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Captivated by fear

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Appendix 1. Abbreviations

	Dutch (when original)	English
AIVD	Algemene Inlichtingen en Veiligheidsdienst	General Intelligence and Security Service
CPT		Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DJI	Dient Justitiële Inrichtingen	Custodial Institutions Agency
EBI	Extra Beveiligde Inrichting	Maximum Security Prison
GCTF		Global Counter Terrorism Forum
GRIP	Gedetineerden Recherche Informatie Punt	Detainee Intelligence Information Service
ICPS		International Centre for Prison Studies
KLPD	Korps Landelijke Politiediensten	National Police Services Agency
NCTb	Nationaal Coördinator Terrorismebestrijding	National Counterterrorism Coordinator
P.I.	Penitentiare Inrichting	Penitentiary Facility
RSJ	Raad voor Strafrechtstoepassing en Jeugdbescherming	Council for the Administration of Criminal Justice and Protection of Juveniles
SAC-EBI	Selectie Advies Commissie – Extra Beveiligde Inrichting	Selection Advisory Committee – Maximum Security Prison
SAC-TA	Selectie Advies Commissie – Terroristenafdeling	Selection Advisory Committee – Terrorism Wing

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Samenvatting

Radicalisering in gevangnissen staat hoog op de politieke agenda in Europa. Een toenemend aantal jonge moslims werd in de afgelopen jaren gearresteerd op verdenking van het voorbereiden van extremistisch geweld of het ronselen voor de gewapende strijd in conflictgebieden zoals Syrië en Irak. Geluiden dat diverse extremisten, waaronder de plegers van de aanval op het satirische magazine Charlie Hebdo in Parijs in januari 2015, in de gevangenis zouden zijn geradicaliseerd voeden de angst voor verspreiding van extremistisch gedachtegoed onder gedetineerden. Verschillende landen worstelen met de vraag hoe terrorismeverdachten het beste kunnen worden gehuisvest om dit te voorkomen.

In Nederland past de overheid sinds 2005 een concentratiebeleid toe, waarbij alle van terrorisme verdachte of veroordeelde gedetineerden worden afgezonderd van de reguliere gevangenispopulatie en worden ondergebracht in streng beveiligde ‘terroristenafdelingen’. Hier worden zij onderworpen aan een strikt regime en wordt hun communicatie met andere personen, zowel binnen als buiten de gevangenis, streng gecontroleerd. Nederland is niet het enige land dat terrorismeverdachten op aparte afdelingen plaatst: Andere landen, zoals Amerika, Australië, de Filippijnen, en recentelijk Frankrijk, passen vergelijkbaar beleid toe.

Hoewel het intuïtief plausibel lijkt dat het bij elkaar plaatsen van extremisten het makkelijker maakt hen te controleren en te voorkomen dat zij andere gedetineerden negatief beïnvloeden, kleven er ook nadelen aan een dergelijke aanpak. Immers, het is denkbaar dat gedetineerden op een terroristenafdeling elkaar (blijven) bevestigen in hun radicale overtuigingen of dat zulke afdelingen tot onvrede leiden onder bepaalde bevolkingsgroepen, wat mogelijk weer een verdere

voedingsbodem voor radicalisering biedt. Inderdaad hebben landen die in het verleden concentratiemodellen hebben toegepast, zoals Duitsland en Engeland, overwegend slechte ervaringen met deze aanpak gehad.

Ook in Nederland is er geregeld kritiek op de terroristenafdelingen. Eind december 2014 gingen verschillende gedetineerden in hongerstaking als protest tegen het in hun ogen te strenge regime, en zowel advocaten als wetenschappers plaatsten kritische kanttekeningen bij het beleid. Het is dus de vraag wat de beleidsmakers ertoe heeft aangezet om aparte terroristenafdelingen op te richten, ondanks dat zulk beleid negatieve of zelfs contraproductieve gevolgen met zich mee kan brengen? Is dit beleid gestoeld op evidentie en realistische aannames, of is het een grotendeels ondoordachte reactie op maatschappelijke onrust en angst voor extremisme?

