



## **Expert Meeting on Security, Radicalization and the Prevention of Terrorism<sup>1</sup>**

**28-29 July 2008  
Istanbul, Turkey**

**-- Report --**

*The OSCE Office for Democratic Institutions and Human Rights (ODIHR) wishes to thank the European Commission for its financial support to the ODIHR's Human Rights and Anti-Terrorism Programme. The views expressed in this report do not represent the official views of the European Commission or of the OSCE/ODIHR. The ODIHR also wishes to thank the Istanbul Bilgi University for its support and assistance in organizing the meeting.*

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<sup>1</sup> The Expert Meeting was conducted entirely under the Chatham House Rule. The comments contained in this Report, while not attributed to specific individuals reflect the views and opinions expressed by panellists and participants during the Meeting.

## **I. Background**

1. Increasing attention is being paid to the recruitment of individuals who commit terrorist acts. In particular, many governmental and non-governmental actors have sought to define a process of “radicalization” of individuals who go on to commit terrorist acts or to support such attacks, or to identify certain circumstances or factors which contribute to their radicalization. If there is such a process, or specific factors, then a better understanding of it may offer opportunities to intervene or otherwise counteract radicalization leading to terrorism in order to reduce support for terrorism and prevent future terrorist acts. As one commentator has pointed out, the notion of radicalization has emerged in order to make possible “a discussion about the political, economic, social and psychological forces that underpin terrorism and political violence.”<sup>2</sup>
2. In addition, the use and misuse of religion, one of the factors which “make up personal and group identities,” has also been instrumentalized for terrorist recruitment in recent years.<sup>3</sup> In fact, the “religionization of politics” (“the use, or abuse, of religion to recruit and indoctrinate vulnerable followers for violent projects”) is now indicated as one of the top factors or conditions likely to lead to terrorism.<sup>4</sup> Addressing this requires a careful approach which at the same time rejects the linkage proposed by the terrorist groups between the religion they purport to espouse and the terrorist acts they carry out.
3. At the international level, the United Nations Global Counter-Terrorism Strategy (UNGCTS) adopted by the UN General Assembly on 6 September 2006 reaffirms that “terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.”<sup>5</sup> The UNGCTS’ Plan of Action includes among the conditions conducive to the spread of terrorism “prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the

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<sup>2</sup> Neumann, R. Peter, “Introduction,” in The Centre for the Study of Radicalisation and Political Violence, *Perspectives on Radicalisation and Political Violence: Papers from the First International Conference on Radicalisation and Political Violence*, London, 17-18 January 2008, p. 4.

<sup>3</sup> *Ibid*, Ceric, Mustafa, “The Use and Abuse of Religion,” p. 27.

<sup>4</sup> Schmid, Alex P., “Why Terrorism? Root Causes, Some Empirical Findings, and the Case of 9/11,” Strasbourg, 25-26 April 2007, Conf Prev Terr (2007) 18 rev., p. 20-21.

<sup>5</sup> A/60/L.62.

rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.”<sup>6</sup>

4. At the regional level, the participating States of the OSCE “firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE”.<sup>7</sup>
5. Moreover, recognizing that “there are various social, economic, political and other factors [...] which engender conditions in which terrorist organizations are able to recruit and win support”, the OSCE Bucharest Plan of Action (2001) tasked the ODIHR to “promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard [...], provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms [...], work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.” The OSCE participating States further expressed “the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty.”<sup>8</sup>
6. In 2007, the OSCE Ministerial Council reaffirmed that “the OSCE will continue its activities in countering violent extremism and radicalization that lead to terrorism. Intolerance and discrimination must be addressed and countered by the OSCE’s participating States and OSCE’s executive structures within their respective mandates.

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<sup>6</sup> *Ibidem*, Plan of action, Chapter 1.

<sup>7</sup> Bucharest Ministerial Council 2001, Decision no. 1, Combating Terrorism (MC(9).DEC/1). See also the OSCE Charter on Preventing and Combating Terrorism (2002): The OSCE “Firmly reject[s] identification of terrorism with any nationality or religion and reaffirm[s] that action against terrorism is not aimed against any religion, nation or people.”

<sup>8</sup> Porto 2002, OSCE Charter on Preventing and Combating Terrorism.

The Permanent Council, with the support of the Secretariat and institutions, will consider in 2008 how the OSCE, with a multidimensional approach, could contribute to the development of a better understanding of the phenomena of violent extremism and radicalization that lead to terrorism, through sharing of national experiences.”<sup>9</sup>

7. In this context, the Expert Meeting on Security, Radicalization and the Prevention of Terrorism was convened by the ODIHR in order to provide a forum for practitioners, academics and other experts working in the field to exchange views on selected practical topics and to inform the ODIHR’s ongoing work in this area<sup>10</sup>. The meeting brought together approximately 60 participants from governments of participating States, civil society, and academia, as well as from ODIHR, the OSCE Action against Terrorism Unit, and the Council of Europe. The entire meeting was held under the Chatham House Rule to allow for an open, frank and constructive dialogue.
8. The meeting was organized in close co-operation with the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, established to serve primarily as an advisory and consultative body to strengthen adherence to OSCE commitments<sup>11</sup> and the Human Rights Law Research Center, Istanbul Bilgi University.
9. The meeting included three substantive sessions and a wrap-up session:
  - Religion in prisons and detention facilities;
  - Issues related to religious/ethnic/racial profiling;
  - Surveillance and security re religious sites and communities; and
  - Synthesis of discussions and the way forward.

The subjects of the three substantive sessions focussed on the linkage between security and the human dimensions, two of the three main pillars of the OSCE’s comprehensive

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<sup>9</sup> MC.DOC/3/07, Ministerial Statement on Supporting The United Nations Global Counter-Terrorism Strategy, Madrid 2007, 30 November 2007, para. 17.

