

JL MARRET -ICSR Project on de-radicalization in jail.

# **Prison De-radicalization and disengagement: The French case**

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<b>Background .....</b>	<b>4</b>
<b>Threats: Old and New, National and International .....</b>	<b>4</b>
<b>Corsican nationalists .....</b>	<b>5</b>
<b>Basque nationalists .....</b>	<b>5</b>
<b>Diaspora-based terrorism .....</b>	<b>5</b>
<b>Radical Islam and Salafi-jihadism(s) .....</b>	<b>6</b>
<b>The French prison system.....</b>	<b>7</b>
<b>Principles and structures .....</b>	<b>7</b>
<b>Terrorists, <i>Maisons centrales</i> and DPS Statute.....</b>	<b>10</b>
<b>Terrorism, Prisoners and Data.....</b>	<b>11</b>
<b>Policy and Approach: Security first .....</b>	<b>13</b>
<b>When security measures stand for “De-radicalization” .....</b>	<b>13</b>
<b>Political process as political De-radicalization/Disengagement? .....</b>	<b>14</b>
<b>Forced removals of non-nationals as “geographical De-radicalization” .....</b>	<b>15</b>
<b>French values and approach towards de-radicalization.....</b>	<b>15</b>
<b>Centrality of law .....</b>	<b>16</b>
<b>French Counter-Terrorism model and jail turn-over .....</b>	<b>17</b>
<b>Comprehending Radicalization to De-radicalization? .....</b>	<b>18</b>
<b>Training for awareness, intelligence and countering radicalization .....</b>	<b>21</b>
<b>Radicalization detection .....</b>	<b>22</b>
<b>“Penitentiary intelligence” .....</b>	<b>22</b>
<b>Countering radical Islam with moderate Imams .....</b>	<b>23</b>
<b>Overall assessment .....</b>	<b>24</b>

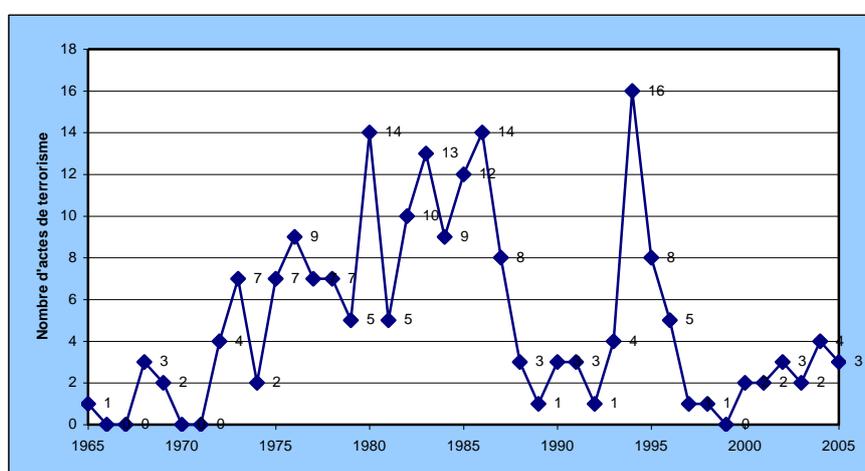
## Background

### *Threats: Old and New, National and International*

According to the database of terrorist attacks compiled by the Fondation pour la Recherche Stratégique for the French Ministry of Interior, hundred and thirty nine people have been killed by terrorist attacks in France- one third of which (forty six) in five distinct terrorist “waves”, namely:

- Action Directe
- The State-sponsored FATAH-RC (“Abu Nidal Organization”)
- The Armenian ASALA,
- The “Lebanese connection” (FARL, CSPPA, PDL i.e. the Hezbollah)
- And finally, the most deadly- the Islamist Armed Group or GIA (Khaled Kelkal and *alii*). Forty one French citizens have been killed in Algeria between September 1993 and August 1996.

Geographically speaking, Paris accounts for 37 percent of all the terrorist attacks carried out since 1965 in France. The graphic below indicates that since the 1995 GIA series of bombings on the Paris metro system, France’ human casualties have, in reality, been only tourists or French citizens working in Arab-Muslims countries.



*Terrorist acts against France and its Interests across the world (human casualties)<sup>1</sup>:*

France has battled different forms of terrorism over the years- the most persistent among them being the separatist ones such as Basque and Corsican. But like other Western countries, France has also been victim to (especially in the 1970s) a far-

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<sup>1</sup> F, Heisbourg and Marret, Jean-Luc, *Le terrorisme en France aujourd'hui*, Paris, Editions des Equateurs, 2006, p.42 (Database on Terrorist Acts against France, [www.frs.org](http://www.frs.org)).

leftist form of terrorism in the form of a group called *Action Directe*. *Action Directe* and its affiliated networks were both Internationalist and Revolutionary in nature. They propagated a kind of political violence that is given to resurgence. Traditionally, France has always been open to Immigration. Classical observation deduces that the Diaspora that lives on French territory is victims, or easy prey for foreign terrorist organizations that scout for individuals or enterprise. Thus, it can be assumed- as is regularly observed by the French Counter-Terrorism services (DCRI-*Direction Centrale du Renseignement Intérieur*) - that many well-known political organizations, associated networks, or sympathizers operate legally from French soil. But the question is whether or not they are subject to French laws in terms of funding, hate speeches and propaganda.

## **Corsican nationalists**

Besides their usual micro-behaviours (financing, rackets, attacks of limited range- but sometimes targeted against the State's critical infrastructure), the violence perpetrated by the Corsican nationalists has, with time, decreased in intensity and is largely non-lethal. It should be noted that what's currently at stake politically for the nationalists is the question of regrouping or bringing together the militants that are imprisoned.<sup>2</sup> This demand is also made by Basque nationalists and their supporters, but from the Ministry of Justice' point of view, such a demand poses a huge security challenge (See below).

## **Basque nationalists**

This threat is not only represented by ETA. Other groups and smaller, "legal" organizations are also under scrutiny. A strong French-Spanish cooperation- sometimes regarded as the avant-garde of a broader European cooperation- seems pretty much satisfying to Paris and Madrid. High-ranking ETA members are regularly arrested, and even though ETA has a collective direction, it must be said that these successes contribute to the downgrading of ETA' capabilities. Consequently, the issue of ETA members incarcerated in French (and Spanish) jails is a very sensitive one. Although there are a large number of such inmates (see below), the challenge it represents still seems manageable to the authorities.

## **Diaspora-based terrorism**

It is not justified to broaden the issue here as we can give only a few and recent examples namely, at the beginning of April 2007, a police action aimed at questioning the extortion racket of the Liberation Tigers of the Tamil Ealem (LTTE), Seine-et-Marne, Seine-Saint-Denis, Yvelines, Valley-of-marl and Valley-in Oise. A structure was typically targeted such as the *Comité de coordination Tamoul* (Tamil Coordination Committee) located in Paris. Computer equipment, propaganda materials and liquid cash were seized. Several persons in-charge of the LTTE in Europe were

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<sup>2</sup> [www.unita-nazionale.org](http://www.unita-nazionale.org)

"arrested" at the time of the operation.<sup>3</sup> There is also the other example of how several P.K.K. militants were arrested and convicted in June 2007 for attacking Turkish Interests and shops with Molotov cocktail.<sup>4</sup>

