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Captivated by fear

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Document Version

Publisher's PDF, also known as Version of record

Publication date:

2015

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Veldhuis, T. (2015). *Captivated by fear: an evaluation of terrorism detention policy*. [Thesis fully internal (DIV), University of Groningen]. [S.n.].

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Chapter Two

Agenda Setting and Policy Preparation

In September 2006, the Dutch government introduced a novel and unprecedented correctional strategy to handle the imprisonment of terrorism prisoners charged with or convicted for terrorism related offenses. By concentrating terrorism offenders in separate high security wings the authorities deviated substantially from traditional policy lines, which organize the allocation of prisoners to facilities and regime types on the basis of individual assessments rather than type of offense. For the first time in Dutch penitentiary tradition, a specific offense category (i.e., terrorism) was identified as a selection criterion for concentration in a segregated high-security prison, regardless of individual considerations and risks (RJS, 2006). In what follows I will reconstruct the socio-political conditions under which, and the dynamics whereby, the terrorism wing came into existence, and examine whether such contextual factors may have shaped the decision makers' cognitive representations of the relevant problems and solutions.

Agenda Setting

The issue of terrorism detention emerged on the national political and public agenda around 2005, at a time when a series of terrorism-related arrests had sparked societal unrest over the threat of Islamist radicalization. In the interviews, stakeholders unequivocally emphasized the relevance of this societal context in the decision making process, pointing out that the policy was formulated under intense public, political, and time pressure as a result of a (real or perceived) terrorist threat facing the Netherlands.

‘Homegrown’ Islamist Terrorism: A New Threat

A few years after the terrorist attacks in New York, Europe was confronted with an unprecedented threat of Islamist violent extremism. The attacks in Madrid (2004) and London (2005) instilled the shocking realization that the Islamist terrorist threat did not only stem from the Islamic world but was also rooted in the West. The confrontation with this threat of ‘homegrown’ radicalization ignited tensions between Muslim and non-Muslim populations. In the Netherlands, after 9/11 and the assassination of right-wing politician Pim Fortuyn (by a leftwing activist) in 2002, the public debate increasingly focused on the social position of Muslims in Dutch society. The idea that the influx of (Muslim) immigrants threatened integration and social cohesion in society became firmly established in the public debate. Tensions between Muslims and non-Muslims were reflected by (or resulted in) increased radicalization among Muslim youth, and in anxious expressions of political⁵ and public concerns about the risk of radicalization among young Muslims (Buijs, Demant & Hamdy, 2006). In 2002, the Intelligence Service (AIVD) published a report in which it claimed that the threat of Islamist radicalization and terrorism had grown considerably in the Netherlands. In the report, the Intelligence Service identified prisons as potential places for terrorism recruitment (AIVD, 2002, p. 18).

The Assassination of Theo van Gogh

Six months after the attacks in Madrid, filmmaker and Islam critic Theo van Gogh was publicly assassinated in Amsterdam. The suspect, Mohammed Bouyeri, turned out to be a fundamentalist Muslim of Moroccan descent who had been born and bred in the Netherlands (e.g., Benschop, 2004). The assassination confirmed the already prevailing belief that violent radical ideologies, as expressed by terrorist group al-Qaeda, also resonated among young Muslims in the Netherlands. In the aftermath, the government substantially stepped up security for several individual politicians, primarily for the Somali-born liberal politician Ayan Hirsi Ali, who had collaborated with Theo van Gogh on a movie about Islam and who was known for her critical views on Islam. Some politicians were transferred to safe houses. In the weeks after the murder of Van Gogh, increased tensions between Muslims and non-Muslims erupted in mutual violence and in intensified manifestations of anti-Muslim sentiments among rightwing subgroups (e.g., Veldhuis & Bakker, 2009).

⁵ E.g., Tweede Kamer II 2005/2006, 29754, nr. 31.

