

High-level ministerial conference: The criminal justice response to radicalisation

Brussels, 19 October 2015

EXECUTIVE SUMMARY

The Conference came in response to increasing concerns about violent radicalisation and follows recent terrorist attacks by foreign fighters in Europe. The purpose of the Conference was to explore options in European criminal justice systems for dealing with foreign fighters, returnees and other violent religious extremists with terrorist motives. The programme encouraged participants to reflect and exchange experiences on appropriate responses to the phenomenon of radicalisation in the prison context and the possibility of integrating rehabilitation or alternative sanctions into the criminal justice response.

The Conference was hosted jointly by the European Commission and the EU Presidency of Luxemburg. It was attended by a high number of Justice Ministers (13 Justice Ministers and 3 deputy justice ministers/state secretaries of 17 EU Member States – France, Belgium, Slovakia, Austria, Luxembourg, Spain, Romania, Bulgaria, Finland, Italy, Latvia, UK, Hungary, Czech Republic, Sweden, Poland and Denmark) and EU policy makers, as well as a considerable number of top experts in this field including prosecutors, judges and other legal practitioners, prison administrations, government officials, international organisations, academics and relevant civil society organisations. The high-level participation clearly illustrated the urgency of tackling these issues jointly and participants agreed to join forces to finding concrete responses and solutions to deal with this common challenge.

Opening High-Level Ministerial Session

After opening speeches by the Commissioner for Justice and the Commissioner for Home Affairs, the Minister of Justice of Luxemburg and the Chair of the European Parliament's Civil Liberties, Justice and Home Affairs Committee, the Conference started with a debate among Ministers of Justice from across the European Union. The debate was kicked off by introductory remarks by the French and Belgian Justice Ministers.

Some of the key points emerging from the **ministerial debate** were that not many EU countries have de-radicalisation or rehabilitation programmes in prisons or used by the judiciary. These programmes should be developed and an exchange of best practices between Member States is needed. It also emerged that Eurojust's role needs to be strengthened and that cooperation with third countries is important. There is also a need for an 'individual' approach because of the different profiles of radicalised people. In addition, it was noted that detention conditions can have an impact on radicalisation and that a number of Member States has called for support at the EU level to improve the situation in their prisons.

The ministerial panel was followed by a closed **working lunch** among ministers where they agreed to pursue closer collaboration and continue to exchange experiences and best practices on how to tackle violent radicalisation in the criminal justice context.

Workshops

The afternoon was dedicated to two parallel workshops focusing on the experiences of legal practitioners, prison administrations and civil society organisations.

Workshop 1: Preventing radicalisation to violent extremism – special focus on prisons:

The number of radicalised people in prison is still low but they have a big impact in terms of the risk that they pose for security.

Radicalised prisoners typically come out of badly managed and overcrowded prisons. The level of respect and interactions between prison staff and detainees is of utmost importance and prison staff training on radicalisation is needed. Mental health issues are very frequent with this type of offenders (such as post-traumatic stress disorder) and it is important to involve their families and communities in this work. However, short prison sentences make it extremely difficult to work on rehabilitation.

The discussion also touched upon how to organise our prisons to prevent radicalisation. Segregation of prisoners only works if there is an evident threat, as segregation might also lead to stigmatisation. An individual approach is therefore needed rather than a group approach. This is demonstrated by experiences with radicalised prisoners in third countries.

Regarding de-radicalisation programmes in prisons, there are not yet many evaluations of existing programmes. Further research is therefore needed, including meta-analyses of different programmes. The EU could play a role in the exchanges of academic research on the results of different existing programmes. What seemed clear, however, is that direct involvement of the Muslim community is important as well as the development of risk assessment tools which would allow finding the appropriate response in each individual case. Risk assessment tools should also enable re-evaluation of the threat at regular intervals, as radicalisation is a dynamic process. Victims should also be involved in the development of programmes.

Workshop 2 on the role and challenges for criminal justice practitioners when dealing with radicalised violent extremists

Among the key points of the discussion was the need to take a multidisciplinary approach to complement the purely judicial response towards terrorist offenders. In most countries, the role of the judge in a terrorist case is the same as for any serious crime and there are few possibilities, if any, to use alternative measures to criminal prosecution and sanctions. It is therefore important to ensure that there is a "passerelle" between the criminal justice system and socio-preventive work. Hence the importance of stronger links between local social services and the judiciary, ideally calling on a multidisciplinary approach.

Prevention actions and rehabilitation programmes are mainly outside the scope of criminal proceedings (in most cases during the probation phase) and should always be voluntary. It is important for their success that rehabilitation programmes have clear objectives and problem definition, use an individual assessment and have a multi-stakeholder approach. Programmes must look at the social aspects of the individual and the social structures around him/her. They should also involve former radicalised persons, religious leaders (which should be carefully selected), families of radicalised offenders and victims. Programmes should be managed by specially trained staff in social services, municipalities, probation services etc. at the local level. It is also important to decide who to target with prevention measures (foreign fighters planning to leave home, those abroad and returnees),

as they all have different motivations and need different solutions.

One of the key priorities should be to bring national and local actors together to exchange experience, to set up programmes and to work out which precise and tangible projects to finance. Training programmes and capacity building for dedicated staff could be set up. Monitoring and evaluation of ongoing practices and further research is also very important.

