

European Prison Observatory. Prison de-radicalization strategies, programmes and risk assessment tools in Europe

WS 1 – Prison De-Radicalisation Strategies and Programmes in Europe

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Premise

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The analysis of the phenomena and policies on the prevention and contrast of radicalization in prison that can be found in the following pages is an attempt to report on what is going on in the partner countries of this project. It seemed to us that such a contribution could be extremely useful for the current debate, but this cannot hide the fact that, for those who have edited and contributed to this report, there are some critical elements which, also starting from what we have found during the research, must be highlighted here.

First and foremost, are we sure that there is in Europe a prison radicalization emergency? Or, at least, that this phenomenon is more significant for violent extremism than it is for other deviant behaviours? Or, on the contrary, one might wonder if "radicalization" in prison is, to some extent, a very common side effect of detention itself? As demonstrated by the rates of recidivism of those who have served a sentence in prison, detention often consolidates deviant identities and radicalizes criminal pathways rather than reversing them. In this perspective extremist and violent radicalization would only be one aspect of this wider phenomenon, and on the other hand, as recommended for instance by UNODOC, all measures aimed at preventing this same wider phenomenon could be considered as useful to contrast radicalization in prison. Moreover, judging by the statistical figures presented in the next pages, it is clear that prison radicalization, at least in the countries that have been object of this research, is a phenomenon very limited in its size, which perhaps does not deserve all the attention that is given to it. This is a specific aspect, and perhaps not the most significant one, of a phenomenon which has, on the contrary, profoundly marked European policies, institutions and public opinions in recent years, namely international jihadist terrorism. A phenomenon that, however, deserves to be faced with a decidedly broader perspective.

Yet this is not the case, and indeed the issue of jihadist radicalisation in prison, to some extent a marginal stage of a global phenomenon, seems in many countries to be one of the main priorities for national security. But, what is the reason for such a great concern? Is it due to the fact that terrorism, obviously and by definition, arouses disproportionate alarm in comparison of the actual offensive capacity of its perpetrators? Perhaps it is so but, at the same time,

Europol figures tell us that terrorism itself today has many faces and that jihadist terrorism in Europe is not the most common form of violent extremism. Yet in the countries that are the subject of the research, inside and outside prison, jihadist terrorism seem to be almost all that is being talked about. We must seriously consider the idea that this great attention is also the result of an increasing fear of foreigners, which in recent years seems to be growing rapidly in Europe.

Finally, we believe that a further concern should be highlighted, both in respect of de-radicalisation programmes and of risk assessment tools. This report signals as problematic the cases in which specific programs and tools have not been put in place and also highlights some good practices on the subject. But this does not mean that this approach does not pose problems in itself. And not only because these programs and tools may not be adequate or could be misused due lack of training, but also because all this debate seems to overlook a precious legacy of liberal culture, namely the idea that rehabilitation in a "strong" sense is a very dangerous idea, typical of totalitarian political cultures. The best penological tradition in Europe has been until now a liberal, retributive tradition, enriched by the offer of opportunities for reintegration and social resettlement. It is a tradition that, in theory and in practice, has never insisted on changing the fundamental beliefs and values of the person serving a sentence, and above all whose goal is the promotion of deterrence, and not the prevention of crime, that remains the responsibility of the security agencies and that has as its object all citizens, whether they have committed crimes or not.

In this time of emergencies is this traditional paradigm being challenged? In front of this new threat, is now prison asked to "straighten" the soul of the offenders, besides orienting their behaviour? And, at the same time detention is asked to embrace police functions to prevent further crimes?

Time will tell whether we are facing a dangerous drift and a significant, albeit silent, moment of rupture with the liberal and human rights oriented approach to detention that has been promoted also by European institutions since their birth.

All these fundamental questions go beyond the scope of this report, but in the following pages some hopefully useful information can be found to ground this debate on solid data.

Part One – Radicalisation and De-Radicalisation in the Contemporary Penal System

1. Prison as an environment of radicalisation

Among the varied panorama of contemporary definitions of radicalisation, we can identify a fundamental element of convergence as well as an even more significant element of divergence. The former refers to the dynamic-evolutionary nature of radicalisation: it is analysed and described as a process, of varying intensities and speeds, through which a subject or group adopts a Manichean vision of social reality, reaching conflicting and, indeed, radical attributions of meaning. The interpretative divergences emerge with reference to the operational implications of this cognitive passage. There are experts, insiders and social scientists who include in the process of radicalisation a necessary disposition to the journey towards the act, in the form of direct or indirect support (for example financial backing or propaganda) for practices of terrorism and political violence (Pape 2005). Others believe that the two dimensions must be kept separate and that the process of radicalisation, which reveals itself in numerous variations in terms of culture and identity, constitutes, at most, a condition of possibility regarding participation in subversive actions (Guolo 2018).

This is a difference of crucial importance from an analytical point of view, but also from a legal and administrative one. Depending on the perspective chosen, the strategies for preventing and contrasting the phenomenon will vary, with obvious consequences in terms of policies. We will therefore have to consider this difference in an attempt to propose a reflection on the specific contents of prison radicalisation. The latter can be described as a subset of the largest phenomenon of radicalisation: it is circumscribed by the walls of the prison, or by the specifics of the places where criminal detention occurs. But why, in the first place, does the prison environment convey additional and specific contents to the radicalisation process?

The question might seem obvious, but the range of possible answers demonstrates its actual complexity. First, there are prominent historical precedents that place special relevance on prisons. Some striking examples include the formation of the Black Panther movement (Clever, Katziaticas

2001), the configuration of the “independentist” conflicts conducted by groups such as ETA in Spain (Landa Gorostiza 2010) and the IRA in Northern Ireland (McKeown 2001). The period of the prison riots in Italy offers important historiographical findings on the incidence of the dynamics of prison radicalisation in the field of socio-political conflict during the so-called "years of lead" (Invernizzi 1973, De Vito 2009). The parable of the RAF in federal Germany reiterates the symbolic centrality of the prison in the dialectic of terrorism and counter-terrorism (Straßner 2003).

Even turning to much more recent history, the processes of incarceration of opposition and fundamentalist militants produced dynamics of affiliation, recomposition and organisation of undoubted importance for the disputes of power in the territories of Algeria, Iraq, Afghanistan and, of course, in the establishment of the Islamic State between the territories of Iraq and Syria itself (Del Grande 2018).

Prisons, therefore, seem to be considered fertile places for the production, reproduction and consolidation of opposing ideologies and identities. But the differences between production and consolidation should not be underestimated, primarily from an analytical point of view.

The perspective of prison as an environment that generates radicalisation is certainly interesting, but it tends to oversimplify the trajectories of the process we are analysing. This theoretical simplification, in the current era, basically derives from comparative practices on the biographical trajectories of the subjects who have at least attempted to engage in political violence of a jihadist nature in some Western countries from the turn of the last century (Bilel, Lindemann 2017). In comparing the reconstructed life stories, in journalistic and sociological terms, the detention experience does indeed seem to recur. A similar recurrence, by virtue of a very problematic interpretative passage, often appears to be a causal factor: assuming, given that these individuals went through the prison system, that they became radicalised there. The biographical reconstructions actually show other experience similarities: for example, those linked to originating neighbourhoods, class, belonging to minority groups or being second, third or fourth generation immigrants, or to the discrimination suffered in educational institutions and labour markets. (Khosrokhavar 2014). However, these affinities are less apparent, they are manifested in a multitude of ways, and are often left aside shadowed (Sbraccia 2017).

Indeed, the prevalent profile of the radicalised subjects, on the basis of brief references to their conditions of social subordination, seems to be built according to moral norms. They are subjects who have already demonstrated their social unreliability: they have a difficult and precociously interrupted educational pathway, problematic relationships with the family of origin (often linked to their distancing from principles and behaviours compatible with basic ethical or religious standards), disordered sexual behaviours, problematic consumption of drugs and alcohol (Walklate, Mythen 2016). In short, the traits of an irregular life made up of work factors and illegal acts that inevitably translate into a lengthy criminal record. This image can be traced back to the Mertonian innovator (Merton 1968) of low social extraction, who is the ideal type of common criminal engaged in petty crime. It is perhaps no coincidence that around these issues the security paradigm was established in the West, or, as Garland (2001) states, the cultural field of criminal justice was reconfigured. These subjects are now once more assigned an additional trait of danger, because they can radicalise and exponentially increase their subversive and destructive potential. The old sub-proletarian rogue, or the more recent exponent of the underclass (Katz 1993), could, therefore, carry out a new amalgamation of danger based on the encounter with the jihadist narrative (see Beckford et al 2006, Agnew 2010). What more favourable place for this meeting to occur than a prison? We will subsequently try to explore this question in greater depth.

The perspective of consolidation appears more prudent and even more fruitful in our attempt – which we consider unavoidable – to compare the interpretive frameworks that sociology is building to analyse the processes of radicalisation (cf. Sbraccia 2017), with the perspectives developed within the prison studies, or, in other words, to reflect on these meetings. Also, in light the historical precedents mentioned above, it is not a matter of denying or necessarily reducing the potential of this dangerous amalgamation. It is clear that the extent of marginalisation, discrimination, subordination and structural frustration that is growing with reference to the criminalised and incarcerated populations in European (and more generally Western) contexts constitutes a significant basis for a careful search for identification and redemption (Khosrokhavar 2016). Since it seems plausible that higher volumes of structural violence, mediated increasingly less through welfare corrections and rather

further exacerbated in criminal control, may correspond to more conflictual and aggressive reactive adaptations (Mulcahy et al. 2013, Roy 2016b). The goal should however be to produce empirically based observations of these social and penitentiary dynamics, thus avoiding replicating elaborations flatly based on the ideological dimension or simplistically subordinated to the implementation of prevention strategies. The latter does not compete with social research, the role of which is to produce rigorous descriptions and analyses that, at the very least, can be captured and translated by other actors in policy terms.

2. Dangerous encounters between radicals, the radicalised and the radicalisable

The above distinction between prison as a production environment and as a consolidation of the radicalisation process, certainly recalls the main theoretical rift in the field of prison sociology. While, more recently, the analytical attempt to define prison culture as an area of convergence and conflict between visions and practices of all the social actors living and working in prison has advanced (cf. Sbraccia, Vianello 2016), traditional theories tend to reproduce a dichotomous image between staff culture (institutional) and prison subculture (referred to interned groups).

This, in short, would materialise in the analytical framework of the Deprivation Model (Clemmer 1940, Sykes 1958), responding to the needs of identification, protection, solidarity and the breaking of isolation that prisoners develop as they are subject to a coercive process of institutionalisation. In the Importation Model (Cloward 1960, Irwin 1970), this inmate culture would have much more structured continuity bonds with the criminal subcultures already formed outside and, in turn, focuses on a sharing of values and normative elements that produces (and facilitates the prison reproduction of) identification processes and automatisms of solidarity.

The violence of incarceration (Scruton, McCulloch 2009) clearly serves as a link between the two perspectives, both of which, in reality, place instances of protection at the centre of an institutional environment that is hostile, threatening and afflictive. However, both approaches insist on defining as necessary a process of adaptive socialisation to the prison context: the subcultural affiliation of reference can, therefore, be described as a real

conversion process. Research in the field of prison studies has then dealt with the mechanisms of differentiation and fragmentation connected on one side to the formal and informal articulation of the prison circuits (even within individual national and legal systems), and on the other to the variability in the process of socio-demographic composition (geographical, linguistic, "ethnic", religious) of the detained population (Crewe 2009). This results in a decomposing effect of the convict code, confirmed by the proliferation of groups of affiliation, of subcultural references, of solidarity circuits and of identifying references.

What is most interesting here about the conversion, is that this process of affiliation can occur based on a religious matrix and can then be treated as dangerous, and as a bearer of radicalisation. The second passage is very interesting, as it shows a real short circuit inside a supporting element of the prison culture. When (in the West) the era in which religious practice in prison had a prescriptive content, it maintained an absolutely positive characterisation as a support for treatment, as an indicator of subjective emancipation from moral disorder, as a means of regulation, as a sign of reparation, as a preventive and therapeutic factor against psychological distress (damage from imprisonment), as a barrier to the explosion of internal conflicts (Rhazzali, Sciavinato 2016). An almost inalienable resource for the prison administration. Beyond its "universal" legal value, the guarantee of religious rights has always represented, and still represents, a functional role for the governance of the prison and for the maintenance of its unstable balance. The same external traits of proximity and conversion (changes in habits, consumption, clothing, attitude towards prayer) cannot therefore trivially turn into alarm bells. The compromise of subjective (human) rights would probably be too much, but, above all, in order to counter them as such would be strategically unwise. In the current phase, all that remains is to surrender to an absolute ambivalence, to an uncertainty that characterises contemporary Western societies (which are increasingly multi-confessional) and that finds its more stringent development in their prisons.