## Radical Islam and Salafi-jihadism(s)

Briefly put, "Radical Islam" does not always mean "violence". The term could imply a politicized, but non-combative or violent Islam. The *Direction Centrale des Renseignements Généraux* (DCRG) (A services that merged with Direction de la Surveillance du Territoire or DST to form the DCRI), estimated that five thousand Salafists live in France and on 1,700 cult, 75 have been submitted to a salafist destabilization attempt, in 2004. This number has certainly grown since then. One of the most visible *indicators of radicalization* is the control of mosques. Like everywhere else in Europe, Salafist circles seem bent on infiltrating into mosques by subterfuge in order to practice entryism, and then take control of them, especially those of the *Tabligh*. Another indicator is obviously the radicalization in jails. From the French point of view, the question of the jihadi terrorist networks has to be analyzed within the broader framework of the Maghrebian diasporas (the first, second, third, and even fourth generation), and the various degrees of activism related to Islam. It is believed that the jihadi networks are micro-networks that prey on Muslim populations that have various religious (and non religious/secularist) practices, and many socio-cultural standards and ways of life.<sup>5</sup> From the mid-1990s, jihadi cells have been dismantled in France on a regular basis. An analysis of these cells has revealed that such cells are generally formed by individuals having various links (historical, familial, geographical, political, and inspirational) with foreign countries. "Land of jihad" can be instrumental in polarizing individuals (Iraq, a few years ago, and on a smaller scale, Afghanistan and Pakistan now). Maghreb is obviously the hub, and the most influential region for "made in France" jihad. It must be said that the French-Maghrebian jihadi networks in France, and sometimes, in other states, are shaped by Maghrebian culture. There is a positive side to this: *Malekism*- the Maghrebian rigorist Islam- does not culturally demand martyrdom and religion-based violence. Unlike Wahhabi or Pakistan's Madrassas, it does not attract people from across the world. At times, it is also challenging: the typical Maghrebian petty-crimes (called *Trabendo*) which can include the hashish, counterfeight clothes and cosmetics trade, and the halal sandwiches business are deeply, and by definition, decentralized and on a small scale. For these reasons, terrorist micro-fundings are hard to detect. Decentralized, and leaderless jihadi networks in France display various characteristics: for example, their operational level may be very low, but their logistics can be highly sophisticated, and cover many states (see for instance: the French-Belgian networks responsible for the suicide-bombing in Iraq a few years ago). The links to prestigious or inspirational foreign jihadi leaders seems essentially rhetorical. It does not mean that Frenchmen or individuals with dual citizenships cannot be found in Pakistan or

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<sup>3</sup> [www.hinduonnet.com/fline/fl12408/stories/20070504001205100.htm](http://www.hinduonnet.com/fline/fl12408/stories/20070504001205100.htm)

<sup>4</sup>Marret, J.L. *and alii*, « Mutation de la lutte anti-terroriste et du contre-terrorisme – Évolution du rôle et des capacités de la Gendarmerie », Fondation pour la recherche Stratégique, rapport pour le centre de Prospective de la gendarmerie nationale, 2007.

<sup>5</sup> Adapted from Marret, J.L., "Les Fabriques du Jihad", Paris, Presses Universitaires de France, 2005.

Afghanistan now. It mostly implies that French jihadi networks are multifaceted: autonomous cells, self-radicalized individuals can appear or even interact abruptly. The most visible threat is obviously Al-Qaida in Islamic Maghreb. This organization has the prestige of being affiliated, in one way or another, with the Al-Qaida' core structure (Al-tanzim al Qaidat al-jihad), and claims to unify Maghrebian jihadi organizations and initiatives from Maghreb and around (Sahara and Western Europe). In France, the AQMI constantly tries to recruit individuals for terrorist activities. But as of now, the situation is not significantly alarming. However, the DCRI continues to make regular arrests of individuals with AQMI connections.

## ***The French prison system***

<p><b>62 000</b> inmates of which 83.5% spend a year or less in custody</p> <p><b>160 000</b> ex-inmates or condemned to non-jail sentence</p> <p><b>194</b> prisons (111 <i>maison d'arrêt</i>, 77 <i>établissements pour peine</i>, 6 youth correctional institutions) (See below)</p> <p><b>7</b> new facilities for major crimes/sentences and 2 new short-sentences sections (QCP) in 2009 5 130 additional places</p> <p><b>103</b> Penitentiary, Integration and Probation Service (SPIP)</p> <p><b>33 000</b> penitentiary agents, including <b>24 300</b> agents for monitoring/surveillance</p> <p><b>6 000</b> <i>in situ</i> social workers, including 2 200 medical staffers</p> <p><b>11.8%</b> of inmates have their sentence commuted</p> <p><b>Euros 2.4 billions:</b> Overall annual budget</p>
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(Source –Ministry of Justice) (01 January, 2009)

## **Principles and structures**

The French penitentiary system assumes a dual role:

- Taking part in the execution of decisions and penal sentences, and in the continuity of public safety ('Discipline and Punish').<sup>6</sup>
- Re-socializing inmates on an individual basis.

The penitentiary authorities deal with individuals who are placed under its watch after or before the dispensation of justice. The sentence can require different types of imprisonment: closed or half-closed prisons, with or without isolation. The social rehabilitation or reinsertion is made in accordance with the law by public-private partnerships. A prison can have structures and staffers in charge of teaching or helping inmates acquire a skill. For instance, inmates can be taught how to read. In collaboration with the public (*Pôle*

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<sup>6</sup> Foucault, M., *Discipline and Punish: The birth of Prison*, New York, Random House, 1975.

*emploi*,<sup>7</sup> the national unemployment office), or associative partners, the prison authorities set up insertion disposals (“*Dispositifs d’insertion*”) for prisoners or those whose freedoms have been temporarily restricted (*Mesure restrictive de liberté*). Traditionally, these rehabilitation activities include various key aspects such as lodging, degree and education, professional skill, employment and medicals.

The European penitentiary rules (Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Rules) adopted in January 2006, form the legal and ethical framework governing the actions of the penitentiary authorities. They lay down the fundamental principles and practical recommendations concerning the conditions of detention, health and access to health care, public order rules in jail, penitentiary staffers, inspections and controls, and the mode of detention of sentenced individuals as well as those under preventive detention.

The *Service pénitentiaire d’insertion et de probation* (SPIP) or Penitentiary insertion and probation service is part of the penitentiary administration and has a department/local competence. It was created in 1999 and works with sixty thousand inmates, and hundred and twenty five thousand individuals condemned to non-jail sentences everyday. Theoretically, the SPIP coordinates with the Director of the prison to provide a variety of services to the inmates: it provides information on the inmates to their families; helps to sustain family links; supports access to social /insertion disposals; prepares the inmates for release; and even asks a judge for a reassessment of an inmate’s case. SPIPs also provide educational opportunities such as basic literacy, access to professional degrees and jobs, and cultural activities.

*Pôle emploi* is the French national unemployment agency which registers unemployed people, helps them to find a job and provides them, under certain circumstances, with financial aid. The agency employs forty five thousand civil servants. The organization also has an agency in Paris that specializes in rehabilitating inmates rehabilitation (*Espace liberté–emploi*), but that is looked upon more as a national referent structure for law, ad hoc projects and expertise in dealing with inmates. Specialist *Pôle emploi* civil servants also work in local offices and dedicated organizations<sup>8</sup> dealing with inmates- a population that is extremely sensitive to work with given their anti-social characteristics, the psychiatric issues and illiteracy etc.<sup>9</sup>

A traditional and long-term public-private partnership approach has led to the mushrooming of select and “label” (*Conventionnées*) dedicated NGOs (*Association*) as referent actors in national, regional and field work. These organisations have specific social capital, values, approaches, niches and capacities. Along with the SPIP and other public actors of rehabilitation, they contribute to the implementation of operational public policies in order to prevent recidivism and social exclusion.<sup>10</sup> These fourteen NGOs can be “general” or specialized in their approach. None of them have a specific approach towards inmates convicted of terrorism. The fact that only one NGO is located outside Paris (and its suburbs) is indicative of the Ministry of Justice’ dominance in Paris. Here are some examples of the labelled Associations that are authorized to work in jails:

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<sup>7</sup> [www.pole-emploi.fr](http://www.pole-emploi.fr)

<sup>8</sup> Interview with J.E.P., Conseiller principal Pôle Emploi, 22 October, 2009.