Closing session

The **Council of Europe Guidelines for prison and probation staff** were presented. The guidelines focus on rehabilitation and recognise that radicalisation is a social and political problem going beyond prisons. Imprisonment should be a measure of last resort especially for young offenders and alternatives should be evaluated based on careful assessments by multidisciplinary teams. The guidelines also stress the importance of Imams being part of the rehabilitation programme of prisons.

The **Radicalisation Awareness Network (RAN) Recommendations on radicalisation in prisons** was also presented. The RAN acts as a knowledge hub and think tank for EU countries, gives support to priority third countries, identifies gaps for more research, and feeds into policy. The recommendations provide oversight of the current line of thinking amongst European prison and probation practitioners with the aim to give advice to support decision making processes. A one-size-fits-all solution does not exist as the legislation and the prison and probation systems differ between EU Member States.

In the **concluding remarks**, the two representatives from the EU Presidency of Luxembourg and the European Commission's DG Justice and Consumers suggested that one of the key priorities might be to bring national actors together (e.g. researchers and practitioners) to exchange experience, to set up programmes and to work out which precise and tangible projects to finance. The EU can help in facilitating actors to work together, share experience, fund projects and share best and also worst cases.

DETAILED REPORT

Opening speeches

Věra Jourová, the EU's Commissioner for Justice, Consumers and Gender Equality was pleased to see that most EU member states were represented and pointed out that this showed that, together, the EU wants to try to find solutions to the very worrying phenomenon of radicalisation.

The Commissioner gave combatting hate speech as one example of something that needed to be dealt with. "There is inevitably a European dimension that requires joined-up answers. This is why we agreed at the Justice Council last Friday to coordinate our efforts with the internet providers to address online hate speech and to develop counter-narratives. But in doing so we must balance our action in full respect of the freedom of speech," she said.

She said that she wants to identify concrete actions as the whole of the EU faces the same kinds of questions. Key questions include how to reconcile prison and de-radicalisation, how to reconcile prevention with repression and with rehabilitation and how to best detect early signs of radicalisation. She urged everyone to build on their experience, so as to avoid mistakes and move on together.

Félix Braz, Minister of Justice for Luxembourg, representing the Presidency of the EU, said that the scale and geographic scope of foreign fighters is unprecedented with around 20,000 of them in Syria. Today's conclusions will be discussed during the Justice and Home Affairs Council of 3 December. We can take valuable lessons from comparing terrorism of the past and how it played out in the prison environment. Prisons can contribute to de-radicalisation. Poor conditions in prisons can drive vulnerable prisoners to radicalised narratives. Prisons should be reformed. We should organise better exchange of academic research.

Dimitris Avramopoulos, the EU's Commissioner for Migration and Home Affairs, said that we must tackle the roots of radicalisation with a long-term vision. He pointed to three specific actions: 1) an EU IT Forum to be launched on 2 December will work with internet companies to find ways to counter online radicalisation; 2) an EU internet referral unit to facilitate the detection of online terrorist material and ensure its swift removal; 3) the EU Radicalisation Awareness Network (RAN) which connects about 2,000 practitioners across Europe is shortly launching its Centre of Excellence that will act as an EU knowledge hub to consolidate expertise and encourage the sharing of expertise on radicalisation (€25m budget for the next four years).

Claude Moraes, MEP and Chair of the European Parliament's Civil Liberties, Justice and Home Affairs Committee, said that we are capable of dealing with radicalisation if we work together and in a focused way. We must work with internet companies to find solutions and not go into blame games. There is a Council Framework Decision on hate crime that needs to be properly implemented. We need to look at existing laws at EU level first, before adopting new laws. To prevent radicalised people from travelling to Syria, we must bring together best practices on how this can be done. With regard to returnees, there is not yet an easy response due to different judicial practices in EU Member States. Who we do or do not prosecute is a very important issue.

Ministerial Panel

Christiane Taubira, Minister of Justice of France, informed the audience that France has responded to terrorism by allocating human resources to specialised courts and organised a network of referral magistrates. France has also set up a national centre for de-radicalisation, and placed bans on various people entering or exiting the country. There is now a multidisciplinary unit in the penitentiary service. Moreover, France now has a 24/7 surveillance centre with data analysts, has recruited Arab-speaking translators and interpreters so that it can react rapidly to any messages intercepted, has powerful software for real-time surveillance, and has listened into telephone conversations. France is also monitoring detainees who have committed or are suspected of committing terrorist attacks.

Radicalised people are getting better at avoiding mass collective indoctrination, so as to make it harder to detect them; so we must identify concealed signs of radicalisation.

Minister Taubira also asked who is most vulnerable to radicalisation? She said there are no specific types or profiles of people who are vulnerable to radicalisation. We are trying to find a common denominator, for example that they are people who feel excluded, have a feeling of frustration or lack recognition. But it is not clear and an individual approach is needed.

Koen Geens, Minister of Justice of Belgium, said that radicalisation leading to terrorism is not a new phenomenon, but the number of foreign fighters has increased since 2013.

Belgium is about to start a de-radicalisation programme in the prison context. It is drawing on expertise from Spain, the Netherlands, the UK and the rehabilitation centre in Aarhus, Denmark. There are no easy solutions to reintegrate foreign fighters into society. This will require time, energy and means. We will face this problem better by putting our resource together. Exchange of best practices can also be better organised.

This conference is an opportunity to send a message from the Commission and ministers to practitioners that they have our support.