Crushed by the mechanisms of prison deprivation, and/or the importing of subversive subcultural forms cultivated externally, the detained subject embodies the ideal type of individual exposed to the risk of radicalisation. But, if the risk derives from the possibility of exposure to the jihadist narrative

(ideology), or from the already mentioned possible meetings with one or more radicalisation agents, it is to the morphology of these established meetings that we must devote our attention. The import analytical logic could be useful to analyse the forms of adaptation to prison of radical (or already radicalised) subjects: they would become, by virtue of their charisma and their intellectual status, potential actors of active proselytism, offering to a much higher number of disrupted and marginal subjects, marginal resources of solidarity and identification. The deprivation perspective would be more useful in the interpretation of the socialisation processes of radicals who, in the prison experience, might be receptive to the decisive signal of the processes of marginalisation already suffered outside. The jihadist ideology, which has been defined as the "last" conflicting ideology (Guolo 2015), would then be the perfect strategic glue between these two very different subjectivities and would outline the subversive destiny of these meetings. Radicalisation as a prison process, therefore, implies physical presence and the possibility of communication between radicalised subjects and radicalisable subjects. Moreover, such subjects could not access other sources of significant jihadist acculturation in prison, such as those related to proselytism via the internet (Rabasa, Lenard 2015).

In such a well-defined framework, it is possible to develop institutional strategies for the management of risks from contamination and indoctrination. The effects of the meetings that we have synthetically defined must be limited. However, the contents of these strategies appear to be diversified and sometimes contradictory (see Goldman 2014).

2.1 Concentration

The tactical option that is most directly related to the goal of impeding proselytism is that of preventing the above-defined factors from coming into contact. In summary, the fusion of social hazards that could transform the subversive potential of common inmates into political violence (De Galambert 2016) occurs in prison. The placement of "terrorism" perpetrators in separate institutions or sections seems to function. In truth, some critical aspects emerge. The sharing of dedicated spaces could lead to reinforcing pre-existing ties and even the facilitation of alliances between subjects and groups of different origins and affiliations: a significant management risk, therefore, with

respect to the strategy which may lean towards a sort of fragmented concentration. The experience in Italy is emblematic, with the establishment of small specific high-security sections located in the outlying areas of the nation. Specifically, it is possible to point out a paradox: in these sections, there are in fact prisoners condemned for "terrorism" but also people who are only charged (therefore virtually innocent) for related crimes, including, for example, the simple diffusion or translation of jihadist propaganda material. In more general terms, these are solutions involving concentration that tend to provide a harsher prison regime and a considerable reduction in possible contacts with the outside world. These characteristics appear to be in conflict with the idea of implementing inclusive de-radicalisation projects.

2.2 Dispersion

The practices of the dispersion of radicalised subjects within the prison system relate to the opposite logic of prevention. In this case, it is precisely the mutual reinforcement between radicals that is feared. Isolated within ordinary circuits, politically dangerous inmates could be activated in an attempt to proselytise and constitute real prison cells. They could, therefore, activate new radicalisation processes. The antidote, under these circumstances, would be to subject them to particularly stringent individualised controls, limiting their possibilities of movement and communication within the prison. Even in this case, the security requirements would make it difficult to practice a de-radicalisation that is not based on pure affliction and deterrence.

2.3 Informal regulations

If the previous management options refer to specific formalised institutional guidelines, even if within fairly organic regulatory frameworks, it is at least possible to hypothesise that the mechanisms of circulation and governance of the phenomenon in question manifest informal and discretionary aspects, due to penitentiary individualism (Useem, Clayton 2009; Zahn 2017) that we will shortly address once more. The "risky" encounters, the signs of conversion, the dynamics of group formation and the morphology of the internal conflict are in fact necessarily observed by the prison staff, who are also involved in confidential relations with the intelligence agencies (we will return to this topic). The staff is engaged in the management of internal balances and produces

regulatory forms to maintain and restore them (Sbraccia 2018). Even within a single prison, they can reproduce minor tactics of dispersal or concentration in the sections. In these cases, they are not necessarily based on the criminal profile of the inmates, but on their behaviour and on their dynamics of socialisation. Forms of isolation, practices of systematic transfer to other structures, disciplinary sanctions and "strategic" relocations can be produced by highlighting rather weak links with regulations and formalised policy guidelines. It is within a universe that is fragmented in this way that the processes of radicalisation and de-radicalisation projects actually occur, beyond generalisations and legal provisions.

3. Observation, conflict management, de-radicalisation

Faced with the socialisation dynamics outlined above, prisons are often represented as neutral containers, with little regulatory independence. Recruiters for jihad (or other forms of political subversion) are supposed to await the radicals in the shadows in order to indoctrinate them. On the other hand, de-radicalisation projects must be realised and evaluated in ideal conditions: as if the prison might resemble an experimental laboratory, able to monitor the incidence of factors that interact with the processes observed, be they radicalisation or de-radicalisation (Jones 2014). Such an image of the institution is far from the results of decades of qualitative analysis on prisons, which, on the contrary, systematically highlight the extraordinary incidence, variety and variability of informal regulation mechanisms in detention environments (Crewe et al. 2014). Expressions such as "every prison is a world unto itself", reveal in their jargon how the definition of the institutional objectives, the articulation of the normative dimensions, the management of everyday life, the "environment", the styles of control and management are in fact fundamental for the representation of prison as an institution founded on formalised and "controllable" norms: the managerial and organisational differences are too significant, the margins of discretion and negotiation are actually vast.

Systemic balances, with reference herein to Western prison systems, seem to revolve around self-reproducing mechanisms that are dedicated to preventing three key events: riot, escape, suicide. Events that have in common the ability to attract critical views on internal management practices, their legitimacy and

their effectiveness. On top of these instances of self-reproduction (Sparks et al. 1996), prevention objectives should therefore be superimposed since they do not relate so much to the conflictual dynamics within the prison, but rather to its establishment as an environment of a process of radicalisation that would then turn on the "terrorist" threat outside the prison walls. In a nutshell, the penitentiary structures would be invested with an intelligence task. We are thus faced with a problematic and paradoxical fact: to produce results in terms of observation and identification of risks (towards society), jihadist proselytism should not be hindered at all in prison, but rather, observed and understood in one of its privileged habitats. This preventive objective is in clear contrast with the imperative of preventing conflict within penitentiary facilities (Hamm 2009). The latter is a historically crucial element in the dynamics of prison radicalisation. Indeed, the requests for protection and redemption of common prisoners are answered in organised and visible forms of resistance referring, on the one hand, to the relationship with a coercive institutional power, and on the other to the competition among groups of prisoners that rely on the informal power configuration inside prisons. The prison governance styles and the hegemonic forms found in the prisoner community thus define a structural framework with variable geometry, which makes impracticable the hypothesis of prison as a neutral container for radicalisation. In other words, sociological studies on prison give great importance to the variables that affect the processes of internal socialisation. It is only in the comprehension of this variability that serious analytical perspectives and, possibly, effective strategies of prevention can be developed.

Of course, a minimal level of generalisation can be identified. If the specific key of prison radicalisation is identified in the violence of the environment and in the crushing of the demands of inmates, implementing strategies to reduce the harms of detention seems to be a useful operation. From this point of view, de-radicalisation projects and radicalisation prevention projects do not deviate from the traditional perspectives of rehabilitation treatment (ICSR 2010). A less oppressive prison, which offers opportunities for schooling, training, recreation (sport, cultural activities), work, contacts with the outside, is destined to be less explicit on the values of containment and stabilisation of the criminalised portion of society (Foucault 1975), even from the point of view of those who are imprisoned. These traditional strategies could therefore reduce the

pressures of conflict and the radical instances of social redemption. In an even more specific sense, it is evident that a full (substantial) recognition of religious rights and an organisational effort aimed at guaranteeing access (spaces and times dedicated to the exercise of prayer, respect for food prescriptions), would probably have the effect of reducing the perception of hostility and discrimination. It is a matter of obvious, and mere exercises in applying common sense.

So, it's all very simple? Not at all, because the afflictive dimension of detention is equally obvious and unavoidable, the objectives of deterrence and neutralisation that the prison systems pursue are equally crucial. Indeed, as we have already seen, the modalities of dispersion and concentration, far from being resolved in technical options to counter radicalisation, act precisely on the accentuation of the control and affliction elements. In the game between welfare guidelines and repressive penalties, and its criteria of legitimisation in the eyes of the public, the phenomenon of radicalisation appears destined to increase the ambivalence of prison.

Even less obvious, as widely supported by the studies that proffer policy suggestions (Hannah et al. 2008, Brandon 2009, ISCR 2010), is the idea that a fundamental component of the contrast to prison radicalisation is the widespread presence in prisons of "accredited" imams. The preventive content would seem evident in this case: bearers of a "moderate" conception of Islam, these subjects should play an important role of basic cultural work aimed at supporting inter-religious dialogue and the prospects of a civil and democratic coexistence. Excellent perspectives that should, however, find coherent horizons with respect to the material and cultural conditions of existence of those affected outside and inside the prison walls (Calculli, Strazzari 2017). In general terms, however, a prudent and pacified religious practice may be consistent with the above-mentioned institutional objectives of the containment of hardship and internal conflict.

The analytical paradox, however, appears evident and relates to two relevant and correlated dimensions. If the instances of cohesion and prison affiliation are determined with conflict, opposition and resistance, how effective can a proposal of a pacified and dialogue-based declination of religion in prison be? The question explicitly refers to the theme of the politicisation of Islam, which Roy (2016a) has long posited in contrast to the Islamisation of politics. The

proposal of a theologically solid Islam would be valid only by accepting that the conspicuous features of the radicalisation process are actually assignable to the religious dimension (Kepel 2016). This hypothesis seems to be widely debatable, especially to the extent that practices of conversion and radicalisation (outside and inside the prison) emerge in a very fast and disjointed way through an elementary base of Koranic preparation. We would also have to overlook the fact that the informal and situational recognition of the speaker of prayer by the faithful is a fundamental trait of Sunni Islam. The hypothesis that jihadist ideology, in a combination of authoritarianism, solidarity, millenarianism, anti-colonialism, rebellion and patriarchal hegemony, projects its horizon of struggle into a properly political dimension appears to be more credible. From this point of view, the opposing and conflicting matrices would seem irrefutable. Therefore, the requisites of reliability (referred to in the accreditation procedures) that the institutional apparatuses would acknowledge in the imams, would turn into significant obstacles in the unavoidable process of the attribution of trust to the imams by the prisoners. Experiments and studies that deal with this dialectic and these issues are indispensable, as long as they avoid ideological simplifications and are able to move within a framework of uncertainty.

Part two - First insights from the European Prison Observatory

The Scope

In many of the countries involved, data about prison regimes and how many prisoners are considered radicalised or at risk of radicalisation are missing. The only data generally available refer to the number of prisoners accused/sentenced for terrorism. This is the situation for each country:

Italy: the phenomena of radicalisation concerns 506 people in total (242 radicalised – of whom 58 accused, 4 sentenced for terrorism; 264 at risk of radicalisation)

Spain: 146 accused/sentenced for terrorism and 79 radicalised. The data on people at risk of radicalisation are not available

Latvia: no people accused of terrorism are in prison, only 1 person is sentenced for such a crime. No data are available about subjects radicalised or at risk of radicalisation

Austria: 68 accused/45 sentenced for terrorism (both data sharply increased since 2015). No data are available about subjects radicalised or at risk of radicalisation

Portugal: 1 accused/1 sentenced for terrorism. No data are available about subjects radicalised or at risk of radicalisation

Germany: the data about accused/sentenced for terrorism and radicalised in prison are available but divided by Lander and we point out difficulties in homogenising definitions and numbers. No data are available for those at risk of radicalisation

Greece: no data are available for accused/sentenced for terrorism, radicalised or at risk of radicalisation.

1. Definitions of radicalisation

The **guidelines for prison and probation services regarding radicalisation and violent extremism** (adopted by the Committee of Ministers on 2 March 2016, at the 1249th meeting of the Ministers' Deputies), define **radicalisation**

as “a dynamic process whereby an individual increasingly accepts and supports violent extremism. The reasons behind this process can be ideological, political, religious, social, economic or personal”.

