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AiPol

Australasian Institute of Policing



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Convicted Terrorists: THE RECIDIVIST RISK

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Editorial

DR AMANDA DAVIES

Editor, Assistant Professor Policing and Security at the Rabdan Academy, Abu Dhabi



... the fight against terrorism domestically and internationally has brought with it a seismic shift in the work of law enforcement agencies across the globe.

Welcome to the first edition of *AiPol* for 2020. Many of our readers will have been involved with supporting the bushfire fighting effort and for that we offer a very sincere thank you.

This edition is dedicated to exploring the current status of managing terrorist recidivism as governments grapple with the complexity of not only establishing deradicalization programs, also the post incarceration monitoring of terrorist convicted prisoners. Following the recent terrorist associated incident in the UK it is timely to present a global perspective of measures developed for management of terrorist convicted prisoners in terms of sentencing, deradicalization and release.

As a lead into the work presented associated with the challenges of managing recidivist behaviour of terrorism convicted prisoners is to read the work of Kacper Rekawek and colleagues and the presentation of the European experience with terrorists, their characteristics and activities. Roger Shannan's article *Typology of Terror* offers an insightful background for understanding the motivation factors attributed to radicalization and terrorist activities. The research presented offers a set of characteristics for The 'Average' Australian Jihadi and importantly, for the focus of this edition is the final characteristic listed: (j) Not contrite and

judged to have relatively poor prospects of rehabilitation. This is noteworthy when considered in conjunction with the work of Christopher Wright in the USA investigating the level of deradicalisation demonstrated by released terrorism convicted prisoners.

Wright, from Westpoint, suggests that rehabilitation or deradicalisation has to date received limited research to inform legislative and governing bodies (*An Examination of Jihadi Recidivism Rates in the United States*). Wright flags caution in reviewing the findings of the research on the premise that whilst the research focused on the most dangerous category of jihadi re-offenders – those linked at one point to attack plotting the conclusions can only be considered tentative. Of note is the conclusion drawn indicating if the low recidivism rates in the data attributed to the dangerous category of jihadi re-offenders are representative of *jihadi recidivism as a whole, then jihadi offenders in the United States tend to come out of prison deradicalized or disengaged. While the recidivism rate for those linked to jihadi plots is not zero, it is far below that of common criminals.*

Appreciatively, the fight against terrorism domestically and internationally has brought with it a seismic shift in the work of law enforcement agencies across the globe. Not withstanding

the constant demand to police crime, two additional areas of criminal activity have placed increased demand on law enforcement and associated agencies. As police and other agencies respond to the new volume crime – cybercrime, the more visible and tangible results of terrorist related crime which touches all sectors of society stretches policing resources.

The Australian Government action in supporting legislative measures to aid in mitigating recidivism are to be applauded on many levels. The recent acts of terrorism perpetrated by released prisoners indicates there continues a pressing need to progress further informed deliberations, decisions and action to support the efforts of law enforcement and associated agencies as they work reactively and proactively to terrorism related activity. Mark Schliebs' article similarly indicates the nature of terrorist related activities and radicalization dictates the need to remain vigilant and continue to progress mitigating strategies and action.

I trust the following articles will provide interesting, informative and thought provoking reading as a summary of some of the key areas for consideration on the development and implementation of recidivism measures for terrorism convicted prisoners.



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Foreword

JON HUNT-SHARMAN

President, Committee of Management, Australasian Institute of Policing

The incident of a terrorist being shot by armed police in the UK on 2 February 2020 again raises the issue of how to deal with convicted terrorists' recidivism. Twenty year old Sudesh Amman, a convicted terrorist, was released from gaol less than two weeks earlier and was under police surveillance at the time of the attack. Sudesh Amman was released on 23 January and his second terrorist attack occurred on 2 February 2020. He was shot dead by police after stabbing two people. ISIS has claimed responsibility.

Sudesh Amman was gaoled in 2018 for terror offences including telling his girlfriend to behead her parents because they were non believers and shared beheading videos with her, sharing terrorist propaganda on a WhatsApp group and writing that his life goals was to become a martyr. He was released half way through his sentence under UK laws in a similar way to Usman Khan who killed two people in the London Bridge terror attack on 29 November 2019.

UK Prime Minister Boris Johnson is now seeking legislative reform to address the likelihood of recidivism by convicted terrorists. The UK Parliament is now reacting after two murders and two attempted murders.

So, what are we doing in Australia? A case in point is Melbourne man, Murat Kaya. He walked free from gaol on 6 February 2020 after fewer than four years in custody despite a judge finding that there is an ongoing risk of him committing a terrorist act in Australia or overseas.

Murat Kaya was sentenced to three years and eight months' imprisonment in February, 2019 despite the terror-related crime carrying a maximum life sentence. He pleaded guilty to engaging in conduct in preparation for incursions into foreign countries for the purpose of hostile activities. Kaya was refused parole and leaves prison having served his entire sentence as a result of time served since his arrest in 2016.



Murat Kaya, shown in a 2016 file picture arriving at the Melbourne supreme court.

Federal Court judge Paul Anastassiou on 6 February 2020 handed down an interim control order with 20 conditions, noting his concern that Kaya presented an ongoing risk of "committing, supporting or facilitating" a terrorist act in Australia or overseas or committing, supporting or facilitating engagement in a hostile activity in a foreign country.

In his ruling, Justice Anastassiou said Kaya: "has continued, whilst in custody, to espouse extremist ideology, including violence, contempt towards non-Muslims and Australian law".

Whilst in custody, Kaya wrote to his brother referring to his incarceration as "nothing but a test from Allah".

Justice Anastassiou said the statement was "indicative of someone who does not accept responsibility, but merely sees his incarceration as oppression by non-believers".

Kaya was part of a plot with Robert "Musa" Cerantonio, Paul James Dacre, Antonio Alfio Granata, Shayden Jamil Thorne and his brother Kadir Kaya to sail from Australia to help overthrow the government of the Philippines and install sharia law. In sentencing, Supreme Court judge Michael Croucher said Kaya had good prospects of rehabilitation

despite not formally renouncing extremist beliefs.

Kaya's release conditions include a curfew between midnight and 6am and reporting to a police station twice a week. There are also exclusion zones around airports and ports and he is prohibited from leaving Australia.

Kaya is not allowed to possess more than four litres of petrol, or a knife in a public place without a reasonable excuse. He is also prohibited from communicating with anyone in Iraq, Syria or the Philippines and only permitted to contact certain people in Turkey.

There are also restrictions around 36 digital platforms including Facebook, Viber, FaceTime, Telegram and Twitter.

Kaya is prohibited from accessing material depicting or describing executions, beheadings, suicide attacks, bombings, terrorist attacks or terrorist propaganda unless published by the media or shown on TV or in the cinema.

Kaya cannot drive, purchase or rent a vehicle weighing in excess of 4.5 tonnes.

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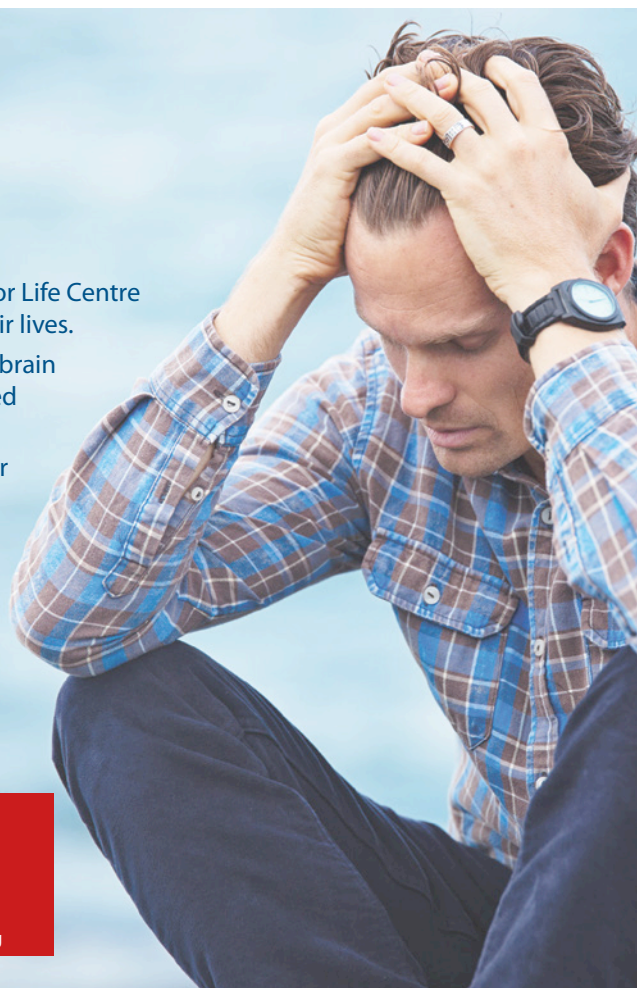
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Prior to his 2016 arrest, Kaya had posted on Facebook that dispensing justice sometimes required “violence” and that when people said “Islam means peace, they are lying”.

He also said the Australian government is “taghut”, which translates as “tyrant ruler”.

In March 2018, handwritten notes were found in his prison cell. “The notes say that he will not be ‘heard coming’ as he is a ‘silent assassin’, and he also speaks about killing children in their sleep,” Justice Anastassiou said.

Justice Anastassiou also said that Kaya had also written to convicted terrorist Hamza Abbas, who is serving 22 years for a plot to kill people in Federation Square around Christmas.

Justice Anastassiou said the interim control orders were necessary to reduce the risk of a terror attack.

AiPOL commends the Federal Government and the Australian Parliament for acting quickly after the London terrorist attack in November 2019. On 5 December 2019 new federal laws were enacted to keep terrorists behind bars longer making it harder for them to get bail or parole.

The Counter Terrorism Legislation Amendment (2019 Measures No. 1) Bill created a presumption against parole and extends the presumption against bail for terrorists and their supporters. The Bill also closed a loophole that could have prevented some high-risk terrorists from being kept in custody after their sentences expired on what are known as continuing detention orders (CDOs).

The presumption against parole for all convicted terrorists, means they won’t be released early to potentially reoffend like the two separate terrorist attacks that have occurred in London.

The Bill also expanded the circumstances in which a presumption against bail applies, capturing those with previous convictions for terror offences, as well as people who have openly shown support for terror groups.

The Australian Parliament has now passed 19 important pieces of national security legislation. State and Territory governments are at various stages of implementing similar legislation.

Since the national terrorism threat level was raised to “Probable” in September 2014, there have been seven terrorist attacks on Australian soil and 16 plots have been disrupted by our agencies.

During the same period, 76 people have been convicted of terrorism related offences and 10 of these individuals are due for release in the next twelve months.

AiPOL commends the Federal Government and the Australian Parliament for acting quickly after the London terrorist attack in November 2019. On 5 December 2019 new federal laws were enacted to keep terrorists behind bars longer making it harder for them to get bail or parole.

AiPOL pays tribute to ASIO, the Australian Federal Police and other intelligence and law enforcement agencies, and most importantly all of the frontline officers who dedicate themselves to preventing potential tragedies here on Australian soil. These dedicated men and women are keeping every Australian safe and secure, with arresting officers placing their own lives at risk during the apprehension of such offenders.

The decision to expand the presumption against bail was a recommendation of the Council of Australian Governments (COAG) following a 2017 terror attack in Brighton, Victoria, by a man who was on bail at the time and had previously been charged with a terror offence.

Whilst we experiment with ‘deradicalisation’ programmes, we should not put the general public at risk through premature release of such prisoners. We are fortunate in this country that the Australian Parliament has supported Morrison Government legislation that ensures that some high-risk terrorists can be kept in custody after their sentences expire, under Continuing Detention Orders (CDOs).

It would seem timely and appropriate to have a genuine independent review into terrorist recidivism, including an independent evaluation of ‘deradicalisation’ programmes; before more convicted fanatical terrorists are eligible for release back into the Australian community.

European Jihad: Future of the Past?

From Criminals to Terrorists and Back?



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PROJECT SUMMARY

The most well-known ISIS terrorist atrocities in Europe, including the 2015 Paris and 2016 Brussels attacks, saw individuals who in the past had been involved in organised crime and illegal trade graduate to the ranks of the world's most successful terrorist organisation. It is now widely assumed that Europe's terrorists are no longer radicals first and foremost but criminals who turned to political violence at some stage throughout their ordinary crime careers. Thus, the threat emanating from this "crime-terror nexus" hangs over Europe.

GLOBSEC, an independent, non-partisan, nongovernmental organisation that aims to shape the global debate on foreign and security policy, responded to this threat by developing, with funding from the first round of the PMI Impact initiative,¹ a research and advocacy project aimed at addressing the "crime-terror nexus" in Europe. The project, titled *From Criminals to Terrorists and Back?*, will:

- collect, collate and analyse data on terrorism convicts from 11 EU countries with the highest number of arrests for terrorism offences (Austria, Belgium, Bulgaria, France, Germany, Greece, Ireland, Italy, the Netherlands,

Spain, the UK). The project team will investigate whether these individuals had prior criminal connections and, if so, whether a specific connection to illegal trade is a precursor to terrorism and to what extent this trade funds terrorism. In short, the study will check whether the crime-terror nexus exists and how strong it truly is.

- disseminate project findings at high-profile GLOBSEC Strategic Forums (GLOBSEC Bratislava Forum, TATRA Summit, Chateau Bela conferences) and other internationally acclaimed gatherings that attract decision-makers, experts, private sector, and law-enforcement representatives while also incorporating their expert-level feedback into our work.
- help shape and strengthen European counterterrorism efforts by providing tailor-made solutions to combat the crime-terror nexus and terrorist financing via education and awareness and advocacy efforts involving decision-makers and security stakeholders in the 11 examined countries. This line of activity directly links the project to the widely acclaimed work of the GLOBSEC Intelligence Reform Initiative (GIRI), which is led by former

U.S. Secretary of Homeland Security Michael Chertoff and involved in developing and promoting more effective transatlantic counterterrorism solutions.

EXECUTIVE SUMMARY

This is the final report of the GLOBSEC's *From Criminals to Terrorists and Back?*, a two year advocacy and research project funded under PMI Impact, a global grant initiative of Philip Morris International to support projects against illegal trade (GLOBSEC is fully independent in implementing the project and has editorial responsibility for all views and opinions expressed herein).

It picks up from where the previous report, titled "Who Are The European Jihadis?," published in September 2018, left off (See: <https://www.globsec.org/publications/who-are-european-jihadis-from-criminals-to-terrorists-and-back/>). The report's launch was covered by the media in 20+ countries, including quotes in *The New York Times*, *BuzzFeed*, *Le Parisien*, *Bild*, *HLN*, *de Volskrant*, *Gazeta Wyborcza*, *SME*, *444.hu*, *Sky News Arabia*, and others. That report's findings were based on a unique dataset of 197 European jihadis from 2015, the peak year of European jihadis. Thanks to the

¹ This publication was funded by PMI IMPACT, a grant award initiative of Philip Morris International ("PMI"). In the performance of its research, the Grantee maintained full independence from PMI. The views and opinions expressed in this document are those of the Grantee and do not necessarily reflect the views of PMI. Responsibility for the information and views expressed in this publication lies entirely with the Grantee. Neither PMI, nor any of its affiliates, or persons acting on their behalf may be held responsible for any use which may be made of the information contained herein.

work of the research teams based in 11 countries (including the personnel from IRIS, France; University College Cork; Leiden University; Ghent University; Catholic University of the Sacred Heart, Italy; University Rey Juan Carlos and Elcano Royal Institute, Spain; and Center for the Study of Democracy, Bulgaria), GLOBSEC was able to study 120+ variables related to each and every individual included in the dataset and was consequently able to provide a 360 degree outlook on who European jihadis truly are, where they come from, how they had been radicalised and where, how networked they are within the broader jihadi milieu in Europe, etc.

This report takes the work further as it is based on an updated unique dataset of 326 European jihadis (from 2015, the peak year of European jihadism) who have all either been arrested for terrorism offences (with 199 later convicted), expelled from a given country because of their alleged terrorism links (39 individuals), died while executing terrorist attacks abroad or in one of the 11 EU countries (50; Austria, Belgium, Bulgaria, France, Germany, Greece, Ireland, Italy, the Netherlands, Spain, and the UK, i.e., those that reported more than 20 terrorism arrests reported to Europol that year), or are still at large and are sought by security authorities (38).

The individual stories of the European jihadis often point out to the long-term nature of their jihadi involvement and the fact that many of them will be released from prison in the upcoming years. In this sense, the report points to the “future of the past” of European jihadism.

The report consists of two parts: the first offers GLOBSEC’s National Security Programme take on three burning issues we estimate are of key importance to the current European counterterrorism effort, namely: a) the seemingly ever-present phenomenon of (returning) foreign terrorist fighters (FTFs); b) (terrorism) recidivism; and c) the role of women in European jihadism. The second offers an update on data GLOBSEC published in September 2018, and updated GLOBSEC’s take on the issue of who European jihadis are.

Re 1a) FTFs subset constitute 33% of the overall dataset (107 out of 326). They are more likely than the other European jihadis to have had a previous career in crime and enjoy longer jihadi careers which relatively often result in their being

jailed for terrorism offences on more than one occasion. They are extremely well networked within the jihadi milieu, as they often know individuals from previous generations who also partook in other “jihads.” Upon returning from the battle zones, they often play the role of jihadi entrepreneurs or charismatic cell or network leaders, or individuals to whom their comrades look up to. In effect, they are European jihad’s force multipliers, both practically and via their inspiring life stories, including hardships while imprisoned in e.g. Iraq or Syria, which will continue to animate future generations of jihadis. GLOBSEC anticipates that the swifter their repatriation or conclusion of court proceedings are in their cases, the lesser is their “narrative” value for the jihadi milieu in Europe.

Re 1b) European jihad is no stranger to perennial criminals and involves a significant number of individuals who have had long-term terrorist careers and perpetrated numerous terrorist crimes throughout it. They are also likely to continue doing so after their releases. Out of the 199 individuals arrested for terrorism offences in 2015 included in GLOBSEC dataset, 57%, will be released from prison by the end of 2023. As many as 45 have already been released from prison, as they had received relatively short sentences. GLOBSEC anticipates that the release of these individuals from confinement, a seemingly past issue constitutes and will constitute a challenge for the security authorities in the future.