In dit proefschrift wordt deze vraag beantwoord door te onderzoeken hoe gevangenisbeleid voor terroristen tot stand komt en hoe het in de praktijk functioneert. Hiertoe is de Nederlandse aanpak om terrorismeverdachten te concentreren geselecteerd als voorbeeld van vergelijkbaar beleid in andere landen. Aan de hand van Pawson en Tilley's realistische evaluatiebenadering is geëvalueerd of dergelijk beleid wordt gesteund door bestaande wetenschappelijke kennis. Hierbij is gebruik gemaakt van verschillende kwalitatieve en kwantitatieve methoden, waaronder uitgebreide literatuurstudies, interviews met de betrokken beleidsmakers, gevangenispersoneel en (extremistische) gedetineerden, aangevuld met experimenteel onderzoek binnen gevangenissen.

Over het geheel genomen kan worden gesteld dat het bij elkaar plaatsen van terrorismeverdachten een overhaaste beleidsreactie op maatschappelijke vrees voor terrorisme lijkt te zijn, zonder dat er concreet bewijs is dat een dergelijke aanpak helpt om radicalisering onder gedetineerden te voorkomen. Sterker nog, de resultaten uit deze studie wijzen er op dat dergelijk beleid negatieve bijwerkingen kan genereren en uiteindelijk zelfs contraproductief kan zijn. Het is niet ondenkbaar dat de terroristenafdelingen op de langere termijn eerder radicalisering in de hand werken dan tegengaan. Hieronder zullen de belangrijkste bevindingen die ten grondslag liggen aan deze conclusie worden samengevat.

De Terroristenafdeling

Om inzicht te bieden in de achterliggende gedachte van het bij elkaar plaatsen van terrorismeverdachten en -veroordeelden is in *deel één* van dit proefschrift het Nederlandse

beleid in kaart gebracht. Hierbij is met name onderzocht hoe en onder welke omstandigheden het beleid tot stand is gekomen (hoofdstuk twee) en op welke aannames het is gebaseerd (hoofdstuk drie).

In hoofdstuk twee is, aan de hand van interviews met de betrokken beleidsmakers, het besluitvormingsproces achter de terroristenafdeling gereconstrueerd. Hieruit blijkt onder meer dat de terroristenafdeling onder hoge politieke en maatschappelijke druk tot stand kwam en dat er nagenoeg geen risicoanalyses zijn uitgevoerd voordat het beleid werd ingesteld. Na de moord op Theo van Gogh werd het overheidsoptreden in de strijd tegen terrorisme door de maatschappij op de voet gevolgd en klonk volgens de beleidsmakers een publieke en politieke roep om daadkrachtige maatregelen. De net opgerichte Nationaal Coördinator Terrorismebestrijding nam het voortouw in het ontwikkelen van een speciale terroristenafdeling, om zo radicalisering onder gedetineerden te voorkomen en een maatschappelijk signaal uit te zenden dat gewelddadig extremisme niet zou worden getolereerd. Binnen een tijdsbestek van een aantal maanden werd het plan om terrorismeverdachten bij elkaar te plaatsen ontwikkeld, geaccepteerd en ingevoerd.

Een opmerkelijke bevinding is dat niet alle betrokken partijen de voorkeur gaven aan het concentreren van terreurverdachten. De Dienst Justitiële Inrichtingen (DJI), die verantwoordelijk is voor de tenuitvoerlegging het beleid, pleite ervoor terrorismeverdachten in beginsel vast te zetten op reguliere gevangenisafdelingen en hen over verschillende afdelingen te verspreiden. Volgens DJI was er geen noodzaak om aparte terroristenafdelingen op te richten en hebben gevangenen binnen de bestaande kaders voldoende middelen om radicalisering en rekrutering tegen te gaan. Ook de Raad van Strafrechtstoepassing en Jeugdbescherming, die door het Ministerie van Justitie werd gevraagd te adviseren over de detentie van terrorismeverdachten, liet zich kritisch uit over de terroristenafdelingen.