Terrorists in Prison

Mohammed Bouyeri was embedded in a group of young, radicalizing Muslims. Members of this group, which became known as the 'Hofstadgroup', had been on the Intelligence Service's radar some time before the murder (Benschop, 2004; TTRSL, 2008). In 2005 and 2006 several individuals were arrested on suspicion of membership of a terrorism organization; others were suspected of preparatory conduct for terrorism-related offenses, illegal possession of arms, or multiple attempted murders. Sentences ranged from eviction due to lack of evidence to fifteen years. The Hofstad case was followed in 2006 by the so-called 'Piranha' case, in which among others Samir Azzouz was sentenced to eight year imprisonment for membership of a terrorism organization and preparatory conduct for a terrorism offense. Both cases were widely publicized in the media, which may have further inflamed the public debate about the threat of Islamist radicalization and terrorism.

The arrests introduced a new population of potentially radicalized inmates into the Dutch prison system. Interviews revealed that the stakeholders assumed that terrorism offenders convey an elevated risk of recruiting fellow inmates and propagating violent extremist messages among the inmate population, and that such activities can result in a new or intensified terrorist threat. In 2004, the Intelligence Service emphasized prisons as risk areas for radicalization (AIVD, 2005). This warning was reinforced by reports from the Prison Service that suspected members of the Hofstad group had been observed propagating violent extremist messages to other inmates. According to representatives of the Counterterrorism Coordinator, Intelligence Service, National Police, and the Prison Service, the reported behaviors varied from expressing support for al-Qaeda and Bin Laden, attempting to rally support for jihadist causes, and bragging about having received jihadist training in foreign training camps run by al-Qaeda. In some cases, staff had expressed concern over terrorism offenders enjoying a high status position among young Moroccan inmates and acting like self-made imams correcting the behavior of other prisoners. According to the respondents, at least three incidences had been reported in which alleged signals of radical expressions or recruitment efforts had been observed by prison staff.

Call for Action

In the years after 9/11, public fears over radicalization and terrorism intensified and triggered questions about how the government intended to protect the public against these threats. The government's counterterrorism efforts were closely monitored by politicians and the media, and

the fight against radicalization and terrorism received top-priority status on the public and political agenda. It is within this tumultuous context that the Counterterrorism Coordinator (NCTb) was installed to coordinate all actors and activities in the counterterrorism domain. The Counterterrorism Coordinator was still in development and not yet operational when Theo van Gogh was assassinated in November 2004, but shortly thereafter took office on the first of January, 2005. In an interview, the then Coordinator said that the Counterterrorism Coordinator entered the stage in the political and public spotlight and that all its movements, activities and communications were closely scrutinized.

The Counterterrorism Coordinator played a prominent role in the public debate after the assassination of Van Gogh and the subsequent arrests of members of the Hofstad group. Prevailing fears and uncertainty about how the terrorist threat would evolve in the Netherlands triggered a public and political demand for strong leadership and a pro-active governmental approach in the fight against terrorism. Almost all representatives of the parties involved in the decision making process (e.g., Intelligence Service, Counterterrorism Coordinator, the National Police, the Prison Service, and the Ministry of Justice) mentioned in the interviews that the government was under (real or perceived) pressure to act rapidly and decisively in response to the new threat. According to the respondents, these pressures were clearly manifested in the political and public debate about how and where terrorism offenders should be detained. Media and politicians pressured the government to send out a strong signal that terrorism would not be tolerated and that involvement in terrorism activities would be resolutely prosecuted and punished. The government was expected, so the stakeholders assumed, to take recognizable and visible measures that would fit within a comprehensive action-oriented counterterrorism strategy.

The chaotic and uncertain policy context and the associated public and political attention for governmental action put time pressure on the decision making process. Several stakeholders pointed at the role of the Counterterrorism Coordinator as a vanguard and initiator of a series of new, action-oriented measures to counter the threat of terrorism, including the concentration of terrorism offenders in specialized high-security units. As such, the policy process behind the terrorism wing cannot be regarded solely as a correctional intervention, but is inseparably intertwined with the fight against terrorism.