Re 1c) Female jihadis are not simply “jihadi brides.” GLOBSEC dataset includes cases of attack planners, active female jihadi recruiters, propagandists, etc. Moreover, the women in the subset are also very well networked into the jihadi milieu, and many wish to, albeit few successfully complete the process, travel to a conflict zone. This strongly disproves the theory of a lack of female agency within the larger jihadi milieu. GLOBSEC anticipates that in the future they might play even more significant roles in further development of European jihad, and the European CT strategies should; therefore, go beyond the “bride” paradigm and prepare for more terrorist challenges animated by or orchestrated by females.

Re 2) The phenomenon of European jihad is mostly male, involves young but not teenage or adolescent individuals; homegrown in nature, but to some extent

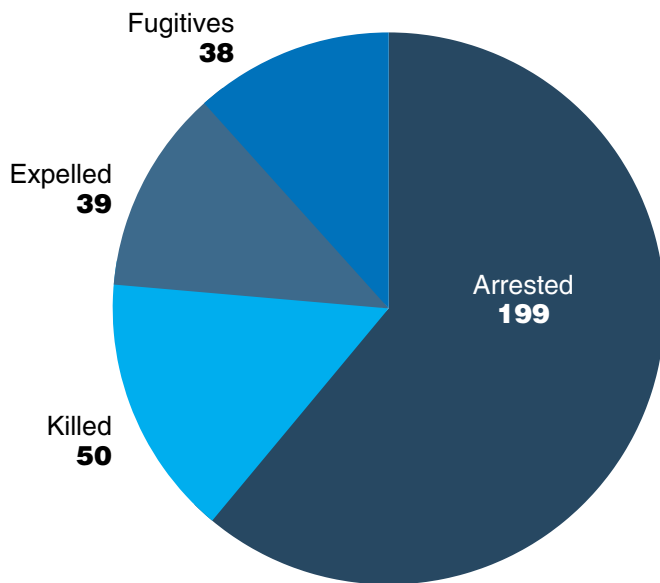
involves naturalised individuals and immigrants; infested with former, but not necessarily “petty,” criminals; financed by a variety of means, but surprisingly legal in this sphere; concerned with travelling to and returning from foreign conflicts; slow to mature as the radicalisation fuelling often takes years; is a family affair and team effort; is performed by unemployed and uneducated individuals.

Europe clearly “has not won its war on terrorism”—a detailed study of individuals involved in European jihad in 2015 demonstrates that the threat will be making its presence felt in Europe for years to come and the longevity of the threat is demonstrated by three of the issues discussed in this report: the role of foreign fighters as force multipliers; the issue of recidivism amongst terrorism prisoners and their pending releases; the potential for the growth of the standing of women within terrorism networks.

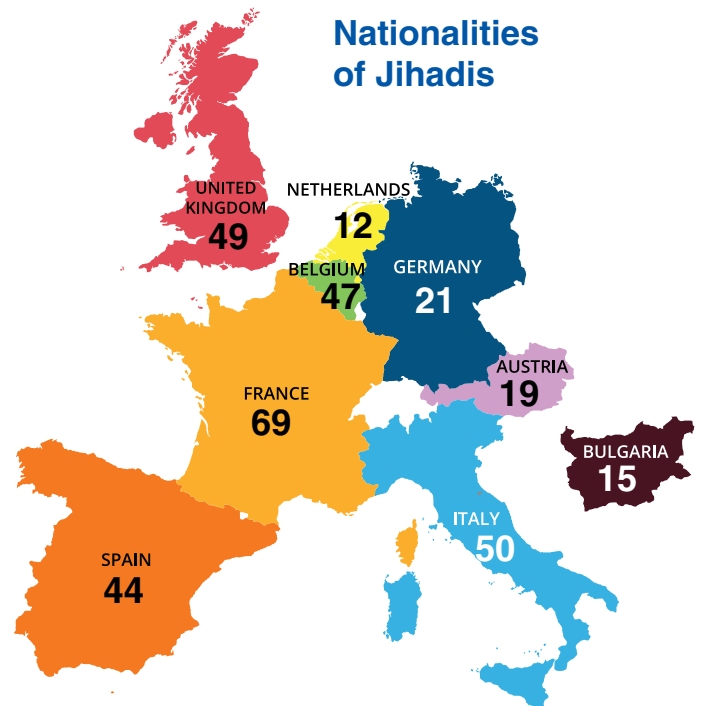
Simultaneously, the crime-terror nexus in Europe truly is a “poor man’s crime-terror nexus” as its representatives are former, and relatively unsuccessful, criminals whose jobs do not amount to bringing in a sizeable skillset to their new terrorist patrons. If, however, a given criminal career takes place in an area with a history of jihadi activities, and the individual’s family and friends are known to the security authorities for their radical activities, involvement and sympathies, then adequate resources should be utilised to ascertain the extent to which the individual could be progressing along a private crime-terror continuum. While establishing if that is the case; however, the authorities should refrain from generalisations and ensure a wider understanding of the phenomenon at hand is developed. This necessitates investment in long-term projects devoted to what we could call the phenomenon of “football buddies.” By such “buddies” GLOBSEC means, e.g., individuals who have known the radicals in their area, spent time with them, in some cases were also radicalised but never opted for terrorism involvement. Such projects would therefore also look at criminals and former criminals who could, but never did, move farther along the crime-terror nexus axis. Clues as to what radicalisation entails and how it truly operates could lie within the answers provided by such endeavours.

continued on page 10

Fates of 2015 Jihadis



Nationalities of Jihadis



continued from page 9

FUTURE OF THE PAST: INTRODUCTION

The findings of this report are based on a dataset of 326 cases of individuals about whom the authors were able to collect open-source data between September 2017 and July 2019. All are jihadi terrorists arrested for terrorism offences in 2015 (and later convicted), expelled from a given country because of their alleged terrorism links, or who died while executing terrorist attacks in one of the 11 countries—Austria, Belgium, Bulgaria, France, Germany, Greece, Ireland, Italy, the Netherlands, Spain, or the UK, i.e., those that reported more than 20 terrorism arrests to Europol that year.

The states with the highest number of reported jihadis are, just like a year earlier in the project (reflected in our Midterm Report released in September 2018), France, the UK, Italy, and Spain, this time joined by Belgium, with 40+ cases each.¹

The report consists of two parts:

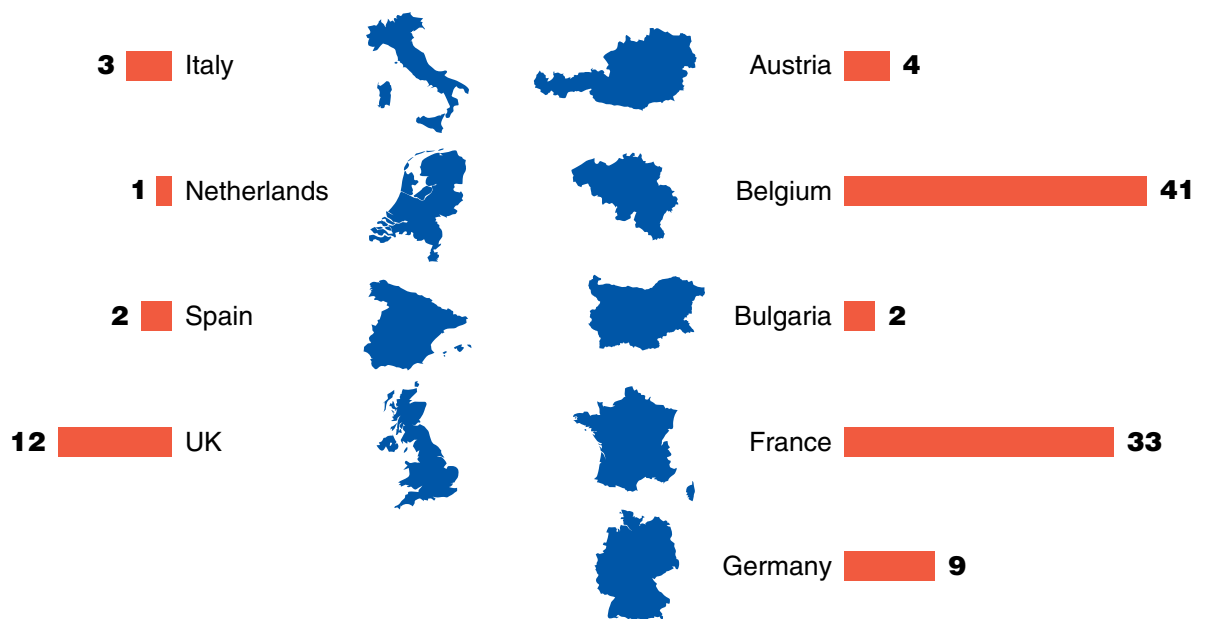
1. the first offers GLOBSEC's National Security Programme take on three burning issues we estimate are of key importance to the current European counterterrorism effort, namely: a) the seemingly ever-present phenomenon of (returning) foreign fighters; b) (terrorism) recidivism; and c) the role of women in European jihadism. The data

discussed in these subchapters is derived from our larger dataset as we are of an opinion that a unique collection (326 cases, more than 120 variables) could be of use when discussing the most prescient terrorism-related topics. The choice is subjective but the prescient nature of the three issues was ascertained via our discussions with the members of our international research teams, which includes experienced members from the University College Cork (Ireland), University of Leiden (the Netherlands), King Juan Carlos University and Real Instituto Elcano (Spain), the French Institute for International and Strategic Affairs, Catholic University of the Sacred Heart (Italy), the Centre for the Study of Democracy (Bulgaria) and others, and feedback we have received during our public speaking engagements where we presented our research results (20+ such engagements over the last two years) to various audiences of security stakeholders from 11 European countries. Finally, the authors of the project also thematically analysed the topics covered by the 2019 Society for Terrorism Research annual conference, held in Oslo in June, where they also had a chance

to unveil their research findings. The three issues were prominently featured at this conference, potentially the biggest annual gathering of nonpractitioner experts on terrorism. We are hopeful that this will prevent us from being accused of bias or pandering to research “stereotypes,” “generalisations,” or “assumptions”, or of having “tunnel vision.”² In our view, our analysis of European jihadism's past, related to individuals involved in it in 2015, has ample relevance to its present and future. As we look at the individual stories of the 326 jihadis, we note the longterm nature of their jihadi involvement and the fact, as will be shown, that many of them will be leaving prisons in the upcoming years. In this sense, we observe that a report such as this one points to the “future of the past” of European jihadism.

2. the second offers an update on data we published in September 2018 when GLOBSEC published *Who Are The European Jihadis?*, effectively our crime-terror nexus' project midterm analysis.³ This report centred on the issue of whether European criminals were turning to crime. Moreover, it also dived into the profiles of European jihadis and looked at their socioeconomic backgrounds, their roles and careers

FTFs in the dataset



within jihadi cells and structures, whether they travelled to fight in foreign conflicts and how networked they had been in the broader jihadi milieu. The aforementioned report provided data on 197 jihadis but since then, the size of the dataset has grown to 326. Consequently, this part of the current report effectively constitutes a “who are the European jihadis” vol. 2, a wider snapshot of European jihadism.

We share Petter Nesser’s assessment that Europe is still very much threatened by jihadi terrorism.⁴ His argument was that even though the number of attacks is down, the number of foiled plots has seen a markedly less severe drop. Consequently, one can assume that the threat only seems lower because jihadis are still constantly trying to attack Europe with new terrorist plots, which, in time, might be more successful. The same could be said about the individuals included in our dataset: they might have finished their careers in the “peak year of European jihadism,” i.e., 2015, but, as will be shown, many might be returning to the terrorist fold by 2023. Moreover, the jihadi ranks include hardened veterans who have already gone through more than one terrorism conviction and are intent on repeating their feats. Thus, Europe clearly, to paraphrase Nesser, “hasn’t won the war on terror.” The past offers ample evidence to the contrary and,

consequently, the future will see Europe continue in its struggle with jihadi terrorism.

FOREIGN TERRORIST FIGHTERS: TACTICAL AND NARRATIVE FORCE MULTIPLIERS

It would be fair to argue that the issue of foreign terrorist fighters (FTFs) has preoccupied the broader counterterrorism community since 2012/2013.⁵ At first, the issue was the travels or attempts to travel by Westerners to the war zone in Syria. Consequently, as ISIS’s so-called “Caliphate” crumbled, the attention turned towards the returning FTFs, or returnees. The project on which this report is based looked at the year 2015, the “peak year of European jihadism” and one in which individuals would still be travelling to join the “Caliphate” but in declining numbers, admittedly influenced by the establishment of the Global Coalition Against Daesh and the first major ISIS defeats. At the same time, Europe had by that time seen a lot of the original FTFs return home, with some in 2015 staging ISIS’s best known European atrocities, i.e., the Paris November 2015 attacks. The threat that there would be many such individuals lurking in the wings galvanised the European counterterrorism community in the subsequent years. Moreover, this worry was later largely transposed onto the issue of jihadis stuck in Syrian Democratic Forces-run camps

in Syria as, e.g., “jihadi brides” managed to escape from one such facility.⁶ The debate of “repatriate or reject”⁷ has been playing out in the open throughout 2019, with different countries arguing for all sorts of approaches and non-Western European countries often praised for their willingness to repatriate fighters and/or their families,⁸ and in the meantime, to some extent also altering their positions.⁹ More recently, Julian King, the outgoing EU Commissioner for the Security Union, indicated that the Commission’s estimate was that “5,500 foreign terrorist fighters left European countries to travel to the conflict zones in Iraq and Syria. Of those, two-thirds were men and a quarter women.” King also estimated that 1400 were killed, 1600 returned, with the remaining 2500 unaccounted for.¹⁰ Given that our dataset includes 100+ individuals who had, at some point in their lives, actually been FTFs, then it was only natural for us to scrutinise the data at hand to contribute to the analysis of this phenomenon that has captured so much attention in Europe in the last 6-7 years.

Our dataset of 326 individuals includes 107 FTFs (travelling to different “jihad,” 85 to SYRIA, 7 to IRAQ, 4 to PAKISTAN, 2 to SOMALIA, 2 to LIBYA, 1 to YEMEN, 3 to ALGERIA, with some overlaps by certain individuals who travelled to more than once to a “jihad”

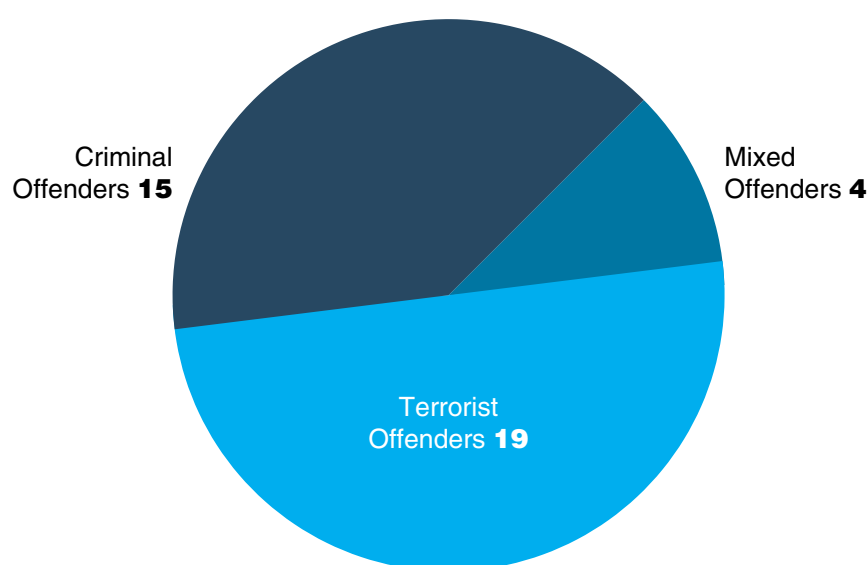
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of their choice destination)—nationals or inhabitants of 9 countries, with 41 from Belgium, 33 from France, 12 from the UK, 9 from Germany, 4 from Austria, 3 from Italy, 2 each from Spain and Bulgaria, and 1 from the Netherlands. The dataset also includes 22 “wannabe” or unsuccessful FTFs, intercepted at some point along the way to a particular “jihad.”

101 of the FTFs are male (94% of the subset) and 6 are females (6%). The FTFs are on average younger than the totality of jihadis in the dataset (26.5 years versus 29 years old). Interestingly, the FTF subset manifested more criminality than the whole dataset, with 34 of the FTFs (32%) having criminal careers prior to their arrest, death, expulsion, or trial in absentia in 2015. 6 had reoffended before 2015 and 10 had been involved and jailed for terrorism offences before that year. 1 individual is both a repeat criminal and a repeat terrorist offender at the same time. The FTF subset also includes a lot of charismatic and influential jihadi individuals, as 18 of them (17% of the subset) could be termed Nesser’s “jihadi entrepreneurs”, i.e., individuals who “recruit, organise, train, and direct attack cells.”¹¹ The degree to which the FTF subset had networked is also significant, which strengthens the assumption of their often more than ordinary roles in the wider jihadi milieu in Europe: 86 had friends involved in terrorism and 58 conducted more than one trip to a given warzone, which would have only increased their standing amongst their jihadi comrades. Moreover, 100 of them also openly declared allegiance to a terrorist entity, mostly ISIS, with some playing the role of that organisation’s propaganda “poster boys.”

These statistics point to the fact that given the right conditions, FTFs could act as tactical force multipliers for any jihadi entity savvy enough to first properly attract or recruit them, and then successfully redeploy them to a preferred locality. Of course, after ISIS lost territorial control in Iraq and Syria, much changed in this respect, as fewer European jihadis have embarked on international journeys to fight in foreign wars. At the same time, their potential repatriation (or sentencing to death in Iraq)¹² and perhaps, later attempts to reintegrate them will once again reignite the debate

Reoffenders



as to what the best policy of tackling the threat from them should be. Their war exploits or “mistreatment” at the hands of their captors could be turned into a narrative force multiplier and a powerful recruitment tool for future generations of European jihadis who will revere the original ISIS fighters, defenders of the “Caliphate.” In this sense, their pasts will illuminate jihadis’ futures.

