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### Captivated by fear

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## Chapter Six

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### The Target Population

The next two chapters will be devoted to examining how concentration policies that are seemingly based on threat-induced pressures in the policy domain rather than on realistic assessments and sound rationale are implemented and operated in practice. To this end I again select the Dutch policy as an example and aim to reconstruct how the intervention is delivered and whether the stakeholders' (unsubstantiated) expectations about how the terrorism wing is supposed to reach its objectives are realized. Doing so not only serves to investigate how threat-based external pressures may affect the operational stages of the policy process (i.e., the policy's implementation), it also serves as yet another test of the policy's underlying assumptions, this time against practical experience rather than academic knowledge.

Figure 3.1 (see Chapter Three) depicts how the program theory behind the Dutch policy includes one primary instrument (i.e., concentrating terrorism offenders in separate prisons) and two secondary instruments (i.e., high security level and individual regime). In the next two chapters, I will look at these instruments separately. This chapter will examine the functioning of the primary instrument, whereas the following chapter, Chapter Seven, will focus on the two secondary instruments. The question that is central in this chapter is thus how the selection procedures are implemented, and whether the intended target population is realized and in line with the policy's objectives. In other words, does the selection procedure select those – and only those – prisoners who meet the intended selection criteria, and do these prisoners indeed pose an increased risk of radicalizing or recruiting other inmates? Moreover, does the selection procedure trigger unforeseen processes and if so, how do these processes influence the policy's ability to reach its objectives?

Several sources were used to reconstruct the realized target population. First, the Penitentiary Institution (P.I.) Vught, where the terrorism wing is located, provided the researchers insight into relevant documentation, including the detainee administration, notes from the monthly meeting of the Selection Advisory Committee (SAC-TA / focus group) for the terrorism wing, behavioral reports about the inmates, and daily staff reports. Second, relevant policy documentation was examined, including the proposed amendment to the Regulation Selection, Placement, and Transfer of Detainees, the recommendation of the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) and the Minister of Justice's official reaction to the Council's recommendation. Third, in-depth interviews have been conducted with those actors who were involved with and/or responsible for formulating the selection criteria and the legal justification of the amendment to the Regulation. In addition, interviews were conducted with the selection officers, the focus group, the Council and the Bureau Intelligence and Security of the P.I. Vught, which is responsible for monitoring internal and external communication (e.g., checking and authorizing incoming and outgoing mail for inmates and analyzing video- and audio content).

### **Realized Population**

After setting out to identify which inmates had been considered for or allocated to the terrorism wing since its opening, it became clear that the P.I. Vught did not keep records of the inmate population in the terrorism wing. Therefore, secondary sources were used to reconstruct the realized population, like daily staff reports, court documents and penitentiary files of inmates. Later, it turned out that although the prison's own detainee administration did not keep records for the terrorism wing, the Prison Service's (DJI) head office in The Hague was able to deliver relevant data. The realized population as reconstructed by the researchers matched with the official registration maintained by the Prison Service.

### **Placements**

Between the opening of the terrorism wing in September 2006 and the moment of data collection, late June 2010, thirty inmates had been allocated to one of the two terrorism wings in the Netherlands. The inmates' average age at the time of placement was thirty years and four months. The oldest inmate was 56 years old at the time of placement, the youngest eighteen. Individual background characteristics of the prisoners, such as personal history, educational

level, and family descent, were not available.<sup>33</sup> Nine prisoners were born in the Netherlands; the remaining 21 were born elsewhere, including Morocco, Turkey, and Iraq. Six inmates were born in Sri Lanka.

On average, prisoners stayed 284 days (more than nine months) in the terrorism wing (calculated until 31 July 2010).<sup>34</sup> The shortest stay lasted for one day; the longest stay approximately eight years (this inmate was released in September 2013). At the maximum, the terrorism wing in P.I. Vught housed thirteen inmates simultaneously, which was in November 2006. By late 2008, four inmates were left. Between 2009 and 2010 the wing housed between four and ten prisoners. Only two prisoners have been detained in the terrorism wing in P.I. De Schie. On average, these two prisoners stayed for 130 days, between January 2007 and June 2008.

Two female prisoners have been placed in the terrorism wing. These women are also the only two prisoners who have been allocated to De Schie. They were transferred to the terrorism wing in Vught in September and November 2006 respectively, and were then transferred to De Schie in January 2007.

