The Terrorism Acts in 2016: Report of the Independent Reviewer of Terrorism Legislation on the Operation of the Terrorism Acts 2000 and 2006’, January 2018, available at: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2018/01/Terrorism-Acts-in-2016.pdf>, last visited: 9 February 2018.

²⁰⁵ Hill, M., ‘The Terrorism Acts in 2016: Report of the Independent Reviewer of Terrorism Legislation on the Operation of the Terrorism Acts 2000 and 2006’, January 2018, p. 7.

²⁰⁶ *ibid.*

²⁰⁷ ‘Dangerous extremists to be separated from mainstream prison population’, *Ministry of Justice*, 21 April 2017.

²⁰⁸ *ibid.*

²⁰⁹ *ibid.*

Most of the mass media coverage of the UK experiment with regard to tackling radicalisation in prisons was negative and focused on drawing parallels between the UK separation centres and Guantanamo Bay, labelling the centres as “jihadi jails” that restrict individual liberties and produce more grievances.²¹⁰ It was also pointed out that isolation is counter-productive as it could potentially give an elevated status to the most dangerous extremists, as happened in Northern Ireland where republicans and loyalists were housed in different blocks.²¹¹ The general perception of the containment policy circulated by the mass media channels and by some politicians is that separation will potentially intensify the problem, creating “jihad universities”.²¹² However, what constitutes the basis for the decision-making behind the process of managing terrorism-related offenders in custody?

Separation is meant to be carried out on the basis of an offender’s intention to subvert the state and foment a terrorist attack either alone or via influencing others. In the UK, unlike some countries reviewed in this paper, one of the most important goals of the penal system is to reduce the risk of reoffending, and the concern about preventing recidivism rates is at the core of how convicted people’s cases are managed.²¹³ The conclusions about the dangers posed by extremist offenders are made on the basis of specially developed risk assessments designed by forensic psychologists. ERG 22+ is among the tools enabling prison officers to determine the risk potential of an extremist in custody.

5.2.3 ERG 22+

ERG (Extremist Risk Guidance) 22+ is a conceptual framework for assessing offenders based on 22 cognitive and behavioural factors theoretically associated with extremism that is carried out post-conviction. It has become embedded in offender management systems since 2011, including informing approaches in the “pre-criminal space” within the Channel programme.²¹⁴ Before this methodology was developed, those convicted under terrorist legislation were considered by NOMS officials to be at higher risk of serious harm by virtue of their offence alone, making it difficult to make judgements about other factors that could contribute to their risk levels.²¹⁵ Any risk assessment includes the challenging task of negotiating consent and cooperation with offenders but this process is essential on admission as it can be the foundation for important decisions about security risks an individual poses and possible rehabilitation interventions

ERG 22+ takes around 35 hours to complete and consists of three clusters: engagement, intent and capability. The term “engagement” is used to refer to the process by which individuals become involved with an extremist ideology or cause. The term “intent” is used to describe the mindset associated with a readiness to perform or contribute to an extremist offence. The last segment, “capability”, calculates the capacity for carrying out acts of terrorism. The profiles vary among individuals convicted under terrorist legislation, which means that there are people who

²¹⁰ Parveen, N., ‘Guantánamo UK? Durham jail first to have “terrorists only” wing’, *The Guardian*, 31 March 2017.

²¹¹ *ibid.*

²¹² ‘Prison officers concerned about radicalisation in jails’, *ITV News*, 22 August 2016. Selby, A., ‘ISIS risk as at least 27 terrorists are set to be released from “Jihad University” prison wing’, *Mirror*, 8 July 2017, available at: <http://www.mirror.co.uk/news/uk-news/isis-risk-least-27-terrorists-10761748>, last visited: 9 February 2018.