EUROPEAN JIHAD: OF RECIDIVISTS AND NOT-SO DISTANT PRISON RELEASES

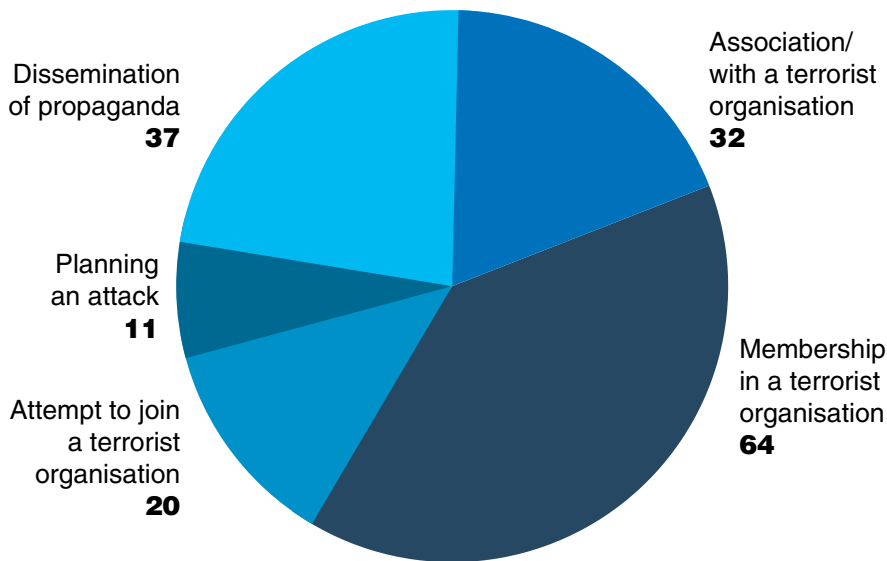
It would be an understatement to claim that prisons generate a lot of interest in relation to the threat of terrorism and counterterrorism policies of given European states. Our Midterm Report also stressed this point with “prisons still [...] a prominent role as the place where many criminals graduate towards political violence.”¹³ Later on, we also emphasized that more must be done to help stakeholders better understand prison radicalisation, which in practice is less straightforward than previously thought (with examples of individuals phoning into prison to radicalise inmates or doing so during prison visits).¹⁴ We appreciate that this issue continues to preoccupy terrorism experts and researchers and note that the recent debate on this issue features exchanges on recidivism, reintegration of prisoners, and the possible (lack of) returns of

European ISIS members held in camps controlled by the Syrian Democratic Forces.¹⁵ Some argue that “the seeds of ISIS 2.0 reside in the prison population being held in detention by coalition partners in areas liberated from ISIS”, which would effectively see Europe’s concern related to prison radicalisation mutate while in the Middle East and then return to haunt the Old Continent.¹⁶

The widely shared European consensus on reconviction and re-offenders amongst terrorism prisoners is that few actually do re-offend upon their release from prison.¹⁷ Such findings are recently supported by research focusing on the situation in the US¹⁸ (but contradicted by Israeli results), which find that the “recidivism rate of terrorism offenders is higher than that for ordinary criminal offenders.” The Israeli study stresses that “for repeat offenders, recidivism to a new terrorism offence increases with the number of prior terrorism-related incarcerations and decreases with the number of additional incarcerations for regular criminal offences.”¹⁹

Our results, derived from a dataset that includes “only” 98 criminals turned terrorists (i.e., individuals arrested at least twice in their lives—before 2015 and in 2015 for a terrorism offence), do not support the first statement on the low reoffending rates but dovetail with the recidivism findings of the aforementioned

2015 Terrorist arrest



studies. The criminal subset includes as many as 38 re-offenders, 23 of whom had been jailed at least twice before their 2015 terrorism arrest and 19 who had been jailed for a previous, pre 2015, terrorist offence, with an overlap of 4 between the two categories. In short, there are many re-offenders in our subset, including a high number of terrorist re-offenders (19/98, 19% of the subset). This means that European jihad is no stranger to perennial criminals and involves a significant number of individuals who have had long-term terrorist careers and perpetrated numerous terrorist crimes throughout it. They are also likely to continue doing so after their releases or even before, as might have been demonstrated by a recent alleged plot in France to target prison officials by a three-man cell consisting of an FTF “returnee,” a convert, and a former military man.²⁰ Such partly surprising figures neatly underline Andrew Silke’s comment that “not all terrorist and extremist prisoners are the same,” as many in our subset stray from the seemingly conventional truths about reoffending and recidivism.²¹

Out of the 199 individuals arrested for terrorism offences in 2015, 113, i.e., 57%, will be released from prison by the end of 2023. Even more worryingly, at the time of writing this report, 45 of them (40% of arrestees to be released based on the aforementioned data) have

already left prison, as they had received relatively short sentences. An additional 56 will follow in the next 4 years. It goes without saying that the release of these individuals from confinement, a group comprising just one year of all of the terrorism arrestees in Europe (albeit the peak year), constitutes and will constitute a challenge for the security authorities.²² At the same time, not all of them will automatically return to their pre-2015 terrorist ways, as some might emerge from prison disillusioned or outright scared of the consequences of future involvement in illegal activities. Thus, individual assessments will have to govern the state’s approach to its former terrorist prisoners.

Available data on the sentencing of the 2015 terrorism arrestees could offer some clues as to the potential of the arrestees’ potential return to the terrorist fold. 31 of the individuals in our dataset were either sentenced for attempting to join a terrorist organisation (in this case, an attempt to travel to a foreign war and become an FTF in the ranks of a proscribed organisation; 20 individuals) or involvement in the preparation of a terrorist attack (11 individuals). Their pre- 2015 terrorist activities suggest a higher degree of a radical commitment than, e.g., those of the individuals who were arrested for membership in a terrorist organisation (64 individuals), association with criminals in relation to

a terrorist enterprise (32 individuals), and especially dissemination of terrorist propaganda (37 individuals). However, the aforementioned categories are broad and in relation to some of the studied countries offer very little actual insight into the totality of the terrorist activities of a given individual. In short, in certain countries, those prosecuted for membership of a terrorist organisation may not have been less radical or dangerous than their colleagues arrested while preparing a terrorist attack. They simply may not have progressed towards attack preparation in their activities or simply had different, more logistical roles in a given terrorist network. As we demonstrated in our 2018 report, there is no one single crime-terror pathway that would, in a rational way, allocate criminals with given skillsets to comparable roles in terrorist organisations.²³ The same could be true for former terrorist prisoners with those previously involved in attack planning or foreign terrorist fighting not necessarily more prone to terrorism reengagement than those sentenced to prison terms on the back of their dissemination of jihadi propaganda.

EUROPEAN JIHADI WOMEN: NOT MERE BRIDES

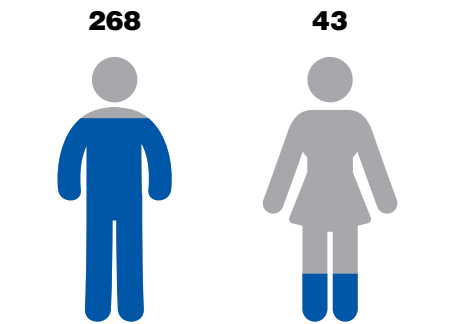
As demonstrated in the Midterm Report, there is growing interest and a body of literature on the roles of women in the ranks of jihadi organisations.²⁴ This is not surprising given that some of the recent sources estimate that up to 13% of “all foreign Islamic State [ISIS] affiliated persons (men, women, and minors)” were women. As recounted by Joana Cook and Gina Vale, some of the “women have been prosecuted upon return [...] Yet, this route remains challenging as the type of evidence obtained against men, such as recordings of their direct involvement in Islamic State activities, is more limited for women, who rarely appear in propaganda.”²⁵ Nonetheless, this year saw a shift away from treating these women just as “jihadi brides,” effectively without agency or mere followers of men, to, e.g., holding them to account for their terrorist activities while abroad, such as Sabine S., the first female returnee recently convicted in Germany.²⁶ Our dataset still reflects the reality of the age of the “jihadi brides,” personified by Abdelhamid Abaaoud’s

continued on page 14

female cousin, who helped him evade authorities in the aftermath of the Paris 2015 attacks.²⁷ Nonetheless, upon closer inspection, it becomes clear that the 40+ women included in the dataset are not mere “brides”, as the role they play in terrorist networks is more sophisticated and demanding.

We reiterate our conclusion from our Midterm Report published in September 2018 that European jihad is a male effort. “Only” 43 of the 326 jihadis in our dataset (13%) are women. This does not mean, however, that their role, as often

Gender of European Jihadis








assumed, is relegated to that of “jihadi brides.” Our dataset includes cases of attack planners, active female jihadi recruiters, propagandists, and what effectively could be called a logistical officer, who assisted in giving shelter to the FTFs. Moreover, the women in the subset are also very well networked into the jihadi milieu, as 25 of them had either family members or friends involved in terrorism activities. 16 of the 43 wanted to travel to a conflict zone but only 11 managed to reach their desired destination. All of the above strongly disproves the theory of a lack of female agency within the larger milieu—their exposure to jihadism might have come through family links but we are yet to see evidence of their being coerced or “brainwashed” into their roles.

Interestingly, the female subset hardly manifests criminality—only 3 out of the 47 had been arrested prior to 2015. 2 had families involved in crime—the first had sons who were arrested for dealing drugs, involuntary manslaughter and child abuse while the second had her father and ex-husband arrested for narco-trafficking and a brother killed for staging a terrorist attack. Another had her friends involved in crime and 6 others



European jihad is

male.			about travelling to and returning from a foreign conflict.
young but not teenage or adolescent.			slow to mature as radicalization fueling it often takes years.
homegrown and naturalised, but also coming from outside Europe.			a family affair + a team effort.
criminal but not “petty” criminal.			unemployed.
financed by a variety of different, and predominantly, legal means.			uneducated.

saw their family members also going down the criminal path. It is interesting to note that in total, 22 out of the 43 women had family members involved in terrorism. There is 1 repeat “ordinary” criminal offender and 1 terrorist offender amongst them.

In terms of their terrorist futures, 14 will have already been released from prison after 2019 (due to their short sentences for terrorism offences), one will be released later on in 2019, and 10 others will regain their freedom later—7 by 2023, with the last, the aforementioned attack planner, leaving jail in 2040.

Looking at these numbers, and, e.g., comparing them with those of the recidivists, all male, who will be leaving prison (see, subchapter on recidivism), one could state that the

future of European jihad will not belong to women. At the same time, the fact that between one-tenth and one-sixth of the European jihadis are female warrants treating such statements with caution. The backdrop of events such as an attempt by a female cell to bomb Notre Dame in 2016²⁸ and the recent successful crowdfunding campaigns by imprisoned European female ISIS members,²⁹ demonstrates that as much as the 2015 jihadi women were not mere “brides,” their successors might play even more deadly and significant roles in European jihad’s future.

WHO ARE THE EUROPEAN JIHADIS? AN UPDATE
This section of the report is meant to update the midterm results of our

research, which were published in September 2018.³⁰ Our caseload has increased by almost two-thirds—dataset included 197 jihadi terrorists in September 2018 but now stands at 326. An additional 39 cases effectively constitute a control group in the project—far-left or nationalist Greek terrorists, Irish dissident republicans, and PKK members of white supremacists. This report concentrates on the aforementioned 326, who have all either been arrested for terrorism offences in 2015 (with 199 later convicted), expelled from a given country because of their alleged terrorism links (39 individuals), died while executing terrorist attacks abroad or in one of the 11 EU countries (50; Austria, Belgium, Bulgaria, France, Germany, Greece, Ireland, Italy, the Netherlands, Spain, the UK, i.e., those that reported more than 20 terrorism arrests reported to Europol that year), or are still at large and are sought by the security authorities (38). As will be shown, the findings of this report confirm the midterm results from 2018. Thus, the phenomenon of European jihad is mostly male, involves young but not teenage or adolescent individuals; homegrown in nature (but to some extent involves naturalised individuals and immigrants); infested with former, but not necessarily “petty,” criminals; financed by a variety of means but surprisingly legal in this sphere; concerned with travelling to and returning from foreign conflicts; slow to mature as the radicalisation fuelling it often takes years; is a family affair and a team effort; and is performed by unemployed and uneducated individuals.

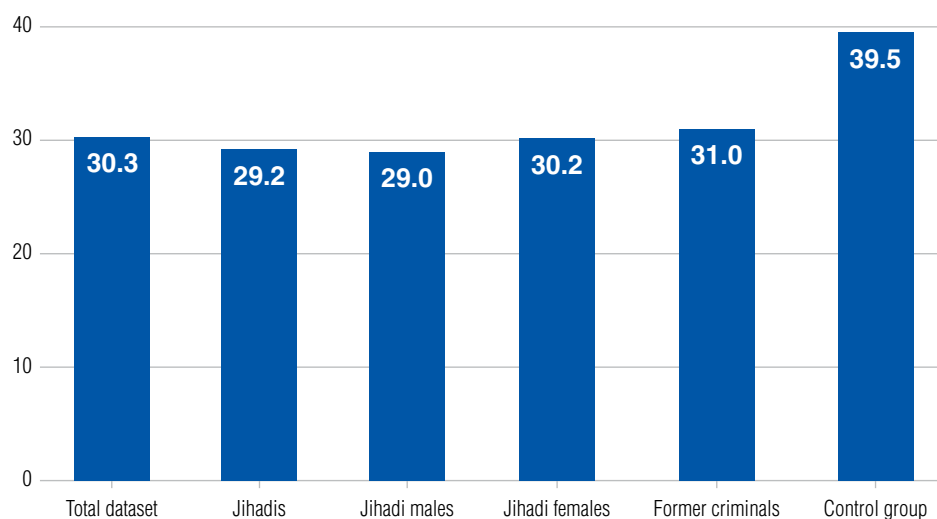
Demography

European terrorists are predominantly male (83%, 268 of 323). Females are older, with an average age of 30.2, compared to the males, which average a year younger (29). The age of the criminals turned terrorists (i.e., individuals with a history of a previous, pre-2015 arrest) averages³¹. European jihadism is thus not teenage rebellion, as more than 79% of the European jihadists were born in either the 1980s (45%) or the 1990s (34%).

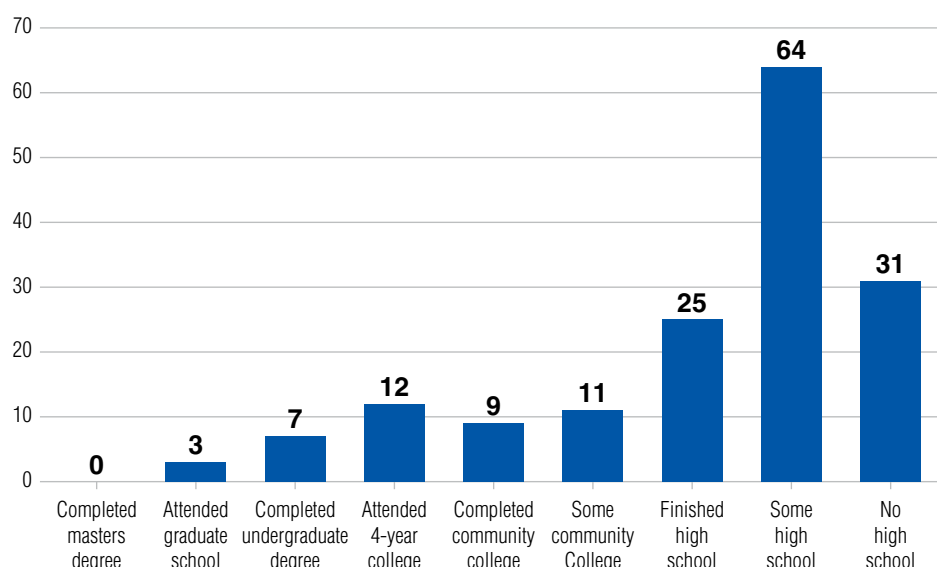
The European jihadis are uneducated. As many as 31 have no high school experience, a further 64 (or one-third on whom we have data in this category,

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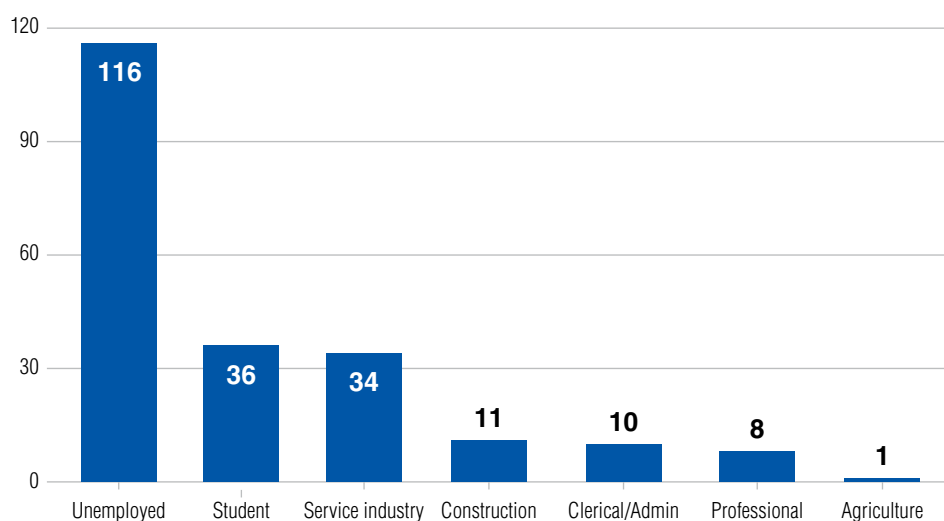
Average Age



Highest Reached Education

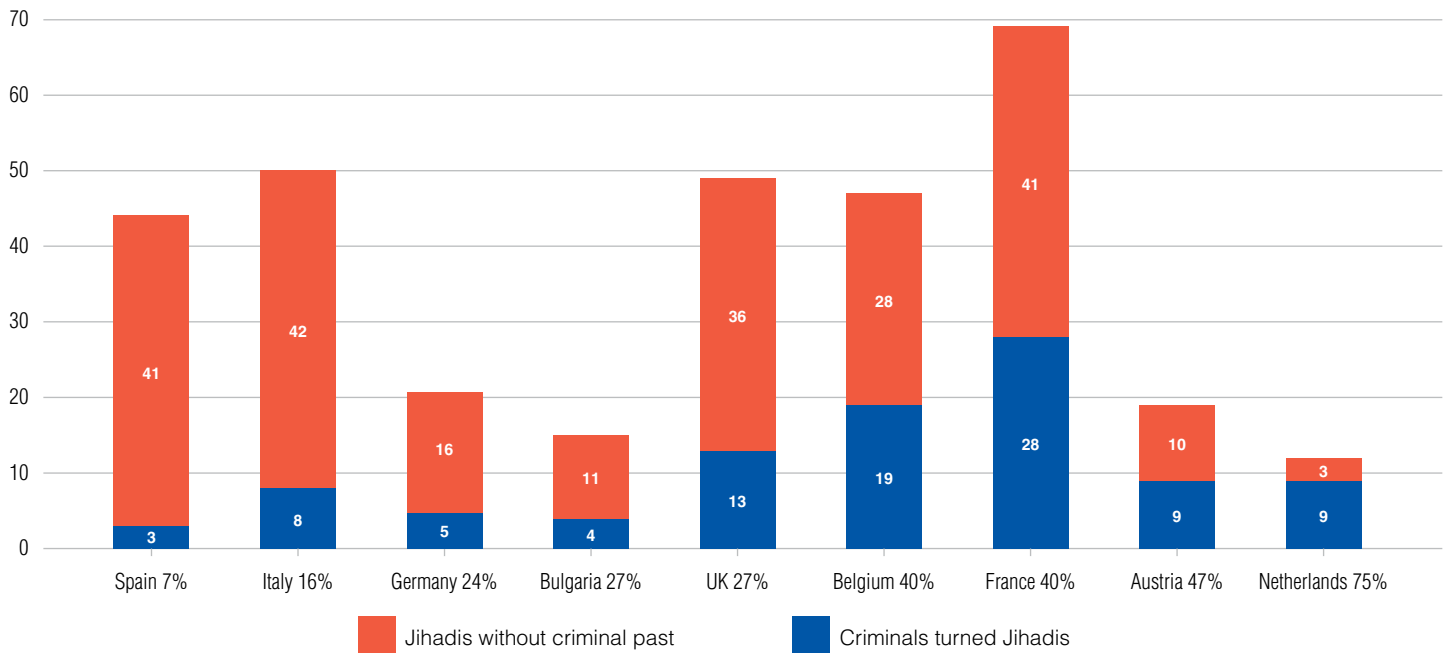


Employment



The graph displays a breakdown of various fields of employment where the information was available. For further 49 there were no details on kind of employment.