The need for a visible and forceful policy strategy to counter the threat of radicalization and terrorism has been repeatedly explicated in governmental documentation. In a letter to the

parliament, the Ministers of Justice and Interior⁶ argued that “the recent developments reinforce the need for a government-wide policy that is geared to counter radicalization processes.” Also, the perceived need for a new detention policy for terrorism offenders is explicitly formulated. In its information leaflet about the terrorism wing, entitled ‘Special detention for prisoners with a terrorist background’ (DJI, 2007), the Prison Service explicitly states that recent experiences with the terrorist threat call for new and adapted prison policy. The Minister of Justice reinforced this claim by emphasizing that the government faces an unprecedented and unknown threat, which demands new and adapted policy that is tailored to the Dutch context.⁷ As such, the government explicitly articulated that drastic policy-changes were deemed necessary to organize the national counter-terrorism strategy, and hence the detention of terrorism offenders.

Policy Preparation

As soon as the issue of terrorism detention emerged on the policy agenda, stakeholders involved in the decision making process (under guidance of the Counterterrorism Coordinator) set out to gather information about the risks concerned with the imprisonment of terrorists and about relevant policy alternatives. The Intelligence Service, the Prison Service, and the Counterterrorism Coordinator all produced internal policy memos discussing these issues, which were temporarily available to the researchers for the purpose of this study. Based on these memos and in-depth interviews with representatives of the relevant organizations (in most cases the authors), this section summarizes the memos’ content and key conclusions.

Memo of the Prison Service: ‘Terrorists in Detention’

In 2005, the Counterterrorism Coordinator asked the Prison Service to shed light on how terrorism offenders were managed in the prison system (before the introduction of the terrorism wing), and to assess whether the applicable rules and regulations sufficed or whether additional measures were deemed necessary to detain these inmates. In a statement to the parliament, the Minister of Justice explained that the Prison Service was requested to gather information about relevant experiences and policy responses in other European countries, with the aim to collect lessons and good practices which could inform the decision making process in the Netherlands⁸.

⁶ Tweede Kamer II 2005/2006, 29654, nr. 31, p.3.

⁷ Tweede Kamer (2006, December 7). Brief van 7 december 2006, 5453651/06/DJI.

⁸ Tweede Kamer II 2004-2005, Aanhangel Handelingen, 1839.

When asked about their findings, representatives of the Prison Service indicated in interviews that a brief scanning of the experiences and approaches of neighboring countries quickly led them to conclude that such experiences were hardly relevant for the Dutch context. Specifically, so the representatives explained, whereas the Dutch government was focused on the possibility of a concentration model, other European countries mostly managed the imprisonment of Islamist terrorists as ‘business as usual’ and had not implemented drastic policy changes to detain this category.

The representatives mentioned that both Ireland and Germany had had experience with concentration models for extremist republican and leftwing offenders in the 1970s and ‘80s and that these models had produced undesired outcomes in both cases, including societal unrest and intensified extremist violence. However, these experiences were perceived as substantially different from the Dutch context on relevant dimensions, including political atmospheres, inmate populations, and prison systems, and were considered not readily transferrable. In addition, so the representatives said, due to pressure on the government to take rapid action to organize the management of terrorism prisoners, the Prison Service had been under considerable time pressure to produce the results of the assessment. Consequentially, it had deemed detailed analyses infeasible and had relied mostly on in-house experience and knowledge in drafting the memo.

