
Management of Violent Extremist Prisoners The Albanian Case

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1. INTRODUCTION

Prisons are considered as potential places of violent radicalization where detainees may become vulnerable to, reinforce or embrace violent extremist views when exposed to violent extremist prisoners and/or in reaction to their conditions of detention and/or treatment. As part of the effort to counter violent extremism in all of its forms and manifestations, there is an increasing focus on prisons for several reasons. Prison settings present both risks and opportunities with respect to violent extremist offenders.

Prisons have come to the attention of governments because several of the perpetrators of terrorist acts have passed through the prison and probation systems and because these systems have been identified as places where individuals might be prone to benefit from programmes and interventions helping them to become resilient to joining violent movements and ideologies.

It is impossible to give a figure for the number of violent extremist prisoners that are currently held around the world. Some countries have only a few violent extremists within their prison systems, while other countries have many hundreds or thousands in detention.¹ There is concern that such prisoners may spread extremist ideologies among the prison population and a fear that radicalized detainees will engage in extremist activities on release. In light of the risk that prisons constitute potential locations for the radicalization to

¹ UNODC - Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons, pg. 5.

violence of prisoners sentenced for offences unrelated to violent extremism, prisons should further strive to prevent other prisoners from being radicalized to violence. Prisons can present opportunities for combating radicalization and terrorism, and that their potential for doing so needs to be fully understood and acted upon.

The treatment of these prisoners is a *defining issue* for prison services who must fulfil human rights obligations, ensure their rehabilitation and reintegration, and maintain the safety and security of all prisoners in their care.

Prisons have a two-fold mission to protect society by confining offenders in facilities that are safe, humane, and secure and to ensure that offenders are actively participating in programs that will assist them in becoming law-abiding citizens when they return to our communities.

In order to carry out this function, prisons must not only keep them securely and ensure that they do not escape from lawful custody. Prison administrations are also expected to work towards their disengagement from future violence and, by doing so, to prepare many for their social reintegration into the community. Properly managing violent extremist prisoners reduces the opportunities for escape, misconduct and inappropriate external communications. Improving the prison environment can also help ensure that prisons do not become locations in which radicalization to violence takes place. On the other hand, managing violent extremist prisoners can also bring additional challenges around security, dealing with the risk of radicalization to violence of other prisoners and prison staff, and manifestations of anti-authority behavior.²

A well-managed environment, with effective programmes and policies in place, gives the authorities a unique opportunity to work with violent extremist offenders. A well-managed prison is understood to mean a prison that functions based on the principles of good governance and adherence to human rights standards. In addition, a number of governments from different regions have established prison-based rehabilitation programmes.

² UNODC - Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons

On the other hand, staff is the most important element of any prison system. Prison administration should recognize this and devote significant time and resources to the recruitment, selection and training of personnel who work in prison.

With regard to the Albanian prison system, Albania hosts 24 detention facilities, with sections dedicated to high security, standard security, and low security housing, including specialized for juveniles, women, pre-trial detainees and medical / mental health. Currently, there are 14 violent extremist offenders in the care of the Albanian General Directorate of Prisons.³ In 2016, the Serious Crimes Court in Albania found guilty nine self-proclaimed imams for terrorism related offenses, such as: Recruitment of persons for committing acts with terrorist intentions or financing of terrorism;⁴ Incitement, public calls and propaganda for committing acts with terrorist intentions⁵ and Incitement of hatred or disputes.⁶ Their length of sentence varies from 6 to 17 years on imprisonment.

While the current situation can be viewed in a positive light due to the low number of violent extremist offenders, prevention and risk mitigation can be achieved through increased stakeholder cooperation, awareness raising, capacity building, social staff increases, the implementation of Standard Operation Procedures and standardized care, and increased monitoring and evaluation.

While some assessment and education programmes exist in Albanian prisons, there are no rehabilitation efforts aimed specifically on CVE related issues. Although the intelligence and police officials assert that the threat of terrorism and violent extremism is low in Albania, there are instances of prison-based radicalization in Albania, a phenomenon that has not been systematically examined. To avoid these individuals spreading extremist ideologies in prison, and/or falling back into violent behaviour upon release, comprehensive CVE and rehabilitation and reintegration programs should be developed in order to tackle these phenomena.