<sup>9</sup> Interview with L.C-P., Chargée de mission, Pôle Emploi, 21 October, 2009.

<sup>10</sup> [www.justice.gouv.fr/index.php?rubrique=10036&ssrubrique=10037&article=12014](http://www.justice.gouv.fr/index.php?rubrique=10036&ssrubrique=10037&article=12014)

- AID (Aids patients, research, information on AIDS and hepatitis).<sup>11</sup>
- Association Nationale des Visiteurs de Prison (ANVP) or National Association of Jail Visitors<sup>12</sup>
- AUXILIA (Work with isolated inmates).<sup>13</sup>
- CIMADE (Work with inmates who are not French citizens).<sup>14</sup>
- CLIP (Computer Club Prison). Promote the use of computers among inmates<sup>15</sup>
- Courier Bovet (national association of correspondence with inmates, funded in 1950, serves as a post-box thereby allowing members to keep their anonymity. In 1999 nearly thousand members corresponded with approximately thousand three hundred inmates).<sup>16</sup>
- French Red-Cross.
- FARAPEJ (Federation of Associations Puzzle Action Jail and Justice) It is an umbrella organization of smaller and local NGOs that design various activities for people leaving prison, inmates and their families, and also conducts many interventions with local communities to facilitate the implementation of alternative penalties to imprisonment etc.

It is imperative to note that none of these organizations are specifically dedicated to ex-terror inmates. The Penitentiary Direction and its *Service pénitentiaire d'insertion et de probation* (SPIP) make an assessment of the inmates, case by case. The inmates are assessed for their potential and consequently, the theoretical chances of their successful rehabilitation. Thus it is quite clearly understood that like any ordinary citizen or resident, every former terrorist who walks out of jail must either rely on himself, or ask for assistance from mainstream bureaucracy such as the *Pôle emploi* offices where, eventually, a specialized civil servant will be able to specifically help him with a “pro-ex-inmate” approach. Accordingly, some of the labelled aforementioned private organizations will also provide them with assistance in the same way. It must be mentioned, however, that it is the prison authorities who decide which inmates are to have visitors on any given day. In short, the ex-terrorist and ex-inmates have the access to the same French Bureaucratic authorities as any ordinary citizen or resident, and can also expect assistance from specialized networks for normal inmates, but within certain limits.

### **Penitentiary structures**

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<sup>11</sup> <http://www.aides.org>

<sup>12</sup> <http://www.anvp.org>

<sup>13</sup> <http://www.auxilia-formation.org>

<sup>14</sup> <http://www.cimade.org>

<sup>15</sup> <http://assoclip.club.fr>

<sup>16</sup> <http://cdbovet.club.fr>

In France, the jails are clearly distinguished according to their security measures and the condition of the inmates. As of 01 January, 2009, there were hundred and ninety four penitentiary establishments on French soil including:

Thirty five *Centres Penitentiaires* (Penitential Centres), mixed establishments for short and long-term sentences, and in two cases, special structures (*Centre pour peine aménagée*) for inmates falling in the “conditional liberty” category.

Twenty three *Centres de détention* (Detention Centres) and thirty four *Quartiers* (CDD)-located in other jails- that receive inmates who have been sentenced to less than a year, and for that reason, are considered ideal candidates for good social rehabilitation. These structures are clearly designed to facilitate social rehabilitation.

Four *Maisons Centrales* (MC) and 9 *Quartiers* (QMC) - also located in other jails- receive the most difficult, dangerous, and sensitive inmates whose chances of social rehabilitation are bleak. The *Maisons Centrales* have the most enhanced security features.

Thirteen autonomous *Centres de Semi-liberté* (CSL) or Half-liberty Centres and four CSL *Quartiers*. With the approval of a judge, the inmates are allowed to take up jobs, study and seek medical assistance outside the jail.

## **Terrorists, *Maisons centrales* and DPS Statute**

Individuals who have been sentenced for terrorist activities are generally put in *Maison Centrales*. These inmates are given most priority owing to the dangerous nature of their crime and hence, are sent to the most secure jails in the country. The detention of these prisoners requires important security features. Rehabilitation or De-radicalization is clearly not a priority here. Nevertheless, based on a case by case assessment, some terrorists could have their detention regimen softened, and even be sent to less restrictive prisons. Historically too, it was decided in the 1970s that the power to judge all terrorist cases should be centralized in the anti-terrorism section of Paris’ *Tribunal de Grande Instance* (TGI). This done to “professionalize” tribunals because members of the Grand Jury and their nominees have been threatened publically in the past by *Action Directe* terrorists. For that reason, terrorists tend to go to Paris or Parisian suburb jails first.

In jails, a special regimen can be followed for terrorists (The *Détenu Particulièrement Signalé* or DPS). These inmates are particularly singled out and hence, their regimen has to be evaluated once a year by high-level judicial authorities (*Procureur de la République*).<sup>17</sup> According to a recent administrative act<sup>18</sup>, and to the Code of Penal Procedure, specific

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<sup>17</sup> Question parlementaire (G.Fioraso), May 5th, 2009, *Journal Officiel*, p.4152.

<sup>18</sup> Circulaire de la DAP 2007 du 18 décembre 2007 d’application de l’instruction ministérielle relative au répertoire des détenus particulièrement signalés, Bulletin Officiel, February 29 2008 – Justice 2008/1 –Texte 6-22, p.1.

conditions are to prevail in a jail during their detention. They apply to: 1) inmates whose escape could be dangerous for society (I.1.3); 2) those who belong to national or international terrorist networks, but have never tried to escape (I.1.4); 3) those who could be on the verge of escape (I.1.5); 5) prisoners who have already tried to escape (I.1.5); and 6) inmates who have already escaped (I.1.6). Concrete measures have to be taken up during the detention of these terrorists. If these inmates are to have the same sort of activities as the average inmates, their cells must be close to surveillance posts. Vigilance by the penitentiary staffers must be intensified for call, physical frisking, cell monitoring etc. In theory, such prisoners can hardly communicate with other inmates. Their requests for social and cultural activities (*Nota Bene*, including rehabilitation activities) must be very seriously examined. The physical transfer from jail to any another place (Hospital, tribunal etc.) must be done in a highly secure way, and with heavy escort. Prisoners convicted of terrorism for the longest sentences are detained in isolation from other inmates.

The DPS is probably the most used “tool” against terrorist inmates. The isolation it permits helps fight against radicalization or proselytizing. The penitentiary staffers, in particular, seem pretty satisfied with such an administrative measure.<sup>19</sup> However, its harsh conditions are regularly denounced by civil organizations<sup>20</sup>, and the pending cases often go to the European Court of Justice. On many occasions, the Court has expressed concern, and even condemned France’ use of the DPS regimen (*Khider vs France*, *Ramirez Sanchez (aka Carlos or the Jackal) vs. France*, and *Max Frérot- Action Directe, IEDs expert) vs. France*). The physical frisking and regular transfers from jail to other places come under a lot of scrutiny.<sup>21</sup>

## Terrorism, Prisoners and Data

The French State is often silent on the number of terrorists holed up in its jails. Citizens, media and the general public have limited access to such data. The sources, too, are fragmented, and for that reason, a comparison or detailed trend analysis is difficult to formulate. But in spite of this, there are different alternative ways of collecting complete and comprehensive data. The State seems willing to make politically communicate using those numbers. An interior minister will be able to justify the actions of his ministry.