<sup>10</sup> It was acknowledged at the Expert Meeting that the areas discussed do not represent the whole range of issues and subject matter related to radicalization and terrorism, and that other topics, such as education, though beyond the scope of the meeting, are also highly relevant.

<sup>11</sup> The Panel is mandated to provide legislative support and expert assistance in matters related to freedom of religion or belief. The Panel also highlights issues or trends that deserve attention and suggests constructive approaches that might be undertaken by the ODIHR to advance religious freedom. The Panel is a unique body that consists of eminent experts from different backgrounds from throughout the OSCE region. Members serve in their personal capacities as experts and do not represent any organization or confession.

concept of security<sup>12</sup>, and the tensions between some commitments. The sessions all had in common some fundamental questions:

- Whether there is a zero sum relationship between national security and human rights?
- Why security and human rights are often counter posed?
- Whether effective security policies can be consistent with human rights?

Similarly, all sessions underscored the underlying theme that while religion can at times provide a convenient narrative for terrorist actors, it is rarely, if ever, the cause of terrorist violence.

10. The main points of discussion from all the sessions are set out below.<sup>13</sup>

## **II. Religion in prisons and detention facilities**

11. Prisons have been recognized as a potential recruiting ground for terrorists. In prisons, young persons, of insecure or unstable circumstances or backgrounds, can be more prone to being dispossessed and disenfranchised. The authorities are challenged to define and implement policies which promote effective security while respecting human rights, and which promote rehabilitation with a view toward reducing the risks of recidivism and terrorist recruitment.
12. The authorities have a responsibility to protect human rights within prisons, an environment created, and mostly controlled, by the state, which deliberately deprive persons of their liberty<sup>14</sup>. International law accords persons suspected or convicted of terrorist offences the same rights as any other detainee or prisoner. These rights include

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<sup>12</sup> The third pillar is the economic and environmental dimension.

<sup>13</sup> This Report is neither a verbatim nor complete record of the Expert Meeting but a synthesis of the main issues and points raised.

<sup>14</sup> When it comes to the deprivation of liberty, authorities are under a duty to both ensure that this is done lawfully and not arbitrarily, (see Article 9 of the International Covenant on Civil and Political Rights (ICCPR) and Article 5 of the European Convention on Human Rights (ECHR) which protect against arbitrary or unlawful detention and the deprivation of liberty) and also to ensure that the conditions of detention are compliant with human rights.

guarantees of freedom of religion or belief,<sup>15</sup> and the absolute prohibition against torture<sup>16</sup>. It is important to understand that not all human rights are guaranteed in an absolute manner within the prison environment. International case law, for example, states that the practice of a religion or belief within a prison can be legitimately regulated and that it is not necessarily incompatible with international human rights law to detain persons in restricted regimes, including solitary confinement<sup>17</sup>. The importance of individual risk assessments and of the availability of an effective remedy where a person's human rights are restricted cannot be overemphasised.

13. For the authorities, an important issue is who decides when a restriction is to be placed on religion (e.g. the prison director) and ensuring that the prisoner in question be entitled to appeal such decisions to an independent body. Limitations on the circulation of religious literature in places of detention were considered to be a crucial topic in this regard. An issue requiring further study is whether restrictions or violations on the freedom of religion or perceived abuses of prisoners' religious sensibilities contribute to radicalization.
14. With the increase in the numbers of different religious groups within prisons, the need for appropriate training of staff is crucial. One of the specific challenges highlighted at the Expert Meeting, for example, was that the prison staff's lack of knowledge of Islam combined with the negative reporting of Islam in the media sometimes resulted in a high level of apprehension on the part of staff when dealing with Muslim inmates. While it was made very clear that, on the one hand, religion can be deliberately abused by the authorities in a prison or detention facility<sup>18</sup> (either in the implementation of government policies or as a result of operational discretion), on the other, it was cautioned that staff ignorance of the different religious practices of inmates could also result in causing offence and be counterproductive in terms of security or rehabilitation.

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<sup>15</sup> Article 18 of the ICCPR and Article 9 of the ECHR.

<sup>16</sup> Article 7 of the ICCPR and Article 3 of the ECHR. See also "Guidelines on human rights and the fight against terrorism," Council of Europe, adopted by the Committee of Ministers on 11, July 2002, Part IV.

<sup>17</sup> Some of the leading cases of the European Court of Human Rights in this area include: *Bastone v. Italy*, Application no. 59638/00, 18 January 2005; *Messina v. Italy* (No. 2), Application no. 25498/94, 28 September 2000; *Öcalan v. Turkey*, Application no. 46221/99, 12 May 2005 and *Ramirez Sanchez v. France*, Application no. 59450/00, 4 July 2006.

<sup>18</sup> Examples cited of practices that had taken place in Guantanamo Bay detention facility included deliberately throwing the Koran down on the floor during interrogations or intelligence-gathering, the forced shaving of beards as punishment, forced baptism, and preventing washing before prayer time by turning off the water.