### **Releases and Transfers**

Between the opening of the terrorism wing and June 2010, twenty-six prisoners had been evicted from the terrorism wing. These prisoners were either transferred to different institutions or units, or were released back into society.

Three of those twenty-six were evicted to foreign countries. One of them spent three years imprisoned in the United States before returning to the terrorism wing in Vught in March 2010, in order to complete the remainder of his sentence. He was released in October 2010.

In nine of the twenty-six cases, placement in the terrorism wing was overturned on the basis of 'counter indications'. Article 20a of the Regulation, which lays out the selection criteria, states that the selection official can refrain from allocation to the terrorism wing when advised

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<sup>33</sup> According to representatives of the P.I. Vught the lack of background information on individual inmates is not surprising, because the prison does not require detailed personal information about the prisoners to implement sanctions.

<sup>34</sup> This average includes inmates in both P.I. Vught and P.I. De Schie.

accordingly by GRIP (the national police's detainee investigation sector) or the Public Prosecutor, even when prisoners meet the selection criteria for the terrorism wing. Six of the nine 'counter-indicated' inmates stayed in the terrorism wing for one month, before being dispersed across several jails or prisons in the Netherlands. Two inmates were transferred to regular remand-prisons after having spent respectively one and two days in the terrorism wing. One female prisoner was (initially together with another female) transferred from the terrorism wing in Vught to De Schie. After the other female was transferred to another prison, she remained in the terrorism wing alone for several months before being transferred to a regular prison in Zwolle, where she completed the remainder of her sentence.

Thirteen of the twenty-six prisoners were released by court. In sum, of the thirty individuals who were placed in the terrorism wing between 2006 and 2010, twenty-two individuals (73.3%) were either transferred to regular prison regimes due to counter-indications or released directly from the terrorism wing into society.

Up to June 2010, one prisoner was released from the terrorism wing through 'detention phasing', a graduated release process by which inmates are transferred to more lenient regimes toward the end of their sentence.<sup>35</sup> This inmate spent the last six weeks of his sentence in a slightly less restrictive regime in P.I. Vught before being evicted to Morocco.

### **The Population at the Time of Data Collection**

At the time of data collection (January – June 2010), three of the inmates who had been placed in the terrorism wing in 2006 were still staying there.<sup>36</sup> In this period, nine new prisoners arrived at the terrorism wing, of whom one was on remand. During data collection a minimum of four and maximum of ten prisoners stayed in the terrorism wing. Table 6.1 provides an overview of the inmate population between 2006 and 31 July 2010.

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<sup>35</sup> Between the completion of this study and the time of writing (July 2014), detention phasing has been applied more frequently.

<sup>36</sup> At the time of writing, these three inmates have all been released.

Table 6.1. *Overview of inmates placed in / transferred from the terrorism wing*

<b>Number of Inmates</b>	
<b>Transfers from the terrorism wing</b>	
Evictions	3
Counter-indications: transfer to regular regimes	9
Immediate release into society	13
Detention phasing	1
Population as per 31 July 2010 <sup>37</sup>	5
<b>Total Placements</b>	<b>30</b>

### **Intended Versus Realized Population**

Article 20a of the Regulation specifies that the terrorism wing selects prisoners who have (a) been charged with or (b) convicted for a terrorism related offense, or who have (c) spread messages of extremism prior to or during their imprisonment. To determine whether the target population is realized as intended it is firstly important to assess whether all inmates who have been placed in the terrorism wing meet the selection criteria, and secondly whether there are prisoners who have *not* been placed in the terrorism wing despite meeting the selection criteria.

The detainee administration of the P.I. Vught did not keep track of the criteria on which individual prisoners were allocated to the terrorism wing; secondary resources (predominantly court proceedings) had to be used to identify placement justification for each prisoner. This way, it became clear that most prisoners who had been sent to the terrorism wing were in pre-detention and were suspected but not yet convicted of a terrorism offense. To my knowledge, between 2006 and 2010 no prisoners have been placed in the terrorism wing on the basis of a conviction. In a few cases, suspicion turned into conviction during imprisonment. There have been no incidences in which placement in the terrorism wing was based on the third criteria: spreading an extremist message.

A number of prisoners who meet (or appear to meet) the selection criteria have not been placed in the terrorism wing. One of these prisoners is Mohammed Bouyeri, the murderer of Theo van

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<sup>37</sup> One inmate is accounted for twice, because he returned to the terrorism wing after having been temporarily evicted.

