EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

Constitutional Affairs

Justice, Freedom and Security

Gender Equality

Legal and Parliamentary Affairs

Petitions

Preventing and Countering Youth Radicalisation in the EU

Study for the LIBE Commitee

EN

2014

EUROPEAN PARLIAMENT

DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C: CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Preventing and countering youth radicalisation in the EU

STUDY

Abstract

Upon request by the LIBE Committee, this study focuses on the question of how to best prevent youth radicalisation in the EU. It evaluates counter-radicalisation policies, both in terms of their efficiency and their broader social and political impact. Building on a conception of radicalisation as a process of escalation, it highlights the need to take into account the relation between individuals, groups and state responses. In this light, it forefronts some of the shortcomings of current policies, such as the difficulties of reporting individuals on the grounds of uncertain assessments of danger and the problem of attributing political grievances to ethnic and religious specificities. Finally, the study highlights the ambiguous nature of pro-active administrative practices and exceptional counter-terrorism legislation and their potentially damaging effects in terms of fundamental rights.

PE 509.977 EN

DOCUMENT REQUESTED BY THE
COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS (LIBE)

AUTHORS

Professor Didier BIGO (Director, CCLS – Professor at King's College, United-Kingdom)
Dr Laurent BONELLI (Associate researcher, CCLS – Lecturer at the University of Nanterre Paris X, France)
Dr Emmanuel-Pierre GUITTET (Associate researcher, CCLS – Lecturer at the University of Manchester, United-Kingdom)
Dr Francesco RAGAZZI (Associate researcher, CCLS – Lecturer at the University of Leiden, Netherlands)

RESPONSIBLE ADMINISTRATOR

Ms Sarah SY
Policy Department C - Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

LINGUISTIC VERSIONS

Original: EN

ABOUT THE EDITOR

Policy Departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe to its monthly newsletter please write to: poldep-citizens@europarl.europa.eu

European Parliament, manuscript completed in April 2014.

This document is available on the Internet at:
http://www.europarl.europa.eu/studies

DISCLAIMER

Contents

LIST OF ABBREVIATIONS

ACPO	Association of Chief Police Officers (UK)
AME	Arrêté ministériel d'expulsion (FR)
AMT	Association de Malfaiteurs en relation avec une entreprise Terroriste (FR)
ANPR	Automatic Number Plate Recognition
CCTV	Closed circuit television
CIR	Centre for Studies in Islamism and Radicalisation Processes (DK)
CLG	Communities and Local Government (UK)
CMP	Closed Material Procedures
CONTEST	Counter-Terrorism Strategy (UK)
CTIRU	Counter Terrorism Internet Referral Unit (UK)
CTU	Counter-terrorist Unit (UK)
DCLG	Department of Communities and Local Government (UK)
DST	Direction de Surveillance du Territoire (FR)
EUMS	European Union Member States (EU)
FOSIS	Federation of Student Islamic Societies (UK)
FSA	Free Syrian Army
ICSR	International Centre for the Study of Radicalisation
ICT	Information and Communication Technologies
IRA	Irish Republican Army (UK)
ITF	interdiction du territoire français (FR)
JHA	Justice and Home Affairs (EU)
MCU	Muslim Contact Unit - Metropolitan Police (UK)

NSA	National Security Agency (USA)
OSCT	Office for Security and Counterterrorism (UK)
PMOI	People's Mujahideen of Iran
POAC	Proscribed Organisations Appeal Commission
PTA	Prevention of Terrorism Act (UK)
RAF	Red Army Faction (DE)
SCR	Security Council Resolution (UN)
SGDSN	Secrétariat Général de la Défense et de la Sécurité Nationale (FR)
TA	Terrorism Act (UK)
TPIMs	Terrorism Prevention and Investigation Measures (UK)
TE-SAT	Terrorism Situation and Trend Report (EU)
UN	United Nations
UNSC	United Nations Security Council

EXECUTIVE SUMMARY

Background and aim of the study

The deadly attacks in Madrid (2004), London (2005), Glasgow (2007) and Stockholm (2010), followed by the foiled attempts and arrests in Copenhagen (2010) and Berlin (2011) have contributed to move back the issue of violent extremism and "radicalisation" up on the European political agenda. Furthermore, political concerns about youth radicalisation gained momentum with the publication of alarmist intelligence reports and the multiplication of news reports about European citizens flocking to Syria to fight, mostly alongside the Syrian opposition.

Even though it is difficult to ascertain the number of European citizens who have gone to or are still in Syria since March 2011 (apx. between 400 and 2000), the supposed threat posed by these European fighters has led to the recent EU Commission Declaration of January 2014 calling EUMS to increase their efforts to prevent radicalisation and extremism.

In accordance with the ad hoc briefing paper submitted to the European Parliament in January 2008 entitled *Preventing violent radicalisation and terrorist recruitment in the EU - The threat to Europe by radical Islamic terrorist groups*, this study is premised on the following points:

- Youth radicalisation should not be disconnected from its social and political context and must be investigated within the broader scope of sociology of conflict and violence studies.
- Radicalisation should not be analysed as a form of pre-terrorism which could be disrupted before the shift to violence by an intensive surveillance of a community. It should not be analysed as a linear process but as a relational dynamic.
- Dynamics of escalation or de-escalation should be taken into account when analysing radicalisation.

This study argues that these precautions are not just academic exercises of style but are key to understand the dynamics at stake and to assess the longer-term results, impact and effects of measures taken to counter radicalisation.

In fact, an exploration of the last decade's literature suggests that not much innovative and fundamental knowledge have been gained in the field of radicalisation. 'Radicalisation' appears to be an unhelpful concept to understand forms of political violence, and simplistic causal links have obscured the fact that radicalisation processes are complex and difficult to anticipate and predict. Thus, a more cautious approach is developed throughout this study.

Structure of the study and key challenges

In light of the above-mentioned elements, reiterated in the first section of the study, the study suggests that the transitions to political violence should not be analysed as individual logics and group dynamics, as the notion of "radicalisation" suggests, but as processes of escalation and de-escalation linked also to the broader role of the state (Section 2). The study then provides an alternative analysis of the factors for mobilisation and the recruitment processes. It challenges the most common interpretations of the 'Syrian cases'

and of the much-debated issue of 'self radicalisation'. This section contends in particular the following:

- Recruitment does not work as a domino effect or as a logical chain reaction. Even in prisons, the processes at stake actually show that over-crowded closed environments do not contribute to uniform strategies that are conducive to radicalisation;
- Sensational reporting around few cases in Syria should not hide the fact that, as shown in the literature on militant trajectories, the continuities in the commitment after direct involvement in violent conflicts are the exception rather than the norm.
- If ICTs have changed the ways in which activists communicate, collaborate and demonstrate, violent action is unlikely to originate from purely virtual ties. Commitment requires a series of social mediations and interactions to exist and to be maintained.

The study then offers a review of the best practices and counter-radicalisation policies in Europe (Section 3). The study argues that these counter-radicalisation measures not only show mixed results; they also raise key questions in terms of Fundamental Rights, ethnic and racial discrimination and social cohesion. Challenges that arise from each elements of the complex counter-terrorist apparatus is assessed, not only from an efficiency point of view (preventing people from becoming terrorists or from committing acts of terror), but also as part of a broader relational logic of escalation and de-escalation. The study finds the following:

- Pre-emptive judicial powers across EUMS (such as the extension of the pre-charge detention period, the growing weight of intelligence in court, the extension of the scope of terrorist investigations and of terrorist arrests, the control of online materials) challenge EU citizens fundamental rights (fair trial, right of the defence) and civil liberties (freedom of speech) and might provide grounds for escalation.
- A broad range of administrative measures taken across EUMS – such as stop and search powers, passports confiscation, deportation orders, fundraising offences and asset freezing – have considerably impacted the lives of numbers of citizens and, in some instances, contributed to the dynamics of escalation.
- "Softer" approaches carried out to prevent radicalisation that involve a wide range of actors (communities, local police) do not go without controversies and similar mixed results. A review of prevention programmes in the UK – such as PREVENT I and II - shows that, while these programmes do not directly contribute to the escalation of violence per se, they have in several instances been found to generate a feeling of suspicion that is unhelpful to the relations between the state and Muslim communities across Europe.

Drawing from the analysis offered in these 3 sections, the last part of the study makes a series of recommendations, calling for a more comprehensive approach to radicalisation in Europe that would also safeguard the Human Rights standards across the EU.

1. INTRODUCTION

KEY FINDINGS

- EU actions plans, communications, strategies have been adopted at the EU level in last decade to tackle the underpinning factors and rationales that lead certain people, in certain circumstances, to be recruited and get involved in extreme forms of violence. They have broadly followed UK's diagnosis of the phenomenon in terms of 'radicalisation'.
- The issue of 'radicalisation' is high on the agenda of the EU, and political concerns about youth radicalisation gained momentum with widely reported cases of young European 'jihadists' returning from Syria, as demonstrated by the EU Commission Declaration of January 2014 calling EUMS to increase their effort to prevent radicalisation and extremism.
- However, a review of the literature over the past ten years suggests that not much evidence of actual processes of radicalisation have been tracked empirically. For many authors, it has thus become an unhelpful concept to understand the mechanisms of political violence and escalation.
- Ideology conveyed through texts, videos or social media is not the primary factor of the passage to violence. On the contrary, dynamics of violence by clandestine organisations are relational: they result from the process of interaction between a series of actors, which include governments and their policies at home or abroad.

1.1. Historical reminders of EU's concern with radicalisation

The deadly attacks in Madrid (2004), London (2005), Glasgow (2007), Stockholm (2010), followed by the foiled attempts and arrests in Copenhagen (2010) and Berlin (2011)[1] have contributed to move the issue of violent extremism and "radicalisation" back up on the European political agenda. To identify, detect and address the underlying factors that lead some individuals to participate in violent acts has become critical for the EU member states (EUMS).

The revised EU *Plan of action on combating Terrorism*, adopted in June 2004[2], the *Communication on prevention, preparedness and response to terrorist attacks*, the *Hague Programme* approved by the European Council in November 2004[3] and the *European Counter-Terrorism Strategy* (2005)[4], all emphasised the need to undertake investigations on the underpinning factors and rationales that lead certain people, in certain circumstances, to be recruited and get involved in extreme forms of violence. The 2006 Commission Decision[5] that established a group of experts on this issue was in line with this

[1] The Madrid train bombings (known as 11-M in Spain) happened on the 11 March 2004, the London bombings (often referred to as 7/7) were on the 7th of July 2005, the Glasgow international airport attack occurred on the 30th of June 2007 and the 2010 Stockholm bombings occurred on 11 December 2010. In December 2010, Danish and Swedish authorities have arrested five persons in Copenhagen, suspected of planning an attack against the newspapers Jyllands-Posten. In September 2011 in Berlin, two men suspected of gathering chemicals that could be used to build a bomb have been arrested.
[2] European Council, *Plan of Action on Combating Terrorism*, 10586/04, 15 June 2004
[3] European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December 2004, 2005/C 53/01
[4] European Union: Council of the European Union, *The European Union Counter-Terrorism Strategy*, 30 November 2005, 14469/4/05 REV4
[5] Commission Decision of 19 April 2006 setting up a group of experts to provide policy advice to the Commission

growing political concern about 'radicalisation'. This Decision also aimed at instigating a more efficient and comprehensive response framework in accordance with the founding principles of the European Union.