Crime-Terror Nexus by country



continued from page 15

n=177), have “some high school experience,” with 7 (4% of the 177) with undergraduate degrees. This last number has significantly increased since last year, when in September 2018 the database included only 3 such individuals.

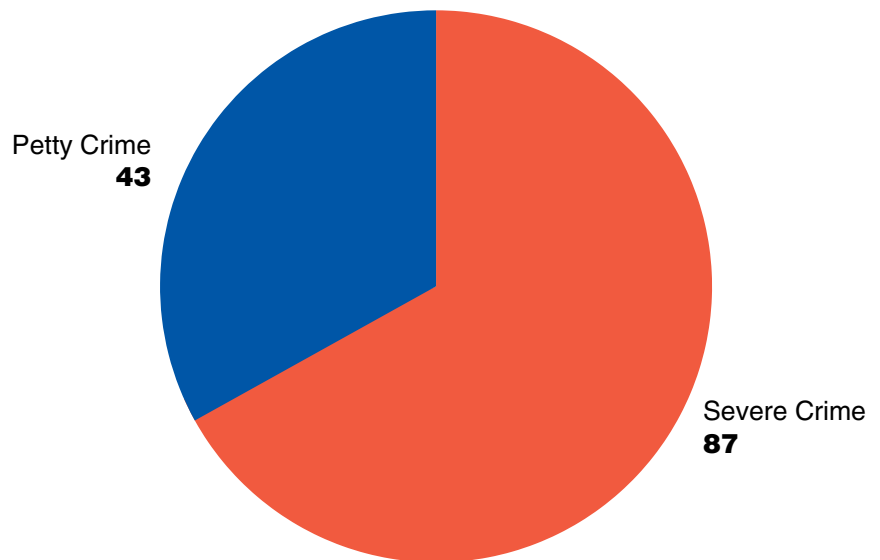
The European jihadis are not successful in their non-terrorist professional careers—40% had been unemployed at the time of their 2015 terrorism arrest, death, or expulsion. Further 35% had been employed, which is an increase in the statistic from September 2018 when 28% of the then total dataset had been in different jobs. At the same time, 57% of the criminals turned terrorists on which we have data had also been unemployed when arrested or killed in terrorist attacks or counterterrorism operations.

Crime-terror nexus

We see no major change in relation to the percentage of criminals turned terrorists in the ranks of European jihadis—last year, their share stood at 28% (56 out of 197), this year, it remains almost the same with 98 out of 326 individuals (30%) in the dataset having had a history of a previous, pre- 2015, arrest. However, there exists an interesting subcategory within the group of criminals turned terrorists, i.e., terrorist recidivists (19 individuals). These individuals do not

neatly fall into the crimeterror subset as they are not known for their prior “ordinary” criminal exploits (although this group also includes individuals who had committed both terrorist and “ordinary” crimes before 2015). Most of the terrorist recidivists were arrested for crimes related to membership in a terrorist organisation, conspiracy to commit terrorist acts, or travel to join a terrorist group. Interestingly, we have information that 6 were released early for good behaviour.

Petty vs Severe criminality

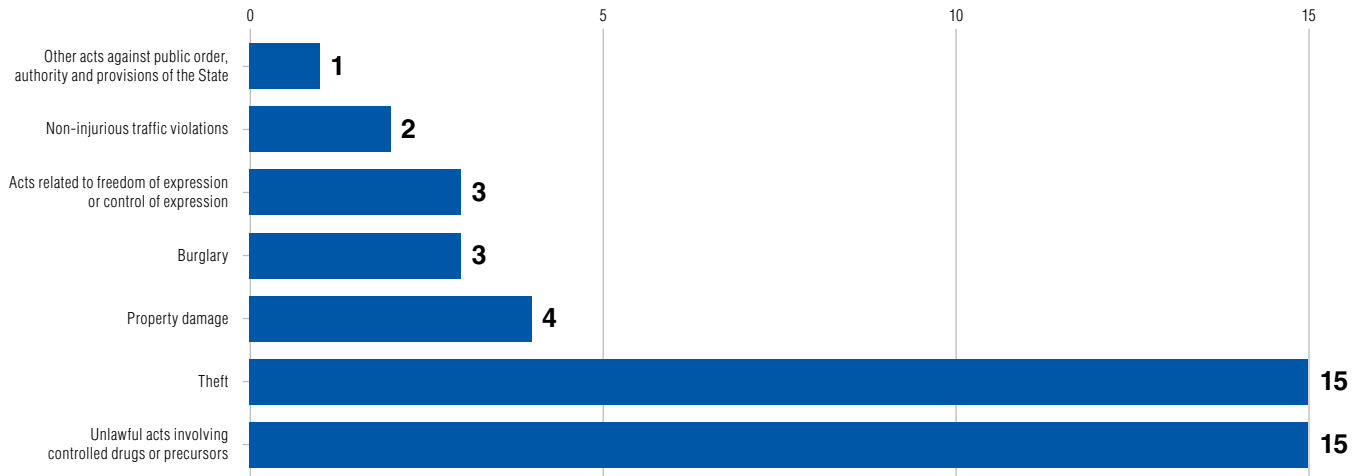


Percentage-wise, the Dutch subset remains the most criminal at 75% but is a relatively small subset of 9 out of 12 individuals on which we have data. Of the major subsets, i.e., 40+ individuals, the French group remains the most consistently “criminal” with 28 criminals turned terrorists out of 69 individuals (40%), followed by Spain with “just” 7%.

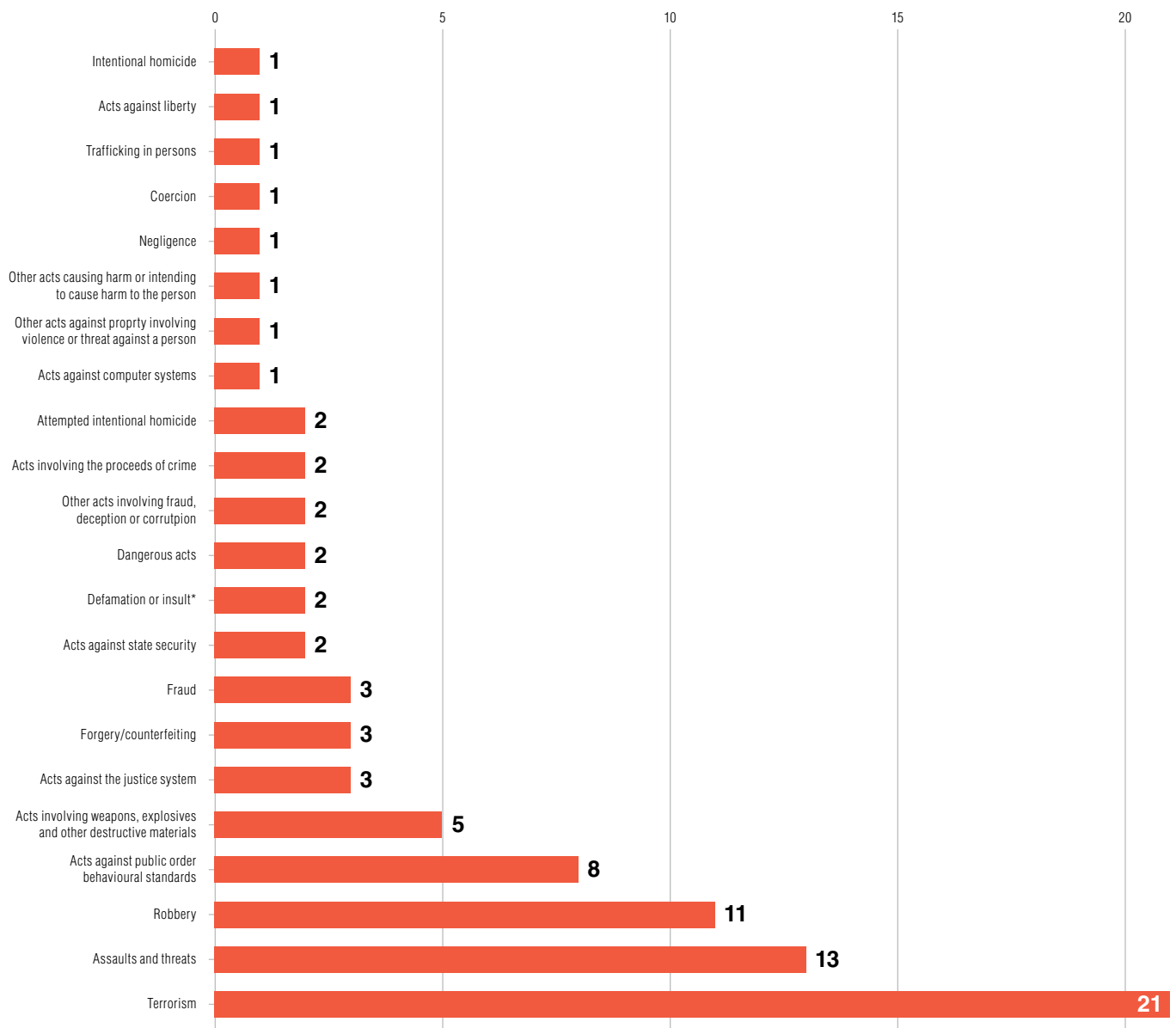
Out of the 98 criminals turned terrorists in the current dataset, 55% or

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Petty Crime



Severe Crime



*Individuals committing defamation were also arrested for illegal possession of weapons or explosives
Petty crime in blue, severe in red, all crime coded in Level 2 of the ICCS by the UNODC.³¹

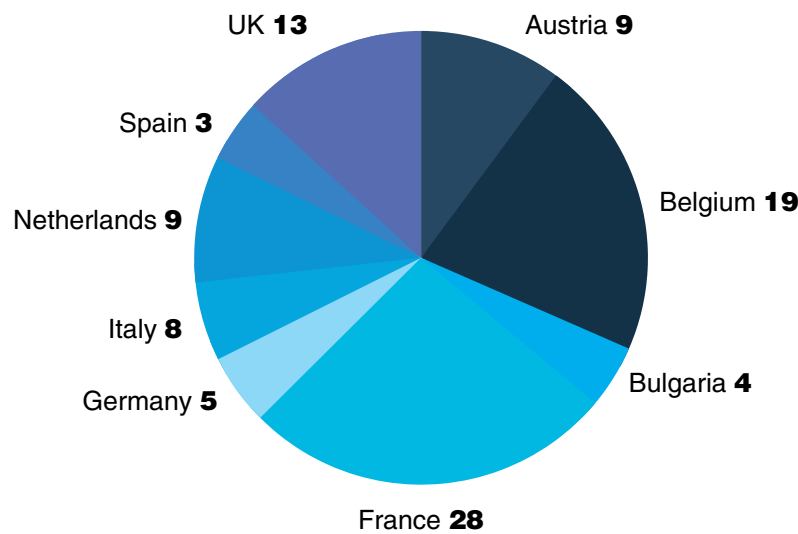
54 individuals—less than the 70% in the sample of 56 individuals in last year's Midterm Report—had, as a result of their pre-2015 arrest, been sentenced to a prison term. They had completed their sentence and in 2015 were either jailed for a terrorism offence, killed while staging a terrorist attack, expelled from a given country on the back of their presumed terrorist connections or were fugitives from justice because of their terrorist activities.

Last year's Midterm Report claim that severe criminality has so far been underappreciated in deliberations on the crime-terror nexus still holds, as the dataset includes comparable numbers of "just" petty criminals (40) and "just" severe criminals (32) with 15 who were involved in crimes of both types.

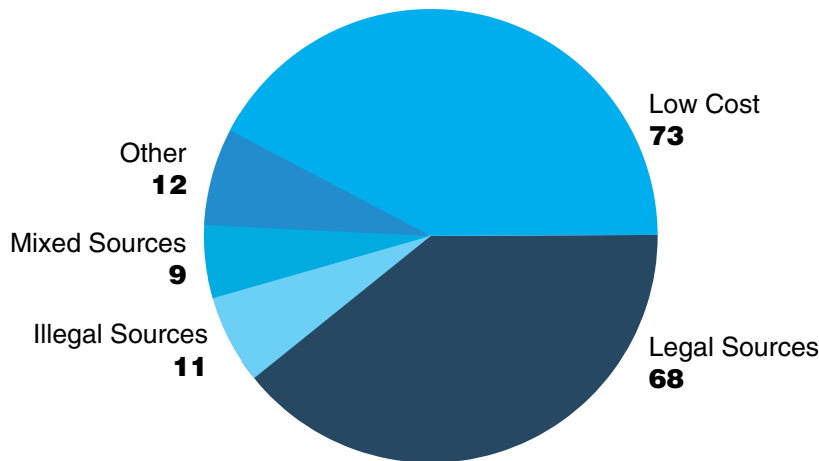
The quantitative analysis of the prior criminal history of the individuals coded in the database leads to a definite conclusion that petty and hardened criminals have a very similar representation. If one moves away from individuals to specific crime records, the prevalence of severe criminality (87 instances as opposed to 43 of petty criminality) is in fact strongly pronounced throughout the dataset. Furthermore, the discovery of repeat offenders underlines the severity of the "ordinary" criminal experience within the ranks of the crime-terror nexus. Consequently, at times, it looks as if there exists a severe crime-terror nexus but, as we stated in our Midterm Report, one should not discount the possibility that petty crimes will always be underappreciated in such studies. The researchers, and frankly, the police, will never be able to account for each and every instance, e.g., of drug pushing, by a given individual.

As with last year's findings, we stand by the assertion that terrorism financing in Europe is to a larger extent legal in nature with 68 individuals included in the dataset (of 173 cases on which there are data, or 39%, or, alternatively, 21% of the total caseload) using legal sources, mainly salaries, savings, and benefits to support their terrorist careers. Much smaller numbers, 11 and 9 individuals respectively, either utilise illegal or mixed legal/illegal sources to finance their terrorist endeavours. At the same time, it is important to mention that actually the largest category by number (73, 42%