Official statistics reveal that since 1986, anti-terrorism services (*Direction de la Surveillance du Territoire* or DST) have arrested more radical individuals using a special and well-established law on “association of criminals in relation with a terrorist enterprise”. That does not automatically condemn all such individuals.

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<sup>19</sup> Interview with a penitentiary agent, 21 October, 2009.

<sup>20</sup> See: [www.prison.eu.org/article2312.html](http://www.prison.eu.org/article2312.html)

<sup>21</sup> [www.paperblog.fr](http://www.paperblog.fr) – régime carcéral des détenus particulièrement signalés (DPS) : Condamnation de la France CEDH 9 juillet 2009, *Khider vs. France*.

	2002	2003	2004	2005
Number of people taken into police custody for “radical Islamism”	58	77	101	170
Number of people arrested by DST in « Islamic extremism cases »	58	41	76	55 (From January to May 2005)

(*Direction Générale de la Police Nationale and Assessment by the DST Director, Le Monde, 24 May 24 2005*)

*Unité de coordination de Lutte Antiterroriste (UCLAT)* is responsible for collecting statistics and data about convicted prisoners. But its activity seems mostly oriented towards supporting the police services and the Ministry of Interior. The European Union, on the other hand, publishes useful comparative data in various documents. In EU “Terrorism situation and trend report” (TE-SAT 2009) published by Europol, France is far ahead in the number of arrests made in 2008 (about four hundred and two, including thirty seven left-wing militants, seventy eight Islamists, and two hundred and eighty three separatists).<sup>22</sup> In terms of the number of failed, foiled or successful attacks in 2008, France comes second (hundred and forty seven) to Spain (two hundred and sixty three). From 2006 to 2008, France has fallen just behind Spain in the number of individuals actually put on trial for charges of terrorism. There could be various explanations to this:

-The large number of arrests in France could imply that France is a more politically violent country than others. Separatism is particularly intense in this way, even though their level of violence is low concretely and potentially;

- French Counter-Terrorism services are efficient;

- French national Counter-Terrorism law and judicial authorities allow for quick, pre-emptive, and easy arrests. On this count, Spain surpasses France in the number of convictions for terror charges. Spain has hundred and sixty two convictions as opposed to France's seventy five. The reason for this could be that unlike France, Spain is faced with a serious threat from the Basque separatists. France is a country that is often described as a logistical non- (or less) operational area.

Estimated data can also be collected by checking with open sources (Minister of Interior or interviews with high-ranking police officers) and contacting organizations that support “political inmates”. Most of them are linked to the Basque (*Senideak-Gureak*)<sup>23</sup> or Corsican separatists. Far leftist/Pro-Marxist Palestinian organizations also support *Action Directe* members and George Ibrahim Abdallah, the former Lebanese Armed Revolutionary Faction (FARL) who was involved in the assassination of a US military attaché in Paris in 1982.<sup>24</sup> They are vociferous advocates of these inmates and regularly

<sup>22</sup> The UK comes a far second with a total of 256 arrested suspects. Then is Spain with 197 arrested suspects, including 61 Islamists and 129 separatists (Europol, TE-SAT 2009, *EU Terrorism situation and trend report*, 2009, p.13.

<sup>23</sup> <http://mokoka.free.fr/senideal.htm>; [www.uribombu.com](http://www.uribombu.com), etc.

<sup>24</sup> <http://lenumerozero.lautre.net/Article1809.html>; <http://liberonsgeorges.over-blog.com>; <http://nlpf.samizdat.net>, etc.

denounce the conditions in which these prisoners live in jails. One must exercise caution while using this data owing to their “possible subjectivity”. According to the *Comité de Solidarité avec le Peuple Basque*, as of October 2009, there are hundred and forty nine Basque “political prisoners” in French jails.<sup>25</sup> The Anti-terrorism section of *Parquet de Paris*<sup>26</sup>- the highly-specialized Court which was run by Jean-Louis Bruguière- has estimated that sixty five alleged *etarras* are in preventive custody, and hundred and seventy four others have been convicted including sixteen French citizens. A self-proclaimed Corsican web portal, *Unita Naziunale*, states that sixty two Corsicans are ‘political prisoners and victims of repression’ (23 October, 2009).<sup>27</sup> Many far-leftist blogs provide information on the five *Action Directe* militants. Some of them are now in “half-liberty detention” (Régis Schleicher), “conditional liberty” (Nathalie Ménigon) and some others still in jail (George Cipriani).<sup>28</sup> The Islamist networks seem less visible and structured in their support of their inmates. The absence of legal organization and political negotiations with the French authorities has dented their support for their prisoner-colleagues. In the past, Malika..., wife of one of the accused in the Massoud assassination was particularly active as a webmaster of a famous jihadi website. She is in jail now and her website does not seem to exist anymore. Global jihadi websites- many of them having a Maghrebian focus- often express concern and demand the liberation of militants. Media sources have quoted from classified reports that the number of Islamists holed up in jail is seventy eight.<sup>29</sup>

## Policy and Approach: Security first

There is no expressly stated policy on dealing with terrorist/insurgent/militant prisoners in France. There are several reasons for this, the prime among them being Culture, values of the French Republic and *laïcité*- defined here as “State neutrality on religions”. The other more conjectural reasons for such a lack of stated policy could be the role of policing in countering Terrorism or the different values and diverging interests among bureaucracies (Security bureaucracy versus Social/Development bureaucracies).

It must be said, however, that the heterogeneity of terrorisms in France fails to talk about one single De-radicalization process. In theory, Disengagement (intended to be more politically/socially based than De-radicalization) seems also more adapted to Basque and Corsican separatists.

## ***When security measures stand for “De-radicalization”***

France’s general approach towards dealing with terrorists/insurgent/militant prisoners consists essentially of Imprisonment, eventually preventing them from proselytizing or radicalizing the inmates. It does not mean that other options to decrease the level of

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<sup>25</sup> <http://Cspb.unblog.fr/euskal-politiko-presoa- -prisonniers-politiques-basque- -presos-politicos-vascos/>

<sup>26</sup> *Sud-Ouest*, 12 October, 2009.

<sup>27</sup> <http://www.unita-naziunale.org/portail/listesprisonniers.htm>

<sup>28</sup> <http://lenumerozero.lautre.net/Article1809.html>

<sup>29</sup> *Le Figaro*, 23 September, 2009.

“terrorist potential” have never been explored- Political processes and force-removals are some examples. Although these are a far cry from the classical definition of the De-radicalization/Disengagement process, they are often help in achieving the same results.

## Political process as political De-radicalization/Disengagement?

Before we proceed any further, it must be said that political amnesty, peace process, and open negotiations can be considered as a political tool to de-radicalize separatist militants. Britain’s success in handling Irish separatist nationalism can certainly be considered a good example here. The Matignon process (*Processus de Matignon*) was the latest and most important attempt at kindling a political dialogue between French authorities and Corsican nationalists (considered as partners at the negotiating table). The process did not stop the political violence in itself, but by enhancing decentralisation-giving more power to local elected institutions, and promoting Corsican language-contributed to addressing the root causes of a conflict that eventually declined in its intensity with time.<sup>30</sup>

Such a political process seems certainly impossible with radical Islamists.

ETA’ “permanent ceasefire” (24 March, 2006 to 30 December, 2006) during its talks with the Spanish government to agree on a formula to end the conflict, did not appear to influence France’s Counter-Terrorism policy towards this organization. Numerous arrests continued to be made all over France during this period.