There has been considerable political and academic interest in studying 'radicalisation'. Several research programmes have been developed, with the aim of finding alternative ways of engaging with the issue, evaluating strategies and suggesting policy directions[6]. Nonetheless, a review of the last decade's literature suggests that not much new knowledge has been gained. Perhaps more significantly, the review of this literature suggests that there is no consensus around the issue of radicalisation, and a mechanistic understanding of radicalisation is still prevailing. This understanding tends to follow the old adage '*once a thief, always a thief*'[7]. The present study will thus tackle the counterproductive stereotypes developed throughout a certain type of literature - such as the role of the Internet as a catalyst in pushing the individual from radical thought to action and the reinforcement of the view that it is almost entirely linked to a single 'jihadist' political agenda.

1.2. Context and aim of the study

Anders Behring Breivik's attacks in Oslo and Utoya in July 2011 and Mohamed Merah's shootings in Toulouse in March 2012 triggered new concern about "self-radicalised" individuals. The fear that they might inspire other "radicals" to commit similar acts has been widely shared in Europe. But if we compare the social alarm caused by the murder in May 2013 of British soldier Lee Rigby by Michael Adebolajo and Michael Adebowale in the streets of London[8], with the reactions concerning the acts of Pavlo Lapshyn, a 25-year-old white supremacist, who stabbed a grandfather to death in Birmingham and bombed mosques in an effort to trigger a racial war on Britain's streets[9], it seems that in the public debate, radicalism mostly means jihadism.

This specific concern about youth radicalisation was raised further with the publication of alarmist intelligence reports and the multiplication of news reports about European citizens travelling to Syria to fight, mostly alongside the Syrian opposition[10]. The cases of Burak Karan, a young player of the German football league killed in Syria in October 2013[11]; of Jejoen Bontinck a young Belgian Muslim who spent eight months in Syria; of Jean-Daniel and Nicolas Bons, two French brothers killed, respectively, in Aleppo in August 2013 and in a suicide attack in Homs in December 2013 are only a few examples of this political and media scrutiny. These cases raise questions, and in particular, as often reported by the media: why do 'ordinary' young people chose death instead of 'a bright future'[12]? The

on fighting violent radicalisation, 2006/299/EC

[6] Among many others, the *International Centre for the Study of Radicalisation* (ICSR) since 2008, the *Centre for Studies in Islamism and Radicalisation Processes* (CIR) (2008 - 2013), *Rand Europe* and A*RTIS Research & Risk Modeling*.

[7] The Guardian (2014), "Boris Johnson says radicalisation should be treated as child abuse", *The Guardian*, 03.03.2014

[8] Vikram Dodd, josh Halliday (2013), "Lee Rigby murder: Michael Adebolajo and Michael Adebowale found guilty", *The Guardian*, 19.12.2013

[9] Vikram Dodd (2013) "Pavlo Lapshyn, the 'shy and polite' student turned terrorist", *The Guardian*, 21.10.2013; Haroon Siddique & Sam Jones (2013), "Attacks on Muslims spike after Woolwich killing", *The Guardian*, 23.05.2013

[10] Martin Chulov (2012), "Syria: Foreign Jihadists could join battle for Aleppo", The Guardian, 30.07.2012

[11]. Der Spiegel (2013) "Toter Islamist Burak Karan: Vom deutschen Nationalspieler zum Dschihadisten" [Burak karan: From National Football team to Jihad], Der Spiegel, 18.11.2013.

[12]. Raniah Salloum (2013), "Europäische Dschihadisten in Syrien: Jung, männlich, verloren"[European Jihadist in Syria: young, man, lost], *Der Speigel*, 29.12.2013; "moi, Ibrahim O. globe-trotter du Jihad" [I, Ibrahim O. Jihad Globe-trotter] *Le Nouvel Observateur*, 23.02.2014

arrest in February 2014 in Birmingham of the former Guantanamo Bay detainee Moazzam Begg, and subsequent terrorism charges linked to Syria revived the fear that European citizens travelling to Syria to fight the Assad regime may be influenced by groups linked to Al-Qaida and return home to stage attacks[13].

Even though it is difficult to ascertain the number of European citizens who have gone to or are still in Syria since March 2011 (apx. between 400 and 2000)[14], the need for an assessment of the threat posed by these European fighters is largely shared across the European Union[15]. This is particularly clear in the recent EU Commission Declaration of January 2014 calling EUMS to increase their efforts to prevent radicalisation and extremism[16].

1.3. Approach and structure of the study

In accordance with the ad hoc briefing paper submitted to the European Parliament in January 2008 and entitled *Preventing violent radicalisation and terrorist recruitment in the EU - The threat to Europe by radical Islamic terrorist groups*[17], this briefing note acknowledges the following points:

- Youth radicalisation should not be disconnected from its social and political context and must be investigated within the broader scope of sociology of conflict and violence studies.
- Radicalisation should not be analysed as a form of pre-terrorism which could be disrupted before the shift to violence by an intensive surveillance of a community. It should not be analysed as a linear process but as a relational dynamic.
- Dynamics of escalation or de-escalation should be taken into account when analysing radicalisation.

This approach will be developed throughout this study, which is divided in two parts. The first section analyses the different factors for mobilisation with a particular emphasis on the current situation in Syria, the disputed notion of online "self-radicalisation", and the supposed dangers posed by returnees. The second section offers a review of the best practices and mixed results of counter-radicalisation policies in Europe. Drawing from the analysis offered in these two parts, the last section makes a series of recommendations for the prevention and countering of youth radicalisation in the European Union.

---

[13]. Tracy McVeigh (2014), "Guantánamo detainee Moazzam Begg held again", *The Guardian*, 02.03.2014; Alex Diaz (2014), "Guantanamo Briton Moazzam Begg faces seven-month wait for hearing on Syria charges", *The Independent*, 14.03.2014

[14] In April 2013, the *International Centre for the Study of Radicalisation* (ICSR) estimated the number of European citizens joining the Syrian rebels to be between 140 and 600. In December 2013 and according to the ICSR, the number of fighters from Western Europe ranged from 396 to 1,937. See http://icsr.info/2013/12/icsr-insight-11000-foreign-fighters-syria-steep-rise-among-western-europeans/

[15]. See for instance the declaration of the German Minister of Interior, Thomas de Maiziere in January 2014: "*We do not want that, especially we do not want them to return battle-tested and perpetrate attacks here*". See Bundesminister Dr. Thomas de Maiziere beim Rat der Justiz- und Innenminister - "Foreign fighters" Problem fur die EU, http://www.bmi.bund.de/SharedDocs/Kurzmeldungen/DE/2014/01/ji-rat-athen-foreign-fighters.html

[16]. *Strengthening the EU's response to radicalisation and violent extremism*, European Commission, 15.01.2014 (IP/14/18)

[17]. Didier Bigo, Laurent Bonelli (2008), *Preventing Violent Radicalisation and Terrorist Recruitment in the EU. The Threat to Europe by Radical Islamic Terrorist Groups*, Briefing Paper for the European Parliament, PE 393.277. Available at: http://www.europarl.europa.eu/document/activities/cont/200804/20080407ATT25852/20080407ATT25852EN.pdf

2. FACTORS FOR MOBILISATION: UNDERSTANDING THE RADICALISATION PROCESS

KEY FINDINGS

- Political concerns about youth radicalisation have grown with widely reported cases of young Europeans travelling to Syria to fight alongside the Syrian opposition.
- Overreaching conclusions particularly arise in the field of recruitment. However, recruitment does not work as a domino effect or as a logical chain reaction. Even in prisons, the processes at stake actually show that over-crowded closed environment inevitably contributes to the development of various strategies that are not uniformed by and are not necessarily conducive to radicalisation.
- The current focus on the 'returnees' from Syria is another example of simplistic and mechanical views. Sensational reporting around few cases should not hide that, as shown in the literature on militant trajectories, the continuities in the commitment after direct involvement in violent conflicts are the exception rather that the norm.
- As for the issue of so-called 'self-radicalisation', while ICTs have changed the ways in which activists communicate, collaborate and demonstrate, violent action is unlikely to originate from purely virtual ties. Commitment requires social mediations and interactions to exist and to be maintained.

A significant part of the literature tackles radicalisation in a tautological way and as a mere synonym of terrorism. Violence is often perceived as an inescapable logic leading to one result: *a terrorist is someone who has been radicalised and who then perpetrates an act of terror which corroborates the radicalisation*. However, why some young people resort to violent extremism and others do not is a long-lasting and still on-going debate across social sciences. There are no commonly understood metrics, nor solid anchor points, to answer the question. The threshold between holding 'radical' views and becoming violent is still subject to debate (Richards, 2011). Some scholars even question whether the notion of radicalisation helps to understand the problem or if it has, on the opposite, contributed to reduce the scope of the debate (Sedgwick, 2010).

What we suggest in the following sections is threefold:

- Firstly, the search for a (suspected) terrorist profile is often based on a rather problematic common understanding of radicalisation as an individual and psychological issue. In our views, there is no such thing as a single or even prevalent set of motivations, driving radicalisation at the individual level;
- Secondly, radicalisation should be viewed as a non-mechanical process. This requires to look beyond a single actor and his/her potential group support and to engage with the different relations this actor has with the different groups and communities s/he belongs to, as well as the everyday coercive institutions s/he interacts with;
- Thirdly, an extremist discourse and/or an extremist environment (such as the vicinity of a charismatic leader, the Internet space, or some prison experiences) do not necessarily produce violent individual trajectories.

2.1. Factors of radicalisation: an analytical framework

One pitfall of the conventional wisdom about radicalisation is to explain the process in terms of mental and social fragility, abnormality or irrationality. According to this view, terrorists are considered as lost individuals, cut out from the realities of the world, ruthless and driven by mental disorders. The scale of some very specific events (violent attacks, mass-murders) fuels the belief according to which extraordinary and horrific forms of violence are necessarily perpetrated by monstrous and fanatic individuals. However, the work of Martha Crenshaw (1986, 1992, 2000) and more recently the research undertaken by Andrew Silke (2001, 2008) significantly challenge this narrow psycho-pathological view of the issue. These studies show that there is no evidence of a 'terrorist personality' or of 'terrorist genetics'. As Crenshaw suggests, one of the common characteristic of terrorists is their normality. Her argument has been further reinforced by more recent academic research on Jihadist case studies (Githens-Mazer & Lambert, 2010).

Conventional academic wisdom on radicalisation is today based on a combination of two theories: frustration (relative deprivation theory) and contamination (exposure theory). The relative deprivation theory proposed by Ted Gurr is largely referred to as an efficient explanation of "why men rebel" (Gurr, 1970): when material conditions change (values increase or decrease), and attitudes (expectations of material conditions) do not match, a personal attitude (perception of relative deprivation) leads the individual to a political attitude (discontent) and then a material condition (violent action) occurs. However, as Charles Tilly (1978) has argued, the key issue is not *why men rebel* but rather *why they do not rebel so often*. Tilly's argument is not only about the scarcity of violence and logics of obedience but also about the fact that violence is linked to the political system and the State capacity and propensity for repression (Tilly, McAdam & Tarrow, 2001). In their relational understanding of terrorism, Didier Bigo and Daniel Hermant (1988) have followed Tilly's argument and have focused on the processual and relational understanding of violence rather than on the conditions causing the outbreak of violence (Wieviorka, 1988; Bigo, 2005; Bigo & Bonelli, 2008; Bonelli, 2011). Gilles Kepel (2004) and Farhad Khosrokhavar (2005) have moreover shown that radicalisation cannot be directly and simply linked to forms of frustration, preliminary indoctrination or to political repression or economic deprivation. As Khosrokhavar (2005) highlights, research on radicalisation is mostly based on post-factum justifications deployed by the actors, which is highly problematic as they are then filling the moral void they presumably experience (Cohen, 2001). This focus on specific but limited individuals' accounts of radicalisation (pre-suicide videos, letters to relatives, face-to-face interviews or vociferous speech in Court) tends to reinforce the individualistic and psychological orientation of current research agendas on radicalisation and the de-contextualised perspective on the use of violence.

