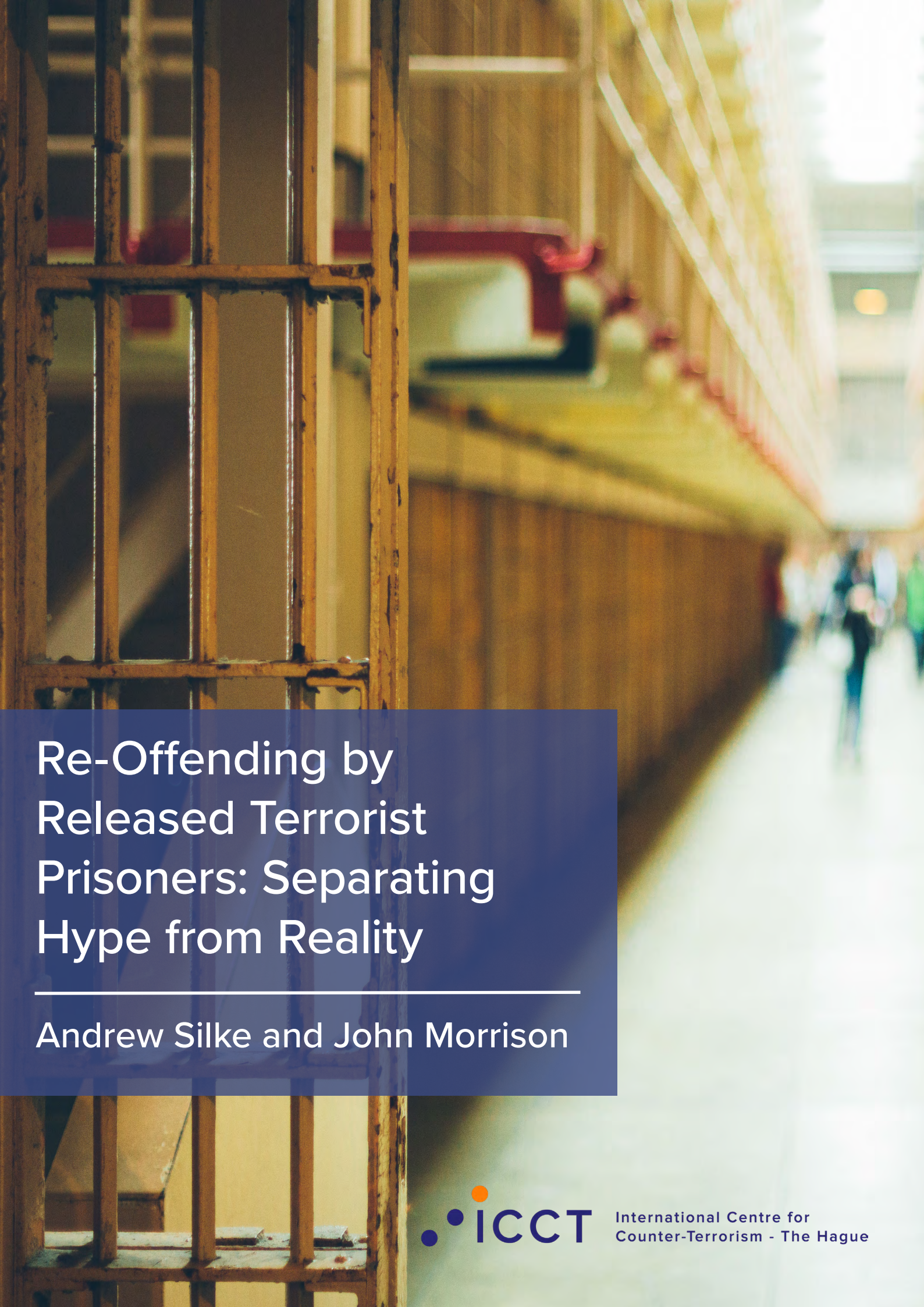




Re-Offending by Released Terrorist Prisoners: Separating Hype from Reality

Andrew Silke and John Morrison



International Centre for
Counter-Terrorism - The Hague

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ICCT Policy Brief

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International Centre for
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Introduction

The end of 2019 and beginning of 2020 witnessed two terrorist attacks in London carried out by released terrorist prisoners. In November 2019, Usman Khan attacked and killed two people and injured three others before being shot dead by police officers. Khan had spent eight years in prison after being convicted for planning terrorist attacks and had been released in December 2018. Just over two months later in February 2020, another released prisoner, Sudesh Amman, injured two people in an attack in south London, before he too was shot dead by police officers who had him under close surveillance. Amman had been released from prison just ten days before he carried out the attack.

The two attacks starkly illustrate the potential dangers posed by released terrorist prisoners. In the UK, the attacks fuelled a wider debate about risk assessment, de-radicalisation and the impact of prison on terrorists. The UK government response to the killings was to rush through the Terrorist Offenders (Restriction of Early Release) Act which was made law in February 2020. This increased the amount of time such prisoners would be kept in prison compared to other offenders. Both Khan and Amman had been automatically released at the half-way stage of their sentences. The new legislation means that other terrorist prisoners will not now be considered for release until the two-third point of their sentence at the earliest, and release at that stage would be dependent on the decision of a parole board.