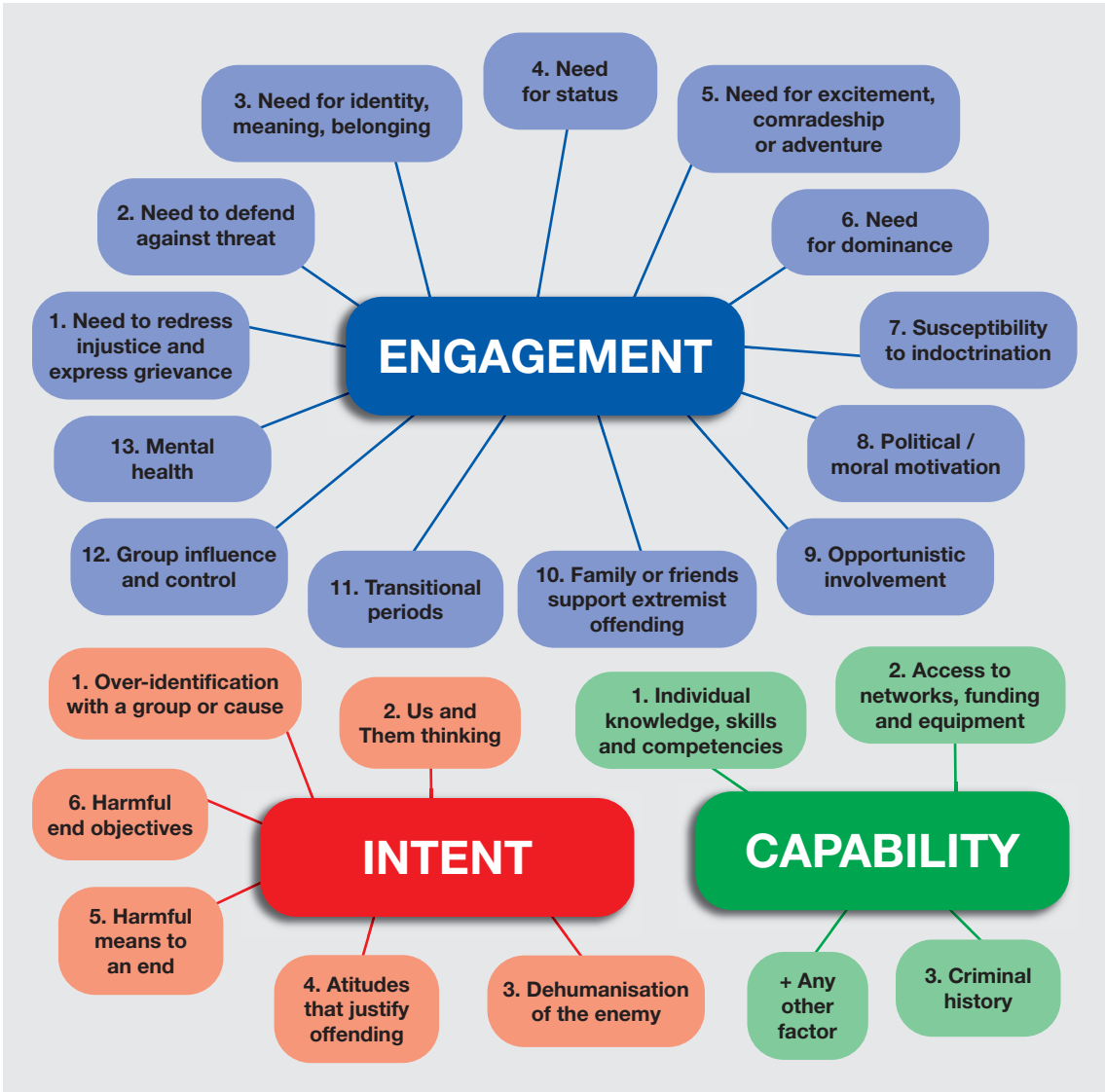
²¹³ Author interviews, 24 November 2017.

²¹⁴ Unlike VERA and other risk assessments, ERG 22+ is only used in the United Kingdom.

²¹⁵ Lloyd, M. and C. Dean, ‘The Development of the Structured Guidelines for Assessing Risk in Extremist Offenders’, *Journal of Threat Assessment and Management*, Vol. 2, No. 1, 40-52.

have a clear intention to offend which can be deduced from their actions, while others are not willing to contribute to acts of violence.²¹⁶

Figure 3. ERG 22+



²¹⁶ ibid.

The ERG is completed on all extremist offenders by a psychologist or probation officer, ideally with the cooperation of the offender, who provides written consent. Prisoners' cooperation is sought and the benefits are explained in terms of them not being disadvantaged in relation to other offenders by missing out on assessment and intervention that could assist them to make different decisions about their future which would be reflected in their parole reports. The process of undergoing risk assessment is consensual, and there is evidence that the majority of extremists collaborate with the assessment panel.²¹⁷ However, experts from the Joint Extremism Unit at HMPPS have recently expressed a concern that there is a noticeable trend of extremist-related offenders not engaging with the ERG 22+ process.²¹⁸ This decision is often influenced by peer groups and reflects a general scepticism about the state making an assessment about them. There is also a perception that a positive risk assessment will not impact on how they will be managed in custody.²¹⁹ In the absence of the offender's cooperation, the ERG is completed from records of the case. These are scrutinised alongside other reports by a sentence management board. Collateral information (e.g. prosecution papers, trial materials, evidence of offending) may be used for making a decision about the risks the offender poses. While some open-source information may be considered as a contributing factor in assessments, experts are wary that this data could be flawed in terms of its validity, and should be used with caution.²²⁰