Therefore, **the analysis of the socio-political sequences of action and contexts, of interrelationships between social structures, political contexts and biographical exposure in which violence is embedded is key to understand the process of radicalisation** (Tilly, 2003; Della Porta, 2008, 2013; Bonelli, 2011; Demetriou, 2012; Cuadros, 2013). As one ethnographical research dedicated to Muslim youth in Birmingham explained: "Participants [feel] as if they [are] indeed in a 'state of war'. When asked to specify the nature and parties of such a war, respondents cite "the media", "the Government", television propaganda, policing and the wider criminal justice system." (Radical Thinking, 2014).

2.2. Recruitment

As John Horgan argues, the question of *how* one gets involved is far more interesting than knowing *why* s/he does (Horgan, 2005, 2008). The question of the process of recruitment requires more detailed analysis than the ones provided by most of the current literature (Leveau, 1993; Bigo, Bonelli, 2008). The understanding of the recruitment process requires to tackle the following aspects: the various motives that lead individuals to seek, accept, or refuse certain roles, the 'recruitment areas' in which potential members are approached, the criteria by which they are selected, the characteristics and aims of those selecting them. An "attitudinal affinity" with the goals of a particular group/movement or a well-articulated set of grievances consistent with a group/movement's ideology can partially explain recruitment. However, as underlined above, these individualistic explanations shifts attention from the fact that recruitment is always carried out in specific social and political contexts.

In many ways, recruitment in clandestine organisations does not differ from–recruitment into ordinary ones. From an organisational perspective, recruitment is never a static process and, as in logics of regular employment, is driven by identified needs and expectations: development strategies, hiring committed and reliable individuals are part of any forms of recruitment process. The state of the organisation at the time of recruitment - expanding or retracting, stable or changing - can induce different understanding of the very nature of the organisation by the potential recruits and therefore facilitate the development of distinct cohorts of engagement and commitment (Alimi & Bosi, 2008; Bosi, 2012). Every clandestine or legal organisation seeking to recruit will take advantage of formal structures as well as informal networks and use all the communication channels open to them, while adapting and responding to constraints and externally imposed limitations (Alimi & Bosi, 2008). From the perspective of the recruits, the factors that influence the recruitment can be either expressed in terms of availability, continuity or expectation. The effect of family background and of friendship networks on recruitment to high-risk activism is well documented in several cases (Della Porta, 2013). Most are recruited from the followers, those who come in contact with active members through kinship or friendship and as part of micro mobilisation contexts (Diani, 2004; Diani & McAdam, 2003). Over time, step by step, their involvement gets deeper but not in a logical and uniform manner. In other words, if the context and modus operandi of recruitment, as well as the qualities and expectations of the recruits can contribute to influence the subsequent forms of extremist and violent activism (Della Porta, 2013; Wieviorka, 1993), it is necessary to consider the dynamic interactions at stake in the process (Bigo & Bonelli, 2008).

According to both media and intelligence reports, efficient prevention of radicalisation should start where the recruitment occurs in the first place. Over the past decade, mosques and prisons have very often been pinpointed as the riskiest places for recruitment, especially in the vicinity of charismatic religious leaders. As far as religious settings are concerned, the North London central Finsbury Park Mosque and the name of Abu Hamza al-Masri have become synonym with radicalisation in our European imaginary (O'Neill & McGrory, 2010). One can certainly not deny that there are genuine instances in which religious institutions are used as a cover for political extremism and violence. Nonetheless, a closer look at the many individuals who have been arrested in relation to terrorism offence shows that few recruitments were undertaken in those locations. Very often, individuals were recruited in more mundane places such as cafes and gym clubs or in a more closed environment such as prison.

The symbiotic relationship between prisons and the development of extremist views of the world is a reality, but certainly not a new one. High security prisons and special drastic regimes of detention have always been conducive environments for the development of a militant organisation's ideology, for the recruitment of new members and the reinforcement of the narratives of every radical movement in Europe since the 1970s. As many studies show (in the case of the IRA members in Northern Ireland, or the RAF activists in Germany), the prison system is an important factor for the development of radical thinking. In recent years and across European countries, cases of recruitment behind bars have been widely reported by the media. However, these cases are far too frequently considered as evidence of prison radicalisation. Conventional wisdom on recruitment is very often based on a misleading behaviourist assumption or a form of domino effect (Moghaddam, 2005): it is as if there was a chain reaction between reading particular books, living in the vicinity of charismatic inmates that would necessarily lead to indoctrination and eventually to violent action. More cautious approaches and studies on prisons and radicalisation (Hamm, 2012, 2009; Jones, 2014; Silke, 2011) show a less dramatic and perhaps more simple reality: over-crowded closed environment (such as our prisons) inevitably contributes to the development of different strategies of resistance to the institution. Temporary and opportunistic alliances between prisoners are a common behaviour in prisons. As such, **it would make more sense to examine cases of conversion to Islam in prison as a strategy of resistance to the penitentiary system** (as suggested by Khosrokhavar, 2004) **or as a way to escape from the difficulties of prison life** (Spalek and El-Hassan, 2007; Clear and Sumter, 2002, Dammer, 2002), **rather than as an ineluctable step in a process of extremism**. To put it otherwise, prison might generate more disillusioned individuals than potential extremists.

2.3. Transnational networks? The current situation in Syria

Alongside the issue of radicalisation in prison, transnational networks constitute a serious matter of concern shared among the different European intelligence communities and governments alike[18]. The multiplication of cases of young European citizens joining conflict zones ("extremist tourists" as seen in the British press) alongside Muslim activists ("hotspots" or "theatres of Jihad" as creatively put by a French intelligence officer) has raised additional fears and concerns, especially in regards to Syria since 2011[19]. However, what is presented as part of a new phenomenon tied to growing Islamic activist groups is far from being a novelty. Concerns about the potential appeal for young people to join conflicts were already raised during the Bosnian war (1992-1995), the first Chechen war (1994-1996), the Second Intifada (2000-2005), and the war in Afghanistan that started in 2001. Similar concerns were raised during the Libyan civil war and the Northern Mali conflict since 2002. All these conflictual situations have sharpened the fear of widespread networks of violence across Europe, with little evidence that this has actually been the case.

The situation in Syria has gained more importance because of the number of individuals involved. Gilles de Kerchove, the EU Counter-terrorism Coordinator, evaluates that more than 2,000 young Europeans have joined the conflict (*France info*, February 7, 2014),

[18]. See EU Counter-Terrorism Coordinator (2012), *Annual report on the implementation of the EU Counter-Terrorism Strategy*, 16471/12 ADD 1; EU Counter-Terrorism Coordinator (2013) *Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria*, 9946/13, 28 May 2013;TE-SAT 2013 - *EU Terrorism Situation and Trend Report*. 25 April 2013.

[19]. See also Holly Watt and Claire Newell (2014), "Joining Syrian ranks of al-Qaeda 'in vogue' for young British Muslims", *The Telegraph*, 03.03.2014 and Richard Norton-Taylor (2014), "Extremist threat from Syria - real or exaggerated?", *The Guardian*, 17.02.2014

coming from France, the Netherlands, United-Kingdom, Denmark, Germany and Belgium. It is likely that more individuals are involved if one looks at the people involved in logistic support to the travellers and/or assuming propaganda tasks.

The main reason given by intelligence services to explain this increase in the number of volunteers is as follows: the geographical proximity of the conflict, an easy access to Syria (any European citizen can go in Turkey without any visa and then cross the border) and the international condemnation of the Bashar al-Assad regime that gives greater legitimacy to armed commitments against him. The profile of these activists seems to be quite different from previous experiences. For example, minors (in France and Belgium) have travelled to Turkey – or have attempted to do so – on their own. Law enforcement accounts also show that some individuals have joined Syria without any logistical structure (which was rare for example in Afghanistan), or that they 'joined the cause' motivated by a kind of 'romantic commitment'. The analysis carried out by European intelligence agencies shows particular concerns regarding two elements: first, the level of professionalisation of some militants, already observed in previous conflicts; second, the traumatic effect of the conflict. The military know-how those individuals have acquired, the close relationships they have built with organised groups could strengthen what an agency director refers to as an "internationalist Islamic movement" - likely to be active and likely to operate across Europe. As an addition, how to anticipate the traumatic effects - and their subsequent unforeseen consequences - the experience of the conflict had on those who have participated? It is on these grounds that special judicial, administrative and/or surveillance measures have been taken targeting those who try to leave or who return. The inclusion of Al-Nosra Front in the black UN list of terrorist organisations (on May 31, 2013) allowed the authorities to initiate legal action against individuals who have joined its ranks or have considered doing it. In France, three people were sentenced to prison terms of 4 and 5 years for planning to join this organisation. The Netherlands removed their passport to potential candidates. In the UK, number of dual-national fighters have lost their British citizenship. Without denying that there may be a risk of a terrorist nature linked to the Syrian situation, two assertions raise legitimate concerns and require further scrutiny:

- Firstly, the concerns raised above operate an almost mechanical link between an engagement in Syria and the likelihood of future terrorist actions in Europe. As shown in the literature on militant trajectories, **the continuities in the commitment after direct involvement in violent conflicts are the exception rather than the norm** (Skoutelsky 1998), and there is no evidence that veterans of conflicts move in this direction. Some individuals might continue in Europe the struggle they have started to engage with in Mali, Syria or elsewhere, but not necessarily in a violent way. More likely, most of the 'returnees' will not continue the struggle. The most important unknown here is to what extent special measures taken against them will affect their behaviours.
- Secondly, **intelligence reports take the intentionality of the involvement in jihadist forces for granted, without taking into account the extreme confusion on the ground**, as many observers have reported. The final destination and the forms of commitments of a 'jihad candidate' depend on various factors: the whereabouts during his/her travel, the balance of power between local organisations on the ground. If a "Jihad Candidate" can be found in the ranks of multiple katibas grouped under the banner of the Free Syrian Army (FSA), integration into a component of Al-Nosra Front does not automatically denote an ideological adherence to their action: in fact, many units are actually more independent and pragmatic than the statements of the leaders of the Front suggest (*La Croix*, July 16, 2013).

Despite their obvious weaknesses, these assertions seem to be largely shared across EU countries intelligence services. They have contributed to spread an undisputed narrative about the nature and the level of dangerosity of these returnees, aggregating disparate trajectories and activities in Syria (from humanitarian support to experience of combat) into the same suspicious basket. Moreover, these assertions have led to various reactions - such as stopping returnees at the border and arresting them on suspicion of terror offences[20] (see infra part. 3), putting them under close surveillance[21] or, more recently in the British case, depriving them of their citizenship[22] - that demonstrate how the issue of radicalisation is tackled from an essentially punitive perspective. Question remains: to what extent these measures do prevent radicalisation?