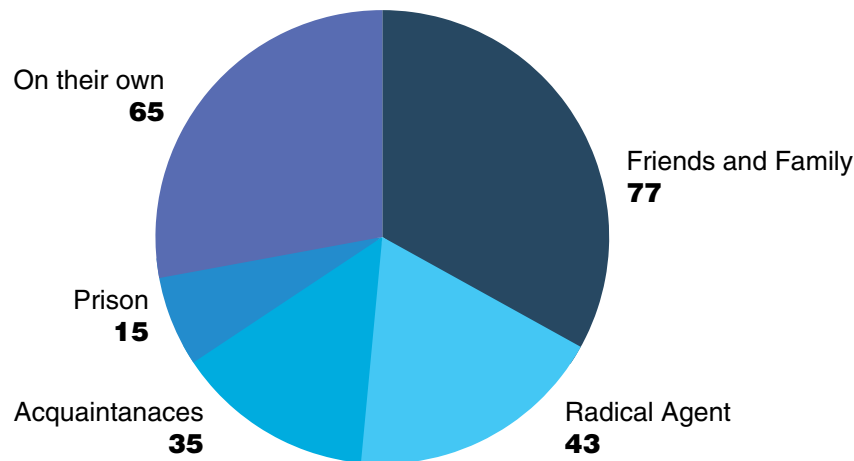
Criminals turned terrorists by country



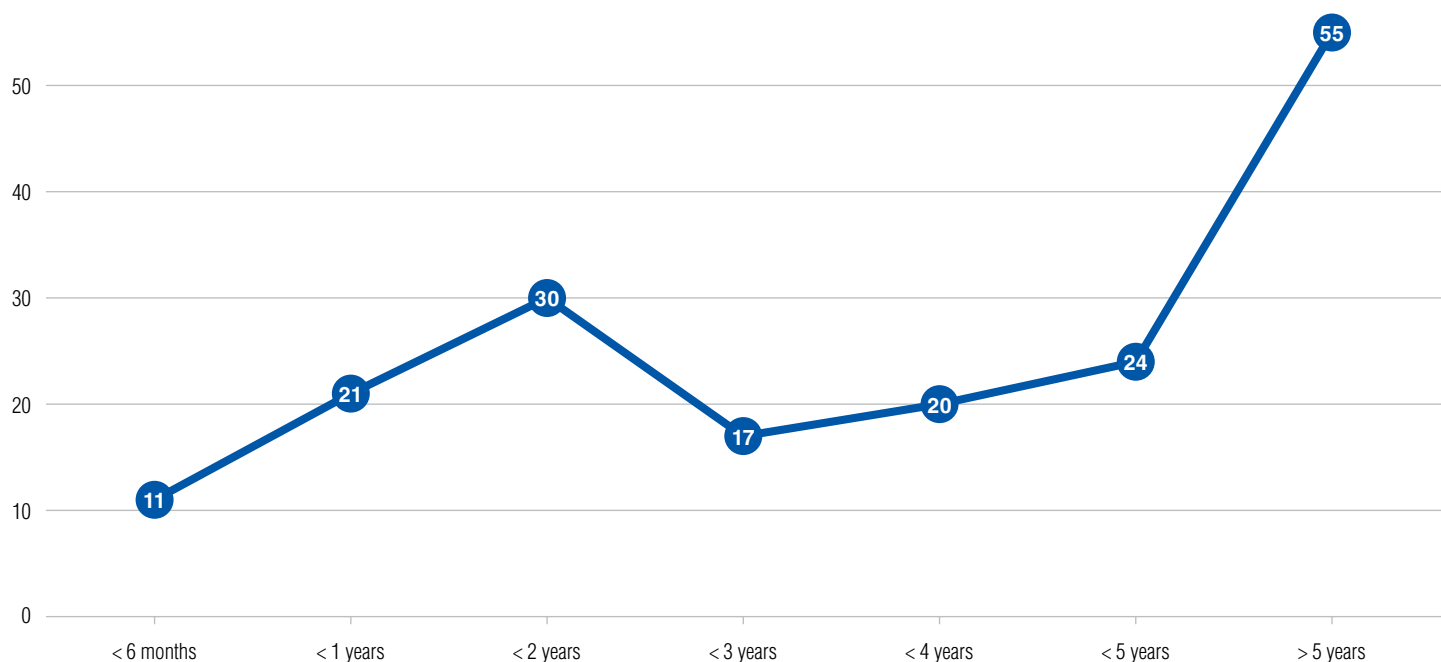
Financing of terrorist activities



Radicalisation factors



Timeline of radicalisation



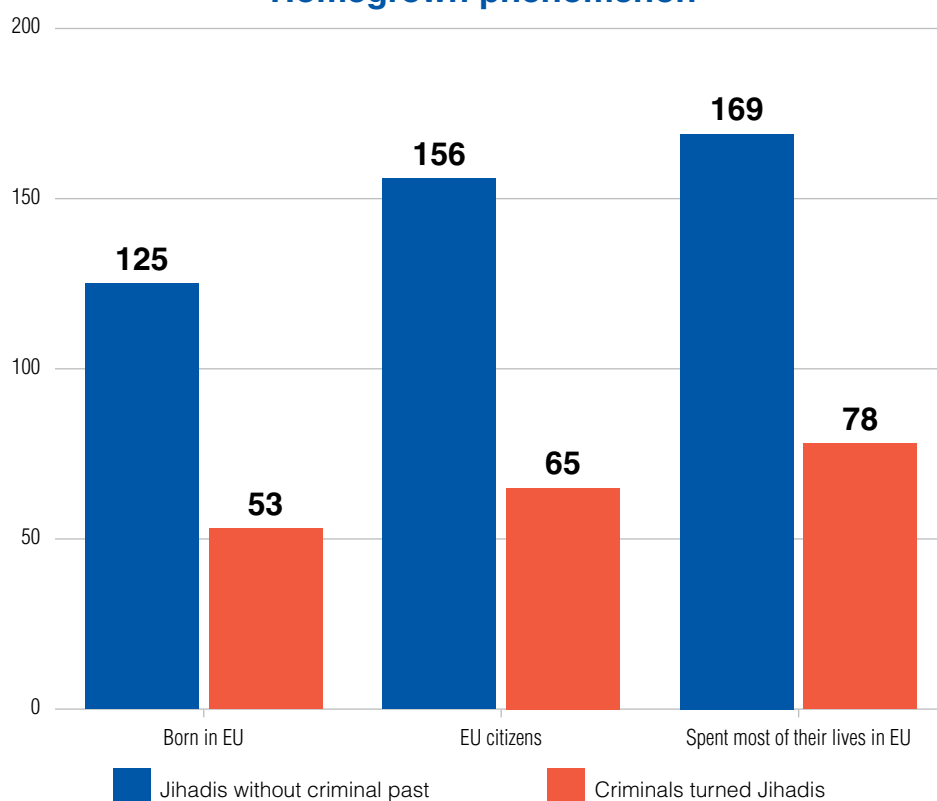
of 173 cases on which there are data, or 22% of the total caseload) are those who did not seek additional sources of funding while attempting to progress into terrorism, effectively pursuing low-cost terrorism (preparation of attacks with widely available tools, e.g., knives or the distribution of terrorist propaganda through their private or secret social media channels). In this sense, the cost of such activities is mostly associated with the fact that during the time they devoted to terrorist activities, they were unable to earn money via other, also legal, activities.

Radicalisation

An individual's experience with European jihadism is predominantly a mid- to long-term process, with 167 of the 178 individuals on whom there are data first exposed to radical ideology at least more than 6 months before their 2015 arrest, death in a terrorist attack, or expulsion for alleged terrorism association. Amongst the 167, the largest group (55 individuals) had begun their radicalisation more than 5 years before 2015. More (91 others) began this process more than a year prior to 2015.

Our research demonstrates that prison is not necessarily the key ground for radicalisation with only 15 of the 235 on which there are data radicalised during their imprisonment (6.5% or a mere 5% of the total caseload). This, given that the

Homegrown phenomenon



dataset contains more than 54 individuals who had been imprisoned prior to their 2015 terrorism arrest, death in a terrorist attack, or expulsion for alleged terrorism association, and the focus given to prison as a potential hub of jihad in Europe,³² is an underwhelming result. At the same

time, in 77 cases (33% of this subset or 24% of the total), family and friends played a role in a given individual's radicalisation, in 43 cases, a mentor, or a jihadi entrepreneur, played the main

continued on page 20

role, and in 35 cases, acquaintances played the dominant role.³³ In 65 cases, the individual sought out exposure on his/ her own. The authors consider it important to note that radicalisation can be a result of a mix of various factors and it holds true for this dataset too. Different combinations of radicalising agents were registered in 53 cases. However, clean-cut categories prevail, with 179 cases of only one of the above-mentioned factors acting as the vehicle through which radicalisation was conducted.

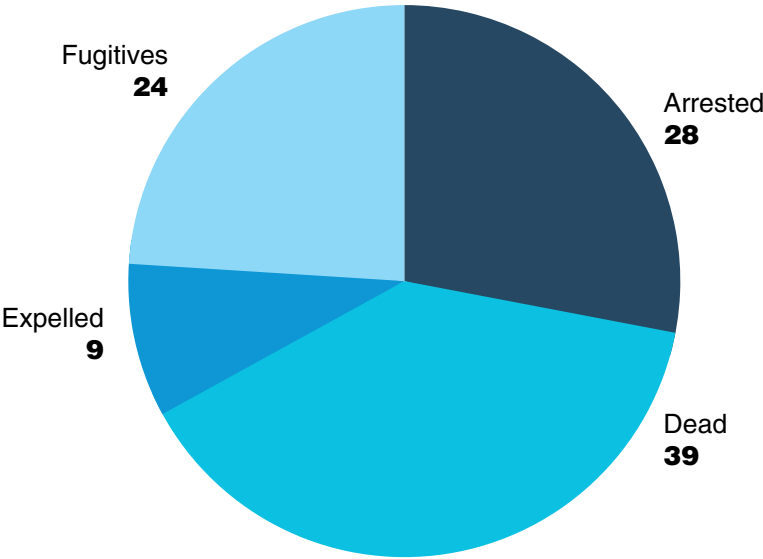
Homegrown

European jihad is a homegrown phenomenon with 75% of the total dataset consisting of individuals who spent most of their lives in the EU, including 80% of the criminal subset (78 out of 98). Additionally, at least 178 jihadis included in the dataset (55% of the total) were born in the EU and 221 (68%) had been EU citizens. However, that also means that there exists a significant group of European jihadis who are not EU citizens (87) or who had been naturalised later (18 people). These two subsets—in total 109 people out of 326—point to the fact that while European jihadism is truly European as far as its adherent and supporters are concerned, it is also partly animated by external factors and inputs by individuals from the broader MENA or South Asia.

Foreign fighters

European jihadism has certainly been about foreign fighting in a non-European jihad with as many as 107 individuals included in our dataset with such experience under their belts. We are conscious, however, that with the territorial demise of ISIS, this high ratio will not hold for other subsets of European jihadis, and in fact, would have been lower had the study covered the years 2016-2019. At the same time, we are not of the opinion that travelling to foreign wars will cease to exist, as the formative experience of European jihadis in the dataset includes individuals who travelled not only to Syria or Iraq but Pakistan, Yemen, and North Africa. It is therefore likely that the emergence of any new jihadi battlefield could attract some Europeans. Interestingly, 37 of the FTFs included in the dataset (35%) also belong to the criminals-turned-terrorists subset

Fates of the FTF



and have a history of a pre-2015 arrest. 24 of these committed severe crimes and 11 had been arrested for terrorism prior to 2015. As many as 24 are fugitives from justice and 39 are dead.

Solo Actors

Our previous report also focused on the issue of lone-actor terrorism. At that time, we found 3 who could possibly be called “solo actors”, but this number has been reduced to 1. All of this despite the fact that 107 of the 326 individuals were arrested alone (33%) and not in a large counterterrorism raid “netting” numerous arrestees. This might have suggested a more solo-oriented approach to terrorism but proved not to have been the case when referenced with other variables in the dataset, i.e., family members or friends, or close associates aware of their activities or directly involved in terrorism or that the individual was in direct contact with ISIS.

CONCLUSIONS

1. Europe clearly “has not won its war on terrorism”—a detailed study of individuals involved in European jihad in 2015 demonstrates that the threat will be making its presence felt in Europe for years to come.
2. The longevity of the threat is demonstrated by three of the issues discussed in this report: the role of foreign fighters as force multipliers; the issue of recidivism amongst terrorism prisoners and their pending

- releases; and the potential for the growth of the standing of women within terrorism networks.
3. The fall of the “Caliphate” seemingly minimises the risk to Europe from FTFs who, to some extent, lost their travel destination. Some of them, however, will seek new conflict zones, as was the case with the jihadis of 2015 and earlier, and others will return or be repatriated to Europe. Their life stories will be deployed as narrative force multipliers for a future generation of jihadis. This could mean that in certain cases, the swifter their repatriation or conclusion of court proceedings in their cases, the lesser their “narrative” value for the jihadi milieu in Europe.
4. A surprisingly high number of jihadis who are imprisoned in Europe are recidivists and amongst them, one would find a subcategory of terrorist recidivists. Their presence in the jihadi ranks indicates that in the future, given their relatively early prison releases, such individuals are likely to return to their pre-arrest activities and once again attempt to engage in terrorism. Special attention must be paid to them both while in and outside prison.
5. Women were said to play a distant second fiddle to men in European jihadism. Given the roles they play, however, which are certainly not that

of “jihadi brides,” serious potential for growth in their standing in jihadist networks exists in Europe. European CT strategies should, therefore, go beyond the “bride” paradigm and prepare for more terrorist challenges animated by or orchestrated by females.

6. The crime-terror nexus in Europe truly is a “poor man’s crime-terror nexus” as its representatives are former relatively unsuccessful criminals whose jobs do not amount to bringing in a sizeable skillset to their new terrorist patrons. Moreover, evidence suggests that the terrorist organisations or networks employing them do not necessarily take full stock of their experience and utilise
7. While establishing if that is the case, however, the authorities should refrain from generalisations and

them in different roles, i.e., not employing their criminal specialities in terrorist activities. If, however, a given criminal career takes place in an area with a history of jihadi activities (be it recruitment, plots, proselytizing etc.), and the individual’s family and friends are known to the security authorities for their radical activities, involvement and sympathies, then adequate resources should be utilised to ascertain the extent to which the individual could be progressing along a private crime-terror continuum.

ensure a wider understanding of the phenomenon at hand is developed. This necessitates investment in longterm projects devoted to what we could call the phenomenon of “football buddies.” By such “buddies” we mean, e.g., individuals who have known the radicals in their area, spent time with them, in some cases were also radicalised but never opted for terrorism involvement. Such projects would therefore also look at criminals and former criminals who could but never did move farther along the crime-terror nexus axis. Clues as to what radicalisation entails and how it truly operates could lie within the answers provided by such endeavours.

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Boris Johnson says 74 terror prisoners released early

1 December 2019

Boris Johnson has told the BBC that 74 people jailed for terror offences and released early will have their licence conditions reviewed.



The Ministry of Justice launched the urgent review after convicted terrorist Usman Khan, who had served half of his sentence, killed two people in a knife attack at London Bridge on Friday.

The prime minister claimed scrapping early release would have stopped him.

But Labour is blaming budget cuts for “missed chances to intervene”.

Friday’s attack was brought to an end when police shot Khan dead.

The 28-year-old had been jailed in 2012 over a plot to bomb the London Stock Exchange.

He was given a special jail term known as Imprisonment for Public Protection (IPP), which meant he would serve at least eight years and could not be released unless he had convinced the Parole Board he was no longer a threat.

But in 2013, the Court of Appeal replaced the sentence with a 16-year-fixed term of which Khan should serve half in prison.

He was released on licence in December 2018 - subject to an “extensive list of licence conditions”, police said.

‘Repulsive’

Mr Johnson told the BBC’s Andrew Marr show it was “repulsive” that someone as “dangerous” as Khan could be released from prison after “only serving eight years”.

He blamed Khan’s release on legislation introduced under “a leftie

government”, insisting the automatic release scheme was introduced by Labour - but was challenged about what the Conservatives had done to change the law over the past 10 years in government.

“Now that I am prime minister I’m going to take steps to make sure that people are not released early when they commit... serious sexual, violent or terrorist offences,” he said.

“I absolutely deplore the fact that this man was out on the streets... and we are going to take action against it.”

Mr Johnson said there were “probably about 74 people” convicted of serious offences who had been released early - a figure confirmed by the Ministry of Justice.

The prime minister said action had been taken immediately following London Bridge attack “to ensure there is no threat to the public”.

In a separate development, a 34-year-old man was arrested on Sunday at his home address in Stoke-on-Trent on suspicion of the preparation of terrorist acts, the West Midlands Counter Terrorism Unit said.

There is no information to suggest that the arrested man was involved in the incident at London Bridge on Friday, the unit added.

But the arrest was made as part of “a wider on-going review of existing licence conditions of convicted terrorism offenders”.

New sentencing

Foreign Secretary Dominic Raab earlier said the Conservative Party had a new policy to enforce a minimum sentence of 14 years for a person convicted of serious terrorist offences.

But Prof Ian Acheson - who advised the government on how to handle extremist prisoners in 2016 - told BBC Radio 4’s The World This Weekend it was not “a question of an arms race on sentencing toughness”, but about what is done when offenders are in custody.

He said 68 of the 69 recommendations he had made around the treatment and risk management of prisoners were agreed by the then Justice Secretary Michael Gove.

But he claimed they had not been implemented due to “the merry-go-round of political replacements of secretaries of state”, and the “fairly recalcitrant and unwilling bureaucracy” it created.

Prof Acheson also criticised “crazy failed and ideological austerity cuts” to the police, prison and probation services.

At an event in York, Jeremy Corbyn called for an inquiry into “everything surrounding” Khan, including his sentence and what happened to him in prison.

But he warned against “knee-jerk legislation”, saying the country could “pay a price later”.

How the law on early release changed

Analysis by Reality Check

2003: The Criminal Justice Act meant most offenders would be automatically released halfway through sentences, but the most “dangerous” would have their cases looked at by a Parole Board. Sentences with no fixed end point, called Imprisonment for Public Protection (IPP), were also introduced.

2008: Criminal Justice and Immigration Act removed review process by Parole Boards, meaning more offenders were released automatically halfway through sentences. Judges could still hand down life sentences or IPPs for dangerous offenders.

2012: Usman Khan was handed a sentence with no fixed end date because of the risk he posed to the public. In the same year, the Legal Aid, Sentencing and Punishment of Offenders Act scrapped IPPs and reintroduced the role of the Parole Board for extended sentences of 10 years or more - this time after two-thirds of the sentence has passed. But that did not mean those already serving IPPs would have them lifted.

2013: During an appeal, Lord Justice Leveson ruled that Khan’s indeterminate sentence should be substituted for an extended sentence with automatic release at the halfway point.



Jeremy Corbyn says cuts in public services could put more lives at risk.

In his speech, the Labour leader said: “No government can prevent every attack. No-one would believe any political leader who said they could.

“But the government can act to make such acts of terror less, rather than more likely.”

Mr Corbyn said there needed to be more funding for public services, including probation and mental health.

“That can lead to missed chances to intervene in the lives of people who go on to commit inexcusable acts,” he said.

“You can’t keep people safe on the cheap.”

Mr Corbyn told Sky’s Sophy Ridge programme terrorists should “not necessarily” serve their full sentences automatically, but that it “depends on circumstances”.

Both parties have been accused of politicising the attack.

Liberal Democrat deputy leader Ed Davey told Sophy Ridge on Sunday that he was “alarmed” at Mr Johnson’s reaction to the London Bridge attack.

“In the middle of an election, we shouldn’t be making political capital out of a tragedy, and he’s doing that, and he’s doing that in a way which is misleading people about what the law actually says,” he said.

But Brexit Party leader Nigel Farage tweeted that those convicted of terror offences “should never be released”.

The father of Jack Merritt, who was a course co-ordinator for Learning Together, said in a now-deleted tweet that his son “would not wish his death to be used as the pretext for more draconian sentences or for detaining people unnecessarily”.

Mr Raab said David Merritt should be listened to, declaring “nobody wants to see the politicisation of this”.

But he added: “The question is, who is going to make sure that the overriding priority is avoiding any unnecessary risk to the public?”

“I think if you look at what we’re saying on sentencing... it is the Conservatives who are saying we will stop at nothing to keep people safe.”

Story from:

<https://www.bbc.com/news/uk-50618744>

Slain London terrorist just freed from jail

3 February 2020

JACQUELIN MAGNAY

British Prime Minister Boris Johnson will make fundamental changes to the justice system for convicted terrorists and serious offenders after a second Islamist attacker in two months rampaged through London stabbing people.

On Sunday, Sudesh Amman, just days after being released for serving half of a three years and four months sentence for disseminating terrorist material, went on a knifing attack down the main street of Streatham in South London.

The 20-year-old was considered such a high risk to the public he was being followed by a team of armed plain clothes intelligence officers.

Amman, wearing a fake suicide belt, was shot dead within eight seconds of stabbing the first of two victims at 2pm (1am Monday AEDT). He had stolen a large knife from a shop and attacked a man in his 40s in the stomach before knifing a female cyclist, in her 50s, in the back. Another woman was injured by flying glass during the shooting. All three are expected to recover.

Authorities say they had no means to keep Amman behind bars despite his radicalisation as he had been sentenced under the automatic early release rules, which didn't require any Parole Board assessment. He had been released on various licences, including a curfew.