Rafael Catalá Polo, Minister of Justice of Spain, said that Spain has reformed its criminal code. There are new tools so that police and security forces are better equipped to deal with radicalisation. We need to strengthen the role of Eurojust for the exchange of information between EU Member States, we need cooperation with third countries and we need to press on with passenger registration in air transport. He said we need better use of instruments such as Eurojust and Joint Investigation Teams. We need increased use of exchange of information on criminal backgrounds, such as an automated system of police records at EU level. We should strengthen cooperation with third countries, including North Africa and the Middle East. We need the approval of the passenger name record register. We also need financing for projects to promote tolerance among different religions.

Andrea Orlando, Minister of Justice of Italy, said Italy has detained over 2,000 people suspected of terrorist activity. In terms of prevention, it has set up means of surveillance, it has the option to withdraw the passports of those who may be engaging in terrorism and it is working on the European Investigation Order. He said that Italy has, with Romania, written a letter to the Commission calling for a rethink about how the criminal justice system is organised. Sentencing of terrorist offences needs to be harmonised between EU countries.

Wolfgang Brandstetter, Minister of Justice of Austria, said that Austria has 33 foreign fighters in detention: six have been sentenced for supporting terrorism and 27 are in investigative detention. There are 60 to 70 returnees. We cannot tackle all individual cases with one measure. Every case is different. We need a multi-faceted and flexible solution, so that we can cover all sorts of cases. We can do more with social networks and social work and by involving family members. Social media is an important location for radicalisation, but although they are part of the problem they should be part of the solution. We are grateful to the Commission for asking internet companies to be part of the solution.

Catharina Espmark, State Secretary to the Minister for Justice in Sweden, said there is a problem with people being unemployed, with gaps in education and people lacking faith in society and the justice system. These people are easy targets to be radicalised. A big focus of the Swedish government is to take action on unemployment, with no young person unemployed for over three months. We know that unemployment can lead to criminality. She said that Sweden does not have much experience of foreign fighters who have been convicted. Sweden does not allow detainees access to the internet. Prisoners are kept in small units and close to staff, so that staff know the prisoners well.

Andrew Selous, Minister for prisons and rehabilitation, noted that in the UK there is close contact between the prison service and police for example and full reporting. There are some 233 Muslim chaplains. They are assessed with regard to their Muslim faith by a Muslim faith advisor and undergo strict counterterrorism checks. The Imams teach the true nature of Islam and counter false narratives.

Jari Lindström, Minister of Justice of Finland, said Finland has programmes to rehabilitate foreign fighters who are returning who have not committed a crime. Police, psychologists and social workers work with young people to try to get their lives back on track. For social media, we want to emphasise the correct information and how to use the internet and social media. We have to be vigilant in prisons and pay attention to the training of staff. Radicals can be impacted by poor conditions in prison.

As for the EU's role, he said the EU has a good network. Eurojust and Europol have to be used efficiently. We do not always expect new legislation. We can exchange best practices and see the RAN as being important. We should avoid duplicating work in international fora.

László Trócsányi, Minister of Justice of Hungary, said that many people arriving in Hungary want to fly to Istanbul and other countries in the region. Hungary is in a transit zone. It is important to have a passenger name record system. Radicalisation can affect other groups. Roma people could be a target of radicalisation.

Dzintars Rasnačs, Minister of Justice of Latvia, said it is more than just about EU measures. For example, on 22 October in Riga, Latvia will sign the Council of Europe's Convention for the Prevention of Terrorism. In February, Latvia adopted three articles on criminal law including sanctions for incitement to racial hatred and sanctions for recruiting for armed conflicts. In the last six years, Latvia has sentenced 29 people for incitement to national and racial hatred. The probation services are dealing with them well.

Robert Marius Cazanciuc, Minister of Justice of Romania, said there is a risk of radicalisation in prisons due to prison conditions. Italy and Romania wrote a letter to the

Commission last year asking for funding resources for prison systems, in order to tackle overcrowding of prisons. Ten other ministers have co-signed it. Romania would like this letter not to be forgotten in a drawer.

Hristo Ivanov, Minister of Justice of Bulgaria, said that developing a counter-narrative to radicalisation is a challenge not just for individual countries but for the EU.

Tomáš Borec, Minister of Justice of Slovakia, said the EU should extend ECRIS (European Criminal Records Information System) to third countries. It should use the European Judicial Network and Eurojust to intensify discussion leading to concrete proposals, including legislation. Eurojust must be used more in instruments such as the European Arrest Warrant, the European Investigation Order and Joint Investigation Teams. We should make better use of Eurojust coordination mechanisms to enhance cooperation with third countries. Hate speech, be it online or not, is a very serious problem that we must tackle.

Petr Jäger, Minister of Justice of the Czech Republic, noted the primary responsibility for tackling terrorism issues lies with EU Member States. The EU has a supporting and coordinating role, e.g. it can propose instruments for judicial and police cooperation. The Czech Republic does not have anyone classified as a foreign fighter or returnee from Syria. Its prison service works well regarding the education of prison staff to prevent radicalisation in prisons.

Wojciech Węgrzyn, Under Secretary of State for Justice in Poland, said we need more practical instruments and not necessarily legally binding ones. An upcoming issue is the accession of the EU and EU Member States to the Council of Europe's Convention for the Prevention of Terrorism (2005). Poland plans to sign this when it is open for signatures. The provisions relevant here include the definition of new offences, such as travelling abroad for terrorism purposes.