2.4. The myth of 'self-radicalisation', online proselytising and new technological developments

Self-radicalisation, associated with the development of new communication technologies (mainly the Internet and social networks), constitutes the third main area of concerns of European law enforcement agencies and intelligence services. The use of new technologies for recruitment and propaganda is undeniable. However, their impact and their role shouldn't be overestimated. Subversive or revolutionary movements pre-dated these new technologies, and British, German and French workers have massively joined the fight in Spain during the civil war without *Youtube* or *Facebook*. Furthermore, the advent of new media has not, directly and in its own capacities, produced political or social upheavals. Social actors use the communication tools that are available to them - yesterday tracts and newspapers, today Internet, Tweeter, etc. **Of course, new information and communication Technologies (ICTs) have changed the ways in which activists communicate, collaborate and demonstrate. However, the critical role given to ICTs in strengthening political and activist engagement should be carefully assessed**. Violent action is unlikely to originate from purely virtual ties if they are not sustained by previous face-to-face interaction (Cardon, Granjon, 2010; Neveu, 1999).

Many discourses, coming mainly from political leaders and intelligence services, have highlighted this category of individuals who, alone in front of their computers, decide to take action after surfing on jihadist websites or forums. If this scenario cannot be entirely excluded, it is barely tenable from a sociological perspective. As detailed above, commitment requires a series of social mediations and interactions to exist and to be maintained. The few exceptions to this rule concern what intelligence services themselves designate as "straightjacket cases", because they involve individuals qualified as 'mentally ill'. Therefore, the extension of the powers of the police and intelligence services in the name of a rather questionable 'precautionary principle', that involves early detection online of individuals "at risk" (see below section 3) and allows for more intrusive control of the Internet, should be questioned.

As developed throughout this section, simplistic causal links have obscured the fact that radicalisation processes are complex and difficult to anticipate and predict. With regard to the situation in Syria, there is far too much sensationalism and few reliable assessments of

[20]. In January 2014 alone, 16 people were arrested on suspicion of terror offences after travelling between Syria and the UK.
[21]. David Leppart (2014), "250 jihadis spark UK Terror alert", *The Sunday Times*, 16.02.2014. According to the Sunday Times, Security services are "closely monitoring" 250 British citizens in relation to Syria
[22]. Alice Ross, (2014), "No way back for Britons who join the Syrian fight, says Theresa May", *The Independent*, 23.12.2013; Alan Travis (2014), "Power to make terror suspects stateless concerns human rights committee", *The Guardian*, 03.03.2014

the risks arising from the 'returnees'. As argued previously, far from being a purely academic exercise, it is of paramount importance to analyse radicalisation in a more subtle and nuanced way, bringing together an understanding of the social and political context with a clear relational approach of the different mechanisms at stake in the process of radicalisation. **Current dominating approaches to radicalisation which, as underlined above, contain major weaknesses and suffer from clear lack of evidence, have informed the policy and tools developed across European member States to counter radicalisation**. This aspect is even more worrying that it causes more unwanted and critical side effects than being effective against radicalisation.

3. A REVIEW OF COUNTER-RADICALISATION POLICIES: BEST PRACTICES AND MIXED RESULTS

KEY FINDINGS

- A review of counter-radicalisation policies and 'best practices' shows mixed results and raise key questions in terms of fundamental rights, ethnic and racial discrimination and social cohesion.
- Pre-emptive judicial powers across EUMS, such as the extension of pre-charge detention period, the growing weight of intelligence in court, the extension of the scope of terrorist investigations and of terrorist arrests, the control of online materials, can breach EU citizens' fundamental rights (fair trial, right of the defence) and civil liberties (freedom of speech).
- A broad range of administrative measures have been taken across the EUMS – such as stop and search powers, passports confiscation, deportation orders, fundraising offences and asset freezing – that have considerably impacted the lives of number of citizens in Europe and, in some instances, contributed to the dynamics of escalation and the justification for political violence.
- "Softer" approaches carried out to prevent radicalisation - that involve a wide range of actors (communities, local police) - do not go without controversies and similar mixed results. A review of the prevention programmes in the UK such as PREVENT shows that, while these programmes might not directly contribute to the escalation of violence per se, they have in several instances been found to generate a feeling of suspicion that is unhelpful to the relations between the state and Muslim communities across Europe.

In this section, the best practices and/or counter-radicalisation policies in Europe are examined. Challenges that arise from each element of the complex counter-terrorist apparatus are assessed, not only from an efficiency point of view (preventing people from becoming terrorists or from committing acts of terror), but also as part of a broader relational logic of escalation and de-escalation.

In doing so, we will focus here primarily on two anti-terrorist systems in Europe: the British and the French system. References to other EU member states will be made when appropriate. The British system has had considerable influence among northern EU member states (Netherlands, Denmark, etc.) and on European institutions: the CONTEST Strategy has largely influenced the EU Strategy on Counterterrorism adopted in 2005[23]. It is premised on a strong preventive component grounded on partnerships and community policing (PREVENT) and as a complement to executive and judicial powers. France, on the other hand, like Spain and Italy, predominantly focuses on executive and judicial powers, with little to none community engagement.

We review the advantages and drawbacks of both sides of the spectrum in EU counter-terrorism along three lines: judicial powers, executive powers, and preventive policies. We

[23]. As David Anderson Q.C., the British Independent Reviewer of Terrorism Powers has noted, the UK legislation plays a key role at the European level: "The mandatory requirements concerning jurisdiction and terrorist offences in 2002/475/JHA, as amended by 2008/919/JHA, have the effect of requiring all Member States to introduce laws equivalent to some of those established in the UK's Terrorism Acts 2000 and 2006 (albeit that UK influence was in part diffused via the Council of Europe's 2005 Convention on the Prevention of Terrorism)." (Anderson 2013a: 49)

argue that **while the first two approaches have helped foiling plots on British and French soil, the case for the success or usefulness of preventive counter-radicalisation is less clear.** Furthermore, aspects of both approaches raise key questions in terms of Fundamental Rights, ethnic and racial discrimination, as well as in the relations between states and their citizens and communities. Some aspects and results of counter-radicalisation policies may actually contribute to the dynamics of escalation.

3.1. Pre-emptive judicial powers: an expanding scope

Legal prosecution constitutes the central pillar of the prevention of radicalisation and terrorism in Europe. Over the years its powers have been substantially been extended. The shift towards anticipatory prosecution is characterised by an extension of the pre-charge detention period (3.1.1); the growing weight of intelligence in court and the blurring of the distinction between intelligence and evidence (3.1.2); the extension of the scope of terrorist investigations (3.1.3) and the extension of the scope of terrorist arrests (3.1.4). A key element here is to assess whether or not the development of pre-emptive judicial powers have contributed to curtail radicalisation.

3.1.1. Pre-charge detention period

One of the first elements affected by the preventive logic of counter-terrorism has been the extension of pre-charge detention periods. While some European countries have established longer pre-charge detention period for terrorist offences, U.K's pre-charge detention is by far the longest in Europe[24]. It has passed, under TA 2000, from 48 hours to 7 days (until January 2004), then to 14 days (until July 2006), then under TA 2006, 28 days (until 25 January 2011), and today back to 14 days (HM Government, 2000; 2001; 2003; 2006; Horne & Berman 2012). In France, exceptional legal provisions (in particular art. 421-2-1 of the Criminal Procedure Code) allow a pre-charge detention of 6 days for terrorism offences since 2011. **While the UK law enforcement agencies claim that such pre-charge detentions are necessary for the prevention of terrorism acts, this legal procedure is under heavy fire.** NGOs and civil rights associations have argued that this detention period is "unjustifiable and unnecessary, it is also counterproductive in practice, alienating innocent people, their families and communities."[25] Other European countries pre-charge detention period (or their legal equivalent) is generally under a week: Italy: 4 days, Germany: 2 days[26], Spain: 5 days, Denmark: 3 days, Norway: 3 days (Liberty, 2010). The UK is therefore isolated in Europe, with a detention period that is three to seven times longer than any other state.

3.1.2. The balance between intelligence & evidence

Additionally, preventive counter-terrorism has justified what Martin and Scott Bray define as a **"**creeping culture of secrecy" in court. In particular, they refer to the fact that the **distinction between intelligence and evidence is increasingly blurred** (Martin and Scott Bray, 2013:626). While European and UK courts have in certain instances rejected the use of intelligence[27], the *Al Rawi* case, in which Lord Dyson ruled out the use of 'closed

[24] "Extended pre-charge detention", *Liberty*, http://bit.ly/1hprhTk visited 17 March 2014.
[25] Ibid.
[26] "The closest equivalent to pre-charge detention in Germany is provisional police custody, the period prior to a formal "warrant of arrest" being issued by a court. A person held in provisional police custody must be set free at the end of the day following the day on which s/he was arrested. The longest possible period of provisional police detention would, therefore, be 48 hours." (*Liberty*, 2010:10)
[27] See *AF v. Secretary of State for the Home Department*, in which the UK's Lord Scott of Foscote of the House of

material procedures' (CMP), showed the extent to which it had become a regular practice in previous judgements. The UK's Joint Committee on Human Rights, the Court of Appeal of England and Wales, and the European Court of Justice, have expressed similar concerns 'as to the fairness of closed material exist at the very highest levels both of law and of politics and that these concerns are only partly tempered by the use of special advocates' (Tomkins 2011:223 quoted in Martin and Scott Bray, 2013:629). This use of intelligence in judicial proceedings is also observed in France, as described in the section below.

3.1.3. Terrorist investigations and the broad meaning of an 'act of terrorism'

The move towards anticipation has had the effect of introducing an ever-larger understanding of what constitutes a terrorist offence. In the UK, terrorist acts strictly speaking are defined by section 32 of TA 2000, which includes "the commission, preparation or instigation of acts of terrorism or of other terrorist offences", and investigations of acts which appear to have been done for the purposes of terrorism (TA 2000). TA 2000 and TA 2006 have however introduced offences that are not directly acts of terrorism, but have the objective of "(a) to widen[ing] the net by extending the reach of the law to prior acts (e.g. encouragement, dissemination, training, possession for terrorist purposes, preparation)[28] - and (b) criminalis[ing] those who may be only peripherally involved (e.g. by being present during training, or by non-disclosure to the police)[29]. Their purpose is therefore to prevent acts of terrorism, as well as the radicalisation that can lead to acts of terrorism (Anderson 2013a:121). In UK, in 2012, 59 persons have been charged with a terrorism-related offence (43 in Great Britain, 16 in Northern Ireland). Those charged represent respectively only 17% and 12% of the terrorism-related arrests. In the other cases, the persons have been released or charged with non-terror related offences (Anderson 2013a:80). Over the period between 2001 and 2012, of the 2,174 persons arrested under terrorism-related offences, 93% were male, and of those charged (435), 94% were male. 3% were under the age of 18, 50% aged 18-29 and 47% 30 or over. For terrorism-related arrests, the ethnic breakdown for the period 2005-2012 is as follows: White (26%), Black (11%), Asian (41%), Other (20%). For terrorism-related charges : White (22%), Black (21%), Asian (44%), Other (13%).