Gogh. Bouyeri has been convicted of murder with terrorist intent<sup>38</sup> and as such meets criteria (b) of Article 20a., which prescribes automatic placement in the terrorism wing. However, Bouyeri has never been placed in the terrorism wing and has stayed in the maximum security prison (EBI) since 2006. According to a representative of Prison Service's Legal Affairs department, who was involved in the formulation of the selection criteria, Bouyeri was classified as an 'extreme' security risk and therefore allocated to the maximum security prison.<sup>39</sup> According to this respondent, the terrorism wing is formally housed in an 'extended' security level (see Chapter Three), which is not deemed suitable to house prisoners with extreme risk profiles. Placement in the EBI is based on an extensive selection procedure, in which the selection official in which the selection official (who has discretionary powers) is supported by the Selection Advisory Commission (SAC-EBI). According to the Prison Service, Bouyeri is only eligible for placement in the terrorism wing when he is no longer classified as an 'extreme' risk.

In addition to Mohammed Bouyeri, other prisoners who meet the selection criteria have not been placed in the terrorism wing, including two adolescents whose placement was counter-indicated because the Public Prosecutor did not consider the detention climate in the terrorism wing appropriate for these prisoners.

Another interesting case, which was forwarded in several interviews, concerns Eric Jan Q., who was suspected of preparatory conduct for attacks in public areas in the Netherlands, including a planned attack on the day of the official start of the new parliamentary year (*NRC Handelsblad*, 2010). Q. was charged with but not convicted for a terrorism act. Although Q. as such met the selection criteria, he was never placed in the terrorism but transferred instead to the maximum security facility.

In some cases, placement in the terrorism wing has been reversed on the basis of counter-indications from the Public Prosecutor and/or the Detainee Intelligence Service. The counter-

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<sup>38</sup> Rechtbank Amsterdam, 26 July 2005, *LJN: AU0025*.

<sup>39</sup> It is notable that several of the stakeholders involved were confused as to whether Bouyeri was convicted for a terrorism offense or not. A number of representatives of the Counterterrorism Coordinator, the National Police, the Prison Service and the Ministry of Justice indicated that B. has *not* been convicted of terrorism. Some claimed that the Terrorism Act was only introduced after the assassination of Van Gogh; others believed that B. was acquitted of terrorist intentions. Both claims are false: the conviction was indeed terrorism related.

indication clause is included in Article 20a of the Regulation, but whether it should be considered as an appropriate counter-indication remains unspecified. The only counter-indication that is explicated concerns instances where allocation to the terrorism wing implies that multiple remand prisoners who are charged in the same court case will be detained together. In such cases, the selection officer might prefer to separate these individuals to prevent them from communicating about the case, and can decide to refrain from placing individuals in the terrorism wing.

In at least one case, the counter-indication clause caused several prisoners who were initially placed in the terrorism wing to be transferred and dispersed across regular jails. In April 2010, seven men were arrested on suspicion of illegal activities for the Dutch branch of Sri Lankan terrorism organization Tamil Tigers. The suspects were charged with membership of a criminal and terrorist organization. They stayed in regular remand centers for two months before being transferred to the terrorism wing in July 2010, where they remained for more than a month before being returned to regular remand prisons. According to representatives of the Detainee Intelligence Service, the decision to return these inmates to regular prison units despite the fact that they met the selection criteria for the terrorism wing was based on information regarding the offenders' personal background and court cases.

Lastly, it is notable that there were no prisoners who have been placed in the terrorism wing on the basis of selection criteria (c): spreading extremist messages before or during detention. Interviews with the selection officer and focus group reveal that three prisoners were proposed for allocation on this criterion since the opening in 2006, but neither of these cases resulted in placement.

In sum, it can be concluded that the intended target population was not completely realized. On the one hand, several prisoners who met the criteria have not been placed in the terrorism wing; on the other hand, in some cases placement has been reversed on short notice. Whereas the selection criteria were deliberately objectified to facilitate standardized (and thus transparent) selection procedures, in practice it appears that personal considerations about individual inmates played an important role in the selection process.



## **Anticipated Mechanisms**

Now that the realized target population has been reconstructed, the question arises whether preliminary policy outcomes can be observed and whether stakeholders' belief that concentration is an effective strategy to prevent the spread of violent extremist ideology is supported by practical experience with the policy's implementation. In other words, does the primary instrument indeed trigger the anticipated mechanisms whereby the policy is supposed to realize its intended objectives? To answer this question I firstly ask whether the *intended* target population is adequately tailored to the objectives, and thus whether the selection criteria are suited to identify all prisoners – and only those – who convey an increased risk of spreading violent extremist ideologies. Secondly, I ask whether the *realized* target population fits the intended objectives, and thus whether it can reasonably be assumed that concentrating those inmates indeed helped to prevent the spread of violent extremist ideologies.