15. On a related note, it was observed that increased numbers of different religious populations in prisons meant that there was higher proportion of persons identifying with religion inside prison than in the normal population. This necessitates increased chaplaincy staff to serve in prisons or detention facilities and raises questions in relation to their accreditation and the impartiality of the hiring process. Ensuring the proper training of chaplains<sup>19</sup> who operate in prisons was considered a critical factor in mitigating potential security risks. Additionally, chaplains must also have credibility within the prison population in order effectively minister to them. The prison authorities therefore need to address not only the selection of prison chaplains but need to ensure that they are both scholarly and come from a linguistic, cultural and generational background similar to the prisoners they are to serve. While some religions have institutions that can “accredit” chaplains, other religions do not, and there is a risk that any effort by state authorities to accredit chaplains for some religions would lack credibility. Several participants noted that the failure to provide chaplains leaves prisoners to minister to themselves and one another, which increases the risks that radical and deviant interpretations of a religion may propagate.
16. A similar question posed was whether the employment of religious chaplains in prisons is consistent with the principle of secularism. One response was that the role of such chaplains is to assist prisoners in exercising their religious beliefs and practices and that this was consistent with secularism so long as there was no discrimination amongst religions.
17. A further difficulty for prison chaplains concerns the potential tension between their duty to provide pastoral care to prisoners and their duty to report potential security concerns to prison management. To be successful, a prison chaplain must maintain trust with both prisoners and management, which requires a careful balancing act. This potential conflict may be further increased when chaplains are integrated as senior prison staff as is the case in the U.K.

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<sup>19</sup> The word *chaplain* refers to a priest, pastor, ordained deacon, rabbi, imam or other member of the clergy serving a group of people who are not organized as a mission or church.

18. Participants expressed divergent views as to whether it is preferable to disperse persons convicted for terrorist-related crimes amongst prisons (current practice in U.K. and Spain) or to concentrate them in segregated blocs (U.K. practice during the “troubles” in Northern Ireland). Referring to the experience in Northern Ireland, it was suggested that the concentration of IRA prisoners in segregated blocs caused the authorities to lose control of those blocs; however, it was also suggested that within these segregated blocs a process of “self de-radicalization” occurred, leading to political engagement rather than violence. In contrast, it was suggested that Spain’s use of dispersion had shown success in separating individuals from radical groups and generating dissent within such groups. Similarly, it was suggested that concentration may hamper intelligence gathering by facilitating collective resistance as well as punishment of individuals who cooperate with authorities.
19. One participant emphasized that criminal recruitment is generalized within prisons and not limited to groups advocating terrorism. Prisoners talk about criminal activities and tactics, and seek to recruit one another for future involvement in such activities, whether the activity is bank robbery or terrorism. Amongst criminals, terrorism may be attractive to individuals who want to capture the attention of politicians as well as the mass-media. Along this line, it was also submitted that morale inside prison is important. Not only is prison a place for strategic thinking, it becomes a vehicle for propaganda. For example, certain terrorist leaderships have deliberately exploited certain practices used by the authorities in detention facilities as a basis for their recruitment policies<sup>20</sup>.
20. It was also observed that religious identities frequently form the basis of gangs within prisons (and outside prisons) even where the individuals concerned know little about the religion in question. This raises the issue of how to protect religious practice while disrupting the gang activity.

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<sup>20</sup> For example, practices described at Guantanamo Bay detention facility, *supra*. footnote 18, have been referred to in recruitment speeches by various high-profile terrorists.



### **III. Issues related to religious/ethnic/racial profiling**

21. The first difficulty in this area is to define what is meant by “profiling”. Definitions vary, and as was pointed out, certain definitions include a notion of discrimination in such a way that profiling is, by its very definition, discriminatory.
22. It was observed that profiling can take various forms. It can be explicit, it can involve a more implicit reliance on stereotyping to determine who is “suspicious”, or it can involve a more subtle filling of gaps through stereotypes in order, for example, to justify arrests, data mining, raids or surveillance of particular individuals or organizations.
23. Participants noted the importance of distinguishing the use of religious, ethnic or racial descriptors within a suspect profile after an act has been committed, which is not generally controversial, from the much more problematic use of such factors within a preventive profile.
24. Participants also queried whether profiling on the basis of political criteria (i.e. espousal of radical political ideas) would suffer from the same pitfalls as ethnic/racial/religious profiling. It was suggested that this occurs in the context of what was described as “gap-filling” profiling in which, for instance, groups or individuals espousing various forms of political Islam are subjected to security measures on the basis of evidence that would not support such measures for non-Muslims. A further concern with this approach is that distinctions amongst religious views were being made by security officials rather than by religious or theological experts.
25. Having identified some of the issues, the next challenge involves addressing whether any evidence exists that profiling is an effective security measure and to be able to describe the effects in terms of harms and impacts. While profiling has been sometimes justified by governments as an effective filter to focus preventive action on high-risk individuals, experience suggests that religious/ethnic/racial profiling has been uniformly ineffective. Examples cited include the massive identification controls carried out at

mosques in Germany, section 44 stop and searches in the U.K.<sup>21</sup>, and the German *Rasterfahndung* (grid search) data-mining exercise, in which enormous amounts of personal information were collected on individuals then run through a computer programme in an attempt to create a terrorist profile<sup>22</sup>. Although none of these efforts have provided evidence that profiling is effective, profiling practices continue to be endorsed. In the Netherlands, for example, a growing program for training of educators and community workers links conservative behaviour and religious practice with terrorism profiling wherein small changes in behaviour such as growing a beard are identified as red flags which signal potential radicalization.<sup>23</sup> While there is no comprehensive analysis available, in contrast, a study of customs enforcement, referred to by one of the participants, showed that the abandonment of racial/ethnic profiling in favour of a focus on behavioural indicators resulted in a lower number of searches and a higher percentage of “hits”.<sup>24</sup>

26. Several factors were identified as contributing to the ineffectiveness of profiling in practice. These include theoretical problems, practical problems, and unintended consequences. Theoretical problems include the assumptions which underpin the use of profiling. These assumptions which remain unproven include “slippery slope” conceptions of radicalization, which conflate a more fundamental form of religious belief with a willingness to use terrorist tactics. According to this theory an individual moves in a roughly linear fashion from mainstream religious views through more extreme religious views and practices before making the leap to violence. The empirical

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<sup>21</sup> Pursuant to Section 44 of the Terrorism Act 2000 Chapter 11 (of the U.K.), police are empowered to stop and search pedestrians, vehicles and their drivers and passengers if he considers it to be “expedient for the prevention of terrorism”.