The same guidelines define **violent extremism** as “promoting, supporting or committing acts which may lead to terrorism and which are aimed at defending an ideology advocating racial, national, ethnic or religious supremacy or opposing core democratic principles and values”.

Moreover, the **Radicalisation Awareness Network (RAN)**² describes **violent extremist offenders (VEOs)** as a “group which includes terrorists and others considered at risk of engaging in violent extremism in a prison or probation context”.

Scholars agree in making a distinction between radical thought and extremist action and argue that radicalisation is a “twofold process, fuelled by both a cognitive and violent extremism” (Vidino, 2014:8). The fact that prison is a place that fosters radicalisation processes is less universally shared. Some Authors consider **prisons** as “**places of vulnerability**” (Basra, Neumann, 2016; Mulcahy et al., 2013; Neuman, 2007) because they are a fertile ground for prisoners' frustration. As classical studies in the sociology of prison³ – and, more in general, social identity theories - showed, an individual is constantly in search of a meaning of his/her role within a society or community; consequently, everyone can be increasingly vulnerable to radicalisation when entering prison and prisoners are therefore considered potentially vulnerable to extremist approaches. All the while, we have to consider those approaches according to which the radicalisation and recruitment by terrorist inmates within specific prison conditions is not necessarily a given outcome and it is more an exception than a rule (Jones, 2014; Hamm, 2013). The focus on prison radicalisation can hide a more nuanced reality: religious practices simply allow to survive, as an individual or a community, in a hostile environment (Bulinge, 2016) and religious radicalisation is just one option amongst others to maintain one's own identity and tackle the sense of humiliation, abandon and deprivation in prison (Khosrokhavar, 2015).

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□ https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network_en

3

▫ Cfr. The first part of this report.

The model of prison as a 'school of terrorism' (Cuthbertson, 2004) is still more argued and debated than the model of prison as a 'school of crime'. The boundary separating de-radicalisation as a 'useful tool' in fighting terrorism and the harmful methods of subjugating certain groups of people is weak (Pettinger, 2017), especially if we adopt a human rights perspective, as prescribed by the 2016 European Guidelines (“Preventing and tackling radicalisation and violent extremism shall always be based on the rule of law and shall comply with international human rights standards because respect for human rights and the rule of law is an essential part of a successful counter-radicalisation effort. Failure to comply with these is one of the factors which may contribute to increased radicalisation”).

2. Definitions of terrorism

Every country included in the project mentions some definition of **terrorism**, which can be included in the national law or is referred to international and European specific norms, or, at least, it refers to specific offences related to terrorism using this term without providing a legal definition of terrorism itself (and this may cause difficulties and legal uncertainties about what exactly should be understood as terrorism or terrorist). This is the case with Austria, i.e., where the law refers to “acts of terrorism” as prescribed in the EU Directives, but not to a specific definition of terrorism.

Conversely, in any of the countries involved there is a specific definition of 'Islamic or religious oriented terrorism'.

In some cases, the definition of terrorism is embodied in the Criminal Code. It's the case, for example, of Greece and Portugal.

Article 187A of the Greek Criminal Code, legislated by Law N.3251/200, introduced the crime of “Terrorist acts”. It refers to a rather extensive list of specific crimes already defined on the Greek Criminal Code or in Special Criminal Legislation. In Portugal, terrorism is covered in the Criminal Code (Código de processo Penal, DL n.º 78/87, de 17 de Fevereiro) as “the conduct of crimes committed by terrorist organisations, terrorism, international terrorism and financing of terrorism”, each of which is then defined in the Law

of Fight Against Terrorism (LEI DE COMBATE O TERRORISMO, Lei n.º 52/2003, de 22 de Agosto).

In other cases, the national Penal Code does not define the term “terrorism”. It just regulates several acts that involve terrorism, without giving a legal definition. This is the case with Spain, where

“The anti-terrorist legislation is mainly collected in the Penal Code (PC) of 1995 and in the Law of Criminal Procedure. The legislation from the Penal Code has been modified largely on 2000, 2010 and 2015. Nowadays, most of the regulations are inside the Title XXII under the “Crimes against public order”.

The most important changes in recent years are the introduction of figures such as individual terrorism (to pursue actions of the so-called "lone wolves", art. 577) and the criminalisation of acts aimed at indoctrination, both actively and passively, with special mention of the one made through the internet (Art. 575)” (From the Spanish report)

In many cases, the emergence of laws in the context of terrorism and the related changes of the national laws happened as a reaction to relevant incidents and political discourse. The European Union has been among the major driving-forces of such developments in recent years, in particular through the Framework Decisions 2002/475/JHA and 2008/919/JHA. In the Italian and Austrian legislation, i.e., the crimes connected with terrorism derive almost entirely from the implementation of these two Framework Decisions of the European Union. On the basis of the first Framework decision of the Council,

“The Austrian criminal law was amended to include new offences relating to terrorist activities in 2002: § 278b (Participation in a terrorist group)⁴, §278c

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And due to the EU and international regulations: All mentioned amendments were carried out under adherence to the standards of both the United Nations (UN) and the EU. (UN: United Nations International Convention for the Suppression of the Financing of Terrorism from

(Commitment of a terrorist offence), § 278d (Financing terrorism). The introduction of §278b, §278c and §278d StGB was in conformity with both United Nations (UN)⁵ and European Union (EU)⁶ standards. The regulations § 278e (Training for terrorist purposes)⁷, § 278f (Instruction to commit a terrorist offence) and § 282a (Countenance with terrorist activities) were included into national law in 2011. Their introduction was in accordance with the above-mentioned international and EU legal standards, as well.” (From the Austrian report)

In 2018 a new regulation was added, namely §278g: traveling for terrorist purposes (“Reisen für terroristische Zwecke“). This amendment was strongly criticised as being too broad and vague as well as being unnecessary as the

9 December 1999, ratified by Austria in 2002. UN Security Council, Resolution 1373 (2001); Framework decision of the Council 2002/475/JI on combating terrorism, June 23, 2002, ABl L 164, 22/06/2002, p. 3.)

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United Nations International Convention for the Suppression of the Financing of Terrorism from 9 December

1999, ratified by Austria in 2002. UN Security Council, Resolution 1373 (2001).

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Framework decision of the Council 2002/475/JI on fighting terrorism, June 23, 2002, ABl L 164,

22/06/2002, p. 3.

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§ 278e and § 278f and § 282a StGB were introduced in 2011 through the Federal law amending the criminal law for terrorism-prevention and the StGB and StPO improving the criminal law protection of the environment, BGBl 2011 I/103.

other regulations already cover the relevant offences adequately. Further, it is considered to be a pre-crime, criminalising thoughts and attitudes. Criminal liability for acts of terrorism is set in Latvian Criminal Law.

“A new chapter “Crimes Related to Terrorism,” based on the Additional Protocol of the Council of Europe Convention on the Prevention of Terrorism⁸ and the Directive of the European Parliament and the Council on Fighting Terrorism⁹ was adopted by Parliament on 26 April and came into force on 9 May 2018.¹⁰ These amendments replace earlier legal provisions concerning terrorism related crimes and aim at harmonising legal regulations on counter-terrorism in line with international standards, and also introduce criminal liability for a number of new types of offences.” (From the Latvian report)

There is no legislative act in German law that would give a legal definition of “terrorism”, although many articles in the penal code are in connection with terrorism (for details, see the German national report).

In academic literature reference is made to International Law and the law of the European Union, especially to the above-mentioned Framework Decisions.

The notion of terrorism is often **unclearly formulated**. As highlighted in the Spanish report, there is no unanimous legal concept of terrorism in doctrine. From this point of view, it is possible to highlight certain characteristics of the terrorist phenomenon that could lead us to legal conceptualise it: violent crime, its organised character and political purpose. Vague explanations are not exempt from very relevant practical implications.

“The Italian legislator has chosen a synthetic and not an analytic definition to avoid being unable to apply the definition to behaviours that would later be considered as terroristic. This led the judiciary to apply art. 270-sexties very

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□ Latvia ratified the Convention on 2 February 2009, and it came into force on 1 June 2009.

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□ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on fighting terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA

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□ Amendments to the Criminal Law (*Grozījumi Krimināllikumā*), "["Latvijas Vēstnesis"](#)", 90 (6176), 09.05.2018, at <https://likumi.lv/ta/id/298836-grozijumi-kriminallikumam>

broadly, beyond the phenomenon of terrorism as historically considered. The Court of Cassation has reacted with various judgments (the first of which is Cass., Section VI, May 15, 2014, registered 27 June 2014, No. 28009, related to the attack on the Chiomonte High Speed Train Site in Val di Susa) aiming at underlining the objective nature of the purpose of terrorism, expunging not highly offensive behaviours and highlighting how “terrorist purpose is not exclusively a psychological phenomenon, but should be materialised in an action seriously capable of accomplishing the typical aims described in the norm”.” (From the Italian report)

Moreover, as highlighted in the German report, the criminal law regulations that are connected to terrorism also incriminate acts of individuals without any association with others and shift criminality to an extreme extent **towards pre-crime**.

“While with respect to *actus reus* only very minor preconditions are necessary for a conviction (e.g. downloading a text from the internet), the important aspects are those of *mens rea* which are much more open to any kind of attributions (like the motivation for downloading the text). This is criticised as criminalising mere attitudes. [...] Anyone who attempts to leave the Federal Republic of Germany in order to go to a country in which instructions are given on the production or handling of firearms, explosives, etc. that serve to commit certain state-threatening crimes is already punishable.” (From the German report)

That the (attempted) departure to a state in which only mere preparations of a crime are to take place is already punishable, is a further considerable shift of criminal liability towards pre-crime. What is important to stress is that the situation described is the result of the ambiguity and inconsistency of the concept of terrorism in combination with a lack of attempts by legislation and jurisprudence to impose at least the very minimum of necessary restrictions.

Even if in any of the countries involved there is a specific definition of **'Islamic or religious oriented terrorism'** and the term terrorism is not a specific one for Islamist terrorism, it is often quite obviously implicit in the idea

of it, as a reference to the attacks of 11 September 2001 makes clear.¹¹ As Dugdale stresses, “The inherent focus is upon radical Islamist groups whose movement ideologically reject democracy and legitimacy of political and ideological pluralism” (Dugdale, (2017, p. 208). All this can be exemplified with the jurisdiction of the German Federal Administrative Court on the application of Art. 58a AufenthG (Residence Act). This regulation deals with the deportation of “endangerers” with a very low legal threshold.

“On this basis, the Supreme Administrative Court of the Federal Republic of Germany has permitted the deportation of persons who have been classified by the police as “Islamic endangerers”, even if they have had no criminal proceedings against them in their entire life and have a valid residence permit. [...] one deportation order was issued on the day of coming of age, so that the thoughts and actions considered relevant were those of a minor, who was then deported to a country that he left as an infant, he had never visited and in which he had no social contacts. Moreover, he did not speak the official language. Likewise, the Federal Constitutional Court had no reservations in this regard¹², nor did the ECtHR with respect to Article 3 of the Convention (see application n. 54646/17)” (From the German report)

3. Sanctions and additional sanctions

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In Austria there is also the so called *Verbotsgesetz* since 1945 (National Socialist Prohibition Law, *VerbotsG*), which criminalises National Socialist activities and the propagation of its ideologies in Austria. It is a separate law.

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decision of 26.07.2017, -2 BvR 1606/17; cf. also Note Graebisch & Burkhardt InfAusIR 11/12 2017, p. 436 ff

Terrorism is always considered an especially serious crime, even punishable with life imprisonment (i.e. in Latvia). An example of a new type of sanction for terrorism acts is found in Spain, where in case of attacks resulting in deaths, the “renewable permanent sanction” was introduced: it means that people under this system will not be able to access the open regime before, at least, 18 years in prison.