## **Selection Procedure**

Do the inmates in the terrorism wing indeed pose a risk of recruiting fellow inmates? At least one prisoner in the terrorism wing was, among other charges, convicted for recruiting for violent jihad. A number of other persons have been charged with but not convicted of recruitment; the remaining prisoners are all suspected of membership of a terrorist organization or of preparatory conduct for terrorism offenses. In order to determine whether placement of these inmates in the terrorism wing contributes to preventing radicalization and recruitment among other inmate categories, the question needs to be answered whether (alleged) association with terrorism offenses legitimizes the conclusion that a) the inmate has gone through a process of radicalization, b) that he will be motivated to recruit other prisoners, and c) that other prisoners will be susceptible to his/her recruitment efforts.

Arguably, the fact that a prisoner has been charged with an ideologically motivated offense (such as terrorism) does not automatically imply that he/she is also ideologically radicalized. As noted in Chapter Four (and by several respondents), people may have various reasons other than ideological commitment to participate in terrorism, such as personal (e.g., financial) gain, social pressure or force, naiveté or a desire for excitement and adventure. Moreover, ideological radicalization (or, for that matter, participation in terrorism) does not automatically imply an increased risk of proselytization. Not every terrorism offender may attempt to recruit fellow prisoners. In fact, interviews with representatives of the Counterterrorism Coordinator, the

Intelligence Service and the National Police revealed that most prisoners who were transferred to the terrorism wing when it became operational in 2006 had first spent months in regular jails, without attempting to radicalize or recruit other prisoners. Only three incidences were reported where prison staff had observed possible indications of extremist proselytizing. Nonetheless, the decision makers assumed that ideologically motivated offenders, Muslims in particular, are motivated to articulate their ideological beliefs and persuade others to adopt similar beliefs.

Individuals differ in the extent to which they pose an increased risk of recruitment and in order to identify those inmates who are more likely to seek to recruit fellow inmates, it is important to analyze individual and situational factors such as attitudes, beliefs, and motivations. Moreover, even when we assume that terrorism offenders are indeed motivated to influence other prisoners, Chapters Four and Five showed that whether other prisoners are susceptible to such influence is likely to depend on situational and individual factors such as the social standing of terrorists in the broader inmate hierarchy, identification with a charismatic leader, and group dynamics.

In fact, interviews with actors involved in the selection procedures for the terrorism wing, such as the selection official and members of the focus group, revealed that these respondents doubted whether specific individuals would be able to exert radicalizing influence – if any influence at all – on other prisoners. For example, in the case of the Tamil Tigers who were placed at the terrorism wing, the Detainee Intelligence Service and the Public Prosecutor's office perceived it highly unlikely that these inmates, although charged with terrorism, would be able to convince regular prisoners in Dutch prisons to align with and contribute to a nationalist struggle of the Tamil population in Sri Lanka. According to the respondents, these considerations weighed heavily in the decision to remove these inmates from the terrorism wing and transfer them (back) to regular prison regimes.

Criteria (c) of Article 20a of the Regulation dictates placement in the terrorism wing of prisoners who have expressed extremist messages before or during imprisonment. As such, this criterion is the only one that explicitly and directly targets prisoners who have actually displayed signs of attempts to radicalize or recruit fellow prisoners. However, no prisoners have been placed in the terrorism wing on the basis of this criterion.

## **Realized Population**

The question whether the realized population is indeed ideologically radicalized or conveys a credible risk of recruiting other prisoners (and thus whether concentrating them in the terrorism wing contributed to preventing the spread of violent extremist ideologies), is difficult to answer. Radicalization and recruitment are intangible concepts and it is difficult to objectively determine whether and to what extent an individual supports violent extremist belief systems. Assessing such processes requires longitudinal studies that track (changes in) individuals' attitudes, emotions, and behaviors, which was beyond the scope of this study. That said, interviews with both staff and prisoners in the terrorism wing provided useful information about the social atmosphere in the terrorism wing and about possible changes in the inmates' attitudes and behaviors since the wing became operational in 2006.