In hoofdstuk drie is vervolgens gereconstrueerd wat het achterliggende idee is van de terroristenafdeling en op welke aannames en veronderstellingen het beleid is gebaseerd (de zogenaamde programmatheorie). Hieruit blijkt dat het beleid, waarschijnlijk als gevolg van de ervaren druk op het besluitvormingsproces, sterk is georiënteerd op kortetermijndoelstellingen en tamelijk inflexibel is. Het regime biedt weinig ruimte voor maatwerk of voor aanpassingen aan individuele gevallen of bijzondere omstandigheden. De nadruk ligt expliciet op het creëren van een veilige detentiesituatie. Ongewenste of minder urgente beleidsuitkomsten, zoals eventuele negatieve gevolgen van verblijf op de terroristenafdeling voor het welzijn van de

gedetineerden of voor hun re-integratieperspectieven, zijn expliciet ondergeschikt gesteld aan het acute veiligheidsbelang.

Theoretische en Empirische Reflecties op Gevangenisradicalisering

De Nederlandse terroristenafdeling (en vergelijkbaar beleid in het buitenland) is gebaseerd op een aantal veronderstellingen over hoe extremistisch gedachtegoed zich binnen gevangenis zou kunnen verspreiden. Zo wordt doorgaans aangenomen dat extremistische gedetineerden zullen proberen reguliere gedetineerden te rekruteren voor extremistische doeleinden, en dat reguliere gedetineerden op hun beurt vatbaar zijn voor dergelijke beïnvloeding. Het is de vraag of deze aannames worden gesteund door bestaande inzichten.

Om deze vraag te beantwoorden is in hoofdstuk vier onderzocht of de aanname dat gedetineerden vatbaar zijn voor radicalisering steun vindt in wetenschappelijke inzichten. Er is weinig tot geen empirisch onderzoek naar deze vraag gedaan. Daarom is in dit hoofdstuk op basis van bestaande kennis uit de sociologie, criminologie, en psychologie een theoretisch model ontwikkeld dat de condities beschrijft waaronder gedetineerden zouden kunnen radicaliseren. Dit model suggereert dat het risico op radicalisering onder gedetineerden niet gegeven is maar dat dit alleen gebeurt onder uiterst specifieke institutionele, sociale, en individuele omstandigheden. Of radicalisering plaats vindt is sterk afhankelijk van de mate waarin en de manier waarop individuele behoeftes al dan niet worden bevredigd. De kans dat radicalisering zal plaatsvinden lijkt dus klein. Gezien het gebrek aan onderzoek is momenteel onduidelijk of en in welke mate radicalisering onder gedetineerden in verschillende landen plaatsvindt.

De bevindingen van hoofdstuk vijf steunen de gedachte dat het risico op radicalisering onder gedetineerden kleiner is dan vaak wordt verondersteld. Uit experimenteel onderzoek onder gedetineerden in Nederlandse gevangenis blijkt dat terroristen een lage sociale status hebben in de reguliere gevangenispopulatie, wat suggereert dat zij waarschijnlijk weinig invloed hebben op de opvattingen en het gedrag van andere gedetineerden. Uit het onderzoek blijkt dat zowel moslim als niet-moslim gedetineerden extreem negatieve opvattingen hebben over terroristen. Het lijkt erop dat zij eerder geneigd zullen zijn zich van terroristen af te keren dan zich door hen te laten beïnvloeden.