The cases highlighted issues around the risk of re-offending posed by former terrorist prisoners, what are appropriate processes and systems for managing and risk assessing such individuals, and to what extent is rehabilitation possible in the context of terrorist offending? This paper will explore these and related issues to help inform wider discussion and debates on appropriate policy in this area. In order to gain a balanced understanding of terrorist recidivism the paper starts by critically analysing what we actually mean when we talk about 'recidivism.' This discussion will demonstrate the need for a concrete operational definition before one is able to truly analyse recidivist activity. This is followed by the discussion of terrorist recidivism in a range of international contexts, ranging from Northern Ireland to Sri Lanka, the United States to Israel. By taking this broader perspective it allows the reader to gain a greater understanding of what factors related to recidivism rates may be context-specific, and which are universal.

What is recidivism? And what is it not?

Before any critical analysis of recidivism research can take place, it needs to first clearly outline what the concept of recidivism refers to, and perhaps more

importantly, what it does not. This is an issue which is at times ignored by those utilising recidivism statistics, especially those doing so to promote the successes of their own rehabilitation programmes. It is clear from the literature that, as with terrorism, there is no universally accepted or utilised operational definition of recidivism. At a fundamental level, recidivism constitutes the continuation of, or return to, a previous pattern of criminal behaviour. Specifically, this refers to new criminal activity by an individual after a previous criminal conviction which resulted in imprisonment or another form of legal sanction. However, there is not a universal acceptance as to what sanctions are included when measuring recidivism, both for the first and the subsequent offences. Some recidivism studies and reports only refer to criminal convictions which involve a prison sentence, whereas others also include technical violations such as an individual's failure to report to a parole officer.

Across academic studies and penal reports, there is a noted variation in the timeline by which recidivism is measured. Generally speaking, recidivism studies focus on re-arrest, between three and five years after the release from custody or the date of sanction. However, there are studies whose focus is on a shorter time period. For example, Howard and Dixon looked at re-offending within a 24-month follow-up period from the date of index community sentencing or release from custody resulting in a caution or conviction within this time-frame or an additional twelve months.¹ The study of recidivism often has less to do with an analysis of an individual's tendency to re-offend, but is utilised more as an assessment of the suitability and success of specific forms of punishment or intervention in terms of rehabilitation. As a result of this focus on penology, or the study of criminal punishments and prison management, these set time-lines have restricted the full scope of the findings. Consequently, there has traditionally been a disregard of the roles which society and the external community can and do play in recidivism. Therefore, prior to comparing recidivism rates one must first be aware of the possible discrepancies in measurement across studies.

If one is to take China and the US as two comparative case studies, the variations in definition become apparent. The Chinese judiciary have two separate forms of recidivism, and consequently two separate ways of dealing with recidivist behaviour. These are 'general recidivism' and 'recidivism of crimes endangering national security.' This is covered under Article 65 of the Criminal Law of the People's Republic of China. With respect to 'general recidivism' there are three criteria which must be met. These are:

1. The intentionality of the first and subsequent crimes.
2. The punishments for the first and subsequent crimes must be fixed-term imprisonment or a heavier penalty.
3. The subsequent crime must be committed within five years of serving the first sentence or receiving

¹ Howard, P. and Dixon, L. (2011). Developing an Empirical Classification of Violent Offences for Use in the Prediction of Recidivism in England and Wales. *Journal of Aggression, Conflict and Peace Research*, pp. 141-154.

a pardon.

For 'recidivism of crimes endangering national security,' there are significant differences to 'general recidivism.' Both the initial and subsequent crimes must be judicially defined as a crime which endangers national security. There is not the same necessity to prove intentionality as there is with respect to 'general recidivism.' In relation to the timeframe of re-conviction the subsequent offences can occur any time after the initial conviction, and therefore is not restricted by the same five-year time limit as general recidivism. However, while these are the legal definitions of Chinese recidivism, in practice it is admitted that recidivism refers to 'committing crimes frequently' and it does not require specific forms of crime, types of punishment, or length of time between illegal actions to be defined as such.

Within the US, the Bureau of Justice Statistics, which measures recidivism rates nationally and publishes a series of reports, has only one definition of recidivism. They measure recidivism "...by criminal acts that resulted in the rearrest, reconviction, or return to prison with or without a new sentence during a three-year period following the prisoner's release."