<sup>22</sup> Though sensitive data was collected and analyzed with respect to approximately 8.3 million people, this operation failed to lead to a single arrest and the approach was ultimately struck down by the German Constitutional Court, see BVerfG, 1 BvR 518/02 vom 4.4.2006, Absatz-Nr. (1-184), available at [http://www.bverfg.de/entscheidungen/rs20060404\\_1bvr051802.html](http://www.bverfg.de/entscheidungen/rs20060404_1bvr051802.html).

<sup>23</sup> For more information about the anti-radicalization programme in the Netherlands see, “Counterterrorism at the Local Level a Guide,” October 8, 2007, available online at: [http://english.nctb.nl/what\\_to\\_do/public\\_authorities/local\\_approach/index.aspx](http://english.nctb.nl/what_to_do/public_authorities/local_approach/index.aspx)

<sup>24</sup> For more information see: U.S. Customs Service (1998), Personal Searches of Air Passengers Results: Positive and Negative, Fiscal Year 1998, U.S. Customs Service, which described quantitative data on the relative effectiveness of a race-based profile – a drug courier profile used by the US Customs service – versus a behavioural profile adopted in 1999 following condemnation of the racial profile. In that case, the switch from using a profile that included ethnicity to an entirely behavioural profile, and requiring closer supervision of stops, produced an important increase in the hit rate – from 6 percent or under to 13 percent – and (in contrast to the previous drug courier profile) resulted in a hit rate that did not vary significantly across different ethnicities.

support for this theory is lacking, yet it is used as a rationale for both profiling and many anti-radicalization measures.

27. On the practical side, once a profile is established, it is a relatively simple matter for terrorist groups to evade it by recruiting individuals who do not fit the profile. Particularly, where profiling is used as a proxy for concrete evidence, it will impact heavily upon innocent members of particular ethnic/racial/religious groups without identifying potential terrorists. Finally, the use of profiling is likely to have a counterproductive, stigmatizing impact on communities which can increase the pool of radicals as well as mistrust of police and other state officials within communities whose cooperation is needed, as well as legitimizing other discriminatory practices.
28. In fact, the mere perception of profiling may be sufficient to foster mistrust of authorities and result in alienation of communities. Such perceptions can be created by a range of factors, including media reports and public statements of politicians and government officials as well as actual practices of the authorities which impact disproportionately on particular groups. For example, the United States' National Security Entry/Exit Registration System (NSEERS) program established a national registry program for individuals from 25 countries (all of which were predominantly Muslim apart from North Korea). Although the official U.S. policy is not to profile but to "watchlist," NSEERS is widely perceived as involving racial/religious profiling.<sup>25</sup> Justified as a tool to combat terrorism, the program has not resulted in the apprehension of any terrorists, but has identified a number of immigration violators, who have since been placed in removal proceedings. Concerns were raised about this apparent conflation of counter-terrorism with immigration enforcement. Similarly, it was noted that when the German government launched a conference with Muslim groups (first German Conference on Islam "Muslims in Germany – German Muslims"<sup>26</sup>), the effort, led by the Minister of Interior rather than by the Chancellor, was perceived by some as

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<sup>25</sup> Concluding Observations of the Committee on the Elimination of Racial Discrimination, U.N. Doc. CERD/C/USA/CO/6, February 2008, para. 14.

<sup>26</sup> For more information see

[http://www.bmi.bund.de/cln\\_012/nn\\_1026714/Internet/Navigation/EN/Topics/German\\_Islam\\_Conference/German\\_Islam\\_Conference\\_node.html\\_nnn=true](http://www.bmi.bund.de/cln_012/nn_1026714/Internet/Navigation/EN/Topics/German_Islam_Conference/German_Islam_Conference_node.html_nnn=true).

reflecting the view on the part of the German government that Muslim communities present a security threat.<sup>27</sup>

29. At the same time, participants noted various efforts being made by governments to build partnerships with religious and ethnic minority communities to counter-terrorism. Engagement with different groups and communities is a key theme. Some participants highlighted increasing recruiting efforts by the U.S. Federal Bureau of Investigation (FBI), programs being implemented domestically in the U.S. by the Department of Homeland Security (DHS) to integrate community outreach and real-time response to national security incidents and to ensure the participation of minority communities as external stakeholders<sup>28</sup> and by the U.S. Department of Justice to further understanding of these communities.
30. German police have likewise changed their approach in the wake of the *Rasterfahndung* exercise and have launched efforts at enhancing the intercultural competence of the police, through transforming the police structure, establishing formal dialogue and contact points within minority communities, and changing their own recruitment efforts. It was suggested, however, that relations between the police and Muslim communities in Germany face a number of difficulties, such as the fact that formalized dialogue is hindered by the fact that the majority of the many different Muslim communities have very loose or no organizational structures, as well as broader integration issues, including issues related to the acquisition of German citizenship and guest worker programs. One participant also stated that some German Muslims have come from police states and are therefore mistrustful of police. Moreover, as police dialogue with Muslim communities is established with only those organized communities that are not considered to be radical, the scope (and efficacy) of the program is significantly limited. Participants expressed the strong opinion that no group

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<sup>27</sup> In addition to overseeing the federal police (the German Länder (states) are responsible for policing in general), the Federal Minister of the Interior is also responsible for integration policies, sports, and religious issues at the federal level.

<sup>28</sup> For example, in the TOPOFF incident management exercise, community representatives were asked to contribute specific feedback to the DHS for inclusion in the "after action review." The exercise was designed to assess national response to major national security incidents in coordination with Canadian and U.K. Government agencies.

should be excluded from dialogue. Other challenges include establishing dialogue with the community itself and not just persons holding themselves out to be representatives.