In France, the law related to the fight against terrorism (*Loi n° 86-1020 relative à la lutte contre le terrorisme*) was adopted on September 9, 1986. The codification of the offense "of criminal conspiracy in connection with a terrorist enterprise" ("*association de malfaiteurs en relation avec une entreprise terroriste*" - AMT) was introduced in 1994. The act of participating or attempting to participate "in an established group or an association established in preparation, characterised by one or more material acts" of terrorism is punishable by ten years' imprisonment[30]. This extremely broad and vague incrimination allows for legal actions even before crimes are committed. The French intelligence services regularly use these legal provisions, which allow them to obtain information via a method known as a "dragnet" or "kicking the anthill". These methods consist of arresting a large number of people who are suspected of being connected, in one way or another, to radical networks, in order to destabilise and undermine the framework of these networks. Combined with legal repression and the opportunity for gathering intelligence, the use of AMTs has become the vanguard in the fight against terrorism, and also of a doctrine of "preventive legal neutralisation", to use an expression coined by Pierre Bousquet de

Lords stated that 'a denunciation on grounds that are not disclosed is the stuff of nightmares' and the *Al Rawi* judgement which refused to accept the use of a "closed material procedure" (Martin and Scott Bray, 2013:628-9)

[28] TA 2006 sections 1,2 and 6; TA 2000 sections 57-58; TA 2006 section 5.

[29] TA 2006 sections 8; TA 2000 sections 19 and 38B and 54.

[30] The duration of imprisonment was increased to 20 years in 2006 and the AMT changed the category from "offense" to "crime".

Florian, former director of the *Direction de la Surveillance du Territoire* - DST. Depending on the years, the convictions under AMT represent 50% to 80% of the convictions for terrorism: 31 out of 60 in 2003; 38 out of 45 in 2004; 51 out of 79 in 2006 (See Bonelli 2008: 184). Similarly, Belgium adopted, on the 14th May 2013, a Royal Decree that criminalises public incitement to commit a terrorist crime, the recruitment to commit a terrorist crime, providing training to commit a terrorist crime; and following a training to commit a terrorist crime.

Two additional elements linked to the enlargement of the understanding of terrorism are particularly worth emphasising in the present context:

- In UK, sections 38B and 39 of TA 2000 - which describe offences for the "non-disclosure" and tipping off of terrorist acts - have been the object of concerns as to their possible use by the police to intimidate journalists, lawyers or doctors, and pressuring members of Muslim communities into collaboration or recruitment as informants (Walker 2011 3.07-3.55, cited in Anderson 2013:76).
- Of particular relevance to the current question of European fighters in Syria, is also, in UK, section 8 of TA 2006, which contains an offence for merely being present in a location where "instruction or training is provided there wholly or partly for purposes connected with the commission or preparation of acts of terrorism". Importantly, it specifies that "it is immaterial [...] whether the person concerned receives the instruction or training himself" (TA 2006). **Under Section 8, any presence in Syria, for any reason, including personal, humanitarian, or in support of the recognised groups such as the Free Syrian Army can therefore potentially lead to prosecution under terrorism legislation, without any real evidence of the danger represented by the individuals falling under this section of the law**[31]. In France, the law of 21 December 2012 extends the prosecution of crimes "defined as act of terrorism" abroad, if they are committed by "a French or a person habitually resident in the territory of France". This law aims to punish individuals who may have joined what the intelligence services consider as "terrorist training camps" abroad. These uses of AMTs have been widely and repeatedly criticised, both by judges and organisations of human rights.

3.1.4. New technologies: "Online jihad" vs Freedom of speech

Online radicalisation has been a growing concern of governments and intelligence agencies across the EU. Once again, the UK has played a leading role in Europe. CONTEST in its 2006 and 2009 versions, as well as PREVENT (developed below in section 3.3), highlighted the role of web forums and video sharing platforms as important factors of radicalisation to be monitored and checked. In 2010, the Association of Chief Police Officers (ACPO) launched the Counter Terrorism Internet Referral Unit (CTIRU) - a special unit in charge of flagging websites and removing them from the Internet if necessary[32]. In France, there is currently no legislative disposition directly linked to the monitoring of radicalisation online, but measures can be taken within the regular Anti-terror law. A moderator of a website was recently sentenced in March 2014 to three years in prison, for condoning acts of terrorism and incitement to terrorism, after partially translating and publishing two copies of the

[31] For more on this matter, see the good summary of Durham University Law Professor Helen Fenwick, "Syrian conflict tests British anti-terror laws" *Descrier*, http://bit.ly/1hpstpO visited 17 March 2014.
[32] "The Counter Terrorism Internet Referral Unit", ACPO, http://bit.ly/1oeJlY3 Visited 30 March 2014.

Inspire magazine (linked to Al Qaeda)[33]. At the EU level, initiatives similar to the CTIRU have been developed, such as CleanIT[34] and Check the Web[35]. These initiatives were not implemented without controversy. The main issue raised was to what extent online content can be banned if it does not directly infringe the law? Documents leaked by EDRi about CleanIT suggest that **a broad understanding of what constitutes undesirable content might constitute forms of censorship** beyond what is required by the law[36].

3.2. Administrative powers

In addition to prosecution, the counter-terrorism apparatus of most EU member states has developed a broad range of administrative measures which do not necessarily require the decision of a judge, but that considerably impact the lives of numbers of citizens in Europe. Many of these practices affect more particularly large section of the Muslim population in Europe and heavily contribute to the escalation of resentment and possible violence between communities and the state. These comprise stop and search powers (3.2.1), port and borders control powers (3.2.2), deportation orders, control orders and TPIMs (3.2.3) proscribing powers (3.2.4), fundraising offences (3.2.5), asset freezing (3.2.6) and indirect measures (3.2.7).

3.2.1. Stop & Search

While there is no direct link between stop and search powers and radicalisation, several studies show that these police powers are **among the most resented form of police interventions and generate a high level of alienation and feeling of discrimination among targeted communities, with very little policing value** (Ward 2010, Open Society Institute 2009a). Stop and search powers are unequally used across Europe, and not necessarily in conjunction with terrorism offences. Up until recently, sections 44 (1-2) and 45 of the TA 2000 gave UK police "stop and search" powers within entire geographical areas without the need for reasonable suspicion linked to a specific individual (HM Government, 2000). A similar set of measures was introduced in the Netherlands in 2001[37], and reinforced in 2004[38], where the prosecutor can designate an entire area to be submitted to stop and search operations for a renewable 12 hours (Den Boer, 2007, p.290; van der Leun & van der Woude, 2011, p.449). In France, the stop and search provisions have been codified in articles 78-1 to 78-6 of the Code of Criminal Procedure (Open Society Institute 2009b, p. 42) although outside of counter-terrorism concerns. **In the U.K., the use of these powers increased dramatically after September 11th 2001, those searched growing from 6,400 to 10,200 between the 2000/2001 and 2001/2002 period and reaching 50,000 in 2005/2006**. A very small proportion (never greater than 1.4%) of all searches actually led to arrests. More importantly however, Black and Asian people were three times more likely to be searched than Whites under these powers (Ward, 2010; Pantazis & Pemberton, 2009, p.655). In France, a recent study showed similarly worrying results, where Blacks are 6 times more likely to be stopped than Whites while the figure is 7.6 for Arabs (Open Society Institute 2009b: p.10).

Following the recommendations of the UK Reviewer of Counter-Terrorist Legislation, who

[33] *Le Monde*, 05/03/2014
[34] http://www.cleanitproject.eu/
[35] http://euobserver.com/justice/24162 and
[36] "Clean IT – Leak shows plans for large-scale, undemocratic surveillance of all communications", EDRi, http://bit.ly/1oeKy1x 21 September 2012, visited 30 March 2014. Link to leaked document : http://bit.ly/1oeRcoC visited 30 March 2014
[37] Action Plan Counter-Terrorism and Security (Actieplan Terrorismebestrijding en Veiligheid)
[38] Crimes of Terrorism Act (Wet Terroristische Misdrijven)

considered these powers "much used and much resented, but of very limited practical assistance in the fight against terrorism", these powers have been repealed and replaced by a much more limited regime of control (section 43), which has not yet been used by the police (Anderson 2013a:91)[39]. **Given the perceived discriminatory effects of these practices, their potential for escalation of violence and their little efficiency in preventing radicalisation and terrorism, other EU member states could learn from UK's decision to substantially reduce the scope of these powers**.

3.2.2. Border control vs freedom of movement

The current situation in Syria and the growing concerns over European citizens fighting alongside Islamist groups, as well as the subsequent possibility of seeing 'radicalised returnees', have re-focused counter-terrorism and counter-radicalisation efforts on border control. One set of measures for instance aimed at limiting the means of mobility (withdrawal of passports or citizenship) for a limited number of individuals. A broader set of measures has prioritised controls in ports and at borders.

Revocation of passports & citizenship:
Border control is perceived by several intelligence professionals as a way to hindering the development of transnational terrorist networks. As they did in the past in order to control travels to the USSR (Mazuy 2002), they try to anticipate who is likely to leave (and in collaboration with Turkish intelligence, who is likely to come back). In some EUMS, such as the Netherlands and Germany, passports of individuals considered as potential candidates for departure have been confiscated. Legislative measure in these MS officially allow law enforcement authorities to seize passports as soon as an individual is suspected of committing acts that might threaten the interests or the security of the country. Belgium considered this option in 2013 but then discarded it, considering that it would generate an increased use of false documents. Finally, the UK recently used rare powers of depriving dual nationals of their UK citizenship through "deprivation of citizenship orders", as revealed by the Bureau of Investigative Journalism[40] - the measure concerns 27 individuals. In March 2014, the House of Commons has debated the controversial possibility of revoking the citizenship to non-dual citizens, with the possibility of rendering them stateless[41].

Border control:
In the UK, the control of ports and borders is encoded in schedule 7 of TA 2000. It allows, in principle, any police officer, immigration officer or customs officer to stop, question and detain any person, as well as search luggage and vehicles, in order to ascertain whether he or she might be concerned with acts of terrorism, for up to 9 hours. Suspicion of involvement in such acts is not necessary[42].

[39] According to Anderson: "This lighter and at the same time more effective use of section 43, at least in London, is to be welcomed. It coincided with a national 25% reduction (between 2010/11 and 2011/12) in use of the power to stop and search in anticipation of violence under Criminal Justice and Public Order Act 1994 section 60; and a national 7% fall in the very much larger number of stops and searches under PACE section 1 over the same period.195" (Anderson 2013a: 91)
[40] "Citizenship Revoked", *The Bureau of Investigative Journalism*, http://bit.ly/1e1wFdn Visited 30 March 2014.
[41] "How it happened: Live-tweets from the Lords debate on statelssness" *The Bureau of Investigative Journalism*, http://bit.ly/1e1xxid Visited 30 March 2014.
[42] Section 7, HM Government (2000) *Terrorism Act 2000*. The Stationery Office. The Stationery Office.

These powers have come under heavy criticism on two main accounts:

- First, they have repeatedly been denounced by organisations such as the Muslim Council of Britain, FOSIS or StopWatch **for their potentially discriminatory nature**. Choudhury and Fenwick (2011) have found similar resentment from the Muslim community through focus group studies. Although UK's Independent reviewer has not found a great discrepancy between the ethnic profile of the persons searched in relation to national statistics on actual charges, the small proportion of arrests (0,03%) resulting from Schedule 7 stops does not seem to justify systematic practice in its current form, in particular the absence of reasonable suspicion, and the invasive power to copy and retain data from laptops and mobile phones (Anderson 2013a:8).
- Second, Schedule 7 powers have also garnered renewed criticism since the publicised arrest of David Miranda[43] on 18 August 2013, in particular since the Divisional Court found that the arrest was lawful in its decision of 19 February 2014. The controversy concerned the fact that Miranda was stopped under anti-terror legislation, yet the reason for his arrest was that of carrying classified documents: **this has raised many questions as to the reach and scope of these powers, and in particular the definition of "terrorism"**[44].