When compared to the two separate Chinese definitions, there are obvious differences, which in turn affects measurement and the resultant recidivism statistics. Within the Chinese definitions, recidivism must include at minimum a fixed term prison sentence. However, the US interpretation includes 'rearrest, reconviction, or return to prison with or without a new sentence'. This broadens the scope of what is measured within the US and therefore one would expect there to be higher rates of recidivism in comparison to the Chinese figures. The time periods in the Chinese definitions are longer compared to the US, up to five years after the completion of the initial prison sentence for general offences, and open-ended for national security recidivism which could potentially increase the Chinese statistics. Further, the Chinese definition refers to the issue of intent, whereas the US operational definition does not acknowledge intent at any stage. Consequently, the US recidivism rates will be expected to include those crimes which can be defined as unintentional illegal actions.

When making cross-national statistical comparisons it is also important to be aware of the social construction of crime. Criminal law is reliant on political, cultural and social society in which it is developed. Therefore, when assessing, and comparing criminal statistics one must be aware of exactly what is defined as a crime in each particular case. This is not only relevant in geographical comparisons but also within an individual geographical area when statistics are being compared across time. With the constant evolution of criminal law, what constitutes a crime today was not necessarily always considered as such. This places further emphasis on the importance of a clear definition of the specific acts or

omissions which are to be included in any analysis of criminal recidivism.

With all these issues considered, it becomes apparent that while the conceptual definition may be quite straightforward, the operational definition (the one which directs measurement) is not as clear. These issues highlight that it is the operational, rather than the conceptual, definition of recidivism which one must be aware of when analysing, interpreting and comparing recidivism findings.

Terrorist recidivism

Following the two attacks by former prisoners in London, the UK government subsequently released statistics on re-offending by terrorist prisoners. In England and Wales, for the period between January 2013 and December 2019, 196 terrorist prisoners were released. In the same time period, six of these were subsequently convicted for another terrorism-related offence giving a re-offending rate of 3 percent.² This re-offending figure rises to 3.6 percent if we include Usman Khan, who was killed by police officers during his attack. These statistics do not include prisoners who were convicted of non-terrorism-related offences subsequent to release, though this figure is also believed to be low.

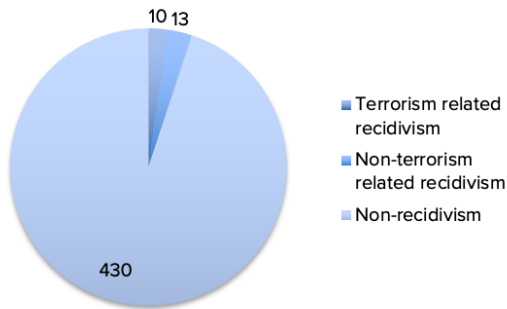
The low rate of reconviction may come as a surprise to many, but statistics on re-offending by released terrorist prisoners have in general found that they have low rates and indeed are typically far lower than the reconviction rates seen with other types of offenders. This applies both to general re-offending (i.e. not politically motivated) as well as terrorism-related offending. Most earlier reviews report re-offending rates of between 2 - 15 percent depending on the samples and contexts,³ levels which are far lower than those seen for "ordinary" non-political offenders.

It is worth looking at a number of case studies in more detail to provide context to these figures. For example, in Northern Ireland, as part of the Good Friday Peace Agreement in 1998, 453 paramilitary prisoners were released. By 2011, just 23 of these prisoners had been recalled to custody (5 percent). Of these 23, just ten were recalled for alleged involvement in further terrorism-related offences (2.2 percent) with the remainder being recalled for other criminal activity.

² <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-01-27/HL782/>

³ For example see: Horgan, J. and Braddock, K., 2010. Rehabilitating the terrorists? Challenges in assessing the effectiveness of de-radicalization programs. *Terrorism and Political Violence*, 22(2), pp. 267-291; Silke, A. (2011). 'Disengagement or Deradicalization: A Look at Prison Programs for Jailed Terrorists.' *CTC Sentinel*, 4/1, pp.18-21; Silke, A. (2014) *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalisation and Reform*. London: Routledge.

Northern Ireland Paramilitary Prisoners



Another example worth considering is provided by Sri Lanka, where a significant terrorist threat was posed by the Liberation Tigers of Tamil Eelam (LTTE). After decades of conflict, the LTTE were comprehensively defeated in 2009. Following this, the government maintained a very strong military presence in areas previously under LTTE control with a focus on preventing the re-emergence of pro-LTTE groups. Approximately 12,000 LTTE members were captured in 2009. The Sri Lankan government introduced a large-scale programme to rehabilitate these prisoners. 11,000 of these prisoners were released by the end of 2011 and most of the rest by 2014. In 2015, there were approximately 270 prisoners being held in Sri Lankan prisons mainly under the Prevention of Terrorism Act (PTA) for alleged links to the LTTE, and about 100 of these prisoners had been part of the original 12,000, indicating a potentially less than 1 percent re-offending rate.⁴

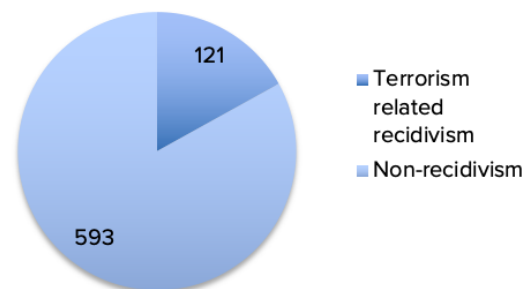
Taken together, both the Northern Ireland and the Sri Lankan cases indicate that re-offending in a context where the linked conflict has largely ended is very low. Northern Ireland provides evidence that re-offending by terror convicts is very low not just for politically-motivated crimes, but also for “ordinary” general crimes.