Previously (1981 and 1982) there were two laws that granted amnesty to individuals involved in radical political activities (Murders were not covered by these laws). The first one applied to every form of radical militancy, and the second one to the Corsicans.<sup>31</sup> In 1989, a law came into being granting amnesty for offences (and not crimes) committed in relation to political events concerning Corsica.<sup>32</sup>

These amnesties and negotiating processes produced various, and sometimes, contradictory results- the most glaring and politically sensitive among them being the release of *Action Directe* militants who turned into deadly terrorists. It also seems obvious that political processes can be rationally considered in cases where the separatist organizations are not opposed to French values and the Western way of life. Such a political tool seems impossible and useless when dealing with radical Islamism and jihadi inmates.<sup>33</sup> This type of initiative seems is, both, old-fashioned and *taboo* now. The “Corsican issue” is losing its sheen while local, decentralized democracy is fructifying as the separatist militants age and fade out. The French-Spanish cooperation is largely credited with this success. It does not give space for political dialogue with ETA, and Jihadism or radical violent Islamism is dealt with firmly.

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<sup>30</sup> <http://www.ladocumentationfrançaise.fr/dossiers/corse/processus-matignon.shtml>; Loi relative à la Corse, n.° 2002-92, 22 January, 2002.

<sup>31</sup> Loi d’amnistie n° 81-736 ; loi n° 82-214 portant statut particulier de la région de la Corse.

<sup>32</sup> Loi n° 89-473, 10 July, 1989.

<sup>33</sup> Dartnell, M.Y. *Action Directe : Ultra-left terrorism in France, 1979-1987*, London, Frank Cass and Company Limited, 1995.

## **Forced removals of non-nationals as “geographical De-radicalization”**

Forced removals of non-nationals are permitted under international law. Article 13 of the International Covenant on Civil and Political Right (ICCPR) allows for the expulsion of legally resident foreigners.<sup>34</sup> The United Nations Human Rights Committee (UNHRC) has noted that the provisions of Article 13 may be departed from in cases involving “compelling reasons of national security,” and also, that normally, an alien who is expelled must be allowed to leave for any country that agrees to accommodate him.<sup>35</sup> Several European governments have supported a common EU policy on expulsion of terrorist suspects. In July 2005, and then again in September 2005, Italy proposed the definition of a common approach to such expulsions.<sup>36</sup> In March 2006, the Interior ministers from the G6 countries (France, Germany, Italy, Poland, Spain, and the UK) agreed to share information on the expulsion of those suspected of preaching racial or religious hatred.

France regularly expels foreigners for national security reasons<sup>37</sup> - some of them after having served jail sentences for terrorism offenses, and others, radicals suspected of preaching radical ideas (Imams, for instance).<sup>38</sup> According to a Human Rights Watch Report the “available government figures” for alleged “Islamic fundamentalists” expelled from France between September 2001 and September 2006 stands at seventy one.<sup>39</sup>

It is evident that, both, the “political process/amnesty” policies and the “forces removed” practices seem to yield contradictory results in France. Until now, political negotiations and amnesties have had no immediate positive effects. They have not contributed to de-radicalize or disengage individuals. On the contrary, in one case, it precipitated terrorism. In the case of Corsica, it is hard to make a clear cut distinction between the positive long-term political effects on the negotiations and amnesty programs, and a certain erosion of separatist ideas. It seems obvious that forced removals have concrete and rapid consequences in terms of terrorist threats and radical proselytizing. This policy can have serious repercussions when it comes to Human Rights, especially if the expelled individuals are sent to countries with authoritarian regimes and dismal Human Rights records.

### ***French values and approach towards de-radicalization***

The French perception of radicalization, which was elaborated *de facto* between 2002 and 2005, does not consider terrorism to be the culmination of the radicalization process. Rather, it views terrorism as a concrete violation of laws in all its diversity. In the recent past,

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<sup>34</sup> ICCPR, 16 December, 1966, G.A. 2200A (XXI).

<sup>35</sup> U.N. Document HRI/GEN/1/Rev.6, 140 (2003), paragraphs 9-10.

<sup>36</sup> Council of the European Union Document 1330/05, 19 July, 2005.

<sup>37</sup> France can also assign them as being « in residence ».

<sup>38</sup> *Le Figaro*, 27 September, 2006.

<sup>39</sup> HRW, *In the name of Prevention*, June 2007, vol.19, no.3 (D), p.1.

numerous inter-European meetings have been organized to discuss the issue of de-radicalization (Disengagement). But throughout, France has maintained its unwillingness to move forward on the issue.<sup>40</sup> According to conventional wisdom, terrorism is defined by “terrorist acts” or the law, and not by the “potential” of a terrorist or an ideology.

## Centrality of law

To the French, Terrorism is a violation of law, and not the culmination of a process. This focus on the central role of Law in defining terrorism has a concrete advantage:

-It puts terrorism in the right perspective. It implies terrorism is a criminal activity.

-It also allows for making a clear-cut distinction between the fight against terror *per se*, and the social-political conditions under which terrorism or political violence can take place.

By regarding terrorism as a criminal act, France negates the possibility of legitimizing the perpetrators. The fear of legitimizing the terrorist drives the French suspicion of a *continuum* between radicalization and terrorism for several reasons:

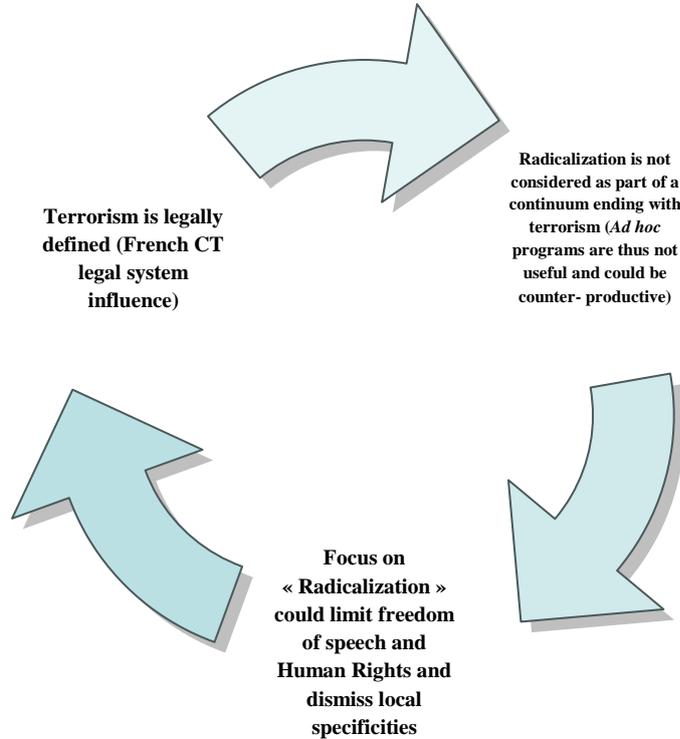
- The establishment of such a continuum between radicalization and terrorism would encourage the vulgarizing of the terror phenomenon by linking it to claims that do not fall under the law, or international norms and conventions;
- From a foreign policy perspective, a systematical link between terrorism and “radicalization“ could help some States in justifying their authoritarian approach against freedom of speech. These States only have in general a coercitive approach, even in absence of any law violation.