31. The use of profiling, both official and unofficial, appears to be extremely widespread and little studied. Thus far, there has been no comprehensive analysis on the effectiveness of profiling techniques but initial research indicates that it is both ineffective and counterproductive, alienating target communities instead of protecting them. Participants observed a relationship between profiling and integration. It was suggested that working towards the integration of communities within the state rather than the use of profiling was a preferable approach to community relations and potentially a much more effective security policy.

#### **IV. Surveillance and security re religious sites and communities**

32. There was a clear rejection of the conflation of the terrorist threat with any religion or group, particularly Islam. In fact with respect to Spain and France, identified as the two European Union countries with the highest numbers of persons arrested and charged with terrorism-related offences, far more Basques and far more Corsicans are jailed than “Islamists”. The French authorities furthermore take the perspective that terrorists can be anyone and that terrorists fit no specific profile. Thus, ordinary criminal laws enforced by police, charged with protecting French institutions and the humanist traditions of the country, along with the use of human intelligence and international cooperation, anchor the French approach.
33. As part of its larger prevention strategy and in contrast to its broad criminal justice approach to terrorist suspects, France’s counter-radicalization strategy focuses on three categories of institutions identified as “hot spots” for radicalization: mosques, prisons, and educational institutions.<sup>29</sup> Of 1800 mosques in France, 90 had been identified as having been subject to destabilization efforts by radical groups. These mosques are subject to surveillance by French intelligence, and a number of imams had been either deported in administrative proceedings or denied entry into France. Questions were

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<sup>29</sup> See Government of France, White Paper, “Prevailing Against Terrorism,” 2006, available online at: <http://lesrapports.ladocumentationfrancaise.fr/BRP/064000275/0000.pdf>

raised as to whether these practices have an alienating and/or stigmatizing effect on Muslim communities in France

34. Concerning prisons, the radicalization of detainees and prisoners serving sentences for ordinary criminal offences was noted. For example, the plot to attack the 1998 World Cup in France was developed by a group of individuals who met in prisons and, in the fall of 2005, prison networks were found to be responsible for various terrorist plans and attacks, which were foiled by the authorities. Similarly, educational institutions are also considered by France to be recruitment grounds for terrorists. France's counter-terrorism strategy focuses on schools outside of France that are attended by French citizens as well as schools within France. A fourth category of "hot spots" being monitored by French authorities are shops and businesses owned by persons sympathetic to terrorist causes, as these can provide financing as well as a venue for individuals to meet and plan attacks.
35. With respect to Central Asian countries, the particularities of the relationship between the state and religion in these countries were emphasized. Historically, within the Soviet Union the state took an avowedly atheistic and secular approach seeking to eliminate all kinds of religion altogether. This contrasts markedly with other countries from other regions, such as Europe, where a state religion is established. Since obtaining independence from the Soviet Union, Central Asian countries have largely applied a "compromise" solution in which religion is tolerated but political religion is prohibited and punished. Thus, for example, religious services and education can only be conducted in legally established religious institutions, and such institutions are forbidden from involvement in politics. In addition, efforts are being undertaken to ensure that imams are knowledgeable.
36. The one exception to the general ban on mixing religion and politics in Central Asia is Tajikistan, where the Islamic Renaissance Party (IRP) is permitted to exist but required to accept the secular nature of the state. This exceptional situation, described as being largely a result of the civil conflict in Tajikistan, has been marked by various difficulties, including a lack of trust on both sides, surveillance of the IRP by the state, and an increasing centralization of power in the hands of the president which

marginalizes the IRP. At the same time, it was said that other Islamic groups in Tajikistan, such as Hizb ut-Tahrir, are kept under strict surveillance and suppressed.

37. The Northern Ireland experience and that of the UK, was also offered as illustrating the need to separate out the terrorist threat from the community which the terrorists purport to represent. Based on the experience of the police in Northern Ireland, counter-terrorism initiatives work better if the police are able to serve all communities, not just some. Along these same lines, it was separately noted that the populations which terrorists claim to represent are placed in a difficult position. Thus one of the challenges of the authorities is to resist further stigmatization of minority communities, thereby increasing their vulnerability to radicalization and terrorist propaganda. Community relations and police outreach are therefore crucial to the success of counter-terrorism efforts, and it is important to treat community leaders as partners rather than as informers.
38. The importance of understanding the terrorists' perspective was highlighted as being crucial to crafting successful counter-terrorism strategies. For example, terrorist groups often launch attacks with the aim of provoking counter-measures that could be exploited as propaganda in order to stimulate recruitment and support. In particular, they seek to provoke counter-measures that conflate the terrorists with the communities they purport to represent and alienate those communities from the state and society. To avoid falling into this trap, it was suggested that an effective counter-terrorism strategy must appeal to the same communities from which terrorists seek to recruit. Community-based approaches, including in particular approaches rooted in community-based policing, were suggested as having the best prospects for success.
39. It was also emphasized that it is important for counter-terrorism officials to distinguish between groups which have strong religious or political views and groups which conduct or advocate acts of violence. The former can in some cases be useful partners against the latter.
40. Other potential factors contributing to the potential for radicalization identified in the discussion included the role of the internet, media, the migration of different groups to

communities which were once relatively homogenous, and generally low levels of trust between communities and governments.