3.2.3. Deportation orders, control orders and TPIMS

The third type of powers of the preventive administrative apparatus is linked to deportation orders. In this field, as for stop and search powers, **the UK is moving towards a progressive re-balancing of civil liberties against national security, and could provide a good example for other European member states**. Shortly after 9/11, the UK government has indeed established the most controversial powers for the Home Secretary to deport non-British citizens suspected of terrorism and detain indefinitely those persons for whom there was no possibility of deportation (HM Government, 2001)[45]. Following a decision of the Law Lords, these were replaced by control orders (2005-2011). Since 2011, these control orders have been replaced by the significantly less constraining and time-limited Terrorism Prevention and Investigation Measures [TPIMs].

In France, deportation of foreign nationals is frequently used to fight against so-called "radical islam". Deportation can be carried out on the ground of serious threats to the public order. Following a criminal conviction, non-nationals can be sentenced to deportation and banned from the French territory (*Interdiction du Territoire Français* - ITF); this deportation can also be the result of an administrative decision, with a ministerial expulsion (*Arrêté Ministériel d'Expulsion*, AME) taken by the Ministry of the Interior. ITFs are common for foreign nationals convicted of conspiracy related to a terrorist organisation, even when the sentences given are relatively short. AMEs most often target those who are designated as "preachers of hate". Once a foreign national demonstrates behaviour "against the fundamental interests of the state, or related to activities of a terrorist nature or constituting acts of explicit and deliberate incitement to discrimination, hatred or violence

[43] David Miranda is the partner of Glen Greenwald, the Guardian journalist involved in the revelations of the NSA spying scandal.
[44] See in particular Paragraph 33 of the 19 Feb 2014 judgment in Miranda v Secretary of State for the Home Department (case no. CO/11732/2013) http://bit.ly/1jRtjiB visited 06/04/2014
[45] Between 2001 and 2003, sixteen foreign nationals were detained at Belmarsh. In March 2005, following a Law Lords ruling against the law the measure was replaced with "control orders" in the new Prevention of Terrorism Act 2005 (PTA 2005)

against a specific person or group of people", s/he faces possible deportation. The assessment of this "behaviour" is generally solely based on intelligence services' memos, with no obligation to disclose their sources. According to the Ministry of the Interior, between September 12, 2001 and December 31, 2011, 166 "Islamists" - among whom 31 imams - were deported (*Le Monde*, November 1, 2012). Spain, by contrast, seems more reluctant to use this type of practices: deportations only occur for undocumented migrants individuals, as shown in the recent case of Nouh Mediouni (March 2014).

3.2.4. Proscription of organisations

A fourth non-judiciary instrument in the hands of executive power is the proscription of organisations. In UK, under Schedule 2 of TA 2000, organisations can be banned purely on the basis of intelligence reports, provided it is up-to-date. As of the end of 2012, 63 organizations were banned in the UK: 14 connected to Northern Ireland; 49 referred to as "international terrorist organisations". 39 were placed on Schedule 2 between 2000 and 2005 (together with the People's Mujahideen of Iran - PMOI, now de-proscribed). 10 have been added since, including one in 2010, one in 2011 and two in 2012 (Anderson 2013a:61). David Anderson underlines that the only organisation to have been de-proscribed in the history of TA 2000 is the above-mentioned PMOI, which was removed from the list in 2008 as a consequence of the judgments of the Proscribed Organisations Appeal Commission [POAC] and of the decision of the Court of Appeal (Anderson 2013a:65). Similarly, the French Minister of Interior dissolved Forsane Alizza, an Islamist group, "for apology for armed struggle" in March 2012. Elsewhere, the proscription of groups is more rarely used. Spain has used this practice in relation to the Basque issue, but not in relation to Muslim organisations. In Belgium, an organisation like Sharia4Belgium has been under criminal investigations, but has not been banned as such.

3.2.5. Asset Freezing

Asset freezing has, in addition, formed part of the non-judiciary counter-terrorism apparatus in the recent years. It is encoded both at the international level and in national law. Since 1999, a series of resolutions were passed to freeze assets linked to terrorism by the United Nations Security Council (UNSC): SCR 1267 (1999); 1333 (2000) and 1373 (2001). While SCR 1267 established a central list of persons or entities (linked to the Taliban) to be targeted, 1373 enlarged the scope of asset freezing to everyone who committed or attempted to commit terrorist acts or facilitated their commission and demanded individual states to determine who these persons and entities are. At the European level, Regulation 2580/2001 (section 1(b)) implements SCR 1373 (Sullivan and Hayes, 2010).

In UK, Part 1 of the Terrorist Asset-Freezing Act 2010 (TAFA 2010) implements SCR 1373. It gives the British Treasury "power to freeze the assets of individuals and groups thought to be involved in terrorism, whether in the UK or abroad, and to deprive them of access to financial resources" (Anderson 2013b:4). The EU list, as of September 2013, contained 11 individuals and 26 groups/entities, while the British list comprised 31 individuals and 8 groups/entities. The amounts frozen represented respectively £91,000 and €13,000 as of September 2013. The number of designations has significantly declined from the 162 designations in 2008, partly due to the end of double listing (in national and EU list) (Anderson 2013b:9).

France has adopted in January 2006 a regulated system of terrorist asset freezing. An individual suspected of "committing or attempting to commit acts of terrorism, participate

or facilitate those who finance them" can have her/his assets frozen by order of the Minister of the Economy. Freezing orders usually stand for six months, but can be renewed if required. Meanwhile, the individual receives a budget for expenses related to "household maintenance" (clothing, food). Any other fixed costs (rent, telephone, electricity, taxes, loans, etc.) are paid directly to the creditors. All the details of the order (including the name of the suspect) are publicly available in the Official Journal - the French JO. According to an interview with an intelligence officer, 45 freezings were ordered in 2012, of which 35 had ties with the organisation Forsane Alizza.

The effects of these practices can have a considerable impact on the concerned people's lives. As David Anderson notes for the British case, "when applied to persons at liberty in the United Kingdom, however, **designation has the potential to be highly intrusive and restrictive of everyday life**." (Anderson 2013b:4). Furthermore, and as noted by the *European Centre for Constitutional and Human Rights*, **these powers have a considerable broader impact in terms of the expansion of executive power over judicial procedures**, and in particular serious limitations of the right to judicial review for those designated in the lists (Sullivan and Hayes, 2010).

3.2.6. Indirect measures

In January 2005, French Intelligence services set up 22 regional Units for 'fighting radical Islam'. These Units gather several state services (veterinary, tax, prefectural, police, etc.) that can take immediate actions. As soon as a location is identified by Intelligence services as housing activities tied to what they consider as radical islamist activities (financing, proselytising, propaganda), different administrative levels are authorised to intervene on the premises and check, for instance, hygiene and safety conditions, immigration status of those found on the premises, or access accounting books. Halal butcher shops have been for instance closed for breach of the public health law; places of worship for violating security regulations; streetwear businesses for tax evasion. In May 2007, these Units inspected more than 500 locations and controlled more than 2000 people.

3.3. "Soft" counter-terrorism: Prevention and "early detection"

In addition to counter-terrorism legislation, European countries have developed policies for early detection and prevention, in neighbourhoods, communities and prisons. Their aim is to prevent non-radicals from being radicalised and to prevent them to possibly join violent groups in Europe and abroad. These policies have been criticised by all sides of the political spectrum, from Human Rights organisations, Muslim associations and conservative think tanks (such as Policy Exchange and the Jackson Institute). **While they might not directly contribute to the escalation of violence per se, they have in several instances been found to generate a feeling of suspicion that is unhelpful to the relations between the state and Muslim communities across Europe**.

3.3.1. Preventing radicalisation in prison

Radicalisation in prison has been first the concern of European security services. As underlined in section 2, the particular structure of prison life (isolation, confinement, over-population, etc.) is such that it constitutes an environment particularly conducive to forms of radicalisation, whether political, religious, or criminal. At the initiative of Germany, Austria and France, a guide of best practices was developed in 2008[46]. Several areas were

[46] Autriche – France – Allemagne, *La radicalisation violente. Comment les groupes professionnels concernés*

then explored:

- First, the training of prison staff in detecting signs of radicalism or radicalisation. This aspect includes the development of indicators that could be measured by the guards.
- Second, the placement of Islamist prisoners. Two options were considered: regrouping them in the same facilities or conversely, dispersing them across penitentiary facilities. The first option allows better monitoring and prevention of proselytising towards common law prisoners; the second option prevents detainees from communicating and organising collective actions by isolating them in the mass of prisoners. Neither of these options seems to have totally prevailed and European experiences show constant oscillations from one to the other. For example, in Spain, Islamists detainees were initially grouped in two prisons and were then dispatched in others. In France, the practice was to reverse the dispersion (by placing an Islamist leader among Corsican prisoners), but the trend seems to be now more towards concentration. Both of these options can be complemented by isolation.
- Third, the monitoring of visits, communications and entertainment activities (readings, Internet) of inmates.
- Fourth, the practice of religion in prison. In order to prevent radical detainees acquiring a monopoly of speech based on the feeling of discrimination of certain detainees, the various national authorities have tried to fill a 'religious gap' to match those of other religions and respect the rules related to religious diet requirements for example.

3.3.2. Early detection and prevention

According to French intelligence professionals, part of their mission is to capture "weak or very weak signals" indicating that an individual could be radicalised. They therefore try to enlist other social actors, such as schools, local authorities and social workers in the reporting of these individuals. This practice is already in place, mostly through informal contacts that the police can establish locally. A recent report of the General Secretariat for Defence and National Security (SGDSN), entitled *Prevention of radicalisation*[47] raised the question of the ad hoc nature of these initiatives and called to follow the examples of European countries such as the UK, the Netherlands or Denmark.

These countries have developed policies oriented at "preventing violent extremism" also known as "counter-radicalisation" policies. **These policies include the establishment of partnerships with community representatives, investment in social and neighbourhood projects, as well as mentoring schemes dedicated to youths considered "at risk" of radicalisation**. While the UK is generally considered the frontrunner and the example to follow of this type of policies, it has since 2011 substantially revised its initial approach, cutting drastically the budget dedicated to community cohesion programmes and narrowing the scope of the partnerships. These revisions were carried out as the result of widespread criticism from both state and non-governmental institutions. The "softer" approach of these policies should indeed not hide the challenges they raise, as detailed below. While it is not the objective of this note to rehearse in detail the British debates around PREVENT, and the merits of the reforms within

peuvent la détecter et y faire face ? document dactylographié, 2008, 77 pages.
[47] "La France doit mieux prévenir les risques de l'islam radical", *La Croix* January 28, 2014

the strategy laid out in CONTEST, it is worth highlighting, for the benefit of a European-wide discussion on preventive or counter-radicalisation policies, the main points of contention.