The French consider radicalization to be real, both, in France and abroad, but remain skeptical of an approach exclusively based on this radicalization concept: if there is no violation of law, then a very harsh approach to radicalism could infringe upon the freedom of speech and civil liberties. Religion does not directly lead to terrorism, and is never causal. Islamic theoretical corpus can be used to justify or legitimize terrorist acts, but it is not enough to directly result in terrorism. Terrorism has many causes. This position seems perfectly French in a way- balanced between different goals and patterns:

- Firstly, to define terrorism as a legal crime gives satisfaction to and shows the pre-eminence of the Ministries of Interior and Justice;
- Secondly, expressing skepticism towards radicalization programs around the world, and in France, provides certain flexibility in (not) criticizing international partners. It also allowed, few years ago, to clearly distinguish the French policy from the more moral and interventionist approach of the Bush administration;
- And thirdly, it facilitates the traditional French reference to Human Rights and Freedom of Speech.

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<sup>40</sup> Interview with a French CT officer (Anonymous), October 2009.



The limited framework of this research paper does not allow the author to fully and systematically analyze the decision-making process that lead to such a perception, but he reckons that the involvement of other partners such as the Ministry of Social Affairs, the *Agence Française du Développement*, and social workers would probably have brought about an alternative position on De-radicalization, both, in France and abroad. It seems that the country's policy and approach is one

dimensional and based on Counter-Terrorism successes alone. What is needed is the enhancing of Counter-Terrorism laws. Owing to the absence of a terrorist act in France since 1996 (Port-royal terrorist act), the French approach seems pretty much successful, and for that reason, is not debated among mainstream political parties.<sup>41</sup>

If we examine the nexus between de-radicalization/Radicalization, it appears that the proportion of jails to the number of individuals imprisoned for terrorist activities poses a major problem. Public discourse, political speeches, and even our interviews demonstrate that the problem seems obvious to almost everybody now. Nevertheless, France remains a victim of its successes, and no substantial de-radicalization program has been elaborated until now. Jails are regarded as black boxes where inmates are imprisoned (what matters most), and where DPS inmates are randomly or constantly monitoring (See below).

## French Counter-Terrorism model and jail turn-over

Until now, the French Counter-Terrorism model seems well designed to deal with the potential threat of terrorism. After the 1986 Middle-Eastern terrorist campaign, France adopted an approach characterized by the centralization of all terror-related cases in Paris among specialized prosecutors and magistrates. It is also characterized by a strong, close relationship between the magistrates and intelligence services, and a judicial approach involving the preventive detection of terror-suspects. The 1986 legislation created the centralized judicial system for terrorism-related offences: a specialized corps of investigating magistrates and prosecutors; non-jury trials in the Trial Court of Paris (*Cour d'Assise*) for the most serious terror cases; and non-jury trials in the Correctional Court (*Tribunal Correctionnel*) for minor terror offences.<sup>42</sup> The law extended pre-arraignment police custody (*Garde à vue*) in terror cases from the normal forty eight hours to ninety six hours. In January 2006, this was extended to six days.<sup>43</sup> The conceptual and legal cornerstone of the French

<sup>41</sup> The only failure concerns terrorist acts against French interests abroad. Like other countries, France faces serious challenges to the security of its citizens, companies and critical infrastructure (see for instance, the terrorist attack against super tanker *Limburg*).

<sup>42</sup> Loi 86-1020, 09 September, 1986, on the fight against terrorism.

<sup>43</sup> Loi 2006-64, 23 January, 2006, on the fight against terrorism, and diverse provisions relating to security and border controls.

preventive approach (or shall we say “pre-emptive” approach) is the offence of belonging to a criminal association linked to a terrorist undertaking (*Association de malfaiteurs en relation avec une entreprise terroriste*), which permits the State to detain terror-suspects before they have been linked to any specific or concrete act of terrorism. Introduced in France in 1996, ‘*Association de malfaiteurs...terroriste*’ is a minor felony offence defined as ‘the participation in any group formed or association established with a view to the preparation, marked by one or more material acts, of any of the acts of terrorism’ and provided for in the Criminal Code punishable by up to ten years in prison.<sup>44</sup>

The majority of those accused of involvement in activities related to Islamist terrorism in France are charged with this offence.<sup>45</sup> It is worth mentioning that in France, the average penalty per individual convicted in 2008 is seven years (30 in Sweden, 10 in the UK and 12 in Spain). This average is indicative in many ways<sup>46</sup>:

- The French system might allow the easy arrest, conviction and imprisoning of individuals accused of terrorism-related offences;

- The system is well adapted to Maghrebian jihadi networks because culturally, the Maghrebian *trabendo*- a sort of petty crime activity (Petty crime, selling of duplicate clothing, cigarette trafficking etc.)- is at the heart of the terror micro-funding racket in France.

- Since the facilitators, leaders (emirs), and operational militants can be sentenced to perpetuity, this average of seven years also means that some of the arrested individuals are only handed out short sentences.

- The “extreme sensitivity” of the French system- its tendency to arrest, condemn and imprison- might also mean that individuals who are not yet overtly involved in terror related offences such as logistical supporters or sympathizers can also be imprisoned.

The French system, with its increasingly steady stream of prisoners, and quick release of individuals with short prison sentences, emphasizes or should emphasize the importance of following-up on not only prisoners (which refers to radicalization in jail), but also ex-prisoners.

## Comprehending Radicalization to De-radicalization?

The first step towards De-radicalization/Disengagement is to understand what radicalization actually means. The monitoring of Radicalization in jails appeared over a period of time, and coincided with the increase in the number of radical prisoners.

### ***Toward the official perception of Radicalization in jails***

In many countries, the introduction of religion in prisons was first perceived as a factor of order and stability by the penitentiary authorities. The regular practices of

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<sup>44</sup> Article 421-2-1 of the Criminal Code, Law 96-647, 22 July, 1996.

<sup>45</sup> HRW, In the name of prevention –Insufficient safeguards in national security removals, p. 10.

<sup>46</sup> Europol, TE-SAT 2009, p.16.

Islam are likely to provide a moral framework, and therefore, ensure stability in a prison. In the post-colonial period, Islam first made its way into French prisons in the beginning of the 1970s with *Tabligh*, a pious and rigorist movement. Later, in the 1980s, it appears that the prison authorities tolerated the introduction of Islam in prisons in order to counter the (sometimes prominent) influence of gangsters (*Caïds*). The first interrogations on Radicalism took place in the middle of the 1990s, coinciding with the civil war in Algeria. It seems that penitentiary authorities made preliminary inquiries into the imprisonment of GIA members in Bois-d'Arcy *Maison d'arrêt* (Yvelines). But the case that is particularly indicative of radicalization in jail is the case of Khaled Kelkal- a delinquent- living in a poor Lyon suburb, and who was re- converted to Islam by a radical Imam in jail.

Khaled Kelkal, born in Algeria in 1971, immigrated with his family to Lyon's suburbs. While still a teenager, he took to petty crimes. Having stolen a car, his first stint in prison was a small one. However, in 1990, he was sentenced to four years in prison for stealing and perpetuating violence. It was in prison that Kelkal came in contact with radical monks, some of whom were activists with strong links to the Algerian salafistes-jihadist networks. After his release, he met a certain Ali Touchment who convinced Kelkal to run weapons for the Algerian jihadists and plan attacks on France. Kelkal was responsible for the assassination of Imam Sahraoui in his mosque in Paris- a moderate religious referent opposed to the GIA (Islamic Armed Group). Kelkal had a lot of blood on his hands. On 15 July 1995, he was involved in a shootout against Gendarmes; on 25 July, he plotted the bombing of a Parisian metro station at Saint-Michel, killing eight and wounding another 117; on 17 August, 1995, he used an Improvised Explosive Device (IED) at l'Etoile (close to the Champ Elysées) to wound seventeen people; 26 August that same year saw his attempt at sabotaging a high-speed train (TGV) using IEDs fail. Khaled was held responsible because his fingerprints were found on the IED. This made him the "Public enemy number 1". However, he was still able to carry out two other terrorist attacks: 03 September, 1995 in Paris which wounded four and the attack on a Jewish school on 07 September of the same year in which fourteen were wounded. The local police were able to zero in on Kaled close to Lyon on 29 September, 1995, where he was eventually cornered and killed by a regional SWAT team.