What then does the evidence say about re-offending rates for prisoners where the linked conflict to their cause is still on-going and may even be intensifying? There is evidence available on a range of relevant conflicts to help shed light on this. For example, the re-offending rates of released terrorist prisoners in Saudi Arabia has attracted particular attention over the last fifteen years. In December 2011, Saudi officials overseeing the country’s prison-based de-radicalisation programmes reported that of more than 5,000 terrorist prisoners who had participated in some aspect of the program and been released, an estimated 2 – 20 percent had re-offended after release.⁵ There have been long-running issues over the reliability of the Saudi figures – particularly with regard to initial claims of a 0 percent re-offending rate, but the more recent figures are considered more

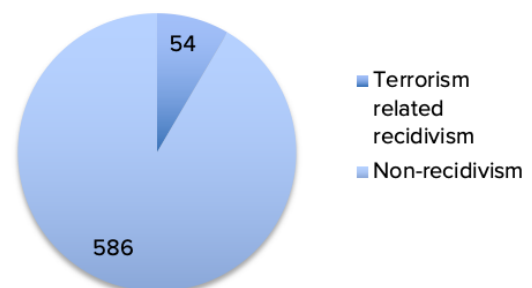
realistic.

The Saudi figures are also comparable with the re-offending rates reported for released Guantanamo Bay detainees. As of January 2017, of the 714 Guantanamo detainees who had been released since the prison opened in 2002, 121 had been confirmed as having re-engaged in violent extremism (16.9 percent).⁶ 12.2 percent were suspected of having reengaged, though the category of “suspected” could be reached on the basis of superficial evidence, such as unverified information or potentially just one source claiming the individual had reengaged. Indeed, a separate independent review of the released detainees in June 2014, when there had been 640 released detainees, used stricter criteria to assess if individuals had re-engaged or not, and assessed that only 54 detainees were confirmed or suspected of having re-engaged, a maximum re-offending rate of 8.4 percent.⁷ This second figure is also consistent with the re-engaged rate for released British detainees at Guantanamo. Of the 17 British detainees, just one re-engaged in violent extremism.⁸

Guantanamo (Office of the Director of National Intelligence)



Guantanamo (New America Foundation)



4 A. Kruglanski, M. Gelfand, J. Bélanger, R. Gunaratna and M. Hetiarachchi, (2014). ‘De-radicalising the Liberation Tigers of Tamil Eelam (LTTE)’, in A. Silke (ed.) *Prisons, Terrorism & Extremism: Critical Issues in Management, Radicalisation and Reform*. Oxon: Routledge

5 The variation in these numbers is due to fluctuating assessments provided by the Saudi authorities themselves and the rationale and metrics behind those assessments are often not clear. For a good discussion on the context of the Saudi case and the various estimates see Porges, M. (2014). ‘Saudi Arabia’s “Soft” Approach to Terrorist Prisoners: A Model for Others?’ in A. Silke (ed.) *Prisons, Terrorism & Extremism: Critical Issues in Management, Radicalisation and Reform*. Oxon: Routledge.

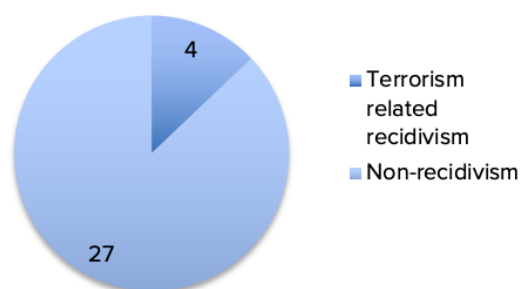
6 Office of the Director of National Intelligence (2017). *Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba*.

7 New America Foundation (2014), *Appendix: How Dangerous are Freed Guantanamo Prisoners?*, by Peter Bergen and Bailey Cahall, June 5, 2014. Available at: http://newamerica.net/publications/resources/2014/how_many_guantanamo_detainees_return_to_the_battlefield

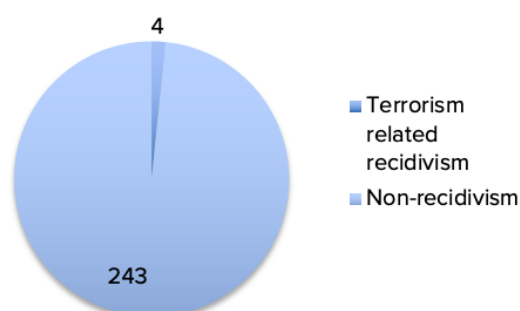
8 Swann, S. (2017). *Who are the Guantanamo Brits?* BBC News Online.