Gilles De Kerchove, the EU's Counterterrorism Coordinator, asked how far criminal law offers someone who does not have blood on their hands an alternative to prosecuting and sentencing and how far it prepares someone to return to a normal life. A more cooperative relationship with returnees could help with collection of valuable evidence. Returnees could be used as counter-narratives, as some may come back disillusioned. There are therefore merits in a not purely repressive approach.

He fears a massive return of foreign fighters: over 5,000 Europeans have gone to Syria and Iraq since January 2013. We know of the risk of radicalisation in prisons and yet not many EU Member States have effective rehabilitation programmes as an alternative to prison. We also need de-radicalisation programmes. There is often insufficient evidence of crimes unless there is electronic evidence, which may be lacking. If they are convicted, then the sentences are low.

He noted the EU has a role in collecting best practices and said the RAN sub-group is a good place for this. He suggested a brainstorming meeting on criminal policy. Some EU Member States had rehabilitation programmes and abstained from prosecuting, while others used more repression. His question: should we define a collective approach together?

Michèle Coninx, President of Eurojust, said Eurojust will work on coordination to tackle foreign fighters. We need definitions of concepts such as disengagement and rehabilitation.

Workshop 1: Preventing radicalisation leading to violent extremism – special focus on prisons

Panel 1 – How can our prisons deal with radicalised or extremist prisoners?

Chair: **Vincent Theis, Director of Luxembourg Penitentiary Centre**

Scene setter: **Andrew Silke, Head of Criminology and Director of Terrorism Studies, University of East London, UK**

Andrew Silke, Head of Criminology and Director of Terrorism Studies, University of East London, UK, who researched prisoner radicalisation in the UK for more than 20 years, indicated that the amount of people being radicalised in prison seems to be a tiny fraction but that their impact on security is high. The greatest fear that we have at this moment is the fear of radicalisation of other prisoners. Radicalisation in prison can be defined as "the new great danger coming out of the darkness", which was indeed a comment from a terrorist prisoner in the UK he interviewed as well as the title he has chosen for one of his projects.

Mark Hamm, Professor at Indiana State University, researched prisoner radicalisation in the US, UK, ES, FR, and in his project identified 51 cases, a tiny but significant fraction which gives an idea of the dimension of the problem. He found that radicalised prisoners typically come out of badly managed, violent and overcrowded prisons, often from the same cell block or the same social networks. He also underlined the importance of identifying the charismatic leaders in prisons in order to narrow the focus of the problem and find appropriate solutions. He also said one idea is to create extremism-free zones. One of the more encouraging developments in the US is that inmates who have felt under pressure from older convicts and felt victimised are initiating requests to move to multi-faith communes, where they pledge not to proselytise or to engage in extremist activity.

Koen Lambrecht, Director of Dendermonde Prison, Belgium, pointed to prison overcrowding as a serious risk. He said that most prison systems are anti-Muslim and that conversion to Islam often happens in prisons, but mostly prisons help the personal development of the detainee. Conversion is not the same as radicalisation. The level of respect and interactions between prison staff and detainees is of very important. There is a need for mentorship throughout the whole period of imprisonment and probation. There is also a mental health issue: most returnees have complex mental health issues that must be dealt with. Mr Lambrecht said that it is important to differentiate and to look at the individual offender. A holistic approach in the whole system seems sensible. People may be convicted of a criminal offence and then may turn to ISIL as a mechanism.

Magnus Ranstorp, Director of the Centre for Asymmetric Threat Studies from the Swedish Defence University, said a holistic approach is needed, joining up judicial with prevention. Mentorship should be put in place in prisons. At-risk offenders for radicalisation often have a superficial religious knowledge and many are very young (15-20 years old). Mental health issues are very frequent with these types of offenders (post-traumatic stress disorder, ADHD). Work is needed with family and the community. Short sentences make it extremely difficult to change people's attitudes. Significant resources must be devoted to this.

Tinka Veldhuis, Fellow at the International Centre for Counter-Terrorism, said segregation only works when there is an evident threat, as it can also lead to stigmatisation and negative consequences. Segregation only works when there just a very small amount of people to be managed, as there should be possibilities for positive reform. Segregating violent extremists might be sensible, as it would take leaders out of networks and allow them to de-radicalise: this cannot be done if they are in a network. She also said we need an evaluation of what works and to design programmes that can be evaluated. This has been lacking in policies or programmes. Programmes have been developed without an underlying rationale. There has been a lot of intuition. The purpose of programmes has not been laid out. The purpose needs to be laid out, so that everyone knows that is to be achieved. We need meta-analysis, which should be a big priority. The International Centre for Counter-Terrorism in The Hague is setting up evaluation capacity in order to do this.

Santi Consolo, Head of Department at the Department of Penitentiary Administration at the Italian Ministry of Justice, said experience with the mafia can be used to some extent, as there are some elements in common with radicals. Today's problem is a lack of knowledge about the phenomenon. Another problem in Europe is not to be frozen by fear, as fear is a bad advisor of decisions. If we are repressive, we may make bad choices that can harm strategies later on.

Vincent Theis, Director of Luxembourg Penitentiary Centre, said that there are not yet many evaluations of existing programmes, but there is a need for meta-analysis of different programmes. We must design programmes so that they can be evaluated. Everybody should know what we are trying to achieve. It would be good if the EU provided funds for such a meta-analysis.