Daar komt bij dat het bij elkaar plaatsen van terrorismeverdachten ongewenste neveneffecten kan veroorzaken en mogelijk verdere radicalisering op een terroristenafdeling in de hand kan

werken. Uit het onderzoek blijkt dat reguliere gedetineerden afwijzender staan tegenover gedetineerden die op een terroristenafdeling zijn geplaatst dan tegenover gedetineerden die in andere gevangenisregimes (zoals de Extra Beveiligde Inrichting, de EBI) verblijven. Dergelijke afwijzende reacties zouden op hun beurt weer tot meer frustratie onder terrorismeverdachten kunnen leiden, waardoor het risico op radicalisering bij hen alleen maar toeneemt.

Al met al maken de bevindingen van deel twee duidelijk dat er weinig bewijs is dat het bij elkaar plaatsen van terreurverdachten een zinvolle bijdrage kan leveren aan het tegengaan van radicalisering. Niet alleen zijn dergelijke maatregelen gestoeld op ongefundeerde risico-inschattingen, er bestaat ook een aannemelijk risico op ongewenste of zelfs contraproductieve beleidsuitkomsten.

Het Concentratie-model in de Praktijk

In *deel drie* is onderzocht of er aanwijzingen zijn dat zich inderdaad ongewenste beleidsuitkomsten voordoen en of het beleid in de praktijk functioneert zoals werd beoogd. Hiervoor is opnieuw ingezoomd op het Nederlandse aanpak en is in kaart gebracht hoe de terroristenafdeling dagelijks functioneert.

In hoofdstuk zes is de gerealiseerde doelgroep van de terroristenafdeling bestudeerd en afgezet tegen de beoogde doelgroep. Ook is bekeken hoe de selectieprocedure voor de terroristenafdeling functioneert. Het blijkt dat het beleid inflexibel is en weinig ruimte biedt voor een persoonsgerichte aanpak, wat ongewenste uitkomsten veroorzaakt die alleen kunnen worden voorkomen door van de beoogde regels af te wijken. Zo worden gedetineerden die van lichte misdrijven worden verdacht (bijvoorbeeld het verlenen van financiële steun aan een terroristische organisatie) automatisch in een zeer strikt regime geplaatst, zonder dat dit wordt onderbouwd met een individueel risicoprofiel. Ook worden gedetineerden die (nog) niet ver zijn geradicaliseerd op een afdeling geplaatst waar zij mogelijk met ideologische zwaargewichten in aanraking komen, waardoor zij wellicht verder zouden kunnen radicaliseren.

In hoofdstuk zeven is het dagelijkse functioneren van de terroristenafdeling in kaart gebracht, waarbij onder meer is gekeken naar het gevangenisregime en de invloed hiervan op de gedetineerden. Eén van de opmerkelijkste bevindingen is dat, ondanks dat resocialisatie tijdens het besluitvormingsproces expliciet werd afgewezen als beleidsdoelstelling, het in de praktijk onwenselijk wordt geacht om gedetineerden niet voor te bereiden op hun terugkeer in de

samenleving omdat dit mogelijk de kans op recidive vergroot. Op uitvoerend niveau is door de jaren heen geprobeerd om op resocialisatie gerichte elementen in het gevangenisregime te integreren. Maar doordat het regime weinig ruimte biedt voor maatwerk is dit lastig en wordt betrekkelijk weinig gedaan om de gedetineerden te de-radicaliseren of te resocialiseren.

Al met al blijkt dat de terroristenafdeling in de praktijk implicaties heeft die als ongewenst kunnen worden beschouwd omdat zij tot nieuwe veiligheidsrisico's kunnen leiden, zoals verdere radicalisering onder de gedetineerden (zowel tijdens als na hun detentie). Opmerkelijk is dat veel van deze processen op voorhand hadden kunnen worden voorzien maar tijdens het besluitvormingsproces werden genegeerd, waarschijnlijk als gevolg van de ervaren druk op de beleidsmakers.