The Prison Service delivered the requested memo to the Counterterrorism Coordinator in the summer of 2005. The document described the legal and policy framework within which prisons can operate to counter violent extremist activities among prisoners. In the memo, the Prison Service claims to have sufficient operational space to safely detain substantial numbers of terrorism offenders in regular prison wings and explicitly indicates that it sees no need to concentrate terrorists in segregated prison wings. The memo explains that the Prison Service operates a dispersal strategy that distributes terrorists across several well-secured prison facilities. This way the Prison Service seeks to prevent communications between terrorism offenders, with the ambition to minimize the risk of further radicalization and terrorism activities behind bars. In addition, so the memo explains, the dispersal strategy can reduce escape risks among (groups of) terrorism offenders. Where necessary, prisons can subject individual prisoners to additional security measures, such as disciplinary sanctions or enhanced monitoring, to prevent security risks or control disruptive behavior.

Although the Prison Service emphasized that prisons have sufficient operational alternatives to prevent radicalization and recruitment within the existing legal and policy frameworks, the memo also points at potential disadvantages of a dispersal strategy. For instance, prisons can only implement restricting measures on sufficient grounds, such as indications of disruptive behavior or recruitment efforts. Moreover, so the memo argues, radicalization and recruitment are intangible processes that are not easily identified, so that accurate assessments of the risk of violent extremism among prisoners are hard to conduct.

In the memo, the Prison Service recommends to follow traditional policy lines and allocate terrorism prisoners to regime types, security levels, and facilities on the basis of individual risk profiles rather than offense type. Risk profiles, which are based on the nature and severity of the offense, relevant police information, and behavior during previous imprisonment, distinguish between inmates with a 'normal', 'elevated', 'high', and 'extreme' societal or escape risk. Inmates are allocated to security levels on the basis of their risk profile. The Dutch prison system knows five security levels⁹: very low, low, normal, extended, and extra high security. Prisoners with high risk profiles are placed in facilities with extended security levels, which are more restrictive than normal and lower security levels. A small minority of prisoners are classified as 'extreme' societal or escape risks and are housed in the maximum security prison (*Extra Beveiligde Inrichting*, EBI) in Vught, which is the only maximum security facility in the Netherlands.¹⁰ In the memo, the Prison Service argues against the establishment of a separate terrorism wing and recommends that terrorism offenders with extreme risk profiles can be housed in the maximum security prison as long as deemed necessary.

Memo of the General Intelligence and Security Service (AIVD): 'Detention of Islamists: Risks and Countermeasures'

The Counterterrorism Coordinator also asked the Intelligence Service to produce an inventory of the risks involved with the imprisonment of terrorists. The content of this memo is, according to representatives of the Intelligence Service, largely based on the Service's report entitled 'From

⁹ Penitentiary Principles Act, Article 13.

¹⁰ Boin (2001) refers to the maximum security prison as a 'Supermax' prison, in line with the terminology used in the U.S. to refer to segregated prisons with supermaximum security levels. In this book, I will follow the Dutch Prison Service and use the term maximum-security prison and its official abbreviation EBI interchangeably.

da'wah to jihad', which was published in 2004 (AIVD, 2004). According to the representatives, no additional research has been conducted for the memo on detention of Islamists because relevant in-house knowledge was available and, moreover, because there was no time to conduct extensive risk assessments. When asked, the respondents said that they explored relevant experiences in other European countries in writing the memo but, like their counterparts at the Prison Service, considered these experiences hardly transferrable to the Dutch context.

A notable feature of the Intelligence Service's memo is that it consistently refers to a jihadi or Islamist threat; no reference is made to other forms of ideological extremism. In the memo, the Intelligence Service argues that traditional detention policies convey several risks when it comes to managing jihadists, including an increased risk of recruitment and dispersal of violent extremist ideologies. Also, the Intelligence Service points out that detaining jihadists among the remainder of the inmate population can cause overlap between jihadist and 'regular' criminal networks, which can lead to an elevated risk of (more sophisticated) terrorist attacks. The memo does not explicitly compare the pros and cons of concentration versus dispersal strategies. The Intelligence Service recommends to concentrate terrorism offenders in separate high security prison wings.