Panel 2 – Experience from de-radicalisation programmes in prisons and the role of religious counselling

Mohamed Ajouaou, Head of Islamic Chaplaincy at the Ministry of Security and Justice in the Netherlands, said the French Ministry of Justice refers to 'using' Imams. But in the Netherlands, we are not happy with the word 'using' and we do not feel that we are 'used'. We have responsibility, as part of the Muslim community, to counter the very dangerous phenomenon of radicalisation. In the Netherlands, we are trying to shape collaboration between the Muslim community, the government and prison services by working on the project of prison Imams. The Dutch government facilitates our work. The Muslim community is responsible for the religious aspects of the work. The Muslim community is responsible for selecting suitable Imams who are capable of providing Islamic philosophy to detainees. The Muslim community is hired to help Muslim detainees in prison and to provide religious services. A new aspect, but not the main one, of our work is to identify radicalisation.

Brian Gowans, President of the International Commission of Catholic Prison Pastoral Care, stressed the importance of treating prisoners well. Asking the prisoner what their story is opens the door towards integration. In terms of integration, prison officers should be trained to do a good job and should be asked what they bring to the job aside from their training. Prisoners should be asked how they are and what they are good at. For example, a coffee chain is training prisoners to be coffee baristas so that they have a job that they can go to afterwards. We must look at each individual and their story. If you give each individual a

chance to be heard and to be seen, there is less cause for radicalisation. He worked with prisoners in Ireland before the Good Friday Agreement. They said that what changed them was belief in themselves and often in God. Religion is a solution and not a cause.

Marie Louise Jorgensen, security consultant in Denmark's Department of prison and probation, said that Danish prison conditions are generally very good. The staff are well educated and there are opportunities for prisoners. Denmark has a mentoring programme, where people can meet prisoners and try to motivate them.

In a pilot project, Denmark learnt about motivational interviewing, how to make a plan and how to work with staff in prison and probation staff. There was supervision for them twice a year and ongoing training for two or three days, twice a year. Mentoring people have different skills that they can bring – gender, ethnicity and faith – so that we can make a good match. We want to find something that the mentor and client have in common, as some clients are very hard to motivate.

Ivàn Calabuig-Williams, Director of Technical Support Experts in Spain, said prevention and disengagement are the first steps. The person needs to agree to leave their commitment to armed action so that, when they are released, they are not an immediate threat to national security. Then comes de-radicalisation, which is the big thing to want to achieve. For the inmate to disengage and rehabilitate, he/she must be convinced they are wrong. How can that be done if there is no integrity in their prison? Religious work is important. The first objective is to build a space of human trust with the individual.

Elaine Pressman, Associate Fellow at the International Centre for Counter-Terrorism, said that there are two main objectives of risk assessment. One is to assess the risk relating to that individual. The second is to understand what is motivating that individual – the grievances affecting the person to justify the use of violence. This helps us to understand the types of programmes that will be most useful in a prison setting.

We need a risk assessment tool that looks at individuals over time. The Austrian Minister of Justice said that every case is different. Risk assessment allows us to look at the individual and to identify individual elements. Risk assessment tools should also enable re-evaluation of the threat at regular intervals, as de-radicalisation is also a dynamic process. We need risk assessment tools for violent extremist offenders specifically. This is a kind of early warning system, as this is a dynamic process.

Guillaume Denoix de Saint Marc, Executive Director of the Association française des Victimes du Terrorisme, said the role of victims is extremely important. How can they contribute and create confidence? The offender considers himself as a victim.

France is working on a specific de-radicalisation programme in prison, including a disengagement programme for one month, which could be used in pre-trial detention; it consists of an intensive course with group dynamics. This gives prisoners a voice and involves exchanges. It is a personal project and includes the involvement of external experts.

Eelco Kessels, London Office Director and Senior Analyst at the Global Center on Cooperative Security, said that there is a main focus on groups. Tailoring more to the individual makes sense. There is a state-centric approach to programmes – but we are starting to involve communities, e.g. community leaders that are far better rooted in the communities

of the individuals. There is a lot of work on building bridges between prisons and the community and on ensuring reintegration takes place. Now there is a need for a more individual approach, in which personal motivations and needs matter and in which communities, victims and social youth workers should be involved.

Programmes in third countries, such as Saudi programmes that focus more on de-radicalisation, now are moving to focus more on rehabilitation, vocational training, education and avoiding stigmatisation.

Vincent Theis, Director of Luxembourg Penitentiary Centre, said we need a risk assessment but also a needs assessment to find out what the individual needs in order to refrain from terrorist behaviour. Political decision-makers must also go into detail to support individual actions at the micro-level. This is a very complex phenomenon, in which the individual counts. We should adjust diversified actions according to individual needs that we need to assess. The solution is a multi-parametered dynamic process, in which we should be involved.

Workshop 2: The role and challenges for criminal justice practitioners when dealing with radicalised and violent extremists

Chair: **Michèle Coninx, President of Eurojust**

Scene setter: **Gilles de Kerchove, EU Counter-Terrorism Coordinator**

Gilles de Kerchove, EU Counter-Terrorism Coordinator, highlighted several challenges facing EU criminal justice in this field. These include the need for more robust rehabilitation programmes, possibly using a multidisciplinary approach; the difficulty of getting evidence on what foreign fighters may have done in Syria/Iraq and what messages the EU should send to those still abroad; finding a common EU judicial policy for foreign fighters/returnees; and collecting more best practices, as the European Commission's Radicalisation Awareness Network (RAN) is already doing, with Eurojust's support.