### ***2006 – anxious anticipation***

In the interviews, both the prison staff and the inmates pointed out that the first months after the opening of the terrorism wing were characterized by tensions between staff and prisoners, and in some cases also among the prisoners. The staff emphasized that the terrorism wing became operational under high levels of fear and uncertainty. The public, policy officials and prison authorities took the terrorist threat very seriously and it was unclear what could be expected of this new inmate category. In the interviews, the decision makers expressed these uncertainties in unambiguous terms:

*“We were, in ‘The Hague’, prepared for an intense experience. We had all kinds of expectations about what could possibly happen. We assumed that these inmates would be different from ‘traditional’ inmates.”*

*“Back then, we did not know what we know now. In practice, those guys who are in the terrorism wing today turned out to be model detainees. But we did not know who these inmates were. We had no idea how they would behave. We had no experience at all with this inmate category. It was all uncertain.”*

In a similar vein, the inmates indicated that initially they strongly objected against their transfer to the terrorism wing. In the first months after the opening the inmates regularly protested against the restrictive prison regime, predominantly by arguing with the prison staff. Religious

practices posed another source of tension. The inmates rigidly, sometimes stubbornly, in their own words, adhered to religious practices and rituals such as praying five times a day. In some cases the prison staff interpreted such behaviors as deliberate challenges of authority. Especially in the first months, disciplinary sanctions were regularly applied.

The terrorism wing did not only cause tensions within the facility itself but was also the subject of fervent public and political debate. Politicians regularly asked parliamentary questions about the policy and the media closely followed all developments inside and related to the terrorism wing (e.g., Groen & Kranenberg, 2008). For example, the media reported extensively on one of the inmates' hunger strike in protest against the restrictive regime (Groen & Kranenberg, 2006), and a TV-documentary was broadcasted, entitled 'Guantanamo Vught', which accused the prison regime of being 'inhumane' and the prison staff of bullying the inmates. The documentary in turn triggered a parliamentary debate about the terrorism wing.

### **2010 – 'model detainees'**

All respondents, staff and prisoners alike, unanimously agree that the atmosphere in the terrorism wing improved drastically over the course of years. The prison staff referred to the inmates as 'model detainees' who abide to the rules and treat staff and fellow inmates with respect. According to the staff, incidences or disturbances are rare. In the words of the unit's administrator:

*"The inmates behave very well. Most of them are first offenders, who had no experience with life in prison. Their behavior is exemplary. They are dedicated to religion and the study of Koran."*

The staff expressed little concern about radicalization among the inmates. Most inmates showed signs of strong religious dedication, but the staff stressed that they observed no cues of violent extremism. In contrast, some inmates appeared to gradually move away from violent extremist beliefs and increasingly adopt more moderate, peaceful views. At the time of data collection, one inmate published a letter in a national newspaper in which he publicly renounced violent extremism (Groen, 2010a; 2010b).

### ***Reasons for change***

When asked to explain the change in the inmates' behavior and atmosphere in the unit, the prison staff offered several reasons. First, they made it clear that the initial fears and uncertainties had been overcome over time. According to the prison staff, the atmosphere started to improve as prisoners and staff got used to each other and to the situation. Staff indicated that as time progressed, they felt less intimidated by the inmates and felt more confident in their interactions with them, which contributed to creating order and improving communication with the inmates.

Second, the numbers of prisoners reduced over time, which made the group more manageable and reduced conflict potential among the inmates and with prison staff. In the initial weeks and months after the opening, between ten and thirteen inmates stayed in the terrorism wing. At the time, group dynamics were more prominent, as were religious discussions and opinion differences between the inmates. In the interviews the prison staff reasoned that security risks increase with group size, in part because a larger group increases the probability that charismatic leaders arise or that group dynamics intensify and reinforce radicalization among the inmates. Moreover, when the population is relatively small and stable over time, inmates may be less motivated to impress and influence each other.

Third, the staff point out that the atmosphere improved after a few charismatic figures, who forwarded themselves as ideological leaders of the group, had been released or transferred to other prisons. According to the staff, during the first months a few inmates were present who (attempted to) gain a high status position and influence the other inmates, for instance by assuming ideological leadership positions or correcting other inmates on religious practices and views. For example, these inmates encouraged the group to pray and fast regularly, which caused the entire group to become (or remain) focused on religion. Lastly, the staff points at the importance of time as a changing factor. Most inmates were about twenty years old when they were arrested and detained. In prison, they had time to reflect on their (ambitions in) life and on their pre-prison behaviors.