Besides a refusal to cooperate with forensic psychologists and probation officers, there is an increasing trend²²¹ of extremist offenders receiving shorter sentences (12-18 months) for non-violent offences, such as Twitter or Facebook activity classified as glorification of terrorism under the Terrorism Act 2000.²²² These sentences are considered too short for the completion of ERG 22+, as risk assessment is to be carried out only after an offender has been convicted and sentenced. Moreover, al-Qaeda-inspired ideology in the wake of 7/7 did not attract many young people or many females, and the risk assessment was initially tested on older male offenders. Nowadays more ISIS-inspired young people (under 25 years old) enter the prison system,²²³ and ERG 22+ needs to be reviewed to reflect the changing nature of offending and new demographic trends.

²¹⁷ Author interview, 24 November 2017. The decision to grant parole or not is that of the Parole Board (independent of HMPPS), which receives assessments from prison staff. All prisoners serving sentences of more than four years are eligible for parole.

²¹⁸ Interview with the probation counter-terrorism experts from the Joint Extremism Unit at HMPPS in London, 4 December 2017.

²¹⁹ ibid.

²²⁰ ibid.

²²¹ ibid.

²²² ibid.

²²³ At the same time, it is pointed out by experts interviewed for this project that, although those entering custody were mainly over 25 years old, their radicalisation started earlier, often at university. The author acknowledges this and notes that nowadays individuals entering custody are even younger, and radicalisation starts at school or college.

6. Conclusions and Policy Recommendations

Because it is comparatively difficult to obtain valid statistical data on the extent of prison radicalisation, some sceptics argue against devoting too much time or too many resources to this issue. Besides its under-reported nature, the difficulty of claims about radicalisation in prisons has to do with the fact that radicalisation is a multi-faceted, continuous process influenced by various channels of communication and social actors. As previous research published by The Henry Jackson Society on conversion to radical Islam and home-grown jihadism has demonstrated,²²⁴ it is impossible to pinpoint a single cause or a single influence. At the same time, incarcerated people face a number of vulnerabilities conducive to embracing radical rhetoric, and the government should continue to monitor the potential of spread of Islamism.

Prisons that house extremists open new channels of communication and new political perspectives for offenders convicted of non-ideological crimes. Extremists successfully use these channels, capitalising on existing grievances and circumstances. The policy of separation recently introduced in the UK aims to break this vicious circle by segregating the most dangerous terrorism-related offenders and has the potential to make a considerable contribution to the prevention of radicalisation in prisons. Separation is carried out on the basis of an offender's intention to foment a terrorist attack either alone or via recruiting others. As we have seen from the comparative analysis of the countries discussed in this paper, disregarding the danger of recruitment by charismatic inmates and turning a blind eye to the possibility of jihadists forging alliances in the prison environment leads to the spread of Islamism and creates either “lone wolves” or extremists who become part of a group.

This study also demonstrates that at least a partial regime of separation has already been implemented by most of the states that face the danger of Islamism. Therefore, this policy should not be dismissed without understanding the goals and objectives of the management of extremism-related offenders. If tackling recidivism and decreasing the risk of prison radicalisation defines effectiveness, the regime of separation prevents extremist individuals in custody from learning from one another, planning terrorist acts and building networks. In fact, segregation of the most dangerous inmates either in isolation or in small groups is the only viable solution for mitigating the threat of prison radicalisation. Addressing the prevailing criticism of the containment policy in the UK, it is important to understand the differences between ethno-political and religious terrorism, particularly its Islamist context. Therefore it is counterproductive to draw parallels between the practice of separation of Islamism-related offenders and IRA paramilitaries. These two groups operate in very different social contexts and are characterised by different goals, motives and recruitment strategies.

Based on the comparative analysis of the practices worldwide and considering the UK historical and political context of tackling terrorism, the following policy recommendations are suggested by this paper:

²²⁴ Rushchenko, J., ‘Converts to Islam and Home-Grown Jihadism’, *The Henry Jackson Society*, 2017.

6.1 Developing a comprehensive policy framework factoring in the concepts of disengagement and desistance

The successful management of terrorism-related offenders in prisons requires a policy framework based on the clear understanding of the aims of the implemented policies. Defining the aims of the policies is crucial because they will determine how successful the new policies are, including the separation centres. The policymakers will first need to define whether the ultimate goal of separation is “disengagement” (giving up violent ideology) or “desistance” (cessation of offending), and this will inevitably depend on the individual profiles of the offenders.