July 2005: Advice of the Counterterrorism Coordinator to the Ministers of Justice and Interior

Based on in-house expertise and the memos from the Prison Service and Intelligence Service, in July 2005 the Counterterrorism Coordinator presented a written recommendation to the Ministers of Justice and Interior¹¹ regarding the management of terrorism offenders in the Dutch prison system. In its recommendation, the Counterterrorism Coordinator reasons that regular or dispersed imprisonment of terrorism offenders conveys risks of radicalization and recruitment and that separating potential recruiters and recruits is an essential step to countering that risk. In this light, the Counterterrorism Coordinator recommends a concentration strategy for the detention of terrorists.

¹¹ The Counterterrorism Coordinator's recommendation was addressed to the BOT (*Bewindspersonen Overleg Terrorisme*). The BOT is a periodic meeting of high-level policy officials, which is alternately chaired by the Ministers of Justice and Interior and discusses recent developments and threat assessments produced by the Counterterrorism Coordinator and the Intelligence Service.

The Counterterrorism Coordinator advised the Minister of Justice to allocate segregated prison wings to imprison terrorism offenders. The Counterterrorism Coordinator also pointed at potential side effects of terrorism wings, including the risk of preparatory conduct for terrorism-related felonies. Moreover, the Coordinator suggested that terrorism offenders with charismatic personalities and leadership qualities might better *not* be housed with other terrorism offenders in a terrorism wing. Charismatic leaders, so the Counterterrorism Coordinator suggests, may exert an intensifying influence on (already radicalized) fellow prisoners. To prevent further radicalization among prisoners in the terrorism wing, the Counterterrorism Coordinator recommends to either regularly transfer charismatic terrorism offenders from prison to prison or, where necessary, allocate them to the maximum security prison.

September 2005: Policy Decision to Install Terrorism Wings

Following the Counterterrorism Coordinator's recommendation, the decision to concentrate terrorism offenders in segregated terrorism wings was taken by the Ministers of Justice and Interior on 19 September 2005. The decision was formally communicated in writing to the parliament on 29 September 2005¹². In this letter, the Ministers inform the parliament about the intention to concentrate offenders with a terrorist background under an individual regime in separate terrorism wings. Staff will receive specialized training to acquire relevant skills to manage this offender category. In response to the official decision, in January 2006 the director of the Prison Service informed the Ministers about the envisioned operational approach to implement the parliamentary decision. The Prison Service suggested installing two terrorism wings in the penitentiary institutions (P.I.) in Vught and Rotterdam (De Schie). The Minister of Justice formally approved the Prison Service's planned approach in late February 2006.

September 2006: Advice of the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

Legalization of the terrorism wing required an amendment to a ministerial Regulation (i.e., the Regulation, Selection, Placement, and Transfer of Detainees). To do so, the Minister of Justice is obliged to consult the Council. By ministerial letter of 2 August, 2006, the Council was requested to advise on the concentrated detention of persons with a terrorist background. The intended

¹² Tweede Kamer II 2005/2006, 29754, nr. 31.

opening of the terrorism wing, on 18 September 2006, was already known by then. The Council was unable to finish the preparatory work in time before the opening and issued the recommendation on 25 September 2006, one week after the facility in P.I. Vught became operational.

The Council advised *against* the concentration policy. In the recommendation, the Council argued that prisoners should not be allocated to heightened security levels and restrictive prison regimes on the basis of offense type rather than risk profile. In addition, the Council considered it insufficiently substantiated that the concentration model is suited to realize its objectives. The Council argued that inmates in the terrorism wing would be subjected to heightened security levels and harsher confinement conditions, although it is unclear whether concentration contributes to preventing inmate radicalization and recruitment. The Council also criticized the selection criteria for being too broadly defined and warned that the terrorism wing may produce undesired side effects. According to the Council, inmates in the terrorism wing might obtain a high social status among likeminded inmates (in regular prisons), which might increase rather than curb the risk of radicalization among inmates.