Two recent studies have looked at re-offending rates for terrorist prisoners in the US. In a study focused on prisoners connected to Islamist terrorism, Wright (2019) identified 31 prisoners who had been released between January 1990 and the end of May 2019.⁹ Four of these prisoners re-offended (13 percent) during this time period. Drawing on a larger sample of released terrorism prisoners released in the US between 2001 and 2018, Hodwitz (2019) reported that just four of the 247 released prisoners recidivated during that time period, a recidivism rate of just 1.6 percent.¹⁰ This sample included prisoners with a wide mix of affiliations and ideological backgrounds, and not just those connected to Islamist extremism.¹¹ The recidivism events all occurred within three years of release and were a mix of offences ranging from drug possession, fraud, forgery and using the internet (which was a plea agreement violation in that case). In two cases, the sanctions applied in response were minor (90 days detention or less), suggesting the offences in those cases were not seen as serious.

USA Islamist Terrorism Prisoners (Wright, 2019)



USA Terrorism Prisoners (Hodwitz, 2019)

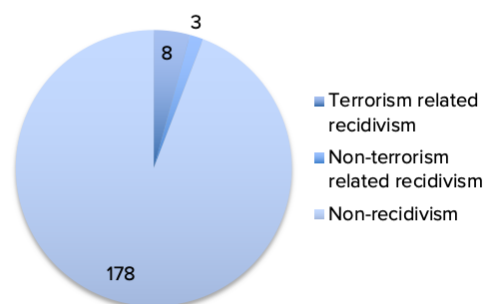


Returning to a European context, a recent Dutch study examined the outcomes for 189 individuals supervised by 'team TER' (Terrorism, Extremism and Radicalization)

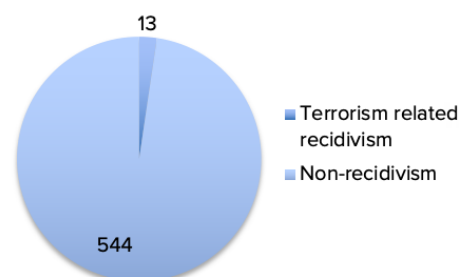
within the Dutch Probation Service between 2012 and 2018.¹² This study found that just eleven re-offended, eight for terrorism-related offences and three for non-terrorism re-offending. This gave a re-offending rate of 5.8 percent in total over the time period, compared to the 45-56 percent rates which were average for other types of offenders dealt with by the probation service.

Recent research on released prisoners in Belgium also paints a similar picture, finding that of 557 jihadi-related prisoners between 1990 and 2019 just thirteen (2.3 percent) recidivated.¹³ This figure rose to 4.8 percent when suspected re-engagement in terrorist activity was included. Interestingly, the Belgium research found that the majority of the re-offending happened within the first nine months of release, with only three released prisoners re-offending at a later stage.

Netherlands individuals supervised by 'Team TER' (Terrorism, Extremism and Radicalization)



Belgium, Jihadi-related Prisoners



The one notable exception to the general finding that terrorist prisoners appear to have lower than average re-offending rates comes from Israel. A recent study there found that 'security prisoners' — as terrorism and political violence-related prisoners are referred to within the Israeli prison system — had a very high five year

9 Wright, C. (2019). 'An Examination of Jihadi Recidivism Rates in the United States.' *CTC Sentinel*, 12/10, pp.26-31.

10 Hodwitz, O., 2019. The Terrorism Recidivism Study (TRS). *Perspectives on Terrorism*, 13(2), pp.54-64.

11 Based on descriptions of the cases provided in the two articles it is worth noting that the four who re-offended in Hodwitz's sample do not seem to be an exact match for the four who re-offended in Wright's sample.

12 van der Heide, L. and Schuurman, B. (2018). 'Reintegrating Terrorists in the Netherlands: Evaluating the Dutch approach.' *Journal for Deradicalization*, 19, pp.196-239.

13 Renard, T. (2020). 'Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence.' *CTC Sentinel*, April, 1-11.

recidivism rate of 60.2 percent.¹⁴ This is considerably higher than the rate of 41.3 percent for other types of Israeli prisoners, and far higher than the rates we have seen for all of the other countries considered. The Israeli study used data on 1517 security prisoners who had been held by the Israeli Prison Service at some stage between 2004 and 2017.

Perhaps unsurprisingly, there are questions over how comparable this Israeli sample is with the standard terrorism-related prisoner populations typically found in the West. For example, the mean sentence length served by the Israeli sample was just 32 weeks before release, and a proportion of the sample (not specified by the researchers) had an incarceration length of less than a week. Further some of the sample (again not specified) had not been convicted of an offence at the time of release. The study also reported that re-incarcerated prisoners also served a mean of just 32 weeks before release, with again an unspecified proportion having a re-incarceration period of less than a week.