In answer to the question whether prison staff believe that concentrating these inmates is necessary to prevent radicalization among other prisoners, the staff indicated that individual inmates differ in the extent to which they may convey a risk in a regular prison. In the words of one staff member:

*“It differs per person. Some of these inmates would do very well in a normal prison unit. But there are also a few who would easily mesmerize all those young Moroccan inmates. They may establish an Islamic school in such units in no time.”*

To what extent are the intended mechanisms of the primary instrument observed in practice, and how do these mechanisms seem to relate to the policy’s objectives? In all, it appears that the concentration model indeed prevents terrorism offenders from communicating with other offender categories, and thereby prevents them from encouraging other prisoners to adopt violent extremist beliefs. However, it is unclear to what extent this mechanism contributes to solving the perceived problem (a potential risk of radicalization and recruitment in prison).

First, the majority of the inmates in the terrorism wing have not been transferred there because they showed signs of recruitment ambitions, but because they have been charged with a terrorism offense. No individual risk assessments have been conducted as to whether or not these inmates are ideologically radicalized or whether they pose a credible risk of recruiting other prisoners. Given that the decision makers did not account for periodic assessments to evaluate whether the inmates’ stay in the terrorism wing is still required, it is not clear whether the realized population indeed conveyed an increased risk of radicalization or recruitment. The only selection criterion that *does* require actual radical or recruitment behavior, and as such contributes directly to realizing the policy’s objectives, has never resulted in placement.

Second, as discussed previously, not all prisoners who meet the selection criteria have actually been placed in the terrorism wing. In those cases, the intended mechanism does not occur and that as such, the policy does not contribute to achieving the intended objectives.

### **Unintended Mechanisms**

In the next two sections, I examine whether the selection procedure and realized target population can be expected to produce unintended policy outcomes, and how these may interfere with the policy’s ability to realize the intended objectives.

## **Selection Procedure**

The selection criteria were designed to facilitate a standardized and transparent selection procedure, by basing selection on general criteria (suspicion or conviction of a terrorism offense) rather than on individual characteristics. In practice, however, the selection procedure gave rise to a number of practical problems.

First, the standardized selection procedure hinders tailoring the intervention to individual circumstances, which produced undesired effects. For example, problems occur when an inmate meets the selection criteria of the terrorism wing as well as for the maximum security unit, as was the case with Mohammed Bouyeri. As long as Bouyeri is perceived an extreme risk, placement in the maximum security unit is prioritized over the terrorism wing; he will be eligible for placement in the terrorism wing as soon as risk assessment indicates him a reduced threat. However, in contrast with the terrorism wing's primary objective, in the maximum security unit Bouyeri is exposed to other categories of prisoners whom he might influence or encourage to adopt violent extremist beliefs.

In addition, the standardized selection procedure implicates that inmates who are charged with relatively light terrorism-related offenses (e.g., secondary activities or providing financial support) are housed together with ideological leaders, which, according to the respondents, can increase the risk of intensified radicalization. In this light, several respondents suggest that it might be a bad idea to transfer Bouyeri to the terrorism wing because other inmates may see him as a hero and ideological leader.

Another problem that emerged from the interviews is that inmates who have been charged with relatively light terrorism offenses, such as financial support, are automatically allocated to a highly restrictive and harsh prison regime. The Council (RSJ, 2006a) and the European Committee for the Prevention of Torture (CPT, 2008) also emphasized this problem and criticized the fact that allocation to the terrorism wing is based on offense type rather than on individual risk assessments.

Second, the interviews reveal that the lack of periodic evaluation of inmates' stay in the terrorism wing poses a source of practical issues. The policy intends inmates who are suspected of or convicted for a terrorism offense to remain in the terrorism wing for as long as possible, without periodic assessment of their stay. On the one hand, this implies that long-term prisoners

can stay in the same location and regime for years or decades, which may be detrimental to their psychological well-being (see also RSJ, 2006b). On the other hand, the lack of periodic risk assessments also implies that prisoners who 'de-radicalize' and renounce violent extremist ideologies cannot be transferred from the terrorism wing. This way, so the respondents argued, it is impossible to further encourage and facilitate the de-radicalization process by removing inmates from the influence of other violent extremists.