Often we found **aggravating factors** in cases of terrorism. In Austria, the maximum sentence for committing a terrorist offence depends on the nature of the basic criminal offence made and this maximum allowance is consequently increased by fifty percent (in no case, though, may the sentence exceed a time span of twenty years). The Italian law 15/1980 provides that for crimes committed with the purpose of terrorism or subversion of the democratic order punishable by a sentence other than life imprisonment the penalty is increased by half. In Portugal,

“The sanctions applied depend on the specific crime, which can then be aggravated as an act of terrorism by a third of the penalty foreseen for the generic crime, or otherwise carry a maximum sentence of 2 to 10 years in prison (see: <https://dre.pt/pesquisa/-/search/656128/details/maximized>) (“The sentence may be particularly attenuated or not applied at all if the perpetrator voluntarily abandons his/her activity, distances or considerably reduces the danger caused by it, impedes the realisation of what the law seeks to prevent or concretely helps in the collection of decisive evidence for the identification or capture of others responsible.” Article 4, Par. 3).” (From the Portuguese report)

The tendency of reducing the sanction in case of some sort of “atonement” or “collaboration” is observed also in Greece, where

“Article 187B of the criminal code incentivises whistleblowing and other forms of cooperation that could lead to the prevention of terrorist acts and the capturing of terrorists and/or dismantling of terrorist organisations including stay of prosecution, limited sentencing and stay of deportation for foreign whistleblowers.” (From the Greek report)

4. Automatic consequences in prison regimes

When addressing the topic of the appropriate management and allocation strategies for violent extremist prisoners, the main question that arises is whether radicalised inmates can best be integrated into the mainstream inmate population, or whether they should be segregated in separate high-security facilities (Silke, Veldhuis, 2017). We can observe different choices to this regard across countries.

In many cases, as in Latvia, terrorism is considered an especially serious crime and the prison regime applied involves maximum security and supervision.

In Italy,

“on the basis of the crime of terrorism, inmates are assigned to the High Security penitentiary circuit, in particular to the sub-category High Security 2 (AS 2), where defendants or subjects convicted for crimes committed with the purpose of terrorism, including international terrorism, or subversion of the democratic order by carrying out violent acts are assigned. They are separated from other prisoners to avoid proselytism towards vulnerable subjects and the creation of partnerships with prisoners belonging to other criminal organisations such as the Mafia.” (From the Italian report)

In Spain, the automatic consequence of imprisonment when someone is convicted of terrorism is the inclusion in the so-called FIES (Files of Inmates under Special Monitoring). For those convicted of this type of crime,

“The inclusion in the File involves absolute isolation for 22 hours a day, possibility of intervention of all communications without judicial authorisation, routine cell changes, prison dispersion among other restrictions. [...] Inside the prison administration of Catalonia, at first, this file does not exist, although the conditions of imprisonment are very similar. Those convicted of this type of crime are assigned to the so-called DERT (Special Department of Closed Regime).” (From the Spanish report)

In Portugal the relevant law does not offer any such guidance, but in practice those few individuals who have been sent to prison in connection to alleged terrorist activities have been placed in isolation at the only super-maximum facility in the country (EP Monsanto).

Only in Austria and in Germany there is no automatic consequence on the prison regime applied and, basically, prisons should follow the principle of normalisation, without specific security regime and treatments. However, as a matter of fact, in case of inmates at great risk of being radicalised by other prisoners, the detention administration might apply particular measures, such as isolation, high surveillance, etc.

Local interventions to counter radicalisation in prison may therefore involve the use of high security prisons/sections or not. Inmates may be isolated from other detainees or integrated/mixed. Many Authors pointed out the risks of isolation in terms of perception of being treated unfairly by the criminal justice system and increasing the sense of discrimination that can foster greater isolation (Awan, 2013).

When analysing the strategies implemented in the various countries involved in the project, we have to keep in mind that frequently observed interventions do not ensure effectiveness and “the collective use of practices does not justify their reliability or being labeled a 'good practice'” (Dugdale, 2017, p. 210), but a greater evaluation is needed besides the exchange of practices.

The key point is to compare how countries implement prison radicalisation strategies while respecting prisoners' human rights. This is our particular understanding of a best practice, because we were by no means able to make an evaluation with respect to effectiveness in terms of prevention or de-radicalisation.

5. Judicial and administrative discretion in determining the prison regime

In most cases, there is not judicial discretion in determining the prison regime to be applied to terrorism offenders/radicalised/those at risk of radicalisation. Judges only determine the length of stay in prison, but it will be the penitentiary

administration that modulates the path of compliance. This happens in Spain, Austria, Italy, Portugal and Germany.

In Italy, the judge has no role in determining the inmate's assignment to the High Security circuit. As many judgments of the Court of Cassation confirm,

“The decision belongs exclusively to the prison administration. The selection of the prisoners to be assigned to the circuit can take place both automatically on the basis of the crime and in a discretionary manner on the basis of elements that lead the prison administration to believe that a person belongs organically to terrorist associations.” (From the Italian report)

The prison administrations are rather independent when deciding whether and which specific measures should be applied related to terrorism offenders/radicalised/those at risk of radicalisation also in Austria. The corresponding framework regulations are set out in the “packet of measures for prevention and de-radicalisation in detention”, adopted by the Ministry of Justice in 2016.

In Germany it is not the court that decides the prison regime. Where a prisoner is placed is solely the decision of the prison administration with respect to the individual case. Security measures are not connected to a certain kind of sentenced crime but to an assessment of the risk posed by the individual. As a matter of fact, a conviction for crime related to terrorism will regularly lead to the perception of a high risk and, accordingly, often to isolation from other prisoners. The implementation of security measures can be subject to judicial review if the prisoner demands so, but it will not be the sentencing court that decides but the court responsible for matters related to the execution of the sentence. No legal regulation restricts this discretion because there is none that would specify the kind of regime. The discretion of the prison administration to regulations that are valid for all kinds of prisoners, e.g. separation, is only allowed under certain circumstances (endangering oneself or others).

In Portugal, even if a such information is classified, there seems to be a high level of administrative discretion and no involvement on the part of the judicial

system in these matters beyond the type of sentence imposed. In practice, the prison system operates independently on internal matters.

In Greece,

“Although there is no formal definition of a radical or radicalised inmate, they would, in most cases, be detained in a Type B facility (for inmates convicted to long term prison sentences), unless they were yet to face trial, or they were convicted for relatively less serious offence. Inmates convicted according to article 187A of the Criminal Code (terrorist acts) would in most cases be detained in Type B facilities.” (From the Greek report)

Only in Latvia the prison authorities

“Have no discretion in determining the prison regime in the cases of any offenders, including offenders sentenced to terrorism and those radicalised. Offenders have to serve specific share of their sentences in one prison regime in order to qualify for another prison regime. In its 2011 and 2016 state visit reports, the European Committee for the Prevention of Torture expressed its reservations regarding the existing system of progressive sentence execution in Latvian prisons. In the 2016 visit, the CPT report stressed once again that, although it is for the judicial authority to determine the appropriate length of a sentence for a given offence, prison authorities should be responsible for determining security and regime requirements, on the basis of professionally agreed criteria and individual assessments of prisoners. In this context, it is difficult to justify all prisoners being required to serve a minimum part of the prison sentence in a specific regime level. In the Committee’s view, progression from one regime level to another should be based on the prisoner’s attitude, behaviour, participation in activities (educational, vocational, or work-related) and, in general, adherence to reasonable pre-established targets set out in a sentence plan. For this purpose, regular individual reviews should be carried out.¹³” (From the Latvian report)

This is in line with the 2016 European guidelines, which at point IV.b.20 prescribe “Regardless of whether prisoners sentenced for terrorist-related crimes are kept in separate prisons or wings or are dispersed across the prison system, the risk they may pose, including the risk of radicalising other prisoners, shall be evaluated individually before their allocation is defined and shall be reviewed at regular intervals”. At point IV.c.21 we read “The need to keep prisoners sentenced for terrorist-related crimes in high security prisons or under high levels of security in ordinary prisons shall also be evaluated individually and such decisions shall be reviewed at regular intervals”. The recent European laws also stress the need for a judicial control of the differentiated detention rules for inmates who are considered as radicalised or have been recruited by terrorist organisations, warning that “any such measures should be imposed on a case-by-case basis only and should be based on a judicial decision and be subject to review by the competent judicial authorities” (art. 50 of the European Parliament resolution of 5 October 2017).

6. Legal frame

The main normative European models we tried to compare to the national rules are, on the one hand, the Guidelines for prison and probation services regarding radicalisation and violent extremism (adopted by the Committee of Ministers on 2 March 2016) and, on the other hand, the European Parliament resolution of 5 October 2017 on prison systems and conditions (2015/2062(INI)).

In both cases, the norms over and over refer to a human rights approach in describing what kind of prison regimes and de-radicalisation strategies should be adopted in the various states. In particular, the 2016 Guidelines shall be

applied in conformity with the relevant international human rights instruments and standards and in full compliance with the European Convention on Human Rights. “Respect for human rights and fundamental freedoms” is the first among the “basic principles and fundamental freedoms” quoted in the guidelines, as we already mentioned: “Preventing and tackling radicalisation and violent extremism shall always be based on the rule of law and shall comply with international human rights standards because respect for human rights and the rule of law is an essential part of a successful counter-radicalisation effort. Failure to comply with these is one of the factors which may contribute to increased radicalisation” (III.a). Among the other basic principles we find:

- respect for data protection and privacy: the principles of proportionality and respect of international human rights standards and national laws should orient all kind of supervision and restriction of contacts in case of radicalisation concerns;
- imprisonment as a measure of last resort: in particular in case of young offenders, community sanctions and measures in the community should be preferred to avoid the negative effect of imprisonment;
- good prison management, in order to guarantee the respect of diversity and human dignity of both prisoners and staff. Inadequate detention conditions and overcrowding are considered as factors potentially enhancing the risks of radicalisation in prison. Staff training should involve the promotion of understanding and tolerance to a diversity of beliefs and traditions and educational activities are considered essential in the rehabilitation process for those radicalised or at risk of radicalisation.

A particular focus is then addressed to cultural and religious traditions (nutrition, clothing, opportunities for worship and religious holidays) and prison services should establish agreements with religious denominations in order to allow a number of approved religious representatives proportionate to the number of prisoners of the same faith in a prison to enter the institution (IV.d).

Also the 2017 European Parliament resolution “calls on the Member States to fight the growing phenomenon of radicalisation in prisons while protecting

freedom of religion and avoiding discrimination relating to the practice of a particular faith; underlines that any specific programme targeted on a certain group of prisoners, such as those considered as 'radicalised' must respect the same human rights criteria and international obligations as apply to any other prisoners” (art. 45). Moreover, it “stresses that inhumane detention conditions, ill-treatment and overcrowding can constitute factors that increase the risk of radicalisation” (art. 46) and “considers that radicalisation can be effectively tackled through, inter alia [...] developing educational measures and supporting inter-faith dialogue and communication”. (art. 47)

Italy, Spain and Austria have adopted various administrative rules concerning the prevention of radicalisation or de-radicalisation processes in prison. Spain, in particular, approved a rule specifically addressed to the prevention of processes of radicalisation of Muslim inmates (Instruction 8/2014, of July 11, of the General Secretariat of Penitentiary Institutions New program for the prevention of radicalisation in penitentiary establishments: Measures for the detection and prevention of processes of radicalisation of Muslim inmates).

In Italy,

“In the last legislature a bill was presented to introduce "Measures for the prevention of radicalisation and jihadist extremism". It was voted by the Chamber of Deputies in July 2017 but did not complete the parliamentary process. Among other things, it introduced specialized training for police forces, an information system on the phenomena of jihadist radicalism, preventive interventions in schools and interventions in the field of active labour policies.” (From the Italian report)

In both countries, a classification system in the High Security circuits involved inmates accused/sentenced for terrorism (AS2 in Italy, FIES in Spain), established with administrative rules.

Also in Austria, there are some action plans, decrees and policy papers introduced with a specific focus on prevention or de-radicalisation in the prison and probation system specifying the implementation of the basic Penitentiary Laws. These measures are mainly linked to ‘terrorist offences’ under the

Austrian Criminal Code. In Germany, we found only recommendations by a working group of nine out sixteen German federal states (Länder). Nevertheless, there are classification systems in place (e.g. endangerer). These administrative rules can differ from Land to Land.

On the other side, no specific rules, action plans or policy papers have so far been introduced in Greece and Latvia with respect to prison conditions and terrorism as well as radicalisation or terrorism in general, except the case of “prohibition to leave the Republic of Latvia”. The Ministry of Interior may issue a ban for up to 1 year if the person plans to join armed conflict. Finally, in Portugal we observe only general rules to counter terrorism, but not specifically referred to prison.