The very short mean length of time in prison for both first-time and then again for the re-offenders, combined with uncertainty over exactly how many had actually been convicted, suggests that some very unusual dynamics are happening with this prisoner population. It is possible, for example, that a substantial proportion of the sample may have been rioters or street protestors. Very few terrorism-related prisoners in the West serve sentences of 32 weeks or less before release. No country in the West has a criminal justice profile showing 50 percent of their terrorist prisoners being released after such short sentences. It is questionable whether any individuals in the West who spent less than a week in prison before release would, under a realistic measure, be considered a released terrorist prisoner. As a result, it would be quite unwise to place too much reliance on the Israeli findings until there is greater clarity around the prisoner population involved, the nature of their offences and convictions, and why such a high proportion appear to have served very short sentences.

Why is re-offending lower for released terrorist prisoners?

This is a question that would benefit from more research.¹⁵ A variety of factors probably combine to explain why re-offending rates for released terrorists are lower than for other violent offenders. At an initial level, lower re-offending rates could be partly linked to closer monitoring and supervision of terrorist offenders on

release from prison compared to the attention focused on non-terrorist prisoners. In the context of England, Wales and Scotland, terrorist prisoners are managed under Multi-Agency Public Protection Arrangements (MAPPA).¹⁶ MAPPA were established in 2001 and were initially focused on improving the monitoring and management of convicted sexual and violent offenders. Such offenders continue to be the dominant population dealt with by MAPPA, but terrorism-related prisoners are also handled under the programme. MAPPA involves probation offices, prison services, police, and other stakeholders working closely together to assess and manage the released prisoner. Released prisoners will have licence conditions set which typically can include wearing a tag, curfews, restrictions on where they can go, who they can meet with, on internet use, on mobile phone use, or other similar restrictions. Breaching conditions can lead to being recalled to prison. The conditions are monitored and can be relaxed or made stricter depending on the assessments of the staff involved. In the context of terrorist offenders, some released prisoners will also be required/encouraged to take part in disengagement and de-radicalisation work. This can take a range of approaches, including participation in a formal programme and/or working with a specialist mentor. Thus, lower re-offending rates may be partly down to the positive effects of MAPPA and similar arrangements in other jurisdictions.

Certainly, there is evidence that MAPPA is associated with reduced levels of re-offending for sexual offenders and non-terrorist violent offenders. However, the re-offending levels reported are still significantly higher than the levels seen for terrorism-related offenders (e.g. a re-offending rate of 13 percent for serious sex offenders within one year of release compared to just 3 percent for terrorists over a much longer time-frame).¹⁷ This suggests that other factors beyond specialist management play a role in the lower re-offending rates seen with terrorist prisoners.

One of these other factors is the role of political motivation in the offences. This is a distinctive feature of terrorist offending and differentiates it from other violent offences. A wide body of research has highlighted that for many perpetrators, terrorism is seen as a means to achieving broader political goals, unlike the goals of many other crimes.¹⁸ This is not to disregard those who partake in terrorism for reasons other than political ideas.¹⁹ Those partaking in terrorism are more likely to have a self-perception of altruism than criminals. Risk assessment tools designed specifically for use with terrorism-related offenders usually consider this as a factor. For example, the Extremism Risk Guidance (ERG) risk assessment tool developed for use in prisons in England and Wales specifically recognises that political

14 Hasisi, B., Carmel, T., Weisburd, D. and Wolfowicz, M. (2019). 'Crime and Terror: Examining Criminal Risk Factors for Terrorist Recidivism.' *Journal of Quantitative Criminology*

15 Silke, A., & Veldhuis, T. (2017). Countering violent extremism in prisons: A review of key recent research and critical research gaps. *Perspectives on terrorism*, 11(5), 2-11.

16 Wilkinson, B. (2014). 'Do Leopards Change Their Spots?: Probation, risk assessment and management of terrorism-related offenders on licence in the UK.' In A. Silke (ed.), *Prisons, Terrorism and Extremism*. Routledge, 259-269; Marsden, S. V. (2016). *Reintegrating extremists: Deradicalisation and desistance*. Springer.

17 Bryant, S., Peck, M. & Lovbakke, J. (2015). *Reoffending Analysis of MAPPA Eligible Offenders*. Ministry of Justice.

18 See for example Alonso, R. (2006). 'Individual Motivations for Joining Terrorist Organizations: a Comparative Qualitative Studies on Members of ETA and IRA.' In Victoroff, J. (Ed.) *Tangled Roots: Social and Psychological Factors in the Genesis of Terrorism*, 187-202. (Amsterdam: IOS Press)

19 McCauley, C. & Moskaleiko, S. (2008). 'Mechanisms of Political Radicalization: Pathways Toward Terrorism' *Terrorism and Political Violence*, 20(3), 415-433; Khalil, J., Horgan, J., & Zeuthen, M. (2019). 'The Attitudes-Behaviors Corrective (ABC) Model of Violent Extremism.' *Terrorism and Political Violence*.

context is “a unique feature of extremist offending.”²⁰ This unique feature helps explain why involvement in crime or violence is not then a feature of post-release life for most former terrorist prisoners.