Amman's attack on a busy Sunday afternoon, followed the November 20 attack in Fishmonger's Hall and London Bridge, where convicted terrorist Usman Khan, on day release, stabbed five people, killing two.

Mr Johnson had been critical of the early-release scheme before the Khan attack and during the December 12 election promised changes to the system.

"Following the awful events at Fishmonger's Hall in December, we have moved quickly to introduce a package of measures to strengthen every element



Police officers guard a cordon, set up on Streatham High Road, after the stabbing attack. Picture: AFP.

of our response to terrorism — including longer prison sentences and more money for the police," Mr Johnson said on Sunday.

"Tomorrow, we will announce further plans for fundamental changes to the system for dealing with those convicted of terrorism offences."

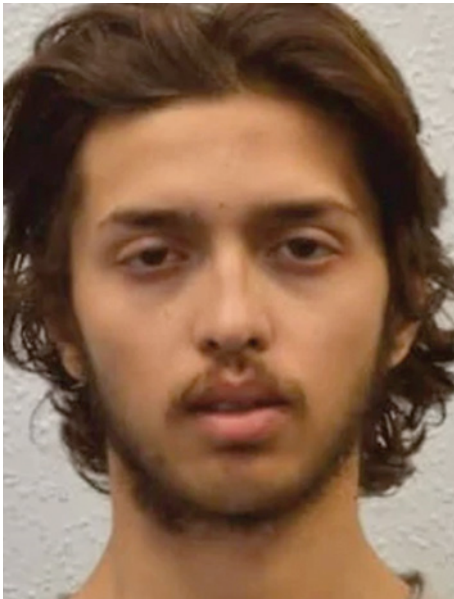
Henry Jackson Society fellow Dr Paul Stott said: "We need an immediate moratorium on the release of terrorist prisoners, whilst the government reviews each individual case."

As many as 180 convicted terrorists have been released from jail and there are concerns that a fresh wave of terror-convicted prisoners — inspired by the Islamic State ideology — are due for early release in the coming months.

At the time of Amman's conviction in December 2018, the head of the Metropolitan Police Counter Terrorism Command Alexis Boon had warned of his "fierce interest in violence and martyrdom".

"His fascination with dying in the name of terrorism was clear in a notepad we recovered from his home. Amman had scrawled his 'life goals' in the notepad and top of the list, above family activities, was dying a martyr and going to 'Jannah' — the afterlife."

Amman, from Harrow in north London, had also told his girlfriend to kill her parents because they were non-believers and shared beheading videos with her. He had pledged allegiance to ISIS and as well as his fascination with knives,



Sudesh Amman had recently been released from prison after being convicted on terror charges. Picture: Metropolitan Police.



A police forensic officer speaks with a police officer on Streatham high street. Picture: AFP.



Police officers at the scene of the attack. Picture: Getty Images



Shocked bystanders at the scene of the attack. Picture: Getty Images.

he had a plan to carry out acid attacks from a moped.

One of the manuals police found in his room was How to Make a Bomb In Your Kitchen.

Witnesses to Sunday's attack were shocked at what unfolded.

"I was walking up the high street after going for brunch with some friends and we saw a woman screaming outside a small hardware shop next to Iceland," Emma Taylor, from Streatham Hill, told Sun Online

She said the distressed woman who ran the hardware shop, shouted: "He's just grabbed a knife from my shop and stabbed a lady."

The 31-year-old said the woman who was stabbed was in "pure shock",

just in front of her and was being treated by paramedics.

Karker Tahir was in a shop opposite and said he saw the man running down the street. He said people, later identified as undercover police, were chasing the man. He said he then heard three shots. "They told him to stop, stop, but of course he didn't stop and he was shot three times," he told Sky News.

Mr Tahir said at that stage the man was still alive but police told them to leave the shop because the man might have a bomb in his bag.

"The man was still alive but we had to leave the area immediately as the bombs could go off and hurt everybody," he told Sky News.

"People were panicking as well. It happened so quick, the police chasing

him, but they looked like civilians, it was a horrible scene."

The Met Police tweeted: "A man has been shot by armed officers in #Streatham. At this stage it is believed a number of people have been stabbed. The circumstances are being assessed; the incident has been declared as terrorist-related."

The police then advised that the man had been shot dead.

Witnesses described seeing the man steal a large knife from a hardware store, after which he began stabbing bystanders and a woman on a bicycle.

A witness claimed: "The shopkeeper tried to get the knife away from him but he got away and stabbed a woman on a bicycle. The knife was really big".

An Examination of Jihadi Recidivism Rates in the United States

November 2019

CHRISTOPHER WRIGHT

Abstract: The recidivism rate for ordinary criminals is extremely high, and since over 200 convicted terrorists have been released in the United States and many more will be in the near future, a natural fear has been that they pose a high risk of recidivism. Using nearly 30 years of data, this article shows that while not zero, the recidivism rate of those involved in jihadi terror plots targeting the United States is much lower than that of common criminals. Unlike most criminals, prison may deter jihadis from future involvement in violent extremism.

Will those convicted of jihadi-related terror offenses pose a danger once they are released from prison?^a This article explores that question by looking at conflicting findings from research examining what to expect from terrorists who have served their sentences. Next, it presents quantitative data on those involved with jihadi plots in the United States over the past three decades. Given the small numbers of jihadi re-offenders with a link to terrorist plotting in the United States, the article then gives a qualitative description of each. Lastly, it discusses possible lessons that may be gleaned from the documented cases of jihadi plot recidivism in the United States.

Why Study Jihadi Recidivism Rates?

In the United States alone, there have been over 500 prosecutions of those with ties to international terrorism post 9/11.¹ Although the rate of terrorism-related arrests and prosecutions in the United States has slowed since they peaked in 2015-2016, 191 have been charged in plots related to the Islamic State since 2014 alone.² Well over 200 convicted terrorists in the United States have already completed their sentences and been released.³ Over 50 who are currently incarcerated in the United States on terrorism charges are scheduled to be released in the next five years.⁴ Years of studies show criminals in the United States re-offend at rates between 25 and 83 percent.^b Similar high recidivism rates (45-55 percent) have been reported in the United Kingdom, Germany, Canada, and the Netherlands.⁵

There has long been concern about jihadi recidivism. A 2012 report by the U.S.

Department of Homeland Security stated that 27 percent of prisoners released from the Guantanamo Bay detention center had returned to the fight.⁶ The terrorism analyst Dennis Pluchinsky noted that “there is an apparent tendency for global jihadists to become recidivists”⁷ and that “the propensity for reform is less likely for global jihadists than secular terrorists.”⁸ Most recently, researchers Mary Beth Altier, Emma Leonard Boyle, and John Horgan studied the autobiographies of individuals involved in terrorist activities that were affiliated with known perpetrator groups and came to the conclusion that “terrorist reengagement and recidivism rates are relatively high”⁹ and are even, “slightly higher than criminal recidivism rates.”¹⁰

If convicted jihadis are indeed more dangerous than secular terrorists and recidivism rates among them approach those of common criminals, then there is a significant problem looming on the horizon. The potential problem may be even worse in Europe where foreign fighters who joined the Islamic State have returned in large numbers, many to countries where criminal sentences of all types tend to be much shorter than in the United States.¹¹ Even if convicted, many will be back on the streets within a few short years.

Yet, there are some reasons to hope that those convicted of terrorism-related offenses might be less prone to repeat offense than more common criminals. For instance, two studies on those involved in militant groups on both sides of “The Troubles” in Northern Ireland found recidivism rates to be much lower than the general criminal population.

While 11 percent of those convicted were later re-arrested, only 3-3.6 percent (depending on the study) of these were convicted of paramilitary-related crimes.¹² This does not necessarily mean that a very high proportion of these former convicts are “reformed” in the sense that they have given up their underlying ideological commitment to violent manifestations of either the Republican or Unionist cause,^c only that they are no longer engaged in the terrorism-related illegal behaviors that led to their initial criminal convictions. As John Horgan finds, disengagement is more common and often just as important as deradicalization.¹³

Whether or not convicted jihadis represent an increased risk of danger should be open to empirical observation, yet few studies have actually tested the premise. To date, only two studies have looked at terrorist recidivism in the United States.¹⁴

Most recently, a report from the University of Maryland’s National Consortium for the Study of Terrorism and Responses to Terrorism (START) looked into disengagement from ideological extremism.¹⁵ The eye-catching headline in the report’s description reads “New data shows risk of recidivism is high among extremists.” At first glance, the numbers in the report are alarming. Of the 300 extremists examined in the START sample, 49 percent re-offended after their first known instance of ideologically motivated crime.¹⁶ If taken to mean that nearly half of convicted terrorists will return to terrorism, this would be a true cause for concern.

But a closer look shows that this is not what the numbers imply. First, the report

does not have recidivism as its primary research question. Its main concern is with why some leave extremism and the barriers to exit they encounter. Second, the report looked at “re-offending,” which is conceived as a much broader category than recidivism. In other words, the report is not necessarily talking about a convicted terrorist completing his sentence, being released, and then returning to terrorism-related crimes. Lastly, according to the primary author of the report, very few jihadis were included in the sample of 300 and the vast majority of those “re-offending” were right-wing extremists.¹⁷ In other words, this report should not be taken to mean that a high danger exists from convicted Islamist extremists.

The most thorough study so far on terror-related recidivism in the United States is from Omi Hodwitz’s Terrorism Recidivism Study (TRS), which examined 561 individuals convicted of terrorism-related offenses in the United States after 9/11.¹⁸ The underlying data is not at this time publicly available, leaving several unanswered questions.¹⁹ For instance, the author does not make it clear if it includes all terror offenses, even those prosecuted as non-ideological due to the prevalence of plea bargaining in the United States. The study also excludes arrests that did not proceed to conviction, which increases the probability that unprosecuted cooperating witnesses who later were involved in terrorist plots would not be seen as recidivists. Moreover, by focusing exclusively on post-prison release convictions, the study may have overlooked individuals who had prior terror-related convictions, were involved in later plots, but who were never prosecuted for a variety of reasons.

Even with these caveats, the study is important as the first to systematically examine terrorist recidivism rates in the United States. Of 297 ideologically motivated extremists released from prison, only nine were charged with crimes post-conviction, yielding a recidivism rate of 1.6 percent. This figure is far below that of non-ideologically motivated crimes, however measured. A closer look indicates an even lower number may be more accurate. Five of the nine were charged while still in prison, mostly of crimes unrelated to terrorism. Only four individuals were charged with crimes post-release, none of them for terrorism-related offenses.

To reemphasize, the TRS study found no individuals in the United States who were convicted of terrorism, released from prison, and then were later convicted of a terrorism-related crime.

Measuring Recidivism Among Those Linked to Jihad Attack Plots in the United States

So, are would-be jihadis in the United States committed life-long ideologues who are likely to return to their former ways upon release? Or are convicted jihadis much more likely to become deradicalized or disengaged during or after incarceration than once feared?

Some answers can be found by looking at the most dangerous category of jihadi offenders: those individuals linked to jihadi terror plotting.

This study examines recidivism rates among jihadi plotters by using data collected in the author’s ongoing “Jihadi Plots in the United States” (JPUS) dataset.^d The JPUS dataset attempts to capture all known plots by would-be jihadis against specific targets in the United States in which at least one of the plotters was physically located within the United States.²⁰ The dataset includes all known plots that were executed, which were executed but failed, or which were in the planning stages but disrupted before being fully executed.²¹ It is, therefore, more inclusive than other datasets, which focus solely on successfully executed plots.^e It excludes plots with connections to the United States but in which the targets were overseas.^f

Within the dataset, the author sought to identify what he terms “jihadi plotter recidivists.” For the purpose of this study, the author defines jihadi plotter recidivists as either:

Individuals who were previously convicted of a crime in a case related to a jihadi terror plot involving a specific plan to commit an act of violence on U.S. soil who were then subsequently convicted or are awaiting trial in relation to *any* jihadi terror activity or who died in the commission of a jihadi attack.

Individuals who were previously convicted of a crime in a case related to *any* jihadi terror activity who were then subsequently convicted or are awaiting trial in a case related to a jihadi terror plot involving a specific plan to commit an act of violence on U.S. soil or died in the commission of an attack.^g

In other words, the author counts as a jihadi plotter recidivist as those individuals in the United States who re-engage in criminal jihadi activity after a conviction related to a jihadi terror plot or who become criminally implicated in relation to a terror plot after previously being convicted in relation to jihadi activity. It excludes individuals who took part in jihadi activity not linked to specific attack plotting against targets in the United States.

A former terrorist re-incarcerated for simple parole violations, such as drug or alcohol abuse, is therefore not counted as a jihadi plotter recidivist. The JPUS dataset includes all known jihadi plots in the United States from January 1990 through the end of May 2019. Most studies begin post 9/11, and there is a good case to be made that this is the appropriate starting point when studying terrorism in the United States since there was a fundamental change in intelligence and law enforcement orientation after the event. However, terrorism is not a new phenomenon, and a similar overhaul of terrorism-related laws also occurred after the 1995 Oklahoma City Bombing.^h The longer time frame allows for some comparisons of those convicted prior to and after 9/11.

Neither is jihadi terrorism in the United States an exclusively post-9/11 phenomenon. The first recorded event in the JPUS dataset is El Sayyid Nosair’s 1990 assassination of Rabbi Meir Kahane in New York City, but the phenomenon of jihadi terror in the United States goes back to at least 1983 and probably much earlier.ⁱ The further one goes back, the more difficult it becomes to identify plots as jihadism was not widely recognized as a distinct strand of terrorism and has often been entangled with nationalist struggles. The dataset does capture major jihadi plots in the United States prior to 9/11. For instance, two major plots in 1993. That is the year the World Trade Center was first bombed, killing six and injuring over 1,000, and in which the planned follow-up attacks by an overlapping cell against New York City landmarks were thwarted. The New York City landmark plotters received sentences ranging from 25 years to life in a plot that never was executed.²² Three of the plotters have served their sentences and two more are scheduled for release this year.

continued on page 28

Findings

From the JPUS dataset, 189 total individuals were identified as being involved in jihadi plots against targets in the United States between January 1990 and the end of May 2019. Of these, 17 were convicted prior to 9/11. Only 31 individuals involved in these plots have been identified as being released from prison, three of those were involved in pre-9/11 plots.¹

Only four of the 31 (13 percent) released plotters have been identified as having any criminal involvement in any post-incarceration crime. While much lower than traditional criminal recidivism rates, which range between 25-83 percent, this is much higher than the Terrorism Recidivism Study.

However, one of these, Burson Augustin, was involved in a clearly non-ideological crime.⁶ A second, Abdelghani Meskini, was accused of terror involvement after his initial release, but a closer look at the facts suggests his is not a case of jihadi plot recidivism. Both of these cases will be discussed in further detail below.

In fact, only two individuals—Elton Simpson and Ali Muhammad Brown—can be categorized as being jihadi plot recidivists, yielding a 6.5 percent recidivism rate in the United States for those linked to jihadi attack plots. This figure is far below recidivism estimates for common criminals, however measured. This data, although just looking at those involved in jihadi terror plotting in the United States, suggests that convicted jihadis are less likely to return to terrorism-related crimes than some have feared. Unlike the TRS sample, which captured no ideological crimes committed post-incarceration, this data shows that at least a small number of jihadis remain committed enough to the cause that they attempt to commit acts of terror after their release.

The numbers are small enough that a deeper look at each individual may be illustrative of potential future trends.

The first of the two cases of jihadi plot recidivism presented in this data is Elton Simpson.¹ In Simpson's case, a judgment call had to be made whether or not to include him as a jihadi plot recidivist because the charge on which he was originally convicted was not technically jihadi related. In the author's judgment, the totality of the evidence presented below and of his later actions was

enough to include him as a jihadi plot recidivist.

Simpson's social media presence and his real-world connection with Hassan Abujihad in his hometown of Phoenix, Arizona, had put Simpson on the FBI's radar as early as 2006.²³ In 2009, Abujihad, born Paul Hall, was convicted of disclosing classified information that he had acquired during his time in the U.S. Navy to an online publication that supported the Taliban.²⁴ In 2010, Simpson was arrested and charged with lying to the FBI about his intentions of traveling abroad to join al-Shabaab.²⁵ However, the judge in the bench trial did not believe the prosecution had presented a strong enough case that Simpson's lies were directly tied to a foreign terrorist group,²⁶ a charge that would carry a prison sentence. In 2011, he was convicted of a lesser charge of lying to the FBI and was given the minimum sentence, three years of federal probation.²⁷

Five years later, Simpson's online activities landed him back on the FBI's radar, and he was once again placed under surveillance. On May 3, 2015, Simpson and his co-conspirator opened fire at an anti-Islam event in Garland, Texas.²⁸ Both of the attackers were killed, and one security guard was injured. The undercover FBI agent who had been in communication with the pair arrived too late.²⁸ The Islamic State later claimed responsibility for the attack as, moments before executing their plan, the pair pledged allegiance to the group on Twitter.²⁹

In hindsight, it seems that Simpson's commitment to violent jihad was both deep and long lasting. His earlier encounter with law enforcement and the justice system did not deter him from later involvement in a terrorist plot.

The second case is that of Ali Muhammad Brown and also involved a judgment call. Although the state charges for which he was initially convicted were not directly related to a jihadi crime, the evidence presented below as well as Brown's later actions were enough in the author's judgment to include him as a jihadi plot recidivist.

Brown was part of a group of men involved in a string of criminal activities based around the Seattle barbershop of Ruben Shumpert.³⁰ In 2002, the FBI began to investigate the group after they received tips that jihadi videos were being shown to customers. Over a dozen

men associated with the barbershop, including Brown, were arrested in 2004 by police and charged with various crimes, including bank fraud, for which Brown was convicted.³⁰

Shumpert was the main focus of the investigation, but federal prosecutors believed they lacked the evidence necessary to charge the suspected ringleader and the others with terrorism-related crimes. Released on bail awaiting a state trial, Shumpert fled to Somalia and is believed to have died there fighting for al-Shabaab.³¹

In 2006, an FBI agent involved in the initial investigation claimed that "although this investigation did not lead to terrorism charges ... it nipped this one in the bud before it could become more dangerous."³² The agent could not have known that in 2014, one of the men arrested would kill four people across two states.