The fact that the Minister of Justice had installed and operationalized the terrorism wing without awaiting the RSJ's recommendation triggered a parliamentary debate¹³. Members of parliament called upon the Minister to explain why the Council's advice had not been awaited but had been "discarded without motivation". In answer, the Minister explained that he had considered the advice of the Counterterrorism Coordinator and the Intelligence Service sufficient indication to pursue the concentration model and had not considered it necessary to await the RSJ's advice. In his reaction, the Minister promised a detailed response to the Council's recommendation and announced to have the terrorism wing reviewed after three years (the present study).

Policy Formalization and Implementation

After the decision to pursue a concentration strategy for terrorism offenders was formally taken, a so-called 'Task Force Terrorists in Detention' was installed. This task force included representatives of the Ministry of Justice, the Counterterrorism Coordinator, the Detainee Intelligence Information Service (GRIP), the department of Legal Affairs of DJI, Security DJI, and the prison governors of the facilities in Vught and Rotterdam, where the terrorism wings

¹³ Tweede Kamer II 2006/2007, Aanhangsel Handelingen 373.

would be located. Representatives of the Intelligence Service were regularly included for advisory purposes in meetings of the task force. The task force's main objective was to further develop and formalize the policy behind the terrorism wing. Specifically, interviews with members of the task force revealed that decisions needed to be taken about issues including material resources (e.g., buildings and units), the yet to be developed prison regime, the degree of monitoring of and control over internal and external contacts of the inmates, required competences of staff, and the possible need for additional security measures.

According to the respondents, in the light of risk-spreading it was decided that two terrorism wings would be implemented: one in P.I. "Nieuw Vosseveld" in Vught and one in P.I. "De Schie" in Rotterdam. Moreover, it was decided to detain terrorism offenders in smaller, manageable units with a regime similar to the maximum security prison. The P.I.s in Vught and Rotterdam were selected for their experience with extended and extra high security levels. In addition, De Schie is located nearby the extra security courts of Amsterdam and Rotterdam.

Interviews with the decision makers reveal that the operational actors, in particular the P.I. Vught, strongly influenced the formalization of the policy. According to the decision makers, the influential position of P.I. Vught was largely due to the task force's lack of experience with the target population and intended detention model. For the first time in the history of the Dutch prison system, one specific offender category was to be concentrated and detained separately from the remainder of the inmate population. In addition, so the decision makers claimed, the Netherlands had never been confronted with a category of terrorism offenders. As a result, the actual decision making process was predominantly based on existing expertise and experience at the operational level. In the words of one of the task force members: "In fact, the terrorism wing emerged from a dynamic negotiation between P.I. Vught and the policy makers". The operational actors were allowed policy space to adjust to the new situation and create a safe and secure detention environment.

The terrorism wing in P.I. Vught opened in September 2006. P.I. De Schie followed in January 2007, after finishing construction work in preparation of the terrorism wing. In total, eighteen and fourteen cells respectively were allocated for terrorists. The terrorism wings were housed in facilities with 'extended' security levels (one level below maximum security). The daily functioning of the terrorism wing was intended to be identical in both locations. In P.I. Vught, the terrorism wing was allocated to the building of the former 'temporary maximum security unit' (*Tijdelijke Extra Beveiligde Inrichting*). P.I. Vught has a total capacity of approximately

700 prisoners in fifteen regimes, making it one of the largest and most diverse penitentiary facilities in the Netherlands. It is the only prison in the Netherlands with a maximum security unit. In that capacity, the P.I. Vught has extensive experience with the imprisonment of societally sensitive or escape-prone prisoners.