6.2 Reviewing the length of sentences and considering alternative penal options

The increasing trend of shorter sentences for dissemination of extremist materials, possession for terrorist purposes and encouragement of terrorism creates a challenge for the management of terrorism-related offenders and aggravates the already existing issue of prison radicalisation by creating more grievances linked to the perceived injustice of the criminal justice system. It is imperative that more alternative options are considered for less serious offenders instead of custodial sentences as a means of preventing extremists from spreading Islamism in prisons.

6.3 Devising rehabilitation programmes taking into account individual profiles and the lengths of sentences

Prison managers need to retain scope to operate a range of options to counter radicalisation when considering individual cases. For the people who are already in custody, the focus should be on flexible and responsive rehabilitation programmes based on psychological and social interventions. However, while devising these initiatives, it is important to consider the age of current inmates. While it is easier to divert young offenders (under 25) from radical ideology using methods such as vocational training, psychological and religious counselling, and their families' participation in deradicalisation, these initiatives might not have the same outcome for older, unrepentant extremists such as Anjem Choudary.

Differentiation within separation centres is essential for ensuring the effectiveness of individualised programme treatments. The population of convicted offenders is not homogenous, and there should not be a single, uniform approach. Besides differing by social backgrounds, age, levels of training and contact with terrorist organisations, prisoners differ by the sentences received. There should be a clear demarcation line between individuals who serve indeterminate sentences and those who have a scheduled release date, as these factors will influence the objectives of deradicalisation programmes applied to them.

6.4 Reviewing and updating risk assessment tools used in custody: gender and age

ERG 22+ is a framework intended to accommodate individual differences and new patterns of behaviour. While al-Qaeda-inspired ideology did not attract many young people, as evidenced by the age group of those in custody, there is an increasing trend of young offenders (under 25) to be convicted and prosecuted, which was not fully considered while testing ERG 22+. This new trend should be reviewed and addressed. Moreover, the factors included in the current risk assessment did not take into account female participation in Islamist terrorism and therefore were not gender-sensitive. It is imperative that the risk assessment criteria included in ERG 22+ are updated in order to reflect and adequately tackle current demographics, and that both the gender and the age aspects are factored in.

6.5 Ensuring effective aftercare process and mentoring upon release

At least 27 prisoners in England and Wales convicted under the Prevention of Terrorism Act 2000 are scheduled for release within the next five years.²²⁵ This number does not take into account inmates convicted under other Acts and scheduled to be released soon. Currently, every released extremist offender enters a Disengagement and Desistance Programme,²²⁶ and the aftercare component should continue to be an important part of deradicalisation initiatives. For the released inmates, all affiliation to gangs and extremist groups should be monitored and documented. Furthermore, mentoring upon release of vulnerable inmates should be a mandatory part of the re-integration process. The fact that families could potentially reject released inmates aggravates this issue and suggests a need for individualised re-integration programmes that, besides personal vulnerabilities, would consider the family background, social circumstances and social networks.

6.6 Creating a prison intelligence unit composed of interdisciplinary experts

Intelligence gathering should be a crucial point of offender management. The government has to consider creating a dedicated prison intelligence unit comprised of terrorism experts, human rights lawyers, criminologists and psychologists. The task of the unit would be to gather and analyse intelligence about radical tendencies in prisons and deradicalisation incentives that could be developed for people awaiting release.

6.7 Assessing prosecution and custody strategies applied to returning foreign fighters

While there is an ongoing debate in Britain regarding criminal justice strategies that should be applied to the returning foreign fighters, it is important that the government consider what strategy could be an appropriate response for those returnees who will be prosecuted and will enter the UK correctional institutions, as their wrong placement might exacerbate the risks posed by prison radicalisation.

²²⁵ Anjem Choudary – one of the first inmates of a segregated wing at HMP Frankland – is to be released in 2018. Byrne, L., ‘How Many Convicted Terrorists Are Scheduled For Release From British Prisons?’, 7 July 2017, available at: <http://liambyrne.co.uk/convicted-terrorism-british-prisons/>, last visited: 9 February 2018.

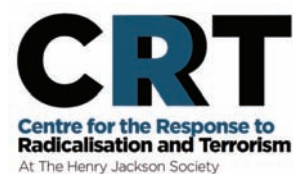
²²⁶ Author interviews.

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The Centre for the Response to Radicalisation and Terrorism at The Henry Jackson Society (CRRT) is the first-of-its-kind institute providing top-quality, in-depth research coupled with the execution and implementation of targeted, tangible and impactful activities to combat the very real threat radical Islam poses to our society.



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