Two of Brown's victims seemed to have been chosen at random, but two more were killed outside a Seattle gay nightclub in what appears to be a symbolic act.³³ Brown claimed that the murders were justified as retaliation for the killings of Muslims abroad. He also claimed the killings were in furtherance of the "re-creation of the caliphate, so that Muslims could have peace."³⁴ However, unlike Elton Simpson, Brown never publicly pledged allegiance to any specific terrorist group nor has any group claimed him as one of their own.

He received life sentences in both Washington and New Jersey and in the latter case was prosecuted under a little used state-terrorism charge. His is the only case of jihadi recidivism in which someone, other than the perpetrator, was killed.

The former head of the FBI's Joint Terrorism Task Force in Seattle believed that Brown would be better classified as a 'serial killer' as Brown's primary motivation may have been the kind of blood lust more typical of the category.³⁵ But as academics Emily Corner and Paul Gill have persuasively argued, there need not be a conflict between mental illness and terrorism.³⁶ One can be both mentally ill and a terrorist. That is to say, terrorists need not be solely motivated by ideological commitment. Given Brown's own self-identification as a jihadi, it is not necessary to look further than his own admission to include him as one.

In both the cases of Simpson and Brown, the details outlined above make

clear their link to “jihadist terror plot involving a specific plan to commit an act of violence on U.S. soil” came in their later rather than their original offense. It is noteworthy that in the author’s dataset, there is not a single individual in the United States who was jailed in a case related to jihadist plotting, was released, and then became involved in jihadist attack plotting again.

It is useful to explain why Meskini and Augustin were not categorized by the author as jihadist plot recidivists.

Abdelghani Meskini was a con-man involved only tangentially in the 1999 al-Qa’ida-linked LAX Millennial bomb plot.³⁷ Meskini had known criminal ties prior to his terror-related conviction. As a cooperating witness against Ahmed Ressam, the ringleader of the al-Qa’ida-linked cell tasked with carrying out the plot, Meskini pled guilty to material support and document fraud. His part in the plot was in delivering forged documents and ill-gotten money once Ressam had crossed the border into the United States from Canada.³⁸ In return for his cooperation, Meskini was given a light sentence and released in 2005.

In 2010, he was accused of violating the terms of his parole by allegedly buying an AK-47 in Georgia. Whether or not this is a case of jihadist recidivism hinges on both if and why he bought the rifle. Analyst Todd Bensman believes Meskini’s re-conviction is evidence of jihadist recidivism and of a looming problem on the horizon.³⁹ As evidence, he cites testimony that Meskini had conducted internet research on Anwar al-Awlaki and the November 2009 Fort Hood attack.⁴⁰ Prosecutors allege that Meskini became disillusioned after he lost his job and “was ready to snap.”⁴¹

Prosecutors in the second case against Meskini also allege that after his release, “he became a willing participant in drug dealing, prostitution and bank fraud.”⁴² In other words, he returned to his previous criminal life. The two witnesses against Meskini were a prostitute and a drug dealer, both of whom testified in return for immunity or lighter sentences. The AK-47 at the heart of the accusation that Meskini was on a path toward violent jihad was never found. The judge in the bench trial rejected four of the more serious allegations against Meskini. He was convicted of lying to the FBI and to his parole officer. The lies revolved around his involvement in the drug and

prostitution trade at the crime-infested apartment complex he managed and about the handgun he owned, which he claimed was for self-defense.⁴³ He is therefore not classified as a jihadist plot recidivist.

The second excluded individual is Burson Augustin of the 2006 “Liberty City Seven” plot. Augustin served his time, was released, and then was convicted for distribution of cocaine in 2013.⁴⁴ Because his later offense did not involve any link to jihadism, he is not categorized by the author as a jihadist plot recidivist.

Of all plots against targets in the United States in the author’s dataset, the Liberty City Seven case had the weakest ties to jihadism.

The seven reportedly considered themselves followers of the Moorish Science Temple, a religious movement “blending together elements of Judaism, Christianity, and Islam.”⁴⁵ The Florida cell, who met in a rented warehouse in the Miami neighborhood of Liberty City, had a membership that was largely drawn from the down and out and those previously involved in crime. The accused group claimed it had pledged allegiance to Usama bin Ladin as part of a scam to get money from al-Qa’ida.⁴⁶ It took three trials (including two mistrials) to acquit two of the accused and convict the five others, most of whom were given light sentences.⁴⁷

Prior to joining the group, Augustin had been a low-level hustler and drug dealer. After prison, he returned to that life.⁴⁸

Conclusion

This article only looks at the most dangerous category of jihadist re-offenders (those linked at one point to attack plotting) rather than all jihadist re-offenders and therefore can only make tentative conclusions about the larger prison population of convicted jihadis. But if the low recidivism rates in this data are representative of jihadist recidivism as a whole, then jihadist offenders in the United States tend to come out of prison deradicalized or disengaged. While the recidivism rate for those linked to jihadist plots is not zero, it is far below that of common criminals.

Something has changed these would-be jihadis in prison, and this change cannot be attributed to any specific nationally coordinated CVE or deradicalization program. The fact is that the United States has no such program in place, so any change of heart or will

to commit further crimes must be the result of something else. It suggests that time spent in prison alone may dampen enthusiasm for jihadist re-offending. This runs counter to years of data showing that prison tends to increase criminality over time.⁴⁹

It is worth pointing out that Elton Simpson, the clearest example of a jihadist plot recidivist in the United States over the past 30 years, did not go to prison. His earlier conviction resulted in probation only. He never made it to prison for the second offense because he was killed in the process of carrying out an act of terrorism.

The most important question left unanswered here is the extent to which the findings represent general trends? This article looks only at the most dangerous category of jihadist offenders in a single country.

Could there be a kind of American exceptionalism when it comes to jihadis? Perhaps other countries will face a larger problem from the dual threat of dangerous religiously based terrorism and high recidivism rates? One possible explanation outlined here is that prison itself may have a deradicalizing effect among some jihadist plotters in the United States. An alternative explanation could be that lower-than-expected recidivism rates might be caused by longer prison sentences in the United States,⁵⁰ depressing enthusiasm among released inmates for jihadist re-offending because they are older and wearier. Another might be that there is a deterrent effect because they do not want to spend another long period in prison. Further research into jihadist recidivism in different parts of the world is clearly necessary before the issue can be put to rest.

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Substantive Notes

^a Islamist terror-related prosecutions in the United States represent a broad range of offenses from attempted mass murder to lying to a federal agent. The most common terrorism-related offense in the United States has been “conspiracy to provide material support” to foreign terrorist organizations (FTOs)—that is, an organization designated by the U.S. State Department for which any aiding or abetting is considered illegal. However, even such conspiracy prosecutions include a wide range of illegal actions ranging from giving small sums of money to someone believed to be a member of a terrorist organization (often an informant) to those who attempted to travel overseas to join the Islamic State.

^b These variations are partially explained by how one defines recidivism. For instance, 25 percent of federal inmates are re-incarcerated within eight years of their release. See “Recidivism Among Federal Offenders: A Comprehensive Overview,” United States Sentencing Commission, March 2016. Whereas 83 percent of state prisoners are re-arrested within nine years of their release. See “2018 Update on Prisoner Recidivism: a 9-Year Follow-up Period (2005 – 2014),” U.S. Department of Justice, Bureau of Justice Statistics, May 2018.

^c In the context of Northern Ireland, “Republicans” are those who generally support secession from the United Kingdom and a unified and independent Ireland on the whole island, while “Unionists” are

those who support the continuation of Northern Ireland as part of the United Kingdom.

^d Since the dataset only looks at those who overtly adhere to the salafi jihadi ideology, it excludes right-wing and other ideological strains of terrorism and is therefore of more limited scope in predicting broader terrorist behaviors.

^e For instance, the START Global Terrorism Database only includes executed plots.

^f For instance, an American citizen who joined the Islamic State in Syria and was later captured and sent home to the United States for prosecution would be excluded.

^g In some cases, a judgment call had to be made whether or not the inclusion criteria had been met. Details of some of these cases are discussed later.

^h The Antiterrorism and Effective Death Penalty Act of 1996, which banned support for designated foreign terrorist organizations, was passed in the wake of the Oklahoma City attack.

ⁱ The reference is to the 1983 attack against the Hotel Rajneesh in Portland, Oregon, by Jama al-Fuqara’ member Stephen Paster. See Elizabeth Shogren, “Fuqra: A Name For Muslim Terrorism,” *Seattle Times*, July 6, 1993.

^j These low numbers are partially the result of convicts with long sentences dying in prison before their release. However, it should be noted that six more jihadis either have been or are scheduled to

be released in 2019. Another four are scheduled for release in 2020, so that by the end of next year, the number will have jumped by nearly one-third in only two years. JPUS Dataset (maintained by the author).

^k After his release, Burson Augustin was convicted of low-level drug dealing. See “Former Member Of Liberty City Seven Charged In Federal Court For Drug Distribution,” U.S. Department of Justice, August 15, 2013.

^l Simpson’s is also the only case from the JPUS dataset of someone who initially wanted to travel overseas to fight, was prevented from doing so, and then was involved in a plot against the homeland. See C.J. Wright, “Sometimes They Come Back: Responding to American Foreign Fighter Returnee and Other Elusive Threats,” *Behavioral Sciences of Terrorism and Political Aggression* (April 2018).

^m It is because of Simpson’s involvement in the Garland attack that he was initially placed in the JPUS dataset as a plotter. Only upon closer review of the details of his life and previous encounters with law enforcement does it become clear that he was a repeat offender of jihadi-related crimes.

ⁿ Shumpert’s case also shows another limitation to the data presented here as those who traveled abroad are not included in the dataset, and yet he clearly showed he was committed to jihadism after his initial arrest.

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Typology of Terror

The Backgrounds of Australian Jihadis

21 November 2019

RODGER SHANAHAN

In order to better understand what motivates Australian radical islamists to join or support a terrorist group it is first necessary to get a better understanding of who they are. This working paper examines data sets from 173 Australian citizens and residents to paint a picture of our own cohort of radical Islamist terrorists, including how likely they are to be rehabilitated.

Introduction

Since 2012 several hundred Australians have travelled to Syria and Iraq to undertake jihad with Islamic State, al-Qaeda or other radical Islamist groups.¹ Dozens more provided financial support to them or other jihadis, or planned, conducted or supported terrorist attacks in Australia on behalf of Islamic State.

While a small number of Australians had previously been involved in terrorism campaigns, including training with jihadi groups overseas or planning terrorist attacks in Australia, the scale of this episode of jihadism has been unprecedented. As with previous jihadis, the contemporary cohort was motivated by the Islamist narrative of fighting oppression and seeking revenge for the perceived humiliation of the global Muslim community or umma. However, this time they were given an additional motivation: establishing and defending the physical caliphate which Islamic State had proclaimed in June 2014 across swathes of territory in Syria and Iraq. Islamic State's jihadist campaign was supported by a sophisticated and broad-ranging multilingual social media

messaging capability that gave Islamic State greater reach than any radical Islamist group that preceded it.²

While the caliphate is no longer, the ideology that gave rise to Islamic State, al-Qaeda, and a range of other radical Islamist groups, remains. In an increasingly interconnected world, the impact of social media on the construction of individual identities and the willingness to place ideological loyalties above national loyalties is likely to continue. There is no indication that the siren call of jihad has been silenced. It is therefore necessary to understand the backgrounds of those Australians who have undertaken jihad in order to better discern the typologies and motivations of those who are likely to be attracted to similar messaging in the future.

Methodology

This study is the first phase of an ongoing project to document the characteristics of Australians' contribution to global jihad in the Islamic State era. To date we have collected data on 173 Australian citizens and residents known to have joined radical Islamist terrorist organisations or who have been charged with terrorism

offences. Given the nature of the subject matter, the data sets collected for each of the subject areas may be incomplete, although the size of the data sets for each subject area is noted in this Working Paper and reflected in the digital version.

The data comes from a range of sources: documents related to terrorism trials; media reports; individuals' social media profiles; publicly available information such as business and charity registration data; and associated interviews with journalists, government and law enforcement officials. The study will be updated as additional data becomes available from further terrorism trials and new information about foreign fighters is uncovered.

The following are some particular methodological aspects of this research project:

- Generally, no distinction has been made between those who travelled to undertake jihad and those convicted of domestic terrorist offences. The focus of this study is to discern motivation rather than role. The evidence indicates that those who financed foreign terrorist fighters or facilitated their actions in



other ways believed themselves just as committed to jihad as were the fighters. And in many cases it is an artificial divide. Australian authorities cancelled or refused passports to a number of individuals who then resorted to planning attacks in Australia because they had been prevented from travelling. Nearly half of those charged or convicted of terrorism offences in Australia have had their passports cancelled or refused, and a number cited those cancellations or refusals as their motivation for attacking targets in Australia.

- The paper's conclusions on mental health and terrorism, and evaluations of causal links between terrorist acts and the mental health of accused terrorists, are based solely on the findings of the judge or coroner in each case. They are the only ones who are exposed to all the evidence and objectively weigh up mental health specialists' views.
- The data set includes minors, but only those who have been convicted of a terrorism offence in Australia, who

travelled to Syria or Iraq willingly, or who subsequently became an active supporter of Islamic State once there. Minors taken by their parents and who had no active role with Islamic State or children born in Syria or Iraq are not included in the figures.

Analysis of the Data Set **Gender, age and family backgrounds**

A common perception of Islamist terrorists is that they are overwhelmingly young, male, poorly educated, unemployed or on welfare, and from broken homes. Our analysis shows that this is not a particularly accurate picture of the Australian cohort. On the issue of gender, the balance among the cohort does lean strongly male: 85 per cent of the 173 individuals were male and only 15 per cent female. Accurate figures relating to the proportion of women as part of the worldwide cohort joining Islamic State in Iraq and Syria are difficult to come by; claims vary from ten per cent to nearly a third.³ There is little evidence that any of the adult (and in some cases minor) women who have been charged with domestic terrorism offences in Australia or detained in Syria were any

less ideologically committed to the terrorist group than were their husbands or family members,⁴ so the concept of 'jihadi or ISIS bride' as a reluctant traveller without agency is largely inaccurate, at least with respect to this data set.

Among the 149 individuals in the data set whose ages are known, there are as many people over 35 years of age (8 per cent) as there are under the age of 18 (7 per cent). This finding challenges the popular conception that attraction to radical Islamist causes decreases with age. Still, the average age is around 25 (men 25.0, women 23.4), which means that most Islamist terrorists in the Australian context are young adults. This is remarkably similar to other Western countries' experience. In the United States, the average age of domestic terrorists charged with offences related to Islamic State is 28,⁵ and a study of Islamic State foreign fighter registration documents showed that the average age at the time of joining the organisation was between 26 and 27.⁶

Around the same percentage of terrorists were single as were married

continued on page 34

(around 45 per cent), and less than 10 per cent were divorcees. Given that the average age at marriage for males in Australia in 2017 was 32, and the average age of male terrorists in the data set was 25, the large proportion of those who were married would indicate that attachment to spouses and families is not enough to dissuade someone from taking part in a high-risk activity such as terrorism.⁷

The marriage statistics for the terrorist cohort include those both legally and Islamically married at the time of their offending (domestic terrorists) or when they left the country to travel to Syria or Iraq (foreign fighters). There is anecdotal and court evidence that jihadists inhabit quite restricted social circles and prefer those with similar ideological outlooks. This includes family groups who radicalise within and often marry into like-minded families, so it is unsurprising that the partners of terrorists are often passive, if not active, supporters of their radical Islamist ideology. Although not addressed in detail here, the influence of the family in the radicalisation process is apparent given that at least 44 people comprising 19 sets of siblings feature in the terrorist database. In other words, siblings account for a quarter of all known contemporary Australian jihadis.

Integration, country of origin and generational impact

The definition of integration into a society is subjective and highly contested.⁸ As a result it is difficult to measure. Some studies may use employment or education as markers of integration while other academic studies have used intermarriage between ethnic groups as a measure because '...it is an important indicator of immigrant integration into the host society.' Such academic research shows that intermarriage between ethnic groups increases from first to second, then second to third generation, generated by an increased social interaction between successive generations.⁹

Integration is a much less subjective concept in terrorism studies. The very actions of individuals in joining or supporting terrorist groups that have threatened and attacked Australia demonstrate that foreign terrorist fighters or those convicted

Australia's jihadis are geographically highly concentrated. Around 90 per cent lived in either Sydney and or Melbourne, with over 60 per cent more living in Sydney than in Melbourne.

of domestic terrorism offences are not integrated into the Australian community. It is therefore useful to conduct a generational analysis of those who have joined radical Islamist groups to determine whether the length of time living in a liberal democracy affects the likelihood of an individual supporting jihad against their country of nationality or residence.

The data set shows that of the 133 individuals whose countries of birth are known, 88 were born in Australia. When their parents' birthplaces (those that are known) are factored in, 34 per cent of the jihadis are first generation Australians, 60 per cent are second-generation and only six per cent are third-generation (nearly all of whom are Anglo-Celtic converts to Islam). This spike in second-generation terrorists is at odds with a linear 'progression' of integration as measured by intermarriage, that is, the assumption that the longer one lives in a country the more integrated one becomes. Given the source countries of the individuals involved, the low number of third-generation jihadis may be a consequence either of the relatively recent immigration flows into Australia from some countries, or of an increased level of integration of families resident in Australia for three generations or more.

Determining the reasons why more second-generation immigrants are drawn to radical Islamism than those born outside the country is outside the scope of this Working Paper but warrants much closer examination. The finding that second-generation immigrants feature more heavily in radical Islamism is not unique to Australia. In France, second-generation immigrants account for 60 per cent of Islamist terrorists¹⁰ and the pattern is repeated elsewhere in Europe.¹¹

The data on country of origin also supports a conclusion that attraction

to jihad in Syria had little to do with familial connection to, or national loyalty to Syria or Iraq — only eight per cent had been born or had at least one parent born in either country. The main source country for Australian jihadis was Lebanon, from where 40 per cent of individuals or at least one of their parents originated.¹² By comparison, Lebanese Australians represent between 15-20 per cent of Australia's Muslim population.¹³ First- or second-generation Afghans represent about nine per cent, Turks eight per cent and Somalis six per cent of the known Australian terrorist cohort.

