

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
- Cornell Uni (2007) mathematical modelling- diversity/radicalisation
- 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, Swaiti?)

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

al-Qaeda's advice – Abu Yahya al-Libi 9/2007

- 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