Policies aimed at preventing radicalisation first appeared in 2005 in the UK, codified as the PREVENT strand of the counter-terrorist strategy CONTEST. PREVENT consisted initially in different initiatives, ranging from targeted local partnerships between community representatives and law enforcement, to broader community cohesion programmes (Preventing Extremism Together) as well as mentoring schemes for potential radicals (CHANNEL). Across all departments, including the Home Office, Foreign Office, and the Department for Children, Schools and Families, £140 million was allocated to prevention-related policies in 2008/09 (Bartlett and Birdwell 2010: 8). The PREVENT program came under considerable criticism from both state institutions - in particular with a damning report of the House of Commons Select Committee Report on Preventing Violent Extremism (House of Commons 2010) - and non-governmental institutions, which included community representatives and civil liberties organisations. The main points of contention can be summarised as follows:

- **Community partnership & stigmatisation**

First, because PREVENT initially focused on the assumption that the recourse to politically motivated violence was due to dire economic and social conditions, it was deployed in local authorities through the Department of Communities and Local Government (DCLG) - on the controversial basis of the percentage of Muslim population in designated target areas (Thomas 2012). This coincided, after the economic crisis of 2008, with important cuts in community-related spending. Community projects flagged as PREVENT became therefore one of the only sources of funding for several NGOs, who then had to take the difficult decision whether to accept abundant "counter-terrorism" funding for their activities or chase meagre alternative sources. This led, for some, to "tweak" regular community projects to match the descriptions of the funding stream (in particular refocus on Muslim beneficiaries), irrespective of the risk the beneficiaries posed in terms of radicalisation. For others, this focus amounted to pure and simple stigmatisation of the Muslim community, considered as a suspect community composed entirely of potential terrorists. For non-Muslim community leaders, it generated frustration, as the traditional funding sources they relied on became unavailable, and they could not claim the new ones. As the Communities and Local Government Committee (CLG) of the House of Commons (2010) concluded in their assessment of PREVENT, "the strategy has contributed to a sense of frustration and alienation amongst Muslims which may increase the risk of making some individuals more vulnerable to radicalisation. PREVENT's focus on Muslim communities has not, therefore, been constructive"**.**

A second manifestation of this targeting of the Muslim community concerns the CHANNEL mentoring programme. Individuals are identified by or referred to professionals (police, local authorities, teachers, doctors, social workers, youth services, offender management services) who then devise a "support plan" for the individual, generally through a mentoring program. Between 2007 and 2010, 1,120 people were referred to CHANNEL (House of Commons 2012:29). Although CHANNEL is not purely targeted at young Muslims, there is a widespread feeling in the Muslim community that regular activities such as political involvement in peace movements or a pious religious practice, when carried out by young Muslims, trigger unnecessary referral to the CHANNEL programme, due to the lack of experience of those who refer them (Fenwick and Choudhury 2011: 64). Fenwick and Choudhury identified further problems, similarly underlined in the House of Commons

(2010) report: the blurred distinction between drugs or gang violence safeguarding programmes, and the conflict of interests of organisations funded to work with "vulnerable individuals" who would then also refer them to CHANNEL panels in order to "look busy" (2011:65). There is no evidence that the revised version of PREVENT as laid out in the 2011 reform has substantially addressed the different manifestations of this problem (HM Government 2011).

- **A thin border between partnership and snooping**

A second controversial issue has been raised by several community members, scholars and NGOs: the partnerships established between community representatives and local counter-terrorist police are in fact used as covert means of gathering intelligence about the structure and relations within the community. In his 2009 report *Spooked*, Arun Kundnani argued that "there is evidence that the Prevent programme has been used to establish one of the most elaborate system of surveillance ever seen in Britain" (Kundnani 2009:8). While the CLG report (2010) states that the Office for Security and Counter Terrorism (OSCT) investigated the claims in 2009 and found them unfounded, the controversy around project CHAMPION in Birmingham in 2010 provided concrete evidence of covert counter-terrorism intelligence gathering by the police. The project consisted in the deployment of 216 visible and hidden CCTV and plate-recognition (ANPR) cameras around Muslim neighbourhoods of Birmingham. The scheme was initially presented as a crime-reduction system under the Safe Birmingham Partnership, but the West Midlands Police Authority had to acknowledge, after an important mobilisation by community activists that the cameras were in fact deployed as part of a counter-terrorist project funded by the ACPO TAM and were to be connected to the CTU unit of West Midlands Police (Birmingham City Council, 2010; Thornton 2010). The focus of the most recent PREVENT strategy (2011), as well as the results of the Prime Minister's Task Force on Tackling Radicalisation and Extremism (2013) further reinforce the fear of "snooping", with the focus on institutions such as schools, universities or hospitals, where teachers, professors or doctors are encouraged to report potential "radicals".

- **Handpicked "acceptable" community representatives**

The third problematic aspect of the PREVENT strategy as it is currently formulated (PREVENT 2011) and reinforced by the Task force report (HM Government 2013) consists in the ever narrower conception of the "acceptable" Muslim representatives. This point has been forcefully made by former Metropolitan Police Muslim Contact Unit (MCU) director Robert Lambert (2011) about the first PREVENT strategy and has been confirmed since. Indeed, strongly influenced by the positions of think tanks such as the Quilliam Foundation and the Policy Exchange, the current coalition government in the UK has considered many of the previous partners of the PREVENT programmes, such as the Muslim Council of Britain or the Muslim Association of Britain or the Islamic Society of Britain, as "Islamists" and has therefore stopped to involve them in Prevent-related work The current approach, focusing on partnering only with ideologically moderate representatives present therefore the danger of being counter-productive, in (1) portraying the partnership programmes as purely mouthpieces for the government and (2) shifting the legitimacy towards organisations that oppose a government perceived as biased.

This short review of the PREVENT strategy as it is deployed in the UK may help informing Europe-wide discussions about the merits and the challenges of such

initiatives. While discourses of political violence might find a fertile ground among the individuals living in disenfranchised neighbourhoods, there is no good reason to target community and social help uniquely towards Muslim populations. As such, extremism is one but many symptoms of social inequality, along with knife and guns violence, drug abuse or gang violence. The similarities, when deployed at the local level, between CHANNEL and other safeguarding programmes support this argument. Programmes carried out under the PREVENT name that have not dealt directly with individuals at risk (cricket games, hikes, etc.) might equally be funded through regular social funding and targeted at the entire population. On the other hand, one could raise the question of the adequateness of these programmes altogether and in particular the lack of distinction between social work and local policing.

4. RECOMMENDATIONS TO PREVENT AND COUNTER YOUTH RADICALISATION

Recommendation 1: Revising EU's diagnosis of 'radicalisation'

In line with the 2008 report produced for the LIBE Committee (Bigo & Bonelli, 2008, PE 393.277), we urge both EU institutions and EUMS to avoid the escalation process by favouring an approach in terms of *distanciation*. It is necessary to **move away from counter-productive alarmist discourses that dramatically contribute to the polarisation of the debates and eventually to the spreading of dangerous antagonistic positions across our European societies that damage social cohesion**. There is today a growing consensus within the academic community that radicalisation is an unhelpful concept, and that the process it describes in theory cannot be found in actual social practices. We therefore urge the EP to revise EU's diagnosis of radicalisation and encourage the EU institutions to launch a new reflexion on the nature and the processes of political violence, starting from the premise that radicalisation is a dynamic, relational process and an unforeseen and unpredictable consequence of a series of transformations. **A review of the guidelines given by the European Court of Human Rights in the last seven years could be here very helpful**.

We re-iterate the need of adopting cautious approaches to the issue of radicalisation, in particular the following:

- Radicalisation should be analysed as a dynamic process in specific contexts in which violence is embedded;
- Youth radicalisation should not be disconnected from its social and political context and must be investigated within the broader scope of sociology of conflict and violence studies;
- Radicalisation should not be analysed as a form of pre-terrorism, nor as a linear process but as a relational dynamic.

Recommendation 2: Tackling the negative consequences of counter-radicalisation policies by restricting their scope.

Specific attention should be given to the effects of some counter-radicalisation measures and on how radicalisation and counter-radicalisation co-exist and shape one another. The EU agenda has been inspired by the context of the war on terror and needs to be profoundly revised considering its perverse effects. As detailed in this study, widespread counter-radicalisation measures across EUMS might become factors for radicalisation, instead of preventing radicalisation.

This is true for "hard" forms of counter-terrorism:

- The study assesses for example the perverse effects of intensified measures of control, especially the ones that affect single communities on a massive scale (stop & search, border controls). **These policies have shown little efficiency in terms of policing, but concentrate the core of resentment against counter-terrorism legislation**.

- The study also suggests that the **EUMS should be warned against the risks posed by the deprivation of citizenship**. The policies adopted in some EUMS of revoking passports and depriving single and dual nationals of their citizenship constitutes a serious breach of their fundamental rights. These practices might nurture a legitimate feeling of unfairness and injustice. Foreign volunteers fighting in Syria, whether returning home or not, might become potent militant symbols. Instead of treating 'returnees' as suspected terrorists, their probable traumatic experiences as voluntary combatants should be adequately addressed. The volunteers returning home from Syria might report different degrees of exposure to violence. By giving the returnees a voice, one could contribute to the dislocation of their hostility. Various formats of debriefing sessions should be explored, based on an evidence-based understanding of the various situations and actors involved. Here, experience gained in the armed forces around post-traumatic stress disorder could be evaluated.

It is also true for "soft" forms of counter-terrorism.

- **Empirical studies show that broadening the scope of "soft" counter-radicalisation measures to what is considered traditionally community cohesion work**, involving of a broad range of actors such as social workers to community organizers, schoolteachers and health professionals, **is detrimental to both objectives of countering radicalisation and fostering community cohesion, and has already been abandoned in countries such as the UK.** Community cohesion programmes should not be underpinned by or limited to counter-terrorism concerns nor targeted principally at the Muslim community; issues of youth marginality should be tackled by social work professionals and educators along with other traditional problems of drugs, gang violence or knife and guns violence.

Recommendation 3: Strengthening EU expertise in the field of violent extremism and making EU's reflexion transparent and more open to public scrutiny

The EU Commission is already supporting two networks of experts - the Policy Planner's Network on Polarisation and Radicalisation (PPN) and the Radicalisation Awareness Network (RAN) in order to share best practices and diffuse know-how on radicalisation in Europe. However, while some general information about these networks is available, more could be made public about the participants, scope, discussions and recommendations made within these fora. **If we strongly encourage the strengthening of EU expertise in the field of violent extremism, we insist on the need to establish a European network with experts coming from a large array of disciplines across social sciences**. Such a network should be carefully selected, thus avoiding conflict of interests or biased perspectives (for instance, experts with professional ties with businesses, military, or intelligence personnel).

In addition, the EP should encourage the creation of an **Observatory of conflict, security and freedom**. Such an Observatory would link various fields of research in order to encourage broader and more accurate knowledge around political violence: sociology, conflict studies, European criminal law. Such a cross-disciplinary approach would enable in-depth and evidence-based analysis to better understand the contexts in which violence is embedded. This Observatory would carry out regular assessment of the counter radicalisation policies and their effects. Such a scope would help to strengthen the initiatives of Europol in this field, in particular in their SOCTA and TE-SAT reports.

Recommendation 4: Keeping in check practices of online surveillance carried out in the name of counter-radicalisation.

Projects such as CleanIT and Check the Web, described in this study, are programmes of online surveillance justified under the name of counter-terrorism and counter-radicalisation. In the light of some of the documents that have been leaked about CleanIT, there is evidence that these programmes advocate, among other things, removing legislation protecting privacy and anonymity, bypassing courts, extending the notions of "terrorism" to a vague range of activities online as well as enrolling internet service providers (ISP) in surveillance. **While it is legitimate for governments, with the support of intelligence services and law enforcement agencies, to punish illegal activities, these repressive measures should not violate fundamental rights highlighted by resolution 2013/2188 such as the rights to data protection, freedom of expression, presumption of innocence and effective remedy.** The parliament should be vigilant about the calls to remove what is defined as "online jihad" from regular criminal legislation and place it under anti-terrorism legislation or extra-judicial powers. As such, the European Parliament could ask, in line with the Inquiry on Mass Surveillance, for the representatives of the CleanIT project, the Check the web project and other online surveillance initiatives supported by the European Commission, to specify the modalities that have been set up to guarantee that fundamental rights are respected. If not enough safeguards are found, it could suggest the setting up of efficient supervision mechanisms.