To what extent do these laws or action plans reflect the European guidelines on the topic, in particular the Guidelines for prison and probation services regarding radicalisation and violent extremism (adopted by the Committee of Ministers on 2 March 2016) and the European Parliament resolution of 5 October 2017 on prison systems and conditions (2015/2062(INI))?

They seem to be totally in compliance with the European regulations in Spain, where the adopted rules also incorporate the RAN (Radicalisation Awareness Network) practices.

In Austria, we observe particular attention to youth and young adults, but, in the meantime, also disproportional restrictions for detainees as a consequence of security arguments. Italy barely respects the European rules if we consider some specific dispositions like the use of prison as last resort, the implementation of religious rights and the norms addressed to people serving an alternative measure. In Germany, we observe strongly different approaches by the Council of Europe (which adopt a human rights oriented approach) and the Länder recommendations (more control oriented).

7. Prison regimes

Prisoners accused/sentenced for terrorism, considered radicalised or at risk of radicalisation, in some cases are allocated in specific facilities or specific wings

inside prisons, in other cases they are allocated in ordinary facilities or wings. In the first case, the countries use a *segregation* approach, while in the second case they use a *normalisation* approach. We already underlined how the opinions about the impact of these two models may be very different.

Both the 2016 European guidelines and the 2017 European Parliament resolution refer to the principle of **individualisation** to this end. The European guidelines state: “Regardless of whether prisoners sentenced for terrorist-related crimes are kept in separate prisons or wings or are dispersed across the prison system, the risk they may pose, including the risk of radicalising other prisoners, shall be evaluated individually before their allocation is defined and shall be reviewed at regular intervals” (IV.B.20). In the 2017 resolution the European Parliament “points out that differentiated detention rules for inmates who are considered as radicalised or have been recruited by terrorist organisations represent a possible measure for curtailing radicalisation in prisons; warns, however, that any such measures should be imposed on a case-by-case basis only and should be based on a judicial decision and be subject to review by the competent judicial authorities” (art. 50).

The countries involved in the study present different situations to this regard:

- **Austria:** dispersion approach for all categories
- **Italy** and **Spain:** segregation only for those accused/sentenced for terrorism (AS2 in Italy, isolation within the FIES system in Spain)
- **Germany:** no segregation (officially avoided) but high level of control measures adopted (i.e. video-surveillance, control of correspondence and external contacts, etc.). Moreover, this can differ from Land to Land
- **Portugal:** isolation for accused/sentenced in one maximum security prison in Lisbon
- **Greece:** official data are not available, but many high profile criminals convicted or accused of terrorist acts or crimes driven by ethnic or racial hate were or are incarcerated in Korydallos prison, Attiki.¹⁴

□ In principle, and despite the lack of formal procedures, in practice inmates would be allocated in wards of ethnic homogeneity. So, inmates from muslim countries would serve in wards populated mostly by inmates from the same or neighbouring countries. Also inmates would be allocated in divisions/ wards were other inmates convicted of the same crimes would serve. Accordingly, convicts of terrorism acts would be placed in the same ward, unless this might create tensions between opposing groups or if an inmate shows problematic behaviour, in which case he would probably be transferred. Also, while historically many high profile criminals convicted of such crimes served or serve time in

- **Latvia:** no available data.

The choice to apply a dispersion/segregation approach also determines the possible use of **isolation** for these kind of prisoners. Consequently, we register different practices in the various countries also with the use of isolation, going from a fully dispersal approach toward a segregative one:

- **Austria:** isolation is only used as a last resort (but we don't have data on radicalised or people at risk of radicalisation)
- **Spain** uses isolation for those sentenced for terrorism (FIES system), not for those radicalised or at risk of radicalisation
- **Italy** uses, *de facto*, isolation for those accused/sentenced for terrorism, not for those radicalised or at risk of radicalisation
- **Portugal** uses isolation for those categories involved (but we have no data about that)
- **Germany** does not use isolation automatically, however it is a measure that is systematically used to segregate radicalised prisoners from the rest. It is a strong practice of differentiation in case of deportation detention: a special regime and isolation for those considered radicalised (very different and hard conditions like isolation, restriction for visits and access to legal aid, tight control measures, etc.)
- **Greece** although there is no formal assessment procedure by which inmates are allocated, they would not be isolated, if not for reasons of their own safety (i.e. if they are in danger), public health or for a limited amount of days for disciplinary purposes. Isolation is quite uncommon in the Greek Penitentiary system. All inmates have the same rights in prison, including leaves (one of the most well known convicts for a terrorist act was moved to rural prisons and has received multiple leaves this year). This is even more true since the abolition of the short lived type C prison facilities. Inmates spend a lot of time outside their prison cells and there is enhanced mobility (in part in order to tackle the overpopulation issue).
- **Latvia:** data are not available.

Korydallos (but also in other facilities such as Domokos), it was made to be transformed into a pre-trial detainee facility. This procedure has not been fully implemented but some high profile convicts for terrorist acts have already been transferred to other facilities.

Even if there is a strategy of dispersal, however, this can be combined with a broad use of isolation measures. It can result in a complete isolation of prisoners of this category from other “regular” prisoners as well as from prisoners of the same category.

According to Jones (2014), isolation is just one factor affecting the risk of radicalisation, together with the prison environment, the prison regime, inmate culture and moral code (Crewe, 2009), patriotism, racism, social barriers and survival needs. The same use of isolation may differ across countries thus being more or less counter-productive. However, isolation methods are often seen as troublesome in tackling terrorism and prisons need to be an environment for change, education and tolerance to be able to offer a real opportunity in terms of de-radicalisation (Awan, 2013). Also the 2017 European Parliament resolution “considers that radicalisation can be effectively tackled through, inter alia, improving the detection of early signs of phenomena (e.g. by training staff and improving prison intelligence), improving mechanisms for dealing with extremist behaviour, developing educational measures, and supporting inter-faith dialogue and communication; considers that better monitoring, greater psychological care and exchange with de-radicalised individuals are essential in the fight against radicalisation” (art. 47).

8. Risk assessment tools

The 2016 European guidelines develop some articles regarding the “procedures for detection” (V.b.). Especially:

30. Frontline **staff shall be trained and supported** in order to be able to distinguish between religious practices and the adoption of violent extremist behaviour and shall be empowered to react swiftly and proportionately in case of real and imminent risks posed to the life, health or personal integrity of prisoners or staff. In particular, staff shall be given **tools to report concerns regarding signs of radicalisation** to violent extremism and **appropriate procedures** shall be applied to assess promptly and professionally such risks.

31. Where specific tools and methods for identifying radicalised prisoners are developed and used by prison and probation services in order to help their

frontline staff, these shall be **based on professional and ethical standards** and shall be **reviewed** and **updated** on a regular basis.

32. When developing indicators of radicalisation, staff shall be warned that such **indicators are not to be considered in isolation** but in the context of personal features and specific circumstances of a given case in order **to avoid arbitrary conclusions**.

33. **Adequately trained members of prison or probation staff may be appointed as necessary**, in case radicalisation is an issue of concern in a given prison or probation area, in order to ensure that staff know where they can readily obtain advice on radicalisation issues and prisoners or probationers now how to report concerns about radicalisation.

The situation observed in the countries involved in the project is multifaceted. In Latvia, Portugal and Greece there are currently no risk assessment tools. In Latvia an elaboration of such tools is actually envisaged in a EU funded project, where the Latvian Prison Administration is one of the partners. In Portugal there are some tools developed and tested by a private consultant within the Radicalisation Prevention in Prisons (R2PRIS) Project, but the details of these tools are classified. In Greece we can find informal and non-systematic standards or practices introduced in decision making, regarding ward/cell block allocation, re-allocation, transfer of inmates or decisions on disciplinary measures. Such procedures reveal a certain amount of **discretionary power** in tackling the phenomena.

In all the other countries involved in the project, several kinds of tools are foreseen and implemented.

In Austria we can find two main tools, one specifically oriented to detainees convicted for terrorist crimes after they have entered the prison (Violent Extremism Risk Assessment - VERA-2R), the other addressed to those individuals assumed to have radicalised during their detention (Dynamic Risk Analysis - DyRiAS).

“The VERA-2R is a European Union funded project involving, other than Austria, also Belgium, Sweden, the Netherlands and Germany, and the project is specifically developed for professionals who are confronted with extremists and terrorists and are working in the judiciary system, in law enforcement, in prisons and for security services. It’s function is to analyse the risk of violent

extremism through the structured professional judgment (SPG) approach and to adapt existing risk assessment tools to the specificities of terrorism and violent extremism. However, Austria doesn't still apply VERA-2R in its penitentiaries yet: one psychologist per penitentiary, in total 27, took part in training sessions in summer 2018¹⁵ enabling them to conduct risk assessments, after detainees sentenced for terrorist crimes had entered the prisons. Currently, Austrian prisons still apply primarily well proven psychological risk-assessments and analytical methods, such as the Violence Risk Scale considering not only static factors, but also **dynamic risk** factors, or VRAG (Violence Risk Appraisal Guide) and HCR-20 (Historical Clinical Risk-20), two methods to assess the risk of recidivism among violent offenders (not specifically oriented to "violent extremist behaviour" as VERA2R Project)." (From the Austrian report)

In some cases, notwithstanding, the risk of detecting only **static factors** is presented. As the German report underlines,

"Fact sheets and indicator lists are provided to identify radicalisation processes and recruitment attempts and can thus be used as guidance for the collection of information, but the use of these lists was discussed critically during an expert colloquium of the governmental research centre "Kriminologische Zentralstelle", because they are based on static factors and cannot reflect the heterogeneous phenomenon. The picture in Germany deeply varies depending on different Landers. In some federal states (as in Baden-Wuerttemberg), so-called "structural observers" are employed. In Munich and Nuremberg (Bavaria), anti-extremism commissioners are appointed. In Berlin' s prisons, radicalised prisoners are divided into two groups. A person is allocated in Group 1 when acknowledged as having radical Islamist attitudes and willingness to use violence; in Group 2 when acknowledged as actively sympathetic to violent extremist Islamism." (From the German report)

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□ It was planned that they start testing the tool by November 2018. We do not have any information if there have been any cases in which VERA- 2R has been applied. The first evaluation will take place in March 2019.

In Spain, the tool used to evaluate the risk of radicalisation in prison is called “Instrument to assess risk of violent radicalisation”.

This is a document completed by all psychologists of the prisons on all those convicted of jihadist terrorism or who are considered to be in the process of radicalisation, although admitted for committing common crimes.

“Catalonia uses a specific protocol to detect Islamist radicalisation (the so-called PRODERAI). The protocol adaptation to the prison context (and especially to juveniles, inside and outside prisons), offers three levels 1, 2 and 3, which are not public. Level 3 is for cases of terrorism offences or in cases of external information that the person has connections with radical groups. Level 2 is that it meets several indicators in a systematic way. In level 1, the individual has elements but is not considered radicalised, it is a general warning. We can therefore find applied the distinction among those convicted/accused of terrorism offences, those radicalised and those at risk of radicalisation.” (From the Spanish report)

If we consider the **indicators of radicalisation** used in the various countries, in some cases they can pose a serious risk of stereotypical and superficial evaluations. It is the case for Italy, where a list of “indicators on radicalisation” (which are based on the “Violent Radicalisation – Recognition of and Responses to the Phenomenon by Professional Groups Concerned” manual, based in turn on the New York police manual “Radicalisation in the West”), is employed in all the Italian prisons. That list, created by the EU Member States within a project aimed at fighting violent radicalisation and then adapted to the Italian prison situation, is made of indicators designed to detect situations that need to be monitored. This is an assessment tool that may present a high risk of leading anyone who does not have a profound knowledge of Islam to stereotypical and superficial evaluations. What seems to be particularly dangerous is the transformation of a range of information of sociological nature – that could be useful in determining the individual prison program – into investigative information concerning security. The markers of radicalisation employed concern indeed, both physical changes (clothing, beard growth, etc.) and behavioural changes (hostility towards the institution,

intensification of religious practice, exposure of symbols, comments on current events, change of attitude towards non-Muslim detainees, etc.).

The Spanish administration uses different indicators as for prisoners classified in the Group A area (those convicted of belonging or being linked to Islamist terrorist organisations) and prisoners classified in the Group B area (prisoners classified as prone to being indoctrinated or radicalised in order to detect "risk of proselytising and violent radicalisation"). In the first case, psychologist staff classifies a prisoner in the "low, medium or high" level of risk of radical violence evaluating 12 factors, such as:

- if the subject has a "tendency to violent behaviour";
- if they have a past of violence specifically related to extremism;
- if the social environment in which the inmate moved when he was free was linked to violent radicalism;
- if the inmate shows "intention to commit acts in defence of his ideology";
- if the inmate seems to have "an objective to attack";
- if the inmate has shown signs of "behavioural impulsivity" and has "psychopathic features";
- if the inmate suffers some type of "serious mental disorder";
- if the inmate reflects "affinity with violent radicalism collectives".