The final factor could be that terrorists are generally psychologically and socially different from other offenders and that these differences reduce the likelihood of re-offending on release. For example, psychiatric factors are less common in terrorists than in other violent criminals. Despite the indiscriminate and extreme violence of many terrorist attacks, the vast majority of psychiatric research on terrorists has concluded that the majority are not psychologically abnormal and that there is no distinct terrorist personality.²¹ On the contrary, many studies have found that terrorists are psychologically healthier and more stable than other violent criminals. This finding applies particularly strongly to group-based terrorists, such as members of the IRA and ETA. In contrast, there is a higher incidence of mental health issues among lone-actor terrorists, though even in the case of lone actors, this does not apply to the majority.²² Particularly relevant evidence in this regard comes from Lyons and Harbinson’s review of the Northern Ireland prison population in the 1980s.²³ They compared terrorist murderers with non-political murderers. The authors found that the politically motivated killers were generally more stable, showed a lower incidence of mental illness, and came from more stable family backgrounds than their non-political counterparts. This work gains in significance when one realises the bias which existed in the sample. While representative of the non-political murderers, the sample was skewed for the political murderers. In Northern Ireland, murderers are routinely sent for psychiatric assessment, unless the killers are terrorists. Consequently, the vast majority of terrorists were never psychiatrically assessed. The only ones included in Lyons and Harbinson’s study are those terrorists whose behaviour in custody was so abnormal that the authorities felt motivated to have them assessed. The majority of ‘normal’ terrorists were thus never included. Even so, the ‘abnormal’ terrorists still emerged as more normal and more mentally stable than the average non-political murderer.

The study found that 16 percent of the terrorists were mentally ill, but the researchers noted that this 16 percent was composed mainly of individuals:

“who seemed to be operating on the fringe of a paramilitary organisation and who were devoid of discipline. They killed in a most sadistic way while heavily intoxicated. This small group was by no means typical of the rest and raised the figures for those [political murderers] under the influence of alcohol. It included three who used a knife, which is a very rare method of political killing.”²⁴

Even so, an incidence among this sub-group of only 16 percent is incredibly low, especially when compared with an incidence of 58 percent seen among the non-political offenders.

Conclusions

Overall, the available evidence strongly suggests that re-offending rates for released terrorist prisoners is surprisingly low. In most countries, terrorist re-offending rates are much lower than the levels typically seen with ordinary, non-terrorist prisoners. This trend applies both in the context of releases where the related conflict is still ongoing, and where the conflict has ended or entered a significant peace process.

It is important to acknowledge, however, that some re-offending does occur, though the level of re-offending is typically much lower than we would normally expect with most released prisoners. Monitoring and management systems should be in place for released prisoners. For those looking for inspiration, the MAPPA system developed in the UK represents one good model to examine which offers some innovative features.

In thinking about further steps, one obvious area for attention is to try to better educate and inform both the policy worlds and the wider public about the general risk posed by released terrorist prisoners. This risk is not zero, but contrary to expectation, most released terrorists disengage from violent extremism. Those who re-offend are a minority. Any future analysis attempting to assess the risk factors of recidivism in terrorist offenders needs to be very cautious in its analysis and any implications drawn from this. This is due the relatively small sample from which this analysis could be developed, and the discrepancy in relation to the operational definitions on which different data sources are based. Similarly if research is to assess re-offending of returning foreign terrorist fighters we would advise caution in comparing to released terrorist prisoners, as different dynamics are in play in these contrasting populations.

Going forward, in general we need to be more sophisticated and more critical in our thinking about prisons as hot-beds for radicalisation. Compared to other types of offenders, prison seems generally to “work” for disengaging most terrorists from their past criminal activities. While countries are increasingly recognising disengagement is not the same as de-radicalisation, it is arguably an important and a more useful measure.

20 Lloyd, M., & Dean, C. (2015). The development of structured guidelines for assessing risk in extremist offenders. *Journal of Threat Assessment and Management*, 2(1), 40-52.

21 See for example Borum, R. (2014). ‘Psychological vulnerabilities and propensities for involvement in violent extremism’, *Behavioral Sciences & the Law*, Vol.32, No.3, pp.286-305.

22 See in particular Corner, E. and Gill, P. (2015) “A False Dichotomy? Lone Actor Terrorism and Mental Illness”. *Law and Human Behavior* 39(1):23-34; and, Corner, E., Gill, P. and Mason, O. (2016) “Mental Health Disorders and the Terrorist: A Research Note Probing Selection Effects and Disorder Prevalence”. *Studies in Conflict and Terrorism* 39(6): 560-568

23 Lyons, H.A. and Harbinson, H.J. (1986). A comparison of political and non-political murderers in Northern Ireland, 1974-84. *Medicine, Science and the Law* 26, 193-198.