Indifference? The lack of desire to communicate on the issue? In 2001, as Radicalism was gaining strength in French prisons (fifty one radical militants were officially imprisoned at that time), the Ministry of Justice maintained that the phenomenon was only "marginal."<sup>47</sup>

There are various ways in which individuals become radicalized in prison. It must be understood that the dissemination of religion does not lead to Radicalization. But eventually, religious demands can compete with the official organization. It can be the demand for the right to a collective, daily prayer, or schedules/day activities which are compatible with religious duties such as the obligation to pray five times a day etc. Naturally, Hate speeches or radical propaganda materials are worrying indicators. The penitentiary authorities gradually began discovering the first signs of Radicalism in

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<sup>47</sup> *Le Monde*, 10 October, 2001.

jails. One of the first instances was in 1998, in Villepinte prison, when an inmate complained about the noise from regular taped calls to Jihad. Upon raiding some of the prison cells, the authorities found innumerable audio tapes with messages on Jihad.

By 2005, the problem was more deep-rooted. A top-ranking police officer publicly claimed: 'It is there in prison, that a minority of radical Islamist terrorists (About 100) hook up with petty criminals who find their way back to religion under its most radical form'.<sup>48</sup> This officer referred to a DCRG study of proselytism in jail. The DCRG estimated hundred and seventy five acts of proselytism in sixty eight prisons (out of hundred and eighty eight prisons in the country). The sixty eight prisons in question are located in urban areas (with a strong Muslim population). According to the DCRG, the most extreme acts of proselytism include calls for collective prayers (30 percent of the cases), and (most worrying) the pressurising of fellow inmates to follow radical/Salafi/jihadi rules (20 percent of all recorded incidents).<sup>49</sup>

There have been more cases following the Kelkal radicalization. On two or three occasions the situation has lead to very serious consequences: penitentiary guards were beaten up (Karim ...); overt propaganda was resorted to (G.R. -connected to the Richard Reid case); and upon release, some prisoners undertook radical proselytism out of jail (Karim...). The most sensitive case is probably that of Safé Bourada, arrested as a "small soldier" in 1995 for providing funds, arms and logistical support to GIA "Kelkal network". He was sentenced to ten years in prison in 1998, but was released after serving just five. He was then placed under surveillance. The official said he setted up a group in jail (*Ansa'ar al-Fath*) and tried to carry out a terrorist attack.<sup>50</sup>

In September 2008, information was published claiming that not less four hundred and forty two Islamic extremists were detained in France. Of these, seventy eight inmates were convicted for terrorist activities. The penitentiary intelligence Bureau (See below) estimates that one hundred and forty seven inmates (in jail for criminal reasons) are actively proselytizing. The report estimated that, at least, two hundred and eleven inmates are turning into radical Islamists. 80 percent of them have Maghrebian origins. It is hard to know how these numbers are obtained because the report is classified and the newspaper does not provide any clue on that. But the numbers in themselves can be compared with previous assessments. Radicalization in French prisons is on the rise.<sup>51</sup>

It is true that the prisoners imprisoned on charges of terrorism do influence the other inmates because of their intellectual superiority, culture, and their "fanaticized morality." They have the prestige and aura of people who "know" the religion. They are not "thieves" either. They are "mujahedeen." They can be generous, if necessary, with the new prisoners. In many cases, they offer an alternative legitimacy and proximity that penitentiary authorities and associated individuals (social workers, penitentiary officers, etc.) cannot offer. Religion, though radicalized, appears to be an

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<sup>48</sup> *Top Chrétien*, 25 November, 2005.

<sup>49</sup> *Le Figaro*, 13 January, 2005.

<sup>50</sup> *New York Times*, 26 September, 2005.

<sup>51</sup> *Le Figaro*, 23 September, 2008.

acceptable and valuable solution to isolation. It also creates a sense of solidarity, and/or social conformism among the Muslim majority. One can also observe some exotic conversions: French and European inmates (or sexual criminals, alcoholics, gays etc.) convert too, either sincerely, by conformism, or just to belong to the strongest community in prison (Conversion of convenience).

At the end of the day, the penitentiary authorities and Counter-Terrorism services are faced with a Catch-22 situation: France is paradoxically a victim of the successes of its national Counter-Terrorism system. Too many terrorist or radical prisoners is leading to the increase in Radicalization. Isolation (under DPS regime) is only possible for the most dangerous and long-serving inmates, but that too is not legally viable in the long run. This regime is also being challenged by the EU Courts. The “small soldiers” of terrorism are not isolated and, hence, can proselytise. Also, Radicalization is sometimes initiated by average criminal inmates. Most of the time, their Islam is poor, impoverished, and almost “cut and pasted” from the Koran. They select their own concepts such as “jihad”, “kufir”, “halal”, “haram”, “martyrdom”, etc., that is sufficient to impress and convince people. This sort of proselytism provides them with the legitimacy and capacity to control inmates. Its impact or influence on the inmates should not be under- or over-estimated. Religious beliefs and practices change when the sentence comes to an end. Religion-based solidarity does not count much in open society anymore. But precisely because terrorism and real, deep radicalization only concerns a small number of people, this alternative radicalization approach is important.

### ***Training for awareness, intelligence and countering radicalization***

France gradually took into account the emergence of radicalization. Its administrations adopted different measures to deal with it, not with the purpose of de-radicalization, but for detection, and diffusing knowledge and basic indicators. One concrete outcome of that policy is the need for training and developing awareness among penitentiary staffers, both, for collecting intelligence and enhancing detection capabilities. But most importantly, the appointment of “made in France” Imams as counter-radicalization agents, has been and still is one of the best ways of promoting moderate Islam in jails.

Gradually, Radicalization began to be closely studied from different perspectives. Police officers in the field- those working on radical mosques, for instance- monitored emerging phenomena as the number of cases and arrests increased rapidly. According one of the officers interviewed by us, the Iraq war “polarized” individuals who did not even know where this country was before the American invasion. 11 September, 2001, like everywhere else, was also the occasion for intensive re-assessments which gave rise to sensitive views on this issue. Finally, beginning in the late 1990s, the penitentiary authorities themselves gradually faced radicalized practices in jail. The spontaneous and non-authorized offering of prayers in non-dedicated open spaces in jails was certainly a very indicative trauma among the penitentiary staffers, and for the French State- a provocation. The Iraq war, and the political tangle between France and the U.S. seemed to have contributed to France’ decision on abstaining from taking overt action against de-radicalization.