In the case of the so-called Group B, instead, psychologists should focus their attention on 27 clues, such as:

- if the inmate shows signs of looking to "guide other inmates on religious practice";
- if the inmate wants to achieve "a higher personal status" inside the prison;
- if the inmate shows tendency "to the collective organisation of religious acts";
- if the inmate's attitude reflects that he does not tolerate "the existence of non-believing Arabs";
- if the inmate shows "support to other inmates";
- if the inmate shows signs of "vulnerability or personal weakness";
- if the inmate exhibits "feelings of personal injury or unfair treatment" and he feels the attacks on the group are his own.

Austria, through the VERA2R system, will analyse a total of 25 risk factors that are structured relatively little and offer the user room for interpretation.

“The procedure is divided into two steps: first, the risks are evaluated individually according to severity - low/moderate/high; in a second step, they are linked to the demographic reference points - gender/age/marriage status. This is followed by an overall assessment, which should consist of a comprehensive description of the case including possible explanations about root causes. This instrument also pursues the claim to reveal changes in the risk potential over time, also in the sense of a successful de-radicalisation.” (From the Austrian report)

In the case of Spain, the indicators are known and observed by all professionals and valued by psychologists. In Italy, theoretically the whole staff can contribute to the risk assessment, at least through the collection of information. In Austria, social workers are employed in the DyRiAS system, while the VERA2R project involve psychologists (27 in total, 1 per prison).

However, if we consider the subjects who selected/developed those markers, the situation is more complex and often some Ministry of Home Affairs officials or bodies play an important role. This is the case for Spain, where Home Affairs (in the general Spanish system) and Mossos d'Equadra Police Corp (in Catalonia) created and developed the indicators.

“In Italy profiling is carried out by NIC (Central Investigation Unit, within the prison police) which analyses data relating to the prison behaviour and the contacts with the outside world (monthly or bi-monthly). When deemed necessary, the information collected and processed by NIC is shared with the Counter-Terrorism Strategic Analysis Committee (CASA) of the Ministry of the Interior, a permanent working table created in May 2006 and composed of the State Police, Arma dei Carabinieri, Guardia di Finanza, Department of Prison Administration and Internal and External Security Agencies (chaired by the Central Director of the Prevention Police). When the single directorates of the prisons report that a detainee in the medium security circuit has shown signs of radicalisation, NIC activates a procedure to monitor the daily penitentiary life of the prisoner.” (From the Italian report)

In Germany,

“Information exchange with the police as well as the Federal Office for the Protection of the Constitution are defined as crucial, but it is also controversially discussed; especially the data exchange between the police, the Federal Office for the Protection of the Constitution and the prison administration.

In some federal states, the “observers” collect and coordinate all relevant information on extremist prisoners and terrorists and cooperate with specialised organisations and external agencies as well as religious representatives, structural observers from other prisons, security authorities and, if necessary, departments at ministries.” (From the German report)

Also in Austria there is a cooperation with the Federal Office for the Protection of the Constitution in cases where the person is convicted due to a crime related to terrorism or if there is a risk of radicalisation if deemed necessary.

A critical aspect is linked to the **staff training**. In many cases staff training is still ongoing and rarely adequately trained members of prison or probation staff are appointed as necessary, as the European Guidelines prescribe. We remind that training is one of the most important aspects stressed by the international guidelines on the topic, as the 2017 EP resolution also points out: “continuous training would help support prison staff in addressing new and emerging challenges such as radicalisation in prison”. In Italy, i.e., there does not seem to be a multidisciplinary and specific training for the staff who are using the radicalisation indicators, contrary to what the UNODC manual “Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalisation to Violence in Prisons” prescribes (“assessments should be conducted by appropriately trained, and where appropriate, certified staff. As the assessment needs to cover a variety of risks and issues, staff with different specialisations should be involved in the assessment”). In Italy, moreover, the dynamic surveillance as a tool for knowledge and therefore risk assessment – as presented in the “Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism” – is not used in depth for this purpose.

More in general, we notice the intrinsic risks within the **lack of transparency** in tackling the radicalisation phenomena. Other than the results from the little Portuguese information available, the lack of transparency also emerges in the German report, above all in the context of the categorisation as endangerer and deportation detention.

“The Federal Criminal Police Office (BKA) has developed its own risk assessment tool called RADAR-iTE (rule-based analysis of potentially destructive offenders to assess the acute risk of Islamist terrorism), in cooperation with a working group of the Forensic Psychology Department of the University of Konstanz. The BKA defines this instrument as "classified information" hence it is not possible to gain insight into its exact content. Since the use of this instrument does not require a meeting, interview or similar with the relevant person, it is not comprehensible in which cases the Federal Criminal Police Office (BKA) or the State Criminal Police Offices (LKA) applied the instrument, even after the assessment.

Expert opinions and risk prognoses are also used to determine detention and restrictions on execution. The risk assessment of “endangerer” and their visitors are carried out by the State Criminal Police Office (LKA). Several authorities, such as the Office for the Protection of the Constitution and the Migration Office, cooperate for this risk assessment, which is based on a collection of various information. In addition, psychological reports are considered, some of which do not explicitly refer to a risk of radicalisation or a specific risk situation.” (From the German report)

9. Prevention and de-radicalisation programmes

9.1 First impression: many differences, but also some common elements

The analysis of the prevention and de-radicalisation strategies in the field of penal execution shows a very patchy framework. The National reports reflect how in some countries the topic of radicalisation in prison is perceived as a real problem and, in reverse, other countries where the attitude towards this phenomenon is very different.

In this chapter, we will describe the differences between the countries involved in the project suggesting three different kinds of approaches with respect to the risk of radicalisation.

Nevertheless, in this first paragraph we will present the uniformities emerging from the National reports. In fact, if it is true that we have great, enormous differences in the European field regarding this specific topic, it is also true that is possible to find some common elements that are accurate enough to be introduced in this first part of the chapter.

- a) The problem of radicalisation in the penal field seems to be perceived as a prison problem. In general, also in the countries where we can find great attention in the field of prevention of radicalisation, this attention is concentrated on the imprisonments stage. As a consequence, we can find few programs aimed to probationers or parole. In this sense, probation seems not to be interpreted as a dangerous stage in the radicalisation process. We can find a few exceptions of this general approach. In Germany, some Lander do not provide programmes offered by the Social Service of Justice, but other Lander have implemented these kinds of programs.

“In Saxony, for example, concrete de-radicalisation measures are not perceived as necessary for probation services. Therefore, no programmes are offered by the Social Service of Justice.” (From the German Report)

The most important exception that emerges from the National reports is the case of Austria where the national probation system has worked both in the areas of prevention and de-radicalisation since 2015.

“The spectrum of those clients who receive probation support in the context of terrorism is rather broad. To exemplify, cases may include girls, who fall in love on the internet and decide to go to Syria to be with their crush, boys who pose as heroes in videos, wearing a uniform and holding automatic rifles, and actual foreign fighters who have partaken in the Syrian civil war. What all of these probation cases share, despite their enormous differences, is the objective

to reintegrate these individuals into society as peaceful and harmless citizens”.
(From the Austrian Report)

- b) Strictly connected with the first point is the topic of monitoring after imprisonment. Of course, we can find in many countries different sorts of control after release for people considered radicalised, or at risk of radicalisation. But, the common feature of these programs is that they all seem to lose the educational, rehabilitative approach, and they become just a measure of control so as to neutralise people considered dangerous. This is evident in those countries where the strategies to prevent radicalisation are mainly focused on security and control, without educational or rehabilitative aims.

“Monitoring mechanisms after release for former prisoners monitored in prison because of radicalisation are based essentially on security and surveillance, application of preventive measures and deportation.” (From the Italian Report)

But, also in countries where we can find a multidisciplinary approach the post-release control seems to lose the goal of prevention/de-radicalisation to then become just a form of control for dangerous people. Germany is a good example of this approach where great attention¹⁶ in the prison field seems to be replaced by a mere control after the convict’s release.

Partly, we can find a different approach in Austria’s case, regarding minors or young adults. Specifically, in Austria we can find the “Sozialnetz-Konferenz” (SoNeKo – Social Network Conference) project that, as described in the National report, might appear to be a way to continue with an educative approach after imprisonment.

“SoNeKos follow a structured trajectory: they are attended by the juvenile or adult convict, the responsible probation officer, and people from the convict’s immediate surroundings, like family-members, friends, and support staff. The

convict is subject to strict conditions, like for example attendance at school or apprenticeship, participation in necessary therapies, or anger management training. These conditions are written down and all parties agree to commit to the resulting plans. A substantial advantage of SoNeKos is that the affected individual is given a central role in the decision-making process. Under this bottom-up approach, the juvenile or adult can be certain of his/her social network's support. Moreover, this practice may help to convey a reinstated feeling of social trust in the individual, which by itself eases the alienation that criminal offenders (or suspects) often experience.” (From the Austrian Report)

Of course, the approach of this project seems to be focused for minors or young adults¹⁷. Nevertheless, it deserves to be mentioned as being in contrast with a general approach where control and deportation are the main tools used with the aim to neutralise people that are considered to be at risk after imprisonment.

- c) In general, we do not have reliable quantitative data regarding the prevention/de-radicalisation projects realised in prison. We do not know how many projects have been carried out, how many prisoners have taken part, etc. In some cases, this absence of quantitative data is full; in others, we have some fragmented data regarding specific projects, but we do not have a general overview of the state of the art of prevention/de-radicalisation projects realised in prison. This absence reflects, in our opinion, a still experimental situation where the achievement of the projects is not structured and, as a consequence, even the collection of data is a mirror of the uncertainty in the adoption of rooted prevention strategies.

- d) All in all, we have many projects aimed at preventing or facing radicalisation. At the same time, we almost do not have any evaluation of these projects. In some cases (e.g. Italy) the absence of an evaluation is absolute. In others, we have some rough attempts to adopt evaluation

procedures, but, in the current state, they have not clarified the methodology adopted and the parameters to evaluate the results.

“In the case of Catalonia the Director of the Prison Administration explained, without giving details, that Proderai was evaluated and improved from 2010 to 2015 and that, the new Protocol is also under revision.” (From the Spanish Report)

Moreover, in those countries where they have seriously tried to implement evaluation processes difficulties clearly emerge in adopting common evaluation standards and in defining common criteria in the evaluation of the procedures adopted. This is the case, for example, with respect to Germany:

“Although accompanying scientific research of de-radicalisation and prevention projects by external institutes is increasingly discussed, and in some places also implemented, the programmes are usually only evaluated within the framework of final reports and annual reports. The majority of these reports are only process evaluations with no analysis of the impact of the measures. As far as known, these are quantitative analyses and self-descriptions by the organisations without a control group. Hence, evaluations are often limited to the description and implementation of program characteristics and therefore do not offer any reliable statements on the effectiveness of the programmes. In addition, the majority of the evaluation reports are not publicly accessible” (From the German report)

In this general situation the exception, once again, is Austria. In this country, we found one of the few cases where the evaluation of a prevention/de-radicalisation project was assigned to an independent research institute. In particular, the Institute for Legal and Criminal Sociology (IRKS) was commissioned by the Federal Ministry of Justice with accompanying research and evaluation of the *“packet of measures for de-radicalisation and prevention in the penitentiary system”*, which was adopted in 2016.

What is particularly interesting is that, when the evaluation is done by scientific institutions with an impartial position, it is able to bring out critical aspects that otherwise would not have been considered. The Austrian evaluation report can

be considered as a good example of how an evaluation process could be able to generate a positive discussion on practices of an intervention strategy.