Conclusion

Based on documentation and interviews with relevant stakeholders, this chapter described the preparatory phases of the policy process behind the Dutch terrorism detention strategy. Specifically, attention was paid to the process of agenda setting, policy preparation, decision making, and operationalization of the policy. In all, the findings make clear that the decision making process occurred under high levels of external pressure and that the approach to introduce specialized high-security facilities to incarcerate terrorism offenders served important symbolic functions, primarily to prevent political failure and secure the public's support for the governments' counterterrorism strategy, on top of its public security objectives. Several findings give rise to this conclusion.

Above all, in the interviews the relevant stakeholders consistently emphasized how the societal and political context under which the policy was developed influenced the decision making process and the policy's design. In the aftermath of 9/11 and the assassination of Theo van Gogh, fears of Islamist terrorism dominated the public and political debate in the Netherlands. Media and politicians closely scrutinized the government's every movement in the fight against radicalization and terrorism, including the developments around its terrorism detention strategy. Whether real or perceived, the decision makers felt pressured to rapidly produce a detention strategy which would not only ensure national security, but would also obtain the public's consent by signaling that the government was taking a forceful and decisive stance against terrorism and terrorism suspects.

As a result of the experienced pressure, the decision makers did not have (or felt they had) the time to examine in detail to which extent prisoner radicalization, which was perceived as the most prominent risk associated with the imprisonment of terrorists, posed a realistic security concern and, if so, how it might best be countered. They assumed that such a risk was real and present and that 'doing nothing', that is, treating the incarceration of terrorists as business as usual, conveyed an unacceptable risk that violent extremist ideologies would spread like wildfire through the inmate population. Also, they assumed that segregating terrorism prisoners from

the mainstream inmate population and housing them under restrictive confinement conditions in separate prison units could effectively curtail this risk. However, they did not investigate whether or not these assumptions are supported by available evidence. The only assessment that was conducted involved an inventory of other countries' experience with the management of violent extremist offenders, which revealed that no other countries pursued a full concentration policy for terrorists and that those countries that had done so in the past had reported negative experiences with this approach. Interestingly, these findings were quickly discarded as inapplicable to the Dutch context. According to the decision makers, time pressure prevented them from testing their assumptions against (empirical) evidence and caused them to rely on in-house expertise and experience in crafting the policy.

Another notable finding is that the stakeholders involved in the decision making process disagreed on the most suitable policy approach and did not unanimously favor the concentration model over other policy alternatives. The Prison Service (DJI), which is primary responsible for the implementation and operation of correctional policy, argued against concentrating terrorism offenders and expressed a preference for incarcerating them in regular prison regimes. According to the Prison Service, prisons have ample (e.g., disciplinary) instruments at their disposal to safely incarcerate extremists in regular regimes and still prevent radicalization and recruitment among the general inmate population. In addition, the Council for the Administration of Criminal Justice and Protection of Juveniles, which was requested to advise the Minister of Justice on the legal implications of the intended policy change, also recommended against the implementation of separate terrorism wings. Juxtaposing the opinions of the Prison Service and the Council, both the Intelligence Service and the Counterterrorism Coordinator believed that concentration would offer the best means to counter the risks associated with imprisonment of terrorism offenders and urged the Minister to implement specialized terrorism wings.

Interestingly, it seems that the policy making actors (e.g., the Ministry of Justice / Counterterrorism Coordinator) were primarily involved in sketching the general outline of the envisioned policy (i.e., to segregate terrorism offenders from the mainstream inmate population), but informally transferred responsibility for operationalizing the concentration model and formulating policy details to the operational actors. The Prison Service, predominantly P.I. Vught, was granted an important say in designing and formalizing the policy, and the prison's management assumed a leading role in crafting the regime and preparing the policy's implementation. As a result, the Prison Service had substantial freedom to develop a

prison model that would be easily manageable and conveyed minimal risks of policy failure or operational disruptions and difficulties. In the next chapter I will examine whether and, if so, how the experienced external pressures on the stakeholders, and the resulting prominence of the operational actors in the decision making process, may have translated to the policy's architecture.