## Radicalization detection

France used its Presidency of the EU in the second half of 2008 to promote a joint action with EU partners on the radicalization indicators in jails. The manual developed by France, Germany and Austria is supposed to be handed out to prison civil-servants. This manual is supposed to be given to twenty four thousand penitentiary staffers, police officers, gendarmes<sup>52</sup> and Counter-Terrorism judges. Certain sources revealed that it was for the first time that Algerian security services were associated to the project.<sup>53</sup> Although this handbook on violent radicalization is classified, it appears to throw light on selective indicators such as daily routine, religious practices, physical appearance (and noticeable changes), inmates' access to media, code of conduct on Internet access, books, telephone calls etc. The handbook also goes on to prescribe recommendations on the exchange of information between penitentiary authorities, police services, and other partners, and finally, for training the penitentiary staffers. It also provides a basic glossary on "Islamic" and "radical" terminology. Among other things, the French judicial authorities have raised the level of their alert system on radicalization from Yellow (Islamist propaganda, graffiti, changes in external appearance etc.) to Red (destruction of public property, acts of mutiny, physical attack against the penitentiary staffers etc.). However, this manual seems pretty much basic in terms of its assertions. Physical appearance obviously matters. But a beard does not imply Radicalization. Likewise, the absence of a beard does not mean that the inmates are moderate. Thus, the manual seems to ignore the concept of *taqqiya* which is about concealing the identity of one's faith by means of pretence, or dissimulation.<sup>54</sup>

## "Penitentiary intelligence"

Prisons have been under the surveillance of French Counter-Terrorism services for a long time, but recently, the penitentiary administration has developed a modest, but specific, intelligence capacity. There was an urgent need to have a permanent capacity in jails. The word "intelligence" should be intended very modestly here. A *Bureau central du renseignement* (Central Intelligence Office) was created in Paris in 2003 with the sole purpose of linking the Counter-Terrorism services, judiciary and political authorities. This office is in charge of collecting and analyzing data on security that comes in from jails, especially in the following areas: daily life; religious practices; competition/opposition to jail authority. It also provides regular guidelines to local correspondents.<sup>55</sup> The "penitentiary intelligence" is multi-disciplinary-according to the circumstances, or the end users<sup>56</sup>. It can also be vertical- from the operational base to the national *Bureau central du renseignement*. Correspondents can be found at every level (national, regional and local) according to the density

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<sup>52</sup> The National Gendarmerie is a military institution in charge of public safety with police duties among the civilian population.

<sup>53</sup> *Le Figaro*, 11 September, 2008.

<sup>54</sup> Autriche, France, Allemagne, *La radicalisation violente : Comment les groupes professionnels concernés peuvent la détecter et y faire face*, Manuel, 2008.

<sup>55</sup> Arrêté du 9 juillet 2008 fixant l'organisation en bureaux de la direction de l'administration pénitentiaire.

<sup>56</sup> Moser, G., *Le renseignement pénitentiaire*, mémoire ENAP, DRD, 2008.

population of Muslim inmates. Now an introduction to radicalization in jails is also provided at *Ecole Nationale d'Administration Pénitentiaire* (ENAP) to all students, whatever their level is.

## Countering radical Islam with moderate Imams

Moderate Imams are regularly called upon to fight or counter radical Islam in jails. Moderate Imams seem to be a universal solution. At the same time, France has expelled many radical Imams to Saudi Arabia or Maghreb. More recently, with the institutionalization of a “French Islam”, the State has initiated programs to select and train Imams in religious values that are compatible with French values and way of life. In September 2006, the advisory Board of the *Conseil Français du Culte Musulman* (CFCM), or the French Council of the Muslim Faith, appointed the first three *aumôniers généraux musulmans* (General Chaplains) in the Army, hospitals and jails. Moulay El-Hassan El-Alaoui Talibi, a Frenchman with Moroccan origins,<sup>57</sup> was appointed for jails. He operated in the North of France, and is responsible for leading the recruitment process for regional and local Muslim Chaplains. He is also responsible for mediation between Imams and the penitentiary authority. In 2006, qualified (and moderate) Imams were missing from French prisons. According to Farad Khoroskavar, only eighty Muslim Chaplains were authorized to work in jails.<sup>58</sup> Some progress has been made now, especially if we look back at how France was faced with radical Imams in their jails. However, problems still remain: unpaid, legal/authorized Imams working in jails have to compete with self-claimed, radical Imams. Radicals can sometimes ask their inmates not to meet with “official Imams” who are perceived as “traitors” or “collaborators”. Another impediment could also be their origin. Working for the French authorities, the French themselves (most of the time with Maghrebian origins) are sometimes regarded by inmates as less legitimate and capable as the “real Imams” (For example, those coming from Saudi Arabia or other historic Islamic countries.) This seems to be a major problem in France. This argument is also regularly evoked against de-radicalization programs. It would be interesting to see if such a concern exists in other European countries. Religious life in jail can also be difficult for concrete and material reasons: not enough dedicated space (especially in the oldest prisons); not enough Imams; the Friday prayer (*Qotba*) cannot be found everywhere etc. With time, progress has been made. As of July 2009, there are hundred and forty seven official Imams who work daily as Prison Chaplains, and the number is increasing.<sup>59</sup> Authorized Imams can be regarded as the *avant-garde* of de-radicalization, even though they are mostly considered as the “agents of moderation” in framing Muslim inmates, and “agents of socialization” since they can be *de facto* perceived as social-workers who provide help, guidance, support, and also spiritual assistance to inmates. Yet, due to their small number, it is unclear whether these Imams get to connect with everybody on a regular basis. Like self-proclaimed radical Imams or terrorists, they too have access to a limited number of people. But this access will naturally increase with the increase in the number of authorized Imams.

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<sup>57</sup> [www.lermf.com/Objectifs/les-objectifs-fu-rmf.html](http://www.lermf.com/Objectifs/les-objectifs-fu-rmf.html)

<sup>58</sup> Khosrokar, F., *L'Islam dans les prisons*, Paris, Ed. Balland, 2004.

<sup>59</sup> [www.youtube.com/watch?v4pM0ebHNRz0](http://www.youtube.com/watch?v4pM0ebHNRz0)

## Overall assessment

France's position is very clear. For doctrinal, demographical and security reasons, this country does not believe in De-radicalization programs, at least for the moment. But empirically, France pays attention to radicalization in jails. Progress must still be made, especially in terms of systematic detection, and penitentiary staffers training.

It seems that the whole Counter-Terrorism/prison/social rehabilitation is almost completely divided and fragmented. An explanation can probably be found in History and demography. Since 1995, France' Counter-Terrorism policy has been successful against jihadi and radical islamist terrorism. For this reason, even sweeping changes are not so legitimate. But the system can adapt by authorizing "made in France" Imams to work in jails, develop "penitentiary intelligence" and awareness capacities, and eventually formulate specific laws.

It is also probable that the social work community is not inclined to strongly cooperate with the security community on "terrorist" inmates or De-radicalization, even though some progress has been made in the recent past.

There are also more typical "structural" and long-term French reasons:

- France has the largest number of individuals from the EU imprisoned for terrorist activities. The national Counter-Terrorism system shows that the DCRI and other specialized services arrest individuals in a very preventive/pre-emptive way. This also explains the small sentences (seven 7 years) that are handed out to the guilty.
- The national penitentiary system has chosen not to centralize "terrorist" inmates in the same jails. They are, on the contrary, disseminated and regularly moved.
- Correlatively, a de-radicalization/disengagement program would be much bigger and costly than in other European countries, like Denmark or the Netherlands.
- Eventually, such a program would not only concern radical islamists, but also Basque, Corsican, far-leftists and other forms of terrorism. Terrorism that strikes or tries to strike France is more heterogeneous than in other countries.

It is hard to see De-radicalization programs emerging in the near future. The national Counter-Terrorism system is not politically debated, except by far-leftist fringes, or civil rights organizations. It seems to have two ways of launching such programs, even though it might be perceived as not useful:

- The first one could follow a successful and deadly terrorist attack in France. Changing the national Counter-Terrorism system in one way or the other, could then be of political interest, and eventually an operational necessity;

- The second one is more pragmatic. Costs could be evoked since the Counter-Terrorism' surveillance of ex-inmates is probably more costly than a successful social-rehabilitation. Initiatives could be involved in developing specific rehabilitation social programs for former terrorists going out of jail, or at least for some of them.