Panel 1 - The role of the judiciary in disengagement, rehabilitation and de-radicalisation - discussion among judges and prosecutors

Ann Fransen, Federal Prosecutor in Belgium, said the country's judicial approach to terrorism includes two official notifications, a National Task Force and a new National Plan on foreign fighters. These foresee rehabilitation and de-radicalisation programmes. Belgian communities/regions are also involved and have competence. Detention is not always the best solution. A multidisciplinary approach can work if there is a "bridge" between justice and socio-preventive work, especially in risk assessments of returnees. For this approach there is a new body, the local integrated security cell, which involves security services. At the federal prosecutor's discretion, a returnee may be handed an alternative to prison. But it is hard to assess the risks of this and all cases are brought before an inquiring magistrate, who may be an obstacle to using alternative sentences.

According to **Nicola Piacente, Public Prosecutor, and Head of the anti-terrorism section, Tribunal of Genoa, Italy**, the legislation relevant for foreign fighters has its origin in anti-mafia legislation. Compared to countries like the UK and France, Italy has few cases of

foreign fighters and no figures on returnees. Today's threat/risk assessment of foreign fighters is done in the same way as for mafia cases and using the experience from the Red Brigade terrorist cases. Italy has preventive measures too and these are seen as the best solution to foreign fighters. Since 2011, where there is a lack of evidence to prosecute but an individual is suspected of being a danger to society, the prosecutors can still restrict movements, surveillance, etc. They can also expel third-country nationals.

Bart den Hartigh, Public Prosecutor in the Netherlands, noted that if a decision is taken not to prosecute a suspect, keeping in mind the public's safety, then he/she (especially minors) can be referred to a rehabilitation programme or monitoring by security services. But this takes place after discussion among the relevant services and the prosecutor has no role in these programmes. It is not possible to have rehabilitation programmes in the context of criminal proceedings. The new Netherlands Task Force on foreign fighters is similar to the one in Belgium, with a multi-disciplinary approach including for risk assessments.

François Molins, Public Prosecutor, Parquet de Paris, terrorism section, France said the intelligence services are monitoring 1,800 people. With so many cases to deal with, France needs a global response to terrorism from the whole criminal justice sector. If there is evidence of a conspiracy to commit acts by foreign fighters, France starts criminal proceedings. If there is no such evidence, cases can be referred to other services, leading for example to counselling or de-radicalisation programmes. But these alternatives are voluntary and cannot be imposed by courts/prosecutors.

There are three profiles of suspects: i) hardened foreign fighters who have already been in Afghanistan/Pakistan and returned and are now leaving for Syria/Iraq: the only response for them is prison; ii) disappointed/repented – they left and came back: de-radicalisation on a voluntary basis is possible but beware hidden radicalisation; iii) psychologically ill, needing a counselling/health care response.

An individual response to foreign fighters/returnees is necessary. But global issues must also be addressed, maybe with EU help. France is testing rehabilitation programmes: these are voluntary and aim at creating a counter-narrative, taking a multidisciplinary approach. Prisons also need effective detection of radicals. As for minors who committed atrocities abroad, France's combined judicial response and child welfare response is to define these kids as 'child soldiers', so as victims and not criminals.

Vincent Le Gaudu, Vice-President, Court of First Instance, Paris, France noted that the country has centralised in Paris its service for dealing with different types of terrorism and for implementing verdicts for all cases, whether or not they are in prisons. Conditional release always comes with electronic surveillance measures for terrorist offenders, though this is not well accepted for longer periods and does not guarantee de-radicalisation. De-radicalisation or 'disengagement' programmes (e.g. in the Paris region, aimed at changing violent thoughts/behaviour) are possible after prison with such surveillance measures and they are always voluntary.

HH Judge Michael Topolski QC, The Central Criminal Court, London, United Kingdom highlighted the terrifying nature of global terrorism, with 12,000 attacks in 91 countries since 2013. The UK has seen many cases and made 239 arrests for terrorism in the 12 months to June 2014. However, a UK judge's role is the same as for any serious crime:

there is no difference with terrorist offenders. Foreign fighters will be dealt with as other terrorists (e.g. IRA). In the UK, fair trial rights are key. There are no de-radicalisation programmes in the UK as an alternative to prison.

The 2014 law sets out the government response to foreign fighters: Pursue, Prevent, Protect, Prepare. Local authorities (not judges) have the biggest role in implementing this. Family law (not criminal law) has notably been used for minors to prevent them leaving the country to join IS.

Panel 2 - How to develop rehabilitation programmes to be used in criminal proceedings?

Dr Umar Al-Qadri, Founder Irish Muslim Peace & Integration Council (IMPIC), Ireland said that IMPIC has launched guidelines to prevent radicalisation, although the country has very few cases of foreign fighters (40) and no returnees yet. He underlined the importance of not ignoring ideology and theology, since religion is the pretext for foreign fighters, albeit a distorted version of Islam. Dr Al Qadri said prevention work must involve religious leaders, though it is key to pick one's partners with care. Islam has many interpretations and practices, but not all of them promote democratic values. Moreover, some Muslims see their beliefs and practices as incompatible with the West. These people, who can be present in prisons and Muslim centres, must be identified.