“From the point of views of those working with inmates, two areas of concern have emerged: on the one hand, the general danger of radicalisation in prisons and on the other hand the upkeep of the balance between the principle of "normalisation and openness" in the prison regime, while reducing the risk by applying "security measures", if necessary. According to the interviews with professionals, the “Caucasus group" program might be a possible promising approach to preserve openness in prisons while at the same time, due to the permanent exchange with Chechen youth, it may be able to observe possible radicalisation processes. However, the interviews with the inmates reflected to some extent a different scenario. Regarding the issue of normalisation or treatment in prisons, especially in pre-trial detention or court prison, where many of them are detained and/or unemployed for months, many inmates reported that they suffer from loneliness, absence of work or leisure activities, discrimination, which may result in fostering their anger directed towards the state, and then might turn towards further radicalisation. Hence, the strategy of “normalisation and openness” is occasionally more a program than a reality.” (From the Austrian Report)

“In the de-radicalisation work, DERAD's theological interventions were appreciated by inmates, especially because they came from outside, from representatives of the Muslim community, and were not from within the prison or justice system. DERAD played an important role, especially among juveniles and adolescents, as many of them had very little theological knowledge, and here the Islam experts often successfully challenged the jihadist narrative. For those who refused to talk about their ideology or their experiences in the so-called "Islamic State" and deny all charges - not a small group of jihadists - de-radicalisation is very challenging and requires a high level of skills and knowledge.” (From the Austrian Report)

“In addition, the prison conditions played an important role and their impact was twofold: if they were experienced as being fair and positive – there were single examples thereof – they could stimulate cooperation and help to

abandon their defensiveness or if the prison conditions were perceived as unfair and burdensome – which was more often the case - this contributed to further radicalisation.

With regard to the prospects after detention, the evaluation report revealed some interesting points. Almost everyone who was released after having been sentenced for terrorist offences found conditions that strictly prevented their (re)integration into society.” (From the Austrian Report).

In the face of the common features just described, there are very important differences in the approaches towards the phenomenon of radicalisation in prison. In the remainder of the chapter, we will try to describe three different approaches that might be able to show the different attitude of each country towards the risk that the prison system becomes a field of inmate radicalisation. The first one is the denial of the risk; the second, is the control and neutralisation style; the third, is the educational/control style.

9.2 State of denial

In some countries the topic of radicalisation in prison seems to be unconsidered by the authorities. Or, better, even if this risk has been considered, no strategies have been adopted to prevent the phenomenon or to intervene with prisoners radicalised during the execution of the sentence.

The most evident case of this approach is Greece where, of course, there are many educational projects addressed to the prison population, but nothing specifically tailored around the topics of violent radicalisation.

“Currently no de-radicalisation, prevention of radicalisation or rehabilitation programs are known to be available for or intended for prison detainees or probationers. Whereas several initiatives are implemented on issues such as education of inmates, battling drug addiction, etc., no specific programs are offered in order to prevent radicalisation or de-radicalise inmates already considered to be radical. Such occurrences can only be considered as by-products of more generic strategic initiatives, rather than tailored programs specifically designed to tackle radicalisation.” (From the Greek Report)

Besides the case of countries where nothing in prison is planned with the aim to counteract violent radicalisation, we have one case (Portugal) where there is no information about strategies of prevention of violent radicalisation. On the one hand, this absence probably means that nothing is done in the prison system to prevent the phenomenon; on the other hand, this attitude reflects a certain mistrust by some governments in providing information regarding a topic considered dangerous for national security¹⁸.

We have to highlight how this kind of attitude is totally unjustifiable because, in fact, it forecloses the scientific research on a very important topic for the future of cohabitation in the European Union.

9.3 Control and neutralisation

A second approach in the view of preventing radicalisation processes in prison is focused on the binomial control/neutralisation. With this approach, the prevention of violent radicalisation processes is based on the search for signs of radicalisation in the prison population. As a consequence, the countries adopt specific control programs aimed at finding the “typical traits” of the radicalised inmate and, then, to isolate him/her from the rest of the prison community.

With this approach, apart from a few exceptions, no educational projects are to be expected in order to promote the inmate’s rehabilitation and any new form of socialisation. The main perspective for the prisoners considered at risk is deportation¹⁹. This perspective does not call for necessary reintegration processes or further evaluation of the case.

The first case of this kind of approach is Italy. In this country there are no specific educational projects aiming to prevent radicalisation with educational tools, except for some isolated experiences²⁰. Instead, what is largely applied at

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¹⁸ In another case (Spain) the Home Office wrote a document that explicitly stated the denial of collaboration in the project by the national authorities, and in particular by Prison administration, as “it is a very sensitive subject for the internal and external security of the prisons and for the central administration of the State” (our translation from Spanish).

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¹⁹ These practices imply that radicalisation is considered, predominantly as a risk of foreign prison population.

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²⁰ The most important are: the European project DERAD – Counter radicalisation through the Rule of the Law (courses for the prevention of radicalisation), which involves the Veneto-Friuli Venezia Giulia-

a National level is the NIC protocol according to which prison staff adopts a specific “handbook” aimed to find the risk signs in the Islamic prison population²¹. The observation goals are: classification of the level of risk of the inmate; allocation of the most dangerous to a specific prison regime; deportation after release.

“The entire system of the NIC, with the classification on the three levels of risk of the monitored prisoners, is intended as a prevention program. It is implemented in every prison of the national territory, since there are no specific allocations except for those prisoners detained in AS 2.” (From the Italian report)

Outside this monitoring system, Italy does not know specific inclusive programs for the detainees at risk of radicalisation, apart from a possible intensification of the talks with the prisoners at risk by educational staff and other experts.

Very close to the Italian approach is the Latvian. Also in this case prevention and de-radicalisation programs are concentrated on the training of prison staff in order to detect the “signs” of radicalisation. What is emblematic of this approach is that the most important prevention project of the Latvian administration is a European project whose leader is part of the Italian prison administration.

“Latvian Prison Administration participates in EU funded project: "Mobile Assistance Interagency Teams to Detect and Prevent the Escalation of Violent Radicalism. Training Aid» (01.11.2016. – 30.04.2019). Lead organisation is the Ministry of Justice of Italy – Department of Penitentiary Administration – Triveneto Office. Project partners include 1. Czech Technical University (CVUT) – Czech Republic; 2. European Institute – Bulgaria; 3. Agenfor International – Italy; 4. College for Public Administration and Administration of Justice – Department of policing –Germany; 5.University of Granada –

Trentino Alto Adige branch of the prison administration; the memorandum of understanding between the prison administration and the Union of Islamic Communities of Italy (UCOII), signed on November 5, 2015. It only became operational in the first weeks of 2017.

Spain; 6. FUNDEA – Fundación Euroárabe de Altos Estudios – Spain; 7. Guardia Civil – Spain. Main objective of the project: prevent radicalisation, equip practitioners with skills and tools to recognise the signs of radicalisation in different environments and to be able to take appropriate preventive measures.” (From the Latvian report).

We can find some common features of these approaches.

- a) The main goal of the prevention is to neutralise potential dangerous inmates.
- b) The main tool to detect the dangerous prisoners is the observation of the inmates’ behaviour.
- c) The behaviour is detected with the aid of specific “handbooks” in which there are categorised “risk sign”.
- d) When dangerous prisoners are detected, the main goal is to avoid proselytism and so dangerous prisoners are allocated in special sections.
- e) After the sentence, they are deported.
- f) We cannot find any real attempts to regain the radicalised prisoners with educational tools or training activities.
- g) In fact, in these countries, apart from the surveillance methods, we cannot find other specific projects aiming at the prevention of radicalisation.
- h) The multidisciplinary approach is mainly intended as a collective approach working on the neutralisation of the risk. As a consequence we can find good cooperation between prison staff and the judicial authority, but very little involvement of educational staff.

In this regard, the Italian case is emblematic.

“Information on the various monitored prisoners is shared with the heads of the prison administration and with all the bodies belonging to the CASA. When there are elements of investigative or judicial interest, the information is also transmitted to the judicial authority. All prisons have been invited to transmit any relevant criminal information to the competent judicial authorities.” (From the Italian report)

The same approach of Italy and Latvia is probably carried out by Spain. Unfortunately, due to the poor cooperation of the Spain authorities²², we do not have much information about the prison practices aimed to prevent radicalisation adopted in the Spanish prison facilities. Nevertheless, the information derivable from the Spanish national report shows a picture where the main approach is concentrated on the observation of the prisoner's behaviour in order to detect cases at risk.

However, it must be noted that in Catalonia we can find a different approach in the juvenile facilities or in Open regime centres where the Proderai project is active. From the poor information that we received in the course of this project, we can infer that the Proderai project, alongside repression, includes preventive educational tools such as interventions in schools or in the community.

“PRODERAI in Catalonia is also indicated to be applied by police and within the educational system. However, some educational organisations have criticised this tool because it gives school teachers a new "police" role rather than one as "educators” (From the Spanish Report).

9.4 Control combined with education

We can find the third kind of approach mainly in Austria and Germany. In both cases, we can note how the observation, aimed at the evaluation of the risk, is sided by a large number of projects that use educational tools in order to prevent or disrupt radicalisation processes.

In both cases, the boundaries between de-radicalisation and prevention are blurred. Violent radicalisation is a process where prevention strategies operate simultaneously with de-radicalisation practices.

“In Austria, the programs and their associated concepts with the aim to fight radicalisation do not clearly make a distinction between de-radicalisation and prevention. Most of the interventions target both groups, those who are already radicalised and those who are at risk. The reason is that radicalisation is not

understood as a linear process which ends up in violence. Rather, it is a development that may change at any time, depending on various influential factors and conditions.” (From the Austrian Report)

In both cases there are numerous projects, albeit with great differences from one another, but with a National coordination by the Ministry of Justice or the Home Office, with the support of a specialised agency with the task of coordinating different projects.

This practice is especially important in Germany where, after the 2006 federalist reform, we can see great differences between the various *Länder*. Nevertheless, we can see how there is a National fund, called “*Demokratie leben*” with the aim to support projects addressed to detainees, with a focus on radicalisation processes.

“In the programme area "Prevention and De-radicalisation in Prisons and Probation Service" of the Federal Programme " *Demokratie leben*" (“Live Democracy”), in coordination with the State Ministries of Justice and the State Democracy Centres, projects are financially supported to create preventive educational programmes for imprisoned juvenile prisoners and to accompany and support this target group during and after their imprisonment. In addition, opt-out programmes for radicalised prisoners are also funded. The programme area aims to promote further training for prison staff with the focus on radicalisation and contact with radicalised persons.” (From the German Report)

In Austria, a specialised network coordinates the de-radicalisation and antiterrorism intervention.

“This nationwide Network for Counter-Terrorism (EXIT programme) launched by the Federal Ministry of Interior in 2017 targets to support and de-radicalise, respectively, people who are already radicalised or those who have even come back from the Syrian war as foreign fighters. This programme is carried out by DERAD, Neustart and the Counselling Centre against Extremism by providing them with intensive support and supervision on a case-by-case basis” (From the Austrian Report)

Another common feature to both countries is the aim to produce individual programs towards prisoners considered at risk of radicalisation.

“In general, de-radicalisation programs intend a reduction in extremist ideology and thus incorporate a cognitive-ideological component that goes beyond the only official aim of imprisonment which is supporting the prisoner to lead a crime-free life in future.

A variety of measures is offered, ranging from workshops and faith-based measures to social learning therapies and creative activities.

Most of the measures have a person-focused approach. This means that the characteristics or behaviour of the person should be influenced. Various projects address the political-ideological attitude of the person.” (From the German Report)

Within this general framework, we can indicate two experiences that deserve to be highlighted.

The first one is the German “Violence Prevention Network”. This is a program originally created with the aim to contrast political right-wing violent radicalisation that today works within different areas of violent radicalisation, combining control strategies with educational tools.

“VPN was initiated as part of a pilot project on the de-radicalisation of right-wing extremists in the Brandenburg prison system and has been implementing projects under the working title "*Abschied von Hass und Gewalt*" (Farewell to Hatred and Violence) since 2004. According to their own statements, the projects are based on the concept of responsible education and systemic counselling. VPN was funded as part of the federal programme "*Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit*" (Live Democracy! Active against right-wing extremism, violence and misanthropy).” (From the German Report)

“In general, VPN offers courses and individual support in the areas of right-wing extremism, left-wing extremism and Islamism. However, some states have set priorities: for example, the programmes in Thuringia are addressing people

from the right-wing extremist and Islamist scene who are radicalised and/or at risk of radicalisation” (From the German Report).

The second is the role of DERAD in Austria, a special agency that operates in the prison system, of course with a main focus on control and safety, but also by adopting educational and rehabilitative tools.