³ Source: Albanian General Directorate of Prisons, September 2021.

⁴ Article 231 of the Albanian Criminal Code.

⁵ Article 232/a of the Albanian Criminal Code.

⁶ Article 265 of the Albanian Criminal Code.

2. UPHOLDING HUMAN RIGHTS

It is important that there is a clear legal basis and procedural framework for the detention and management of violent extremist prisoners which complies with obligations under international law. A fundamental principle set out in international law and all relevant international standards and norms related to the treatment of prisoners is that their treatment should be humane and respect the inherent dignity of the human person.

Preventing and tackling radicalisation and violent extremism shall always be based on the rule of law and shall comply with international human rights standards because respect for human rights and the rule of law is an essential part of a successful counter-radicalisation effort. Failure to comply with these is one of the factors which may contribute to increased radicalisation.⁷

Respecting prisoners' dignity as human beings also means that prison authorities must ensure that their conditions of detention meet at least their basic needs, and all prisoners, including violent extremist prisoners, are entitled to the general living conditions addressed in the UN Standard Minimum Rules for the Treatment of Prisoners as well as in other international standards.

It is important to note in this regard that treating prisoners with humanity does not hinder safeguarding security and order in prisons, but on the contrary, is fundamental to ensuring that prisons are secure and safe. Good practice in prison management has shown that when the human rights and dignity of prisoners are respected and they are treated fairly, they are much less likely to cause disruption and disorder, and more likely to accept the authority of prison staff.

3. BUILDING CAPACITIES WITHIN PRISON AND PROBATION SETTINGS TO TACKLE THE CVE PHENOMENON AND RECOMMENDATIONS

Staff working with violent extremist prisoners requires a good combination of personal qualities and technical skills. Training is a key component of a well-managed prison system and is crucial to

⁷ *Council of Europe (2016): Guidelines for prison and probation services regarding radicalisation and violent extremism, Principle 1.*

identifying and tackling prison radicalization and other threats to the safety, security and orderly operation of prisons. Staff should have training on terrorism, signs of radicalization to violence, and how best to identify these signs.

In addition, it is important to offer courses that educate and sensitize staff to linguistic, cultural and religious diversity. Interactions with prison staff who engage in humane and positive behavior towards violent extremist prisoners can create openings for changes in prisoners' thinking and behavior.

International standards indicate that prison staff should receive training before beginning work in prison and throughout their career in the prison administration⁸. It is critical that staff working in prisons holding violent extremist prisoners are properly equipped to recognize signs of radicalization to violence.⁹ This is especially true for those who are in direct contact with individuals at risk of radicalization to violence.

Training is therefore needed to help them recognize and interpret signs of radicalization to violence, and to help them judge whether an intervention is appropriate or not.¹⁰ In some jurisdictions, experienced members of staff are appointed as "reference points" for less experienced staff to whom they can raise concerns and ask for advice on whether a specific behavior is an indication of radicalization to violence. There is a need to not simply "guarding" the prisoners, but to focus on sound correctional practices such as: communication, accountability, vigilance and effective supervisor in "actively managing" facilities.

⁸ See the Nelson Mandela Rules, Rules, Rules 75-76; Bangkok Rules, Rules 29 and 33.

⁹ IJ Prison Management Recommendations to Counter and Address Prison Radicalization, Recommendation

5 (Commit to developing professional staff, with a particular focus on the elements that will help officials identify and address violent extremist radicalization in prisons).

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on preventing radicalisation to terrorism and violent extremism: Strengthening the EU's response (2014), para 2.4.