## **V. Synthesis of discussions and the way forward**

41. While much of the discussions focused on counter-terrorism measures enacted by particular countries, the importance of recognizing that all states face similar problems in devising counter-terrorism policies that are effective and do not involve violations of human rights, which are invariably counter-productive, was emphasized in the final session. In this respect, the vigorous debate over specific policies and practices, and contrasting civil society, government, and academic perspectives which emerged during the Expert Meeting, are exemplary of the sort of transparent debate which should take place within all 56 OSCE participating States in order to understand the issues. It was similarly highlighted that the critical step is to now develop a rigorous analysis and more in-depth study of these issues in order to understand these different practices.
42. Security policies put in place to counter terrorism were classified into two categories: (1) repressive, and (2) intelligent. Repressive policies are in line with a natural human reaction to try to stop something that one does not like. Such policies, which typically involve a punitive approach using force and violence, are often positively received by the public. Such approaches typically divide the world between good and bad, between “us” and “them”, with identity characteristics used to distinguish. In this framework, since “we” are “good” and “they” are “bad”, then “we” may feel entitled to use any means to protect “us” from “them”. Transparency with respect to all counter-terrorism tactics, in all of the OSCE participating States, is therefore crucial to understand the scope of the issue and to assess effectiveness.
43. The second category of policies (“intelligent”) involves careful efforts to differentiate between tactical ideologies and the acts themselves. Intelligent policies focus on the crime, rather than on identity, and are guided by the principle of effectiveness, rather than by anger or a desire for retribution. In this connection, the question which should always be asked is whether a particular measure is or is likely to be counter-productive.



Such an approach requires efforts to understand how the terrorists think, how our actions are affecting them, and how they are likely to respond; and how these measures affect communities in general.

44. With respect to prisons, for instance, the guiding principle should always be effectiveness. Prisons in Central Asia are considered to be typical recruiting grounds where reactive security policies, such as limited or no access to legal advice for inmates, are present. Do human rights violations result in facilitating terrorist recruitment? In the same way, other questions are raised: Does the suppression of religious groups or activities contribute to, or undermine, the maintenance of good order? Which measures contribute to or inhibit the gathering of intelligence? Do measures aimed at security within prisons undermine the aim of rehabilitation and counter recruitment? Conversely, do policies aimed at rehabilitation and countering recruitment contribute to security? There is a pressing need for serious analysis about which policies are most effective and which are not.
45. The discussions also highlighted some broader issues within societies, including, issues of integration and tolerance. In particular, these issues factor into the debate over profiling, where there is concern that the use of profiling can become a self-fulfilling prophecy, alienating and stigmatizing individuals and communities and rendering them more susceptible to radicalization. In this respect, it is of vital importance for participating States to engage with the whole range of religious and other communities as partners, including, through “softer”, less institutionalized forms of engagement, and not to limit engagement. There is, for example, a need to move beyond traditional forms and understanding of policing, and to establish a partnership approach.
46. More broadly, the discussions also emphasized the need to respect the principle of proportionality where competing rights are at stake. Thus, measures taken must pursue a legitimate aim; they must be effective (i.e., suitable); they must be necessary (i.e. the least restrictive means); and they must be appropriate in the sense that the negative impacts of the policy are not disproportionate to the benefits.
47. However, though terrorism is now understood as a global threat and a challenge confronting all participating States, there may not necessarily be a common solution.

Countries within the OSCE region vary significantly, with different states needing to respond to different situations and the threat of terrorism in light of their own particular experiences and histories. States are still struggling to understand all these issues and craft appropriate responses. These responses are likely to be equally complex, including the need to recognize the vast diversity in communities.

48. At present, there is a gap in knowledge and analysis. Further study and analysis of different practices is therefore crucial to identifying policies that are most likely to be effective and which minimize unintended, counterproductive consequences as well as negative impacts on human rights. How is success being measured? How can it be measured? It was also emphasized that identifying effective practices is not enough, and the greater challenge may be to establish and maintain such practices throughout the state apparatus.
49. Moreover, radicalization is not a linear process. The failure to consider and address broader political, social and economic “root causes” or circumstances undermines our ability to understand the circumstances and factors contributing to radicalization. These include not only foreign policy issues, but also economic and political marginalization of particular countries and groups and the alienation of minority communities.
50. In summary, in the OSCE participating States, the need to understand radicalization leading to terrorism is a growing and urgent concern. Several key themes emerged from the substantive sessions: the potential link between the failure to respect human rights and radicalization; the need to address grievances through justice; the need to establish effective partnerships with the whole range of different communities; and the need to reject clearly the conflation of the terrorist threat with any one religion or group. The recurring observation repeatedly exposed in the final session was the lack of knowledge of these issues, and lack of actual information on various practices and their impacts, including the lack of available substantive academic studies.



# **Expert Meeting on Security, Radicalization and the Prevention of Terrorism**

## **Annotated Agenda**

28-29 July 2008

Istanbul, Turkey

*Day 1: Monday 28 July 2008*

<b>Time</b>	<b>EVENT</b>
9.15-9.30	<p style="text-align: center;"><b>Opening Statements</b></p> <ul style="list-style-type: none"><li>• <b>ODIHR</b></li></ul>
9.30-11.00	<p style="text-align: center;"><b>Session 1: <u>Religion in Prisons and Detention Facilities</u></b></p> <ul style="list-style-type: none"><li>• <b>Speaker 1</b></li><li>• <b>Speaker 2</b></li><li>• <b>Speaker 3</b></li></ul> <p style="text-align: center;"><u>Moderator 1</u></p>
11.00-11.30	Coffee/Tea Break
11.30-12.30	Session 1 – Discussion  <u>Moderator 1</u>
12.30-14.00	Lunch Break
14.00-15.30	<p style="text-align: center;"><b>Session 2: <u>Issues related to Religious/ethnic/racial profiling</u></b></p> <ul style="list-style-type: none"><li>• <b>Speaker 1</b></li><li>• <b>Speaker 2</b></li><li>• <b>Speaker 3</b></li></ul> <p style="text-align: center;"><u>Moderator 2</u></p>
15.30 -16.00	Coffee Break
16.00 -17.00	Session 2 - Discussion  <u>Moderator 2</u>