“In pre-trial as well as in ordinary detention, an expert from DERAD is obliged to conduct clearing talks with accused or convicted individuals in the context of terrorist crimes in order to determine the degree of radicalisation. As already explained in the chapter “risk-assessments”, DERAD is also called in if a detainee is sympathising with an extremist ideology based on religion and glorifying violence, and if there is a manifest suspicion towards a possible radicalisation” (From the Austrian Report).

These programs are sided by a large number of projects, characterised by various tools and different approaches. Below, we report some examples from Germany.

“The project *ZwischenWelten* primarily addresses young people who sought refuge in and/or have migrated to Germany and have tendencies towards violence and radicalisation. The focus of the programme is on working with one's own biography. Different art forms (writing, film, drawings, theatre, rap) are utilised.

PROVA aims to prevent radicalisation processes among young people and young adults and offers workshops on educational activities and participation. The objective is to change the participants' perceptions of their environment. The project is funded by Erasmus+.

The KuBiBe project (Culture, Education, Consultation) was implemented in August 2017 and will (initially) run until the end of 2019. The measures are addressed to all prisoners and are intended to counter and prevent radicalisation in the prison system. The group training covers the thematic areas of democracy, values and Islam.” (From the German Report).

Clearly, Austrian and German cases, as we explained in other parts of this report, show many ambiguities. Moreover, in the first part of this chapter we noted how the (few) evaluations of those programs had underlined some critical aspects.

Furthermore, we are still in an early stage of our Project to push forward conclusions.

Nevertheless, directions from the National reports suggest that the Austrian and German cases may be an example of how programs could be something more than a mere mechanic observation/deportation binary system and how education could be an effective prevention tool.

10. Staff

The differences between Countries involved in the project in the approach to the radicalisation phenomena are reflected in the staff organisation. When in some countries we find a control/neutralised oriented approach, at the same time those involved in radicalisation prevention are mainly security staff, and especially police. Instead, in those countries with a more multifactorial approach, we find different specialists involved in the prevention and contrast of the phenomenon (psychologists, social workers, mediators etc.).

The differences are especially apparent in the field of staff training. Just in two countries (Austria and Germany) we found long time structured staff training programs with a multidisciplinary approach. And this training staff approach has been ongoing since 2015 in Austria and even longer in Germany.

“Since 2015, the Austrian Prison Academy has carried out (short)seminars, information events and workshops in the area of “de-radicalisation in detention” for prison guards and civil prison staff, such as social workers, psychologists, pedagogues and medical staff” (From the Austrian report)

“The educational institutions of the prison system in the federal states offer various training sessions in the management of radicalised prisoners and

prisoners at risk of radicalisation. The various aspects of the radicalisation process and the treatment of radicalised prisoners in the penal system are developed as a theme.” (From the German report)

What appears in the analysis of the National report is an interesting connection between the training organised by the Prison administration and various courses managed by subjects external to Prison authorities. This approach reflects (also) the educational approach in radicalisation prevention, that we hypothesised in the previous chapter as a characteristic of the Austrian and German case.

“In-house training courses are offered in various prisons throughout Germany. They are organised on the basis of local needs assessment and carried out on site. These in-house training courses are conducted either by independent organisations (...) or by the State Offices for the Protection of the Constitution.” (From the German report)

Finally, in the Austrian and German case we can find an attention in the staff selection probably unknown in the other countries.

“Guidelines published by the Ministry of Justice further advise diversifying the language skills and the cultural and religious background of penitentiary employees by drawing from a broader pool during the recruitment process. This is to mirror the increasing cultural diversification in Austrian society” (From the Austrian report)

On the contrary, we cannot find in the other Countries involved in the project the same structured staff training course in the field of prevention of radicalisation.

Of course, in almost all countries (with the exception of Latvia) we found at least one training project on radicalisation in prison. Nevertheless, these courses are often occasional, included in some specific project, most of the time in projects founded by EU.

“The Center for Security Studies (KEMEA), a think tank of the Hellenic Ministry of Interior implemented the “Counter Radicalisation Initiative”. Under the auspices of this program several Penitentiary Facility employees attended awareness and training seminars and workshops on topics such as “the Role of Detention Facilities in a Radicalisation and De-Radicalisation Process” and “Radicalisation in Detainment Conditions”. Also, manuals, guides for “first line” practitioners and other information material intended both for the general public and practitioners were created under this initiative” (From the Greek report)

“Again, we know that Portugal is a participant in The Radicalisation Prevention in Prisons (R2PRIS) Project launched in December 2015 to help frontline staff (correctional officers, educational staff and psychologists, social workers, etc.) to identify, report and interpret signals of radicalisation and respond appropriately, and that as part of this programme tools are being tested, but we do not have any information as to specifics.” (From the Portuguese report)

“Regarding the Proderai, training was carried out for the middle ranks (basic training) and then for 400 grassroots staff. In total, 600 persons were trained.” (From the Spanish report)

The main characteristic of these training projects is the fragmentation. They are not placed within a wider project of staff accountability, but they are strictly connected with individual initiatives. Sometimes, of course, they are important initiatives with the involvement of many experts and with a wide staff participation. The problem, however, is that in most cases the training process stops with the end of a specific funded project.

Furthermore, in some cases the training procedure reflects the particular attention on security and control – in order to prevent radicalisation processes – adopted by the prison administration. This is, for example, the Italian case where the course on violent radicalisation, until today, has involved almost exclusively prison police staff.

“Since 2010, the prison administration has been organising training courses on “violent radicalisation and proselytism within prisons”. The first course was

addressed to the staff of four prisons that at the time housed people detained for crimes related to international terrorism of Islamic origin. 156 penitentiary policemen and 8 managers and officials took part in the course. As the penitentiary administration writes, "the aim of the course was to deepen some aspects of the culture of belonging in order to facilitate the interaction of the personnel with this particular type of prisoners and to define and share appropriate operational practices". The second course was addressed to penitentiary policemen working in prisons that housed many non-EU prisoners, with a prevalence of prisoners of Islamic culture. The objective of the course, which involved 1,389 policemen, "was to transmit basic notions to understand behaviours and needs of Muslim prisoners, especially those related to religious practice, to facilitate interaction and avoid unintentionally offensive or inappropriate behaviour by staff." (From the Italian report)

Beside these differences, we can find one aspect in common in almost all the countries involved in the project: apart from one exception, religious leaders, such as Imams, do not normally play an official role in the prevention and/or de-radicalisation programmes. In most of the countries, Imams' participation in prevention programs seems to be simply excluded. In others, we can find more articulated justifications founded on the special relationship between religious leaders and prisoners. From this point of view, Imams have a secrecy constraint in the relationship with Muslims prisoners that prevent them to cover an established institutional role in the prevention of radicalisation.

"One of the reasons why public authorities hesitate to cooperate with religious leaders, beyond their role as pastoral care, is the fact that they are in a relationship of trust with the inmates and therefore bound to their professional secrecy, even if radicalisation tendencies come into light". (From the Austrian report)

The only exception that appears from the National reports is in Germany. Although also in Germany there is a distinction between Christian chaplains, who are often employed, and Muslims, that are recruited as external counsellors, in this country we found a more significant role of Muslims religious leader in the prevention of radicalisation. On one side, the National

report suggests that the number of Muslim religious representatives has increased recently. On the other side, we find some specific projects that can be reported as probable good experiences of cooperation between National authorities, prison administration and Islamic communities.

“One project from Hamburg can be mentioned as an example. In cooperation with SCHURA (Council of Islamic Communities in Hamburg), the Billwerder and Fuhlsbüttel prisons and the pre-trial detention offer talks on religion and society for Muslim prisoners. These are intended to prevent Islamist radicalisation. The group leader in Billwerder prison also works as an Imam (as of 2017)”. (From the German report)

Apart from this good practice, we have to report a general framework where Islamic religious figures seem to be regarded with suspicion by the prison authorities and where, when admitted within prison walls, Imams still have less consideration compared to Christian chaplains, although they often fulfil a similar function.

Conclusions

Data collected from the National reports seem to suggest us some indications about the “attitude” towards prison radicalisation by the European Countries involved in the project.

Of course, we are not able to product definitive conclusions about the strategies adopted by the European prison administration – as it will be the goal of the next steps of the project – but only some hypotheses, useful for further researches in the field of prison radicalisation.

What appears, as a general premise, is that the risk of prison radicalisation seems to be the final outcome of a process of amplification of the phenomena. With this statement, we do not want to deny the possibility that the stage of imprisonment could be a “rite of passage” in a criminal career. On the contrary, we are aware that the best prison literature suggests that imprisonment is often a pivotal moment for the inmate’s self-representation as criminal (Becker, 1963; Lemert, 1972) and how the strategies of adaptation to the prison frame could be varied (Goffman, 1961), sometimes reactive in the face of prison practices (Clemmer, 1940; Sykes, 1958).

Rather, what we would like to suggest is that the attitude of some countries toward prison radicalisation appears like a form of *moral panic* (Cohen, 1972), as consequence of a processes of risk amplification, that does not find justification both in the general framework of radicalisation processes and in the phenomenon’s quantitative dimension.

From the first point of view, in the first part of this report we tried to explain how the prison dimension does not seems to be the crucial step for a radicalisation process²³. From the point of view of the phenomenon’s quantitative dimension, the first datum that emerges from the National reports is the lack of data. From this point of view, we have to highlight how the National reports have been able to produce very poor data, that is often non-comparable. This situation often appears like a contrariness by prison administrations to advertise news about a phenomenon that is considered as dangerous.

Nevertheless, the data collected suggest a necessary rescaling, with few detainees actually involved in radicalisation processes and actually considered a risk for National security. As a consequence, it is probably not correct to support the idea that radicalisation is a primary topic in the current prison framework.

On the contrary, the amplification of the phenomenon seems to produce negative consequences for the general prison environment. Indeed, in the name of the risks connected with a radicalisation process it is possible to justify a regression in the rights and opportunities that involve the general prison population. At the same time, the focus on the risk of prison radicalisation seems to push in the background other problems of everyday life in prison that, instead, in the experience, both of prisoners and prison staff, are evidently most urgent²⁴.

Notwithstanding the premise, we have to underline at least three substantial questions that arise from our comparative report and that we think should be further investigated in the next step of the project.

- a) The juridical definition of terrorism in the Countries involved in the project is not unique. Furthermore, that notion is often *unclearly formulated*. This situation determines that the punished actions vary from one Country to another. Furthermore, the sanctions and supplementary penalties themselves change in different situations. This framework appears to be a violation of the principle of legal certainty. Furthermore, in many situations, we can find a tendency to widen the behaviours defined as terrorism, with a consequent erosion of the principle of criminal justice determination.
- b) As said previously, the literature on prison de-radicalisation strategies found a tension between *isolation vs. normalisation* approaches in the face of radicalised prisoners and between *concentration vs. dispersion* allocation strategies of detainees radicalised (or at risk of being so). In our comparative report, we found a prevalence of isolationist approaches – with the meaningful exception of Austria and Germany – and a general

high administrative discretion in prison regime enforcement. Nevertheless, what in fact appears from the National reports is a strictly connected problem: the lack of *individualisation* of procedures. This appears mostly during the phase of application of risk assessment tools, where the use of categorisation practices – in some cases – seems to replicate practices of actuarial justice well known in other fields of criminal justice (Feely, Simon, 1992). Also in the prevention and de-radicalisation strategies, we can detect the use of categorisation processes where general principles and stereotypes about Islam and terrorism seems to substitute the knowledge of individual cases. Of course, the use of categorisation practices seems to be more frequent in situations where prison staff is not properly trained to relate to the phenomenon. In any case, we think that this has to be one aspect that should be adequately monitored in the course of the project.

- c) At this stage, is very difficult to state if the practices adopted in the Countries involved in the project are fully compatible with Human Rights standards. What appears is a meaningful difference between approaches oriented on the binomial *control/education-inclusion* and, on the opposite side, the *control oriented* styles. We can find traces of the control oriented approaches in all the practices connected with radicalisation prevention and control: in the prison regime, in the prevention and de-radicalisation programs, in the staff training. More precisely, Countries that seems to adopt the control oriented style toward radicalisation processes show a consistency that appears in the various practices connected with prevention/contrast of radicalisation. This structural situation, detected in some specific Countries²⁵, raises serious question about the compatibility of these practices and the EU recommendations in the field of radicalisation prevention.

As said, at this stage we are not able to offer definitive conclusions on the problems raised by comparing the National reports. Nevertheless, we think that the question posed could be the starting point both for the next steps

of this project, and, in general, for new research on prison practices and detainee radicalisation.

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