4. RECOMMENDATIONS AND BEST PRACTICES

On an international level, there are some key recommendations based on best practices. These recommendations are directed at both prison practitioners and policy makers:

- *Create and maintain a safe and humane environment.* Prison officials should take appropriate steps to ensure that their facilities operate in a manner that keeps inmates, staff and the community safe and secure. A key issue with regard to humane and safe operations is the number of individuals in a facility. Overcrowded institutions weaken security and decrease oversight, which can provide terrorist recruiters the room to operate undetected. In addition, an insufficient ratio of prison staff to inmates can create an environment where vulnerable inmates feel compelled to seek protection from predatory violence by joining alliances with prison gangs and violent extremist groups.
- *Offenders' assessment and classification.* There is no universal approach to confinement, co-location, or dispersal of inmates, so officials need to take into consideration factors such as: size of population that would be segregated or dispersed; prison infrastructure; capacity, size and skills level of staff; financial resources; legal framework and authorities; cultural, political and social context; and the threat that an individual presents for further radicalization.
- *Determine and tailor risk assessment.* Developing objective risk assessment tools and protocols, it is vitally important that officials identify and clearly define the types of risks they seek to assess. In all cases, these tools should be evidence-based and culturally appropriate, rather than based on personal biases or speculative considerations.
- *Development and making use of standard operating procedures.* Prison management should enforce the rules and regulations promptly, fairly, transparently, consistently and impartially.
- *Development of rehabilitation and reintegration programmes.* Prison rehabilitation is a complex undertaking, one that ideally includes a range of different types of experts incorporated into the programmes. This is due to the wide

range of motivations and factors that may have pushed individuals towards violent extremism. Rehabilitative programmes should be tailor-made to fit the unique characteristics of individual inmates. A different approach may be required for long-term versus short-term inmates, and for extremist leaders versus followers. Rehabilitation and reintegration programs have a greater chance of success when inmates are willing participants. Since some individuals may be reluctant or unwilling to cooperate, relevant national institutions can make careful evaluations of who should be included in these programs and assess the necessary prerequisites according to relevant, fair and transparent criteria. It is important that all of these efforts be carefully planned, structured, and coordinated to maximize the effectiveness of the program, and ensure that all of those involved with the inmates are imparting consistent messages to the inmates.

- *Professional and well-trained prison staff.* Staff working with violent extremist prisoners requires a good combination of personal qualities and technical skills. Prison and other officials who are professionally involved with violent extremist offenders could be appropriately trained and educated to understand and deal with the complexities of reintegration and rehabilitation efforts. Prison staff and professionals involved in rehabilitation programmes could be trained to distinguish signs of radicalization, communicate in a way that is constructive and avoids conflict, and respond appropriately to a potential extremist threat.

In terms of disengagement interventions, everybody involved in the disengagement process (including scholars, faith leaders, uniformed, non-uniformed and frontline staff) require training to sensitize them to the intervention, its goals and objectives, the kind of violent extremist prisoners they are dealing with, how to manage crises when they arise, and how to distinguish between signs of radicalization to violence and legitimate expressions of faith or ideology.¹¹

¹¹ Rome Memorandum, Good Practice, No. 5; also see the ICCTR Paper on the Rehabilitation and Reintegration of Violent Extremist Offenders, Subsection II (Staff training).

It is critical that staff training programmes are designed based on evidence and research. A properly targeted use of resources takes into account that not all prison officials will interact with inmates, particularly suspected terrorist offenders. Such programmes must also be evidence based. Therefore, curricula should be developed based on state-of-the-art research findings and tested good practices, and the programmes themselves must include robust monitoring and evaluation tools.

As a conclusion, there is no doubt that prisons have a significant role when it comes to tackling Violent Extremism and Radicalization that Lead to Terrorism— a role which has been increasingly recognized by the United Nations, Council of Europe, OSCE and the international community at large. The presence of the inmates convicted of terrorism offences and those who adhere to violent extremist ideologies can create a new set of challenges that require different approaches, policies or practices to manage and mitigate the risks of violent extremism.

Prison staff play a crucial role in managing such risks and maintaining a safe detention environment. It is crucial that any efforts in prisons to address violent extremism must not lead to undermining human rights to which all persons, including violent extremist prisoners, are entitled, and the infringement of which may actually play into the hands of recruiters for violent extremism.

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