*Day 2: Tuesday 29 July 2008*

Time	EVENT
9.30-11.00	<p style="text-align: center;"><b>Session 3: <u>Surveillance and Security re religious sites and communities</u></b></p> <ul style="list-style-type: none"> <li>• <b>Speaker 1</b></li> <li>• <b>Speaker 2</b></li> <li>• <b>Speaker 3</b></li> <li>• <b>Speaker 4</b></li> </ul> <p style="text-align: center;"><u>Moderator 3</u></p>
11.00 -11.30	Coffee/Tea Break
11.30 -12.30	<p style="text-align: center;"><b>Session 3 – Discussion</b></p> <p style="text-align: center;"><u>Moderator 3</u></p>
12.30-14.00	Lunch Break
14.00-15.30	<p style="text-align: center;"><b>Session 4: <u>Conclusion, Synthesis of Discussions and the Way Forward</u></b></p> <ul style="list-style-type: none"> <li>• <b>Rapporteur 1: Moderator 1</b></li> <li>• <b>Rapporteur 2: Moderator 2</b></li> <li>• <b>Rapporteur 3: Moderator 3</b></li> </ul>
15.30-16.00	Coffee Break

## **1. Background**

In the recent years, the radicalization of individuals who then go on to commit terrorist acts is an area that has attracted increasing attention. Radicalization is a term which now broadly refers to what happens before a terrorist act.<sup>30</sup> Where radicalization leads to violence it then becomes a concern for the state authorities. In addition, the use and misuse of religion, one of the factors which “makes up personal and group identities,” has also been more associated with terrorist attacks in the recent years.<sup>31</sup> In fact, the “religionization of politics” (“the use, or abuse, of religion to recruit and indoctrinate vulnerable followers for violent projects”) is now indicated as one of the top factors or conditions likely to encourage future terrorism.<sup>32</sup> Religion itself has thus become increasingly identified in the public with issues of violence, terrorism, and security. While each of these issues exists independently of the others, there is a widespread perception -- whether correct or not -- that these issues are linked. Policy makers across the OSCE region have frequently assumed this link in formulating their approaches to these issues. At the same time, there is also widespread recognition, both internationally and at the regional level that policies aimed at addressing one of these issues can impact upon the others.

At the international level, the United Nations Global Counter-Terrorism Strategy (UNGCTS) adopted on 6 September 2006 reaffirms that “terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.” The UNGCTS’ Plan of Action includes among the conditions conducive to the spread of terrorism “prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.”

At the regional level, the participating States of the OSCE “firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE” (Bucharest Ministerial Council 2001, Decision no. 1, Combating Terrorism (MC(9).DEC/1))<sup>33</sup>.

The OSCE Bucharest Plan of Action (2001) tasked the ODIHR to “promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard [...] provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms [...] work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.” The OSCE participating States further

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<sup>30</sup> Neumann, R. Peter, “Perspectives on Radicalisation and Political violence: Papers from the First International Conference on Radicalisation and Political Violence,” London, 17-18 January 2008, The Centre for the Study of Radicalisation and Political Violence, p. 4.

<sup>31</sup> Ibid, Ceric, Mustafa, “The Use and Abuse of Religion,” p. 27

<sup>32</sup> Schmid, Alex P., “Why Terrorism? Root Causes, Some Empirical Findings, and the Case of 9/11,” Strasbourg, 25-26 April 2007, Conf Prev Terr (2007) 18 rev., p. 20-21.

<sup>33</sup> See also the OSCE Charter on Preventing and Combating Terrorism (2002): The OSCE “Firmly reject [s] identification of terrorism with any nationality or religion and reaffirm that action against terrorism is not aimed against any religion, nation or people.”

expressed “the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty.”<sup>34</sup>

In 2007, the OSCE Ministerial Council reaffirmed that “the OSCE will continue its activities in countering violent extremism and radicalization that lead to terrorism. Intolerance and discrimination must be addressed and countered by the OSCE’s participating States and OSCE’s executive structures within their respective mandates. The Permanent Council, with the support of the Secretariat and institutions, will consider in 2008 how the OSCE, with a multidimensional approach, could contribute to the development of a better understanding of the phenomena of violent extremism and radicalization that lead to terrorism, through sharing of national experiences.”<sup>35</sup>

While human rights are and should be considered as an essential ingredient of counter-terrorism and security policies more generally, there is often a difference of opinion between security and human rights practitioners when it comes to the relationship between security policies and the protection and promotion of human rights, including the prohibition on discrimination, the right to privacy, the freedom of religion or belief and others.

Addressing this gap, an Expert Meeting will provide a forum for the exchange of views between practitioners and to inform the ODIHR’s ongoing work in this area, in particular the ODIHR’s contribution to the 2008 Follow-up OSCE Conference on Public-Private Partnership in Countering Terrorism: Partnership of State Authorities, Civil Society and the Business Community in Combating Terrorism and the planned workshop on “Preventing Violent Extremism and Radicalization that Lead to Terrorism” to take place in Vienna in September and October 2008, respectively. The participation of the Anti-Terrorism Unit, OSCE Secretariat, in the Expert Meeting will also contribute to continuity between these different events.

The event will be implemented in close co-operation with the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, established to serve primarily as an advisory and consultative body to strengthen adherence to OSCE commitments<sup>36</sup> and the Human Rights Law Research Center, Istanbul Bilgi University.

## **2. Approach and Objectives**

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<sup>34</sup> Porto 2002, OSCE Charter on Preventing and Combating Terrorism.