A third issue that emerged from the interviews is that the third selection criterion, which is the only criterion that directly contributes to realizing the objectives, is difficult to apply in practice. Placement on the basis of criterion (c), expressing extremist messages, is based on consideration of the selection officer, who gathers relevant information from the penitentiary, the National Police and/or the Intelligence Service. As mentioned previously, three prisoners have been proposed for placement in the terrorism wing after front-line staff reported possible signs of radicalization or recruitment. Neither of these cases ultimately resulted in placement. According to the actors involved, radicalization among inmates is rarely witnessed. Moreover, in practice, it is difficult to distinguish radicalization or recruitment from regular inmate behavior. This selection criterion was also criticized by the Council, who argued that the article was too broadly defined and that expressing extremist messages does not necessarily convey a security threat for the public or institution (RSJ, 2006a, p. 5-6).

### **Realized Population**

A close examination of the realized target population reveals that this group is both small and homogeneous. First, the practitioners argued that in practice, the target population turned out to be much smaller than originally expected. During the agenda setting and policy preparation phases, the decision makers assumed that substantial numbers of terrorism offenders would be incarcerated in the coming months and years. It was expected that both terrorism wings would be used to full capacity (32 cells in total). In practice, four years after the opening only thirty prisoners have been transferred to the terrorism wing, with a maximum of thirteen prisoners at any one time. The decision makers explained that the social-political context changed over the course of years and that the threat of radicalization among young Muslims ultimately appeared less severe (although not negligible) than was initially feared. As a result of the small population, the terrorism wing in Rotterdam remained largely unused (with the exception of the temporary stay of two female prisoners). According to the prison staff, the small population conveys important implications for the daily functioning of the terrorism wing.



On the one hand, the situation in the terrorism wing is easily manageable for the staff. The inmates and their internal and external communications can be easily monitored. In addition, a smaller group allows staff to invest more time in establishing constructive relationships with the inmates and offer more recreational possibilities so that inmates can spend more time out of their cells (see Chapter Seven for further discussion of the prison regime).

On the other hand, prison staff expressed concerns that the inmates rarely meet new people and are continuously exposed to the same fellow prisoners for years in a row, which can cause boredom and negatively impact the inmates' psychological health. According to the prison staff, the lack of social diversity may negatively affect rehabilitation and reintegration into society, because the inmates may face difficulties readjusting to complex social situations and public spaces. The inmates likewise perceived the lack of social variety as a problem. In the words of one inmate:

*"We have been here for four years with this small group and we see each other each and every single day. At some point you run out of things to talk about. It is tedious and deadening, I am always happy when a new inmate arrives."*

In all, the interviews with staff and the inmates revealed that they perceive population size as a crucial factor in the implementation of the terrorism wing. A larger population can cause security risks and strong group-dynamics among the inmates, whereas a small population can lead to negative psychological effects for the inmates and potentially cause readjustment problems after release.

Second, the realized population turned out to be strikingly homogenous on several features. The majority of the inmates have an Islamic background. The notion that the terrorism wing might lead to stigmatization of Muslims was also subject of debate during the decision making process (see also Boone, 2009). Indeed, interviews with the inmates revealed that they perceive the terrorism wing as a signal of discriminatory governmental policy:

*"It is bad enough that we are housed in one of the strictest regimes possible, purely because we are suspected of terrorism. Look around you, only Muslims are placed here. I see it as an undermining of the democratic legal state and individual freedom. The government raises the impression of implementing discriminating policy."*

At the time of data collection, several non-Muslim prisoners were housed in the terrorism wing – for the first time since the opening. Among them were a Turkish prisoner who spent seven weeks in the unit awaiting his eviction and six Sri Lankan prisoners who were transferred back to regular prison units after four weeks. The remaining (Muslim) inmates indicated that they were convinced that the terrorism wing is targeted only at Muslims, and that the government temporarily transferred a few non-Muslim inmates there to undermine accusations of discrimination. The prison staff also point at the prominent presence of Muslims in the terrorism wing:

*“Officially, the terrorism wing is intended for all types of terrorists. However, it is striking that only Muslims end up here and that the other ‘types’ are not detained here. Not so long ago, this guy was convicted for wanting to blow up the royal house. Like that is not terrorism? I don’t understand why such inmates are not sent here.”*

According to representatives of the Bureau Selection Officers (who are responsible for selecting inmates for the terrorism wing), a possible explanation for the overrepresentation of Muslims may be that only Muslims have (apparently) been charged with terrorism offenses.

