THE MANAGEMENT OF TERRORISTS IN PRISONS

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BACKGROUND

• *BENBRIKA & ORS* Ruling No 20 [2008] VSC 80

• *DPP v THOMAS* [2005] VSC 85 (15 March 2005)

• HMIP Report on HMP LONG LARTIN Jan 2008- “Proper balance between security and care”

THE LITERATURE: A PROBLEM; FEW SOLUTIONS
THE RESEARCH QUESTIONS

• WHAT IS THE ROLE OF THE PRISON IN THE STATE’S RESPONSE TO TERRORISM?

• HOW ARE THOSE CHARGED WITH AND CONVICTED OF TERRORISM OFFENCES TO BE MANAGED IN PRISONS?

• SOURCES FOR ANSWERS:
  WHAT HAPPENED IN ITALY, SPAIN, GERMANY, NORTHERN IRELAND 1960-90s?
  WHAT IS HAPPENING ELSEWHERE NOW?

• WHAT THEMES EMERGE?
THE THEMES

• THE INCREASING DEATH RATE (Jan-Oct 2008 185 attacks in 29 countries; EU 498 attacks in 2006; 1970s 4.47; 2000/03 14.49; target 4,000,000; WMD & FMUF).

• THE EVOLUTION OF STATES’ COUNTER-TERRORISM RESPONSES (“steep learning curve”).

• POLITICAL STRUGGLE; POLITICAL DYNAMICS.

• THE PRIMACY OF PARLIAMENT.

• THE CURTAILMENT OF CIVIL LIBERTIES.

• THE ROLES OF THE CRIMINAL LAW AND THE LEGAL INDUSTRY.

• THE APOLOGISTS.

• THE KEY ROLE OF PRISONS.
THE KEY ROLE OF PRISONS

THREATS
• Security of people committed to murder
• Leakage of terror into the prison system (HMPs Belmarsh; Whitemoor, Franklands – planned beheading of a PO)
• Forced conversions
• Threats to staff (IRA killed 29 POs; Italy, Spain); prisoners.
• Staff compromised
• Threats to staff from visitors
• Refusal to engage in programs
• Site for martyrdom, displays of narcissism
• Disruption of wider counter-terrorism effort
• Radicalisation

Australia: Since 2002, 29 charged; a dozen cells, 60 individuals
CATEGORISATION

• THE QUEST FOR POLITICAL PRISONER STATUS; TREATMENT AS A POW
  Red Brigades
  Northern Ireland (dirty protest & hunger strikes)
  Red Army Faction
  UK now

• DENIED BY THE ECOHR 1978
• NOT MEET GENEVA CONVENTION & PROTOCOLS
• THE BUSH ADMINISTRATION – ‘unlawful combatants’
RECRUITMENT, CONVERSION AND REINSERTION

• NORTHERN IRELAND - “Freds” & “Supergrasses”; disassociation

• ITALY – the *pentiti* & *disassociati* ("walking corpses")

• SPAIN – *social re-insertion*

• USE OF INFORMERS
DISPERSAL OR INTEGRATION

- **BAADER-MEINHOF** (Stammheim Prison)
- **ITALY** – separate high security prisons
- **SPAIN** – concentration then dispersal (Canary Is – 4000kms)
- **NORTHERN IRELAND** – HMPs Maze, Maghaberry
- Separate terrorist prisoners from others
- Within terrorists, isolate the extremists from colleagues
- Internal dispersal (new Saudi Arabian prisons)
- Frequent movement
- **RFID**
RESPECT FOR ISLAM

- HALAL FOOD (Certified)
- QIBLAT
- COMMUNAL PRAYING (Spanish policy 10+; leader?)
- PRAYER MATS
- QU’RAN
- ACCESS TO FAMILIES
- RITUAL ABLUTIONS IN DESIGN
- IMAMS (counter “hate preachers”; moderate, not self-appointed e.g. Australia: Benbrika. France & Netherlands sermons recorded; Hilaly, Swaithi?)
LANGUAGE

• "WAR ON TERROR"
  political, not military
  not soldiers
  no victor
  no defined end
  deny the role of criminal justice system/policing
  nevertheless, globally it is a war

• JIHADIS etc (contentious)
  criminals
RADICALISATION

• DECLINE OF RADICAL IMAMS IN THE COMMUNITY-
The prison to terrorism path; internet recruitment

• RADICALISATION – 2005, 175 cases in France; US vetting of Imams; forced conversions etc in UK

• NSW – Conversion? of Indigenous prisoners (Bassam Hamzy)

• De-programming (Saudi Arabia, Singapore, Malaysia, Yemen, Egypt, UK – Extremism Unit, Imams)
STAFF POLICIES

• MUSLIM & ARABIC SPEAKING STAFF
• SELECTION & TRAINING (France/EU 2008-handbook)
• ROTATE STAFF
• NEVER ISOLATED
• SEARCHING STAFF
• FILMING INTERACTIONS (al-Qaeda Lesson18, ETA)
• STAFF – CONTROL ALL RESOURCES
• STAFF WELL-BEING & HEALTH
VISITS

• MAINTENANCE OF FAMILIES – REHABILITATION & DE-PROGRAMMING (Saudi Arabia & Singapore)

• RECEPTION MONITORED AND RECORDED

• VISITS MONITORED AND RECORDED

• HIJAB

• NON-CONTACT VISITS

- Weaken al-Qaeda’s ideological appeal – e.g. Dr Sayyid Imam Sharif, Salman al-Oadah
- Propaganda – e.g. Ayman al-Zawahiri’s racist attack on Barak Obama (tradition of racism directed at black Africans – Dhafur)
- Highlight attacks on people, not property
- Fatwas of mainstream Muslim clerics e.g. Darul Uloom Deobandi 2008, Islamic Council of Spain 2005
- Use of language
- Committees of scholars to de-program terrorists e.g. Saudi Arabia
- Strengthen moderate Muslim movements
- Highlight/exaggerate disputes e.g. clashes between Mullah Omar & Pashtun leader Siirrajudin Haqqani 2008
OTHER CORRECTIONAL ISSUES

• IF MENTALLY ILL ARE VULNERABLE, THEN DIVERT
• IF DISCONNECTION FROM SOCIETY, DON’T DENY THE VOTE
• EVENTS IN PRISON SHOULD NOT UNDERMINE WIDER ANTI-TERRORISM EFFORT
• INSTITUTIONAL RESILIENCE
• SENTENCING OBJECTIVES
  DETERRENCE
  REPARATION
  REHABILITATION
  INCAPACITATION
• SITE FOR COMMUNICATION/NEGOTIATION
• VICTIMS ISSUES
• RESOURCING