<sup>35</sup> MC.DOC/3/07, Ministerial Statement On Supporting The United Nations Global Counter-Terrorism Strategy, Madrid 2007, 30 November 2007, para. 17.

<sup>36</sup> The Panel is mandated to provide legislative support and expert assistance in matters related to freedom of religion or belief. The Panel also highlights issues or trends that deserve attention and suggests constructive approaches that might be undertaken by the ODIHR to advance religious freedom. The Panel is a unique body that consists of eminent experts from different backgrounds from throughout the OSCE region. Members serve in their personal capacities as experts and do not represent any organization or confession.

An objective of the ODIHR Human Rights and Anti-terrorism Programme is to facilitate dialogue between the relevant stakeholders, be they government officials or civil society, and to promote awareness and practical understanding of OSCE commitments and international human rights law as they relate to the prevention of and fight against terrorism. To address the prevention of terrorism, it is necessary to develop a deeper understanding of the process of radicalization, in particular when radicalization leads to violence. The complex process of radicalization takes place in a variety of environments and contexts, and the relationship between religion, security and radicalization is one which has attracted significant attention.

The intent of organising an Expert Meeting on Security, Radicalization and the Prevention of Terrorism is to analyze practices in specific areas where religion and security actors come into contact and have inspired particularly vigorous debate: religion in prisons; religious/ethnic/racial profiling; and the surveillance and security of religious communities. By focussing on these three key contexts, the Expert Meeting aims to identify how different practices by authorities may feed into, mitigate or interrupt the process of radicalization and thus enable the prioritization of future efforts and activities in the prevention of terrorism.

### **3. Agenda**

#### **Session 1: Religion in Prisons and Detention Facilities**

- **Speaker 1**
- **Speaker 2**
- **Speaker 3**

Moderator 1

Prisons are recognized as a recruiting ground for political and religious ideologies and leaders. When these ideologies, and their leaders, include or encourage practices that threaten or target public safety, it is important that the state develop appropriate responses which address this concern, rather than contribute to or exacerbate the situation. Prisoners and detainees live in a closed environment which can intensify their emotional response to such ideologies, taking them down the path to radicalization and possibly violence. On the one hand, state efforts to suppress all political or religious activities and materials may not effectively address this risk and/or also violate human rights. On the other hand, ignoring political or religious activities in a prison setting may prevent the authorities from being able to effectively intervene and deal with the potential for, or the occurrence of, violence. The issues to be analyzed include identification of the different state approaches with respect to the practice of religion in prisons; whether state practices mitigate, exacerbate or interrupt the process of radicalization and therefore minimize the risk of violence; and whether these practices comply with OSCE commitments and international human rights standards. Additional questions include identifying what conditions contribute to increasing the vulnerability of prisoners or detainees to radicalization.



## **Session 2: Issues related to religious/ethnic/racial profiling**

- **Speaker 1**
- **Speaker 2**
- **Speaker 3**

Moderator 2

State authorities (both law enforcement and security services) sometimes use systematic (and sometimes ad hoc) systems of religious/ethnic/racial profiling (e.g. in airport screenings) to assist in identifying persons of interest. “In recent years, so-called terrorist profiling has become an increasingly significant component of States’ counter-terrorism efforts.”<sup>37</sup> The presumption underlying such profiling is that certain crimes or dangers come from a particular community. “However, when [the authorities] use broad profiles that reflect unexamined generalizations, their practices may constitute disproportional interferences with human rights. In particular, profiling based on stereotypical assumptions that persons of a certain ‘race’, national or ethnic origin or religion are particularly likely to commit crime may lead to practices that are incompatible with the principle of non-discrimination.”<sup>38</sup> Moreover, there are questions about the effectiveness of profiling as a security measure and concerns as to whether profiling in fact has a negative effect, “[taking] a profound emotional toll on those subjected to them.”<sup>39</sup> This session would examine examples of profiling, the underlying rationale and the impacts or consequences on individuals or a community. In addition, this session could also examine how profiling can negatively condition the attitudes and approach of law enforcement officers and the authorities, by contributing to an institutional bias against a community, or by causing authorities to overlook persons who do not fit a profile.

## **Session 3: Surveillance and Security re religious sites and communities**

- **Speaker 1 and 2**
- **Speaker 3**
- **Speaker 4**

Moderator 3

When the authorities identify religious communities and places of worship as security risks or sites of concern, law enforcement or security services may target them for increased surveillance. A state might, for example, systematically interview people associated with a particular community in order to determine whether it shelters any individuals who may pose a physical threat to others; or they may use intercepts, undercover officers or other measures to penetrate a community to gain intelligence or evidence against particular targets. Questions arise as to whether such practices actually yield reliable and credible intelligence or admissible evidence in the event of a crime, or whether they are more likely to be counterproductive, fostering resentment and distrust of the authorities. Are there more

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<sup>37</sup> Scheinin, “Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,” A/HRC/4/26, 29 January 2007, para. 32.

<sup>38</sup> Ibid, para 34.

<sup>39</sup> Ibid, para. 56.

effective ways to address the risks of radicalization? This session will analyze the effectiveness of different practices, including their ability to produce reliable intelligence and/or admissible evidence, as well as the impact of such practices on the targeted individuals or communities. Additional issues include addressing the conditions or requirements necessary to safeguard human rights such as privacy and the freedom of expression and assembly. The use and requirement of special investigation techniques will also be examined.

#### **Session 4: Conclusion, Synthesis of Discussions and the Way Forward**

- **Rapporteur 1: Moderator 1**
- **Rapporteur 2: Moderator 2**
- **Rapporteur 3: Moderator 3**

At the concluding session, the main points of discussion and findings of Sessions 1-3 will be presented and reviewed. The session will then allow participants to discuss these findings and identify the way forward including possible follow-up.