### **Conclusion**

Thus far, the findings presented in this book suggest that concentration of terrorists reflects a bureaucratic reflex in response to (real or perceived) security threats, and that it is based on untested assumptions rather than on evidence. In this chapter I aimed to examine whether, and if so how, threat-based pressures on the policy context may translate into the operational stages of the policy process and affect how the policy is implemented. In doing so I also aimed to shed light on whether the underlying assumptions behind the policy seem to hold in the light of reality. Focusing on the core of the intervention, segregation and concentration of terrorism prisoners, I subjected the selection procedures to closer scrutiny and assessed whether they are implemented as intended.

Overall, it seems that threat-based pressures on the policy domain also reached down to the operational level, where the practitioners appeared negatively affected by the decision makers’ untested, threat oriented assumptions about how elements of the policy (in this case the selection procedures) are supposed to function. Many of these assumptions produced problems

with the policy's implementation, in that the original policy turned out to be designed in a way that caused undesired side effects that proved difficult to avoid during the delivery stages. To a large extent the problem appears to be that the selection procedures are risk averse and standardized, which leaves little room for differentiation to tailor the policy to situational and individual circumstances. For instance, in practice it turns out that detaining all prisoners suspected or convicted of terrorism offenses together implies that in some cases, individuals are detained together who should rather be separated from each other, for instance to prevent communication between suspects in the same court case or charismatic leaders from mobilizing a group of followers. Likewise, the policy causes individuals who are charged with relatively minor terrorism offenses or who are merely suspected without having been found guilty, to be subjected to a restrictive and harsh prison regime. This may not only be unnecessary and disproportionate, but might also arouse anger and frustration and impair the inmates' well-being.

Such unintended outcomes cannot be prevented without deviating from the intended policy line, primarily because the policy intends to categorically assign all terrorism-related prisoners to the terrorism wing and keep them there for the duration of their incarceration, without periodically reviewing whether this is still deemed necessary or desired. For example, inmates who are seemingly de-radicalizing or who may potentially assume leadership roles and have an instigating effect on their peers cannot be transferred to other prison units without breaking the selection and allocation procedures, which may stall de-radicalization or allow further intensification of extremist beliefs. In the Netherlands, the practitioners sometimes deviated from the selection procedures and decided to either refrain from placing certain inmates who met the selection criteria in the terrorism wing or, vice versa, transfer others from the terrorism wing to regular prison regimes. As a result there is a discrepancy between the intended target population and the realized population, so that not all prisoners who formally should be detained in the terrorism wing actually are and thus, that the policy may not be effectively reaching its objectives.

Remarkably, going back to previous chapters it stands out that many of the undesired side effects that emerged as a result of the standardized, risk averse selection procedures could have been foreseen in advance but were neglected during the decision making process. For instance, when weighing the available policy alternatives (see Table 3.1, Chapter Three) the decision makers already anticipated that concentrated detention might convey a risk of intensified radicalization during imprisonment, yet they perceived this risk as subordinate to the possibility

that violent extremist ideologies might spread through the prison population as a result of ‘doing nothing’. During the implementation phase the downsides of housing terrorists together gained prominence again but the policy design turned out to be poorly equipped to anticipate and avoid such unwanted effects without deviating from the original plan. To what extent such undesired outcomes (e.g., intensified radicalization) really manifested itself is difficult to estimate, firstly because measuring policy outcomes was beyond the scope of the present study and secondly because the practitioners’ sometimes avoided unwanted outcomes by deviating from the intended policy.

The findings of this chapter also provided insight into the extent to which the decision makers’ assumptions are realized in reality. In general the findings resonate with findings of previous chapters, which suggested that there is little evidence that concentration is an adequate way to prevent prisoner radicalization. Above anything else it is unclear whether the problem of prisoner radicalization actually exists to begin with. This finding emerged previously in Chapters Four and Five, which together suggested that the risk of prisoner radicalization might be smaller than is often assumed. In this chapter again, the findings suggest that the policy design is based on little evidence as to whether and how radicalization may spread through the inmate population, and that the policy’s architecture causes several operational difficulties.

An important finding behind this conclusion is that no prisoners have been allocated to the terrorism wing because they have expressed extremist messages or attempted to recruit other prisoners: all of them had been transferred there on the basis of general criteria (suspicion or conviction for a terrorism offense). It is not clear to which extent the inmates in the terrorism wing pose a real and present risk of recruitment. In Chapters Four and Five I argued that whether inmates pose a risk of radicalization or recruitment differs per individual and depends on situational, social and individual conditions. This notion was supported by stakeholders in the selection process, who maintained that such risks (and hence whether detaining inmates in the terrorism wing helps to prevent prisoner radicalization) can only be established on the basis of individual risk assessments.