The study also looks at the refugee background of jihadis. There has been some, albeit limited, media coverage of terrorist acts committed by refugees.¹⁴ A linkage between refugees and terrorism has subsequently been proffered by a range of Western politicians and commentators including President Trump in the United States, Prime Minister of Poland Beata Szydlo and French politician Marine Le Pen.¹⁵ The issue was briefly aired in Australia as a result of a Senate estimates question from Senator Pauline Hanson in which she asked the Director-General of Security whether "...the [terrorism] threat is being brought in ... by Middle Eastern refugees that are coming out to Australia." The Director-General responded that he had "absolutely no evidence to suggest there is a connection between refugees and terrorism."¹⁶

Determining what, if any, connection exists between refugee families and terrorist activity is difficult. Privacy laws restrict access to information about the categories of visas granted to new arrivals, such as those who entered Australia as refugees, those granted protection after arrival in Australia, or those who entered the country as the family member of someone granted

protection. Courts are under no obligation to comment on the type of visa that an immigrant found guilty of terrorism offences used to enter the country. However, in this study, refugees (first- and second-generation) account for just six per cent of the total number of terrorists in the data set, supporting the Director-General's account of the lack of connection between refugees and terrorism.

The role of converts within the Australian terrorist milieu has been little discussed. Although numbers vary from country to country, the Australian experience appears to differ from that of other Western countries in terms of the relatively low number of converts involved in terrorism activities. In Australia, converts constitute just over 8 per cent of the total cohort. By comparison, studies in the United States and Europe have found rates in excess of 20 per cent converts as a proportion of the total foreign fighter cohort.¹⁷

Home life and criminal records

The stereotype of the terrorist as a criminal from a broken home is also not reflective of the Australian experience. Of the 96 terrorists whose parents' family status is known, 61 per cent come from families in which both parents were alive and together at the time of offending, compared with 39 per cent from single parent households. So while on one hand the Australian jihadis in the data set were less likely to come from broken homes than those whose parents' marriages were intact, family life may be a factor in Australian jihadism given the instance of one-parent households is nearly three times the Australian national average of 14 per cent.¹⁸

Australia's jihadis are geographically highly concentrated. Around 90 per cent lived in either Sydney and or Melbourne, with over 60 per cent more living in Sydney than in Melbourne. And within these cities there was a heavy concentration in particular suburbs — in Sydney they were located in the western suburbs and in Melbourne there were distinct northern and southern groups. This reflects both the fact that Australian migrants tend to gravitate to Australia's two largest cities and that inside these cities radical Islamists tend to live near each other for ease of religious and social association. This location data also reflects the

prevalence of family groups, given that siblings often cohabit or live close together.

The question of criminal records is an interesting one. Access to police and court records is a research challenge, as is the question of classifying the degree of an individual's prior criminality. For example, motor vehicle or traffic offences are not equivalent to violent crimes involving imprisonment. The level of criminality is important, as it would be dubious to mount an argument that religious redemption was a motivating factor for someone guilty only of traffic or driving offences.

With that in mind we have classified 'major' offences as those involving violence or gaol time, and 'minor' offences as less serious infractions such as traffic offences. Based on this classification, of the 106 individuals whose criminal records are known, 65 per cent had no prior record. Of the 35 per cent who did have some police record, two-thirds of them had only minor offences on their record and one third had a major criminal conviction.

This stands in stark contrast to some European studies that have identified a strong crime-terrorism nexus. A German study reported a criminality rate of 66 per cent amongst its foreign fighters and another in the Netherlands found 64 per cent with criminal records amongst a broader cross-section of jihadis that included failed and potential travellers to Syria and Iraq.¹⁹ A French study of 78 terrorists in French and Belgian cells found that nearly 50 per cent had been previously arrested by police,²⁰ and a UK study of 79 terrorists found that at least 57 per cent had spent time in prison.²¹

The explanations for this disparity are varied. Some are methodological: a number of studies have only examined foreign terrorist fighters or those who have launched terrorist attacks in Europe. By contrast, this Lowy Institute study examines both Australian foreign fighters and those who have been charged with a terrorist offence in Australia. While the Australian sample size is larger and sets a lower threshold for assessing criminality by including minor offences, this makes the lower level of criminality observed amongst the Australian jihadist group even more marked.

The crime-terror nexus observed in Europe does not appear to apply in the Australian context. Almost 90 per

cent of the Australian terrorists in the data set have either no or minor police records. The 'jihadi in pursuit of salvation' argument therefore holds little weight. However, the over-representation of individuals from single parent families compared with the national average is an important feature of the Australian data set, pointing to sociological issues and a 'sense of belonging' as having greater impact on the attraction of individuals to jihadism than the idea of religious salvation.

Education and employment levels

Of the 81 people in the data set whose education background is known, 27 per cent had not completed high school, almost exactly the rate for the rest of Australia.²² Of the high schools they attended, 73 per cent were state high schools (slightly higher than the national average of 66 per cent), 17 per cent private Islamic schools and 6 per cent non-Islamic private schools. Sixteen per cent of the individuals had completed tertiary study (less than the Australian average of 24 per cent).²³ However, 27 per cent of those who had commenced tertiary education had dropped out either before committing to Islamic State or in order to do so. That rate is slightly above the national tertiary drop-out rate of around 20 per cent.²⁴

A striking finding on jihadis' educational background is that of those who attended university and whose chosen courses are known, only three (representing around 10 per cent of those who began tertiary courses) studied generalist degrees in the humanities rather than science-related or vocational degrees. There is no evidence that those science-related or vocational degrees were chosen specifically for the purpose of aiding jihad. However, the data on jihadis' tertiary choices may well support a conclusion that the greater the exposure to a liberal arts education that seeks to promote critical thinking, the less likely individuals are to be attracted to a rigid and intolerant ideological concept such as radical Islamism. This is an area worthy of further examination.

The findings on employment status also make for interesting domestic and international comparisons. Overall, 21 per cent of the individuals in the

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data set were still students, 17 per cent were unemployed or receiving social welfare, 45 per cent were in blue collar jobs, 11 per cent in white collar jobs and 6 per cent had professional careers. Relating these numbers to the national averages for employment by sector, it is notable that of all jihadis in employment, the proportion who were in blue collar jobs (73 per cent, or 53 of the 73 employed) is more than double the national rate (just over 30 per cent).²⁵

Of those Australian jihadis who were not employed, even allowing for individuals who may have been unable to work and receiving social welfare, the unemployment rate of the terrorist cohort (17 per cent) is still well over the 6 per cent national unemployment rate in 2014 (the year Islamic State proclaimed its caliphate).²⁶ So, while most terrorists appear to have been employed prior to leaving Australia or committing their crime, their unemployment rate was greater than the national rate and they were more than twice as likely to work in blue-collar jobs compared with the general population.

Overseas studies vary significantly in their findings on these factors. A World Bank study of foreign fighters found that 27 per cent reported having no job (including being retired);²⁷ a study of Jordanian foreign fighters showed around 20 per cent of recruits were unemployed;²⁸ a French study found an unemployment rate of 36 per cent amongst their jihadis.²⁹ Relative to the rest of their own society however, the Australian terrorists are more likely to be on social welfare or occupy lower status employment positions. An attraction to Islamic State may therefore have been influenced by a desire to increase personal status.

Occupying for the most part lower status roles in secular Australian society, Australian jihadis may have been attracted to the empowerment and high religious status Islamic State offers martyrs. In Islam, martyrs are believed to occupy the highest levels of paradise after death and to be able to intercede on behalf of their relatives on the Day of Judgment. Based on court records of terrorist trials and an abundance of anecdotal evidence, martyrdom and its benefits are constant leitmotifs in jihadist conversations.

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Mental health

Some families and community groups are wont to sheet home responsibility for terrorist crimes to 'mental health issues' on the part of the offender. For community groups it removes religious identity as a possible motivating factor for a terrorist incident, avoiding the need to look too deeply at the 'influencers' whose speeches and writings may have inspired an individual's actions. The same applies to families, although given the personal stakes it perhaps also allows them to explain the inexplicable to themselves and others.

Measuring the impact of mental illnesses or disorders on jihadis, or evaluating the degree to which mental health was a factor in terrorist offences, is challenging. Legally, the definition of a 'mental health issue' is contentious, as is the issue of causation: that is, whether the individual met the legal definition of individual responsibility by knowing 'right from wrong' at the time they committed the offence.

Given the regulation of personal data and privacy, it is also difficult to obtain reliable data on the presence or impact of mental health issues on terrorist offenders. Some studies have used media reports and other data to assess the presence of mental health issues in terrorist cases.³⁰ The dangers of such a methodology are readily apparent. By contrast, this Lowy Institute study uses data from Australian legal decisions to determine the presence and impact (if any) of mental health issues

on terrorists and their actions. In these cases, claims relating mental health to terrorist acts have been evaluated and tested by a judge, either in sentencing hearings or in referring evidence to a jury in a jury trial.

There have only been two instances to date in Australia of a defendant pleading mental impairment in defence of a terrorism charge. These were Ihsas Khan, accused of a knife attack on a man in Sydney's western suburbs, and Moudasser Taleb, charged with attempting to travel to Syria to join Islamic State. The defence in both cases was unsuccessful and juries found both men guilty in their separate trials. Khan received 36 years in prison and Taleb a five-year good behaviour bond.³¹

The data from these legal decisions indicates that mental health plays a very minor role in Islamist terrorism. Of the 40 individual cases for which legal judgments regarding the impact of mental health are available, defence counsel made claims during sentencing hearings in 13 cases that mental health considerations were relevant in determining the appropriate sentence. In only three of those cases (7.5 per cent) did the judge accept that mental health issues should be taken into account during sentencing.

Fate of Australian foreign fighters, women and children

The identities of Australian foreign fighters are still being uncovered, as is their fate and/or whereabouts, and it is likely that our information about them will never be complete. Of the 105 foreign terrorist fighters identified in this study, more than half have been killed, the status of one in five is unknown and around one in six (17 per cent) are currently held in Syrian detention camps. Another three have been detained or convicted overseas and five have returned to Australia and been charged or convicted.

The tracking, and in some cases the identification, of Australian jihadi children is difficult. Some children were taken from Australia to Syria; some were born in Syria to Australian jihadi parents; others were born to an Australian mother and a foreign jihadi father; others were born to an Australian jihadi father and a foreign jihadi or local Syrian or Iraqi mother. In some instances, jihadis may have informally adopted children and/or had



multiple partners of differing nationalities. This makes the definition, let alone tracking, of 'Australian jihadi children' difficult.

Of those children born to one or two Australian jihadi parents (or to an under-age, non-jihadi mother), at the time of writing thirty-six (66 per cent) are held at camps in Syria, nine children have been returned to Australia and another ten were killed during fighting in Syria or Iraq. The circumstances of each family group are different and it is difficult to develop a single domestic policy approach to the issue. Establishing a coherent international approach is even more challenging.

Contrition and rehabilitation

The question of whether jihadi are repentant for their actions and to what degree, is, like the issue of mental health, for the courts to determine. This is also the case for their prospects for rehabilitation. From the available data, however, it is apparent that Australian courts have been unimpressed by the level of contrition shown by those convicted of terrorist offences and are generally pessimistic about their prospects for rehabilitation.

Indeed, less than 10 per cent of offenders in the data set have been found to be truly contrite for their crimes, and around 29 per cent have been judged to

have good prospects for rehabilitation. This illustrates the problems that correctional services and government face in attempting to de-radicalise incarcerated jihadis who see little wrong with their actions and who show meagre prospects of rehabilitation.

Conclusion

This study seeks to document and analyse a range of selected characteristics of Australian jihadis in the era of Islamic State. The actions of these people have understandably shocked and disappointed mainstream Australian society, and attitudes towards them and their motivations have been formed based largely on anecdotal evidence and incomplete media reporting. This Working Paper sheds light on the phenomenon by collating selected data in order to give a better understanding of the backgrounds of people drawn to jihad from within a multicultural, liberal democratic society.

The study is a starting point in the recording of this data. While the sample size is large and much has been gleaned from the information gathered to date, further data will emerge in the future. This will be accommodated in the Typology of Terror live digital portal that accompanies this paper at <https://interactives.lowyinstitute.org/features/typology-of-terror/>, and the results updated as the data is received.

The 'Average' Australian Jihadi

Although there is no such thing as an 'average' Australian jihadi, if we were to construct one from the aggregated data, they would likely have many of the following characteristics:

- (a) Male
- (b) Mid 20s
- (c) Lives in Sydney
- (d) Is or has been married
- (e) Born in Australia to overseas-born parents who are still married (with one or both from Lebanon)
- (f) No prior criminal record
- (g) Completed high school at a government school
- (h) Employed in a blue-collar job
- (i) No mental health issues
- (j) Not contrite and judged to have relatively poor prospects of rehabilitation

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Story from:

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Deradicalisation 'still has a long way to go'

December 2, 2019

MARK SCHLIEBS

Australian deradicalisation programs have had some success with terrorists but we're a long way off finding a way to ensure every participant loses their extremist views, one of the country's top experts in the field says.

Clarke Jones from the Australian National University said programs in Victorian and NSW prisons, which house the bulk of convicted terrorists, have made some progress over the years but no such program was perfect.

Sentencing expert and dean of law at Swinburne University Mirko Bagaric has called for a mandatory 30-year prison term for any adult convicted of a terrorism offence that involves killing or the attempted killing of another person.

Writing in *The Australian*, Professor Bagaric says "there is not a single program that has been proven to be effective at positively changing the attitudinal mindset of terrorists" and people aged 55 and over were less likely to reoffend.

"The solution to dealing with terrorists is to ensure the penalties they receive result in them being incarcerated until they are much, much older," he writes.

"This will ensure the community is protected from them for at least 30 years

and that on release they are unlikely to offend. Any other sentencing approach is an abdication of the protective responsibility that governments and courts have to their citizens."

The Australian is aware of two cases where two people involved in intervention programs have gone on to be accused of plotting terrorist attacks in Australia.

London Bridge attacker Usman Khan, who killed two people before being shot dead by police on Saturday (AEDST), participated in a "healthy identity intervention" program before being released from jail over a 2012 terror plot, according to *The Times*.

Multiple programs have been set up across Australia in recent years, and Dr Jones said the two main prison-based schemes had "some success".

"To be fair, I think the Community-Integrated Support Program run by Victoria Police and Corrections Victoria has had some success.

It's very much a learning as you go situation," he said. "The PRISM program in NSW, they may have had one or two cases of success. But are they actually reaching the hardcore or the inmates they really need to be working on?"

He said there was much debate in recent years about the success of deradicalisation, but "in all fairness, it's a field everyone's still learning and trying to strive to improve and do the right thing".

"I would suggest there's a number of issues," he said.

"It's got to be the right program for the right person and there's all sorts of complexities around culture and religion.

"We talk about responsivity — what makes someone want to be part of the program or eligible for the program? What helps them stay in the program and what are the measures of success when they're released ... into the community? We've a lot more work to do to work around those challenges."

Terrorism: The recidivist risk

2 Dec 2019

RODGER SHANAHAN

The London Bridge attack again shows the challenge of what to do with terrorists who have served their sentences.

The London Bridge attack by a knife-wielding terrorist who was attending a rehabilitation program and who had been released with monitoring provisions has again raised serious questions about contrition among the growing cohort of Islamist terrorists held in prison.

My research paper into this topic released last month looked at more than 40 Islamic State-era terrorists sentenced in Australia, demonstrating that courts have found very low levels of contrition and generally poor prospects of rehabilitation for them.

It is a difficult area to research because of the different ways in which each country's laws work and the relatively small sample sizes from which to draw conclusions, particularly of those who have been convicted of terrorism crimes and released, as well as privacy issues surrounding such individuals.

Nevertheless, it is appropriate to try to understand the likelihood and extent of recidivism among terrorist offenders because of the nature of the ideology. Unlike nationalist terrorists, for whom political changes may render their former aims redundant, those who believe that their actions please God are much more likely to see their incarceration as simply a setback for their ultimate aim. Jihadis and their supporters are always urging sabr, or patience, when viewing their societal and operational aims.

Before people use the London Bridge attack as an assault on the slackness of terrorism laws, though, it is necessary to understand that laws both in Australia and overseas have been changed since the "first wave" of pre-Islamic State jihadis were sentenced. The attacker Usman Khan was originally sentenced

to a 16-year sentence with stricter conditions for release, but on appeal he was required to serve half his sentence before automatic release on license to monitor his behaviour. In the run-up to the British general election, the issue of terrorist sentencing has inevitably become a campaign issue.

In Australia, until 2012 individuals sentenced to less than 10 years were released after serving half their sentence,

As the London Bridge attacker has shown us, there is no perfect system that can tell feigned rehabilitation from genuine rehabilitation.

but now convicted terrorists can only apply for parole after serving three quarters of their sentence. Under the old law, a number of terrorists were released who went on to join Islamic State. Khaled Sharrouf, Ezzit Raad, and Amer Haddara left Victoria and New South Wales to go to Syria after being released from prison. Majed Raad – found not guilty of a terrorist plot – was later captured in Syria, while Yacqub Khayre, also found

not guilty – was subsequently shot and killed by police during a siege in Victoria claimed by Islamic State.

Australian courts have handed out some significant sentences to terrorists in Australia in the last few years: Raban Alou was sentenced to 44 years, Momena Shoma 42 years, Milad Atai 38 years, Ihsas Khan 36 years, Abdullah Chaarani and Ahmed Mohamed 22 and 26 years for two offences, respectively (16 years of second offence to be cumulative to the first, giving a sentence of 38 years for each). All will have to serve three quarters of their terms before applying for parole, meaning they will be in prison for a long time.

But there are dozens of others who have been or will be released over the next few years. And it is these terrorist offenders who need to be the focus of security and law enforcement agencies.

The legislative changes that have been undertaken allow for the imposition of control, supervision, or even continuing detention orders for terrorism offences. This gives authorities the tools to monitor or control terrorists after their sentences expire.

But as the London Bridge attacker has shown us, there is no perfect system that can tell feigned rehabilitation from genuine rehabilitation. And given the way in which jihadis value sabr, secular liberal society should not become complacent just because Islamist terrorists have been successfully put behind bars.

Story from:

<https://www.lowyinstitute.org/the-interpretor/terrorism-recidivist-risk>



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澳大利亞塔州中國佛教學院 TASMANIAN CHINESE BUDDHIST ACADEMY OF AUSTRALIA



Happy New Year and Happy Lunar New Year! The Year of the Rat has begun. A new decade and a new cycle of the Chinese zodiacs.

We have seen a full spectrum of calamities and suffering in the past months.

We, the Academy, is a member of the Tasmanian community. We, like all Australians and citizens of the world, have the responsibility to assist ones who have been affected by disasters, including bushfires, novel coronavirus pneumonia (NCP) and more. We can do this by providing material and spiritual support, whenever and wherever we can. Afterall, we share the same blue speckle in the vast ocean of stars.

With sincere hearts, let us jointly get down and work for Australia's recovery and together, we strive for a better world.

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