24 Ibid., p.197

Bibliography

- Alonso, R. (2006). 'Individual Motivations for Joining Terrorist Organizations: a Comparative Qualitative Studies on Members of ETA and IRA.' In Victorff, J. (Ed.) *Tangled Roots: Social and Psychological Factors in the Genesis of Terrorism*, 187-202. (Amsterdam: IOS Press)
- Borum, R. (2014). 'Psychological vulnerabilities and propensities for involvement in violent extremism', *Behavioral Sciences & the Law*, Vol.32, No.3, pp.286-305.
- Bryant, S., Peck, M. & Lovbakke, J. (2015). *Reoffending Analysis of MAPPA Eligible Offenders*. Ministry of Justice.
- Corner, E. and Gill, P. (2015) "A False Dichotomy? Lone Actor Terrorism and Mental Illness". *Law and Human Behavior* 39(1):23-34
- Corner, E., Gill, P. and Mason, O. (2016) "Mental Health Disorders and the Terrorist: A Research Note Probing Selection Effects and Disorder Prevalence". *Studies in Conflict and Terrorism* 39(6): 560-568
- Hasisi, B., Carmel, T., Weisburd, D. and Wolfowicz, M. (2019). 'Crime and Terror: Examining Criminal Risk Factors for Terrorist Recidivism.' *Journal of Quantitative Criminology*
- Hodwitz, O., (2019). The Terrorism Recidivism Study (TRS). *Perspectives on Terrorism*, 13(2), pp.54-64.
- Horgan, J. and Braddock, K., (2010). Rehabilitating the terrorists? Challenges in assessing the effectiveness of de-radicalization programs. *Terrorism and Political Violence*, 22(2), pp. 267-291
- Howard, P. and Dixon, L. (2011). Developing an Empirical Classification of Violent Offences for Use in the Prediction of Recidivism in England and Wales. *Journal of Aggression, Conflict and Peace Research*, pp. 141-154.
- Khalil, J., Horgan, J., & Zeuthen, M. (2019). 'The Attitudes-Behaviors Corrective (ABC) Model of Violent Extremism.' *Terrorism and Political Violence*, DOI:10.1080/09546553.2016.1699793
- Kruglanski, A., Gelfand, M., Bélanger, J., Gunaratna, R. and Hetiarachchi, M. (2014). 'De-radicalising the Liberation Tigers of Tamil Eelam (LTTE)'. In A. Silke (ed.) *Prisons, Terrorism & Extremism: Critical Issues in Management, Radicalisation and Reform*. Oxon: Routledge
- Lloyd, M., & Dean, C. (2015). The development of structured guidelines for assessing risk in extremist offenders. *Journal of Threat Assessment and Management*, 2(1), 40-52.
- Lyons, H.A. and Harbinson, H.J. (1986). A comparison of political and non-political murderers in Northern Ireland, 1974-84. *Medicine, Science and the Law* 26, 193-198.
- Marsden, S. V. (2016). *Reintegrating extremists: Deradicalisation and desistance*. Springer.
- McCauley, C. & Moskaleiko, S. (2008). 'Mechanisms of Political Radicalization: Pathways Toward Terrorism' *Terrorism and Political Violence*, 20(3), 415-433
- New America Foundation (2014), *Appendix: How Dangerous are Freed Guantanamo Prisoners?*, by Peter Bergen and Bailey Cahall, June 5, 2014. Available at: http://newamerica.net/publications/resources/2014/how_many_guantanamo_detainees_return_to_the_battlefield
- Office of the Director of National Intelligence (2017). *Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba*.
- Porges, M. (2014). 'Saudi Arabia's "Soft" Approach to Terrorist Prisoners: A Model for Others?' in A. Silke (ed.) *Prisons, Terrorism & Extremism: Critical Issues in Management, Radicalisation and Reform*. Oxon: Routledge.
- Renard, T. (2020). 'Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence.' *CTC Sentinel*, April, 1-11.
- Silke, A. (2011). 'Disengagement or Deradicalization: A Look at Prison Programs for Jailed Terrorists.' *CTC Sentinel*, 4/1, pp.18-21;
- Silke, A. (2014) *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalisation and Reform*. London: Routledge.
- Silke, A., & Veldhuis, T. (2017). Countering violent extremism in prisons: A review of key recent research and critical research gaps. *Perspectives on terrorism*, 11(5), 2-11.
- Swann, S. (2017). *Who are the Guantanamo Brits?* BBC News Online.
- van der Heide, L. and Schuurman, B. (2018). 'Reintegrating Terrorists in the Netherlands: Evaluating the Dutch approach.' *Journal for Deradicalization*, 19, pp.196-239.
- Wilkinson, B. (2014). "Do Leopards Change Their Spots?: Probation, risk assessment and management of terrorism-related offenders on licence in the UK." In A. Silke (ed.), *Prisons, Terrorism and Extremism*. Routledge, 259-269
- Wright, C. (2019). 'An Examination of Jihadi Recidivism Rates in the United States.' *CTC Sentinel*, 12/10, pp.26-31.

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