Samengenomen wijzen de eerste drie delen van het proefschrift erop dat de beslissing om terrorismeverdachten te concentreren op aparte gevangenisafdelingen een bureaucratische reflex is in reactie op maatschappelijke angst voor radicalisering in gevangenissen, zonder dat duidelijk is in hoeverre deze dreiging daadwerkelijk bestaat en hoe deze het beste kan worden bestreden. Er is geen structureel bewijs dat reguliere gedetineerden vatbaar zijn voor radicalisering, zoals vaak wordt aangenomen. In tegendeel, er zijn aanwijzingen dat de meeste gedetineerden, zowel moslims als niet-moslims, zeer negatief denken over terreurverdachten. Daarnaast is onduidelijk in hoeverre het concentreren van terrorismeverdachten een zinvolle bijdrage kan leveren aan het tegengaan van de verspreiding van radicaal gedachtegoed en zijn er bovendien indicaties dat dergelijke maatregelen ongewenste uitkomsten kunnen genereren. Dit roept de vraag op wat beleidsmakers, niet alleen in Nederland maar ook in het buitenland, ertoe heeft bewogen om extremisten desondanks op aparte gevangenisafdelingen onder te brengen.

In de Greep van de Angst

In *deel vier* (hoofdstuk acht) wordt de bestaande literatuur over gevangenisradicalisering bestudeerd. De bevindingen wekken de indruk dat het gehele internationale beleidsveld, inclusief politici, beleidsmakers, onderzoekers, en uitvoerders, in de greep is van angst voor de mogelijke gevolgen van radicalisering onder gedetineerden. Er zijn diverse aanwijzingen dat partijen op alle betrokken niveaus geneigd zijn zich te laten leiden door angst en politiek-maatschappelijke druk. Dit lijkt niet alleen negatieve gevolgen te hebben voor de kwaliteit en uitkomsten van beleid, maar ook van wetenschappelijk onderzoek op dit terrein.

Het publieke discours over extremisme in het algemeen, en over extremistische gedetineerden in het bijzonder, wordt gekenmerkt door referenties naar dreiging, onzekerheid en gevaar. Dit angstige taalgebruik wordt overgenomen door andere partijen, waaronder politici, gevangenispersoneel en onderzoekers, en beïnvloedt hoe zij het probleem rond extremisme zien en hoe zij hierop reageren. Wanneer we kijken naar de beleidsdiscussie over detentiebeleid voor terroristen zien we dat politici en beleidsmakers doorgaans afgaan op hoge maar grotendeels ongefundeerde risico-inschattingen en dat zij geneigd zijn om bepaalde risico's en verantwoordelijkheden te vermijden. Ook onderzoekers lijken negatief te worden beïnvloed door het discours van angst, waardoor er weinig (waardevol) onderzoek is gedaan naar radicalisering onder gedetineerden en naar de effecten van verschillende detentiestrategieën. Het gevolg is dat detentiebeleid voor terrorismeverdachten en -veroordeelden vaak slecht wordt onderbouwd en suboptimaal aansluit bij de beoogde doelstellingen, en mogelijk een risico meebrengt op ongewenste of zelfs averechtse effecten.

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Curriculum Vitae

Tinka Veldhuis (1983) was born in Amstelveen, The Netherlands. In 2006, she obtained a bachelor's degree in Sociology at the University of Groningen, followed in 2008 by a master of science degree in Sociology (cum laude). From 2008 onwards she worked as a PhD researcher at the ICS and the department of Sociology at the University of Groningen. In addition, she has been working as a research fellow at the Netherlands Institute of International Relations 'Clingendael' (2011 – 2014) and at the International Centre for Counter-Terrorism (ICCT) – The Hague (2011 – onwards), where she is involved in research and training projects on rehabilitation and reintegration of violent extremist offenders. As of January 2015, she is an assistant professor of criminology at Leiden University in The Netherlands. Veldhuis continues to conduct research on issues related to violent extremism and (counter)terrorism.

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