REFERENCES

- Alimi, E. Y., & Bosi, L. (2008). A Comparative Historical Analysis of The Processes of Radicalization of the Weather Underground and of the Provisional Irish Republican Army. *Ricerche di storia politica*, *11*(3), 273-292
- Anderson, David Q C (2013a) The Terrorism Acts in 2012. Report of the Independent Reviewer on the Operation of The Terrorism Act 2000 and the Part 1 of the Terrorism Act 2006. 1–145.
- Anderson, David Q C (2013b) *Third Report on the Operation Ofthe Terrorist Asset-Freezing Etc. Act 2010*.
- Bartlett J and Birdwell J (2010) *From Suspects to Citizens: Preventing Violent Extremism in a Big Society*. Demos.
- Bigo, D. & D. Hermant (1988), *La relation terroriste. Analyse de la violence politique des organisations clandestines dans les democraties occidentales*, Paris: Etudes Polemologiques/Documentation francaise
- Bigo, D. & L. Bonelli (2008), Preventing Violent Radicalisation and Terrorist recruitment in the EU: the threat to Europe by Radical Islamic terrorist groups, PE 393.277.
- Birmingham City Council (2010) Project Champion: Scrutiny Review Into Anpr and Cctv Cameras. Birmingham City Council - Local Services & Community Safety Overview and Scrutiny Committee.
- Bonelli, L. (Ed.) (2011), *Le passage par la violence politique*, Paris: L'Harmattan
- Bonelli, L. « Les caractéristiques de l'antiterrorisme français : Parer les coups plutôt que panser les plaies », in Bigo D, Bonelli L, & Deltombe T, (Ed.), *Au nom du 11 septembre. Les démocraties occidentales à l'épreuve de l'antiterrorisme*, Paris, La Découverte, 2008, pp.168-187
- Bosi (2012), "Explaining Pathways to Armed Activism in the Provisional IRA,1969–1972." Social Science History 36(3): 347–390
- Cardon, D. & F. Granjon (2010), *Mediactivistes*, Paris: Presses de Sciences-Po
- Choudhury T and Fenwick H (2011) *The impact of counter-terrorism measures on Muslim communities*. *International Review of Law, Computers & Technology*, Manchester: Equality and Human Rights Commission.
- Clear, T. R. and Sumter, M. T. (2002), "Prisoners, Prison, and Religion: Religion and Adjustment to Prison", *Journal of Offender Rehabilitation*, 35: 127-60
- Cohen, S. (2001), *State of Denial: Knowing about atrocities and suffering*, Cambridge: Polity Press
- Collins, R. (2008), Violence. A Micro-sociological Theory, Princeton: Princeton University Press
- Commission Decision of 19 April 2006 setting up a group of experts to provide policy advice to the Commission on fighting violent radicalisation, 2006/299/EC
- Crenshaw, M. (1986), The psychology of political terrorism, *Political psychology*: 379-413
- Crenshaw, M. (1992), Current research on terrorism: The academic perspective,

Studies in Conflict & Terrorism, *15*(1): 1-11

- Crenshaw, M. (2000). The psychology of terrorism: An agenda for the 21st century. *Political Psychology*, *21*(2): 405-420
- Cuadros, D. (2013). « Répression, changements de régime et ruptures biographiques. Les communistes chiliens entre dictature et démocratie », *Cultures & Conflits* n°89.
- Dammer, H. (2002), "The Reasons for Religious Involvement in the Correctional Environment", *Journal of Offender Rehabilitation*, 35: 35-58
- Della Porta, D. (2013), *Clandestine Political Violence*, Cambridge: Cambridge University Press
- Della Porta, D. (2008), Research on Social Movements and Political Violence, *Qualitative Sociology* 31: 221–30
- Boer Den M (2007) Wake-up call for the Lowlands: Dutch counterterrorism from a comparative perspective. *Cambridge Review of International Affairs*, 20(2), 285–302.
- Demetriou, C. (2012), Processual Comparative Sociology: Building on the Approach of Charles Tilly, Sociological Theory 30(1): 51–65
- Diani, M. (2004), *Networks and participation*. Malden, MA: Blackwell Publishing
- Diani, M., & McAdam, D. (Eds.) (2003), *Social movements and networks: Relational approaches to collective action*, Oxford: Oxford University Press
- Dood, Vikram (2009) "Government anti-terrorism strategy 'spies' on innocent", The Guardian, 17/10/2009. URL http://www.theguardian.com/uk/2009/oct/16/anti-terrorism-strategy-spies-innocents Visited 18/03/2014.
- European Council, *Plan of Action on Combating Terrorism*, 10586/04, 15 June 2004
- European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December 2004, 2005/C 53/01
- European Union: Council of the European Union, *The European Union Counter-Terrorism Strategy*, 30 November 2005, 14469/4/05 REV4
- Githens-Mazer J. & Lambert, R. (2010), Why conventional wisdom on radicalization fails: the persistence of a failed discourse. *International Affairs*, *86*(4): 889-901
- Great Britain Parliament House of Commons (2010) *Preventing Violent Extremism, Sixth Report of Session 2009–10*. The Stationery Office. London: Great Britain Parliament House of Commons
- Gurr, T. (1970), *Why Men rebel*, Princeton: Princeton University Press
- Hamm, M. S. (2009), "Prison Islam in the Age of Sacred Terror", *British Journal of Criminology*, 49(5)
- Hamm, M. S. (2012), *The Spectacular Few: Prisoner Radicalisation and Terrorism in the Post-9/11 Era*. New York: New York University Press.
- HM Government (2011) *Prevent Strategy*. London: The Stationery Office.
- Horgan, (2005), *The Psychology of Terrorism*, London: Routledge
- Horgan, J. (2008). From profiles to pathways and roots to routes: Perspectives from psychology on radicalization into terrorism. *The Annals of the American Academy of Political and Social Science*, *618*(1): 80-94

- Horne A and Berman G (2012) *Pre-Charge Detention in Terrorism Cases*. House of Commons Library - Home Affairs Section and Social and General Statistics Section.
- House of Commons (2012) Roots of violent radicalisation Nineteenth Report of Session 2010–12 Volume I. London: Great Britain Parliament House of Commons.
- Jones, C. R. (2014), "Are prisons really schools for terrorism? Challenging the rhetoric on prison radicalization", *Punishment & Society*, *16*(1): 74-103.
- Kepel, G. (2004). *The war for Muslim minds: Islam and the West*. Harvard University Press
- Khosrokhavar, F. ([2003] 2005), *Suicide bombers: Allah's new Martyrs*, London: Pluto Press
- Khosrokhavar, F. (2004), *L'Islam dans les prisons*, Paris: Balland
- Kundnani A (2009) *Spooked! How not to prevent violent extremism*. London: Institute of Race Relations.
- Lambert R (2011) *Countering Al-Qaeda in London. Police and Muslims in Partnership*. London: Hust & Company.
- Leveau R., (1989) « Réflexions sur le non-passage au terrorisme dans l'immigration maghrébine en France », *Etudes polémologiques*, n°49/1, pp. 141-156.
- Liberty (2010) *Terrorism Pre-Charge Detention Comparative Law Study*. London: Liberty.
- Martin G and Bray RS (2013) Discolouring Democracy? Policing, Sensitive Evidence, and Contentious Deaths in the United Kingdom. *Journal of law and society*, Wiley Online Library, 40(4), 624–656.
- Mazuy, R (2002), *Croire plutôt que voir. Voyages français en Russie soviétique* (1917-1939), Paris, Odile Jacob.
- Moghaddam, F.M. (2005),"The staircase to terrorism: a psychological exploration", American
- Psychologist, 60(2): 161-169
- Neveu, E. (1999), Medias, mouvements sociaux, espaces publics", *Reseaux*, 17(98): 17-86
- Open Society Institute (2009a) Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory. New York: Open Society Institute.
- Open Society Institute (2009b) Police et minorités visibles : les contrôles d'identité à Paris. New York: Open Society Institute.
- O'Neill, S. & D. McGrory, (2010) *The suicide factory: Abu Hamza and and the Finsbury Park Mosque*, London: Harper
- Pantazis C and Pemberton S (2009) From the 'Old' to the 'New' Suspect Community: Examining the Impacts of Recent UK Counter-Terrorist Legislation. *British Journal of Criminology*, 49(5), 646–666.
- Radical Thinking (2014), *The Birmingham 400. A community conversation*. Radical Thinking Group.
- Richards, A. (2011), "The problem with 'radicalization': the remit of 'Prevent' and the need to refocus on terrorism in the UK", *International Affairs*, 87(1): 143-152
- Silke, A. (2011), *The Psychology of Counter-Terrorism*. London: Routledge

- Spalek B and El-Hassan S (2007) Muslim converts in prison. *Howard Journal* 46(2): 99–114
- Sullivan G 'Transnational Legal Assemblages and Global Security Law: Topologies and Temporalities of the List' (2014) 5(1) *Transnational Legal Theory*
- Sullivan G and Ben Hayes (2010) *Blacklisted:Targeted sanctions, preemptive security and fundamental rights*. 1–130.
- Sedgwick, M. (2010), The concept of radicalization as a source of confusion, *Terrorism and Political Violence*, *22*(4): 479-494
- Silke, A. (2001), The devil you know: Continuing problems with research on terrorism, *Terrorism and Political Violence* 13: 1-14
- Silke, A. (2008), Holy Warriors: Exploring the Psychological Processes of Jihadi Radicalization, European Journal of Criminology, 5(1): 99-123
- Skoutelsky R (1998), *L'Espoir guidait leurs pas - Les volontaires français dans les Brigades internationales 1936-1939*, Paris, Grasset.
- Sullivan G and Ben Hayes (2010) *Blacklisted: Targeted sanctions,preemptive security and fundamental rights* Report by the European Center for Constitutional and Human Rights. 1–130.
- Tilly, C. (2003), The Politics of Collective Violence, Cambridge: Cambridge University Press
- Tilly, C. (1978) From Mobilization to Revolution: Longman Higher Education
- Tilly, C., McAdam, D. & S. Tarrow (2001), *Dynamics of contention*, Cambridge: Cambridge University Press
- Tomkins A (2011), `National Security and the Due Process of Law, Current Legal Problems, 64
- Thornton, Sara QPM (2010) *Project Champion Review*. Thames Valley Police.
- Thomas P (2012) *Responding to the Threat of Violent Extremism*. Bloomsbury Academic.
- Van der Leun JP and van der Woude MAH (2011) Ethnic profiling in the Netherlands? A reflection on expanding preventive powers, ethnic profiling and a changing social and political context. *Policing and Society*, 21(4), 444–455.
- Ward BP (2010) *Without suspicion. Stop and search under the Terrorism Act 2000*. New York: Human Rights Watch.
- Walker, Clive (2011), *Terrorism and the Law*, Oxford: Oxford University Press.
- Wieviorka, M. (1988), *Societes et terrorisme*, Paris: Fayard

EUROPEAN PARLIAMENT

CATALOGUE QA-01-14-398-EN-C

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website: **http://www.europarl.europa.eu/studies**

PHOTO CREDIT: iStock International Inc.

ISBN: 978-92-823-5714-9
DOI: 10.2861/62642

Publications Office