Marc Cerón, President of Confederation of European Probation, highlighted the lack of research on de-radicalisation programmes, so it is difficult to talk about what is most effective now. Prison is similar to the probation issue, as there must be an assessment of each individual case. The main challenges include: having the right tools for assessment (how and what); clarifying government competencies (who does what); the legal challenge (how to feed experience/practices into the legal context); and determining the needs of each case. It is also vital to involve victims, the community, families, etc. Research in 2014 showed that 64% of families knew about radicalisation of studied foreign fighters.

Professor Gisela Diewald-Kerkmann, University of Bielefeld, Germany recalled Europe's experience of terrorism in the Sixties and Seventies, e.g. the Red Army Faction (Germany) and Red Brigades (Italy), or Action Directe (France). History shows that the 2-3rd generation of Red Army members were recruited in prison. Today more focus is needed on rehabilitation, which the judiciary is now more familiar with, and alternatives to custodial sentences. Rehabilitation programmes must consider an individual and their surrounding social structures; they should also involve former radicalised persons. De-radicalisation can work, but is of limited use in criminal proceedings.

Patrick Loobuyck, Professor, University of Antwerp, Belgium said that the country is taking a more repressive approach than a rehabilitation/social approach, prompted by its recent experience of terrorism. But as Belgium has one of the highest rate of foreign fighters (500+ Syria fighters, 100+ returnees, two big foreign fighters trials), it must look at alternatives to prison. The Flanders resolution of May 2015 announced 55 measures (e.g. using counter-narratives/working with families), but little has been done and there are funding questions. A key problem is that returnees have very different profiles, making it hard to decide solutions (e.g. physical separation of radical prisoners from others). Belgium is working on measures to develop de-radicalisation programmes in prison, but this remains

uncompleted. Education is the best tool to fight radicalisation, based on democracy and values. More EU help with this would be welcome.

Julia Reinelt, Violence Prevention Network, Germany noted that VPN has done de-radicalisation training in prisons in the country since 2001. It targets returnees in prisons and at the pre-trial stage. These programmes must be voluntary in order to establish trust, without which they would not work, and should only use external trainers. Theology is an important part of staff training. Muslim trainers must be involved if the trainees are Muslim. Germany makes use of de-radicalisation and reintegration (e.g. jobs, education, and housing). Both solutions are needed and can overlap, given the urgency of helping young offenders. Positive resource persons (family, community) are also vital at local level.

Mark Singleton, Director International Centre for Counter-Terrorism (ICCT), acknowledged there are more cases of foreign fighters now and wondered if the existing judiciary can deal with them. He said there are risks with rehabilitation, as the outcome is not guaranteed. A rehabilitation programme must have clear objectives and problem definition, use an individual assessment and have a multi-stakeholder approach. While this is costly, responses to terrorism are much more costly! "Quick wins" already identified by ICCT include: do more research/analysis, more training for the judiciary/rehabilitation sector, possibly involving RAN; practical tools (e.g. VERA 2); monitoring and evaluation of current policies/practices. More challenging solutions could include changing the mindset on collaboration, trust-building, and ensuring political will for long-term commitment.

In the **Panel 2 follow-up debate**, participants emphasised the importance of monitoring and evaluation of rehabilitation, e.g. with measures of success/indicators. Mark Singleton said ICCT is developing an evaluation tool, adding it may be "easier" to measure the success of rehabilitation/reintegration than the success of prevention. Greater cooperation with academia should help too. Marc Cerón pointed to the emerging 'good life model'; Julia Reinelt said checklists help but there is no alternative to talking to inmates.

In terms of fighting ideology, Patrick Loobuyck highlighted two schools: developing counter-narrative when addressing Islam, and focusing on trust, stability, safety when addressing sects. Use of both or a multidisciplinary approach might be even better. Dr Al-Qadri said that ideology is a strong platform and can be used to justify terrorist acts: this must be challenged.

A member of the audience, from a Moroccan association in Brussels, suggested that 'radicalisation' is an inappropriate word, used by some Muslims to suggest that they are becoming 'purer' or going back to their roots. He added this is wrong, as these radicals are simply trying to implement their ideals on others. In reply, **Dr Al-Qadri** said that is why prevention of extremism is better than cure. We must check to see what Muslim kids are learning in their supplementary schools. Are they being taught concepts of democracy? Muslim kids should mix more with non-Muslims. Sports play an important role in this.

In closing, the chair highlighted how the EU could create more links between civil society and the judiciary. Eurojust will collect best practices, as well as analyse terrorist convictions and the usefulness of alternative sentences.

Closing session

Progress at European level

Francesco Ragazzi from the University of Leiden, the Netherlands, gave a presentation of the Council of Europe guidelines for prison and probation staff. The guidelines are at a draft stage, but it is hoped they will be finalised in November this year.

The guidelines contain a number of points. They focus on rehabilitation rather than the more repressive aspects of imprisonment. They point out that radicalisation is a social and political problem going beyond prisons. They point out that radicalisation concerns a small minority of prisoners – 0.2 to 0.5 per cent of prison populations in Europe but that the few have a high impact. They say that imprisonment should be a measure of last resort especially for young offenders. They say that prison and probation work should have assessments by multidisciplinary teams. They stress the importance of Imams being part of the rehabilitation programme of prisons. They stress the need for inter-agency cooperation. They refer to detection and prevention as being part of dynamic security in prisons. They stress the importance of more academic research on what works and what does not work

Yola Wanders, one of the chairmans of the RAN Prison and Probation Working Group and a prison governor of a high security prison in the Netherlands, highlighted some topics of the RAN paper on radicalisation in prisons, launched during the Conference. She mentioned the numerous challenges faced in the prison and probation field, such as how to recognise radicalised offenders, how to assess whether prison staff is competent enough or how to strike a balance between public protection and integration.

In addition to these challenges, she presented the RAN P&P recommendations which are grouped in the following categories: 1) Identification and risk assessment; 2) Environment and risk management; and 3) Resettlement. She stressed the need to invest in training for specialised staff in order to understand the reasons why prisoners have embraced radical ideologies, and the crucial importance of improving prison conditions, as poor facilities have certainly a negative effect on dealing with radicalised people. There is no one-size-fits-all approach and it would be more effective to look more at the individuals rather than at the signs of radicalisation, with the aim to adapt and select the most appropriate (tailor-made) programmes in each country. She also stressed the need to involve the social environment of each prisoner to help re-shaping their identity.

Magnus Ranstorp, Quality Manager of the RAN Centre of Excellence, explained that over 2,000 practitioners in Europe were now part of the RAN, a network of practitioners with working groups. RAN acts as a knowledge hub and think tank for EU countries, gives support to priority third countries such as in the MENA region, identifies gaps for more research, and feeds into policy with policy papers.

Reports from the Workshops: Inspiring practices in EU Member States

Daan Weggemans, Research Fellow at the ICCT₂, summed up the main points that emerged from **Workshop 1**. In terms of the risk from radicalisation, the number of radicalised people is low but they have a big impact. It is a group of people for whom a policy needs to be developed, even if they are few in number. More knowledge is needed on issues such as the risks posed by prisoners, the topic of radicalisation, the topic of disengagement, the

programmes and the individuals. We need to know who is in prison and what brought them there. A first step is to know more about the individual we are dealing with. But it is also about different actors working together, including prison staff, families, friends and communities outside the prison.

The workshop saw risk assessments as useful tools to help develop future de-radicalisation programmes, as we need to know who the inmates are in order to develop certain programmes. We need measures to evaluate programmes, so as to ascertain what our goals are and help us understand if they have worked or not. The Commission can play a role in stimulating these evaluations as well as best and worst practices.

Staff and prison conditions are very important. We need to spend serious resources on training staff. They can have a mentoring role too.

There is no ‘one-size-fits-all’ solution; we need a micro-approach with a focus on the individual, as well as a multidimensional approach allowing for diversity of actions.

Valsamis Mitsilegas, Head of the Department of Law and Professor of European Criminal Law and Director of the Criminal Justice Centre at Queen Mary University in the UK, summed up the main points of **Workshop 2**. Both ‘de-radicalisation’ and ‘rehabilitation’ are complex concepts and there is no one-size-fits all solution for preventing terrorism/radicalisations. It is now clear that Europe needs more robust rehabilitation programmes. But it is important to decide who to target with prevention measures (foreign fighters planning to leave home, those abroad and returnees), as they all need different solutions.

The criminal justice system has limited powers to deal with radicalisation, only sometimes including rehabilitation. Hence the importance of stronger links between local social services and the judiciary, ideally calling on a multidisciplinary approach. Moreover, further solutions to radicalisation include more employment of young people, exchange of best practices and training of the judiciary.

There should be more discussion of the EU’s role (apart from Eurojust) in this context, including any need for further legislation, and how the EU’s various laws/policies can be better linked to address radicalisation.

Closing remarks

Luc Reding, Director at the Department of Criminal Affairs, Ministry of Justice of Luxembourg, said that there should be research and exchange of experience of best practices on why people become radicalised and go to Syria to commit terrorist offences. The tools that the EU and EU countries should use cover two areas: prevention and prosecution. We must also focus on young people in particular and dialogue with Muslim communities.

There will be a Justice and Home Affairs Council in December 2015, when justice ministers from the EU will discuss radicalisation. The added value of the EU will be discussed. We do not necessarily need new legal instruments. One of the key priorities might be to bring national actors together (e.g. researchers and practitioners) to exchange experience, to set up programmes and to work out which precise and tangible projects to finance.

Training programmes for dedicated staff could be set up. Staff could be sent to different EU Member States to collect more experience and best practices and share these. With finance, research and dedicated staff, we can find out what works and why and develop a counter-narrative.

We should also see if the existing legal instruments work and are fully used. Is exchange of information used as it should be? Are Eurojust and Europol used as they should be to exchange information? Are the framework decisions from 2008 and 2009 relating to prison sentences and suspension measures used in the fight against radicalisation? Is the EU and are EU Member States working with third countries as they should be?

Action is needed at EU Member State level (e.g. overcrowded prisons must be avoided) with human, technical and financial resources. We need dialogue with all the religious communities.

Paraskevi Michou, Acting Director General at the European Commission's DG Justice and Consumers, thanked all participants for this fruitful day of discussions. She concluded by saying that we must work together, share experience, fund projects and share best and worst cases. We must integrate young vulnerable offenders before they are released from prison, so that they do not turn to radicalisation and become potential recruits for terrorism.

"Let's try to develop an action plan and targeted solutions based on the results of this conference," she concluded.

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