



Inspectorate of Justice and Security  
*Ministry of Justice and Security*

# The Terrorist Detention Units in the Netherlands

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# Preface

This document contains the report of the Inspectorate of Justice and Security on the quality of the tasks performed by the Terrorist Detention Units in the Netherlands known as '*Terroristen Afdelingen*' (TA).

In the case of suspicion of or conviction for a terrorist offence, the detainee is placed in the TA in the Penitentiary Institutions (PI) De Schie or Vught. The aim of placing suspects and convicted individuals together in the TA is to prevent them from influencing other detainees to adopt extremist ideas and engage in extremist acts.

The PIs are required to supervise these detainees and to support them in making a safer return to society. This investigation therefore specifically focused on TA staff-detainee interaction and how detainees' return to society is facilitated. The Dutch Probation Service (RN) and the municipal authorities were involved in the investigation because they provide the detainees with support and supervision during and after their stay at the TA.

The Inspectorate visited the TA in PI De Schie and in PI Vught in autumn 2018. The information gathered provided the Inspectorate with an insight of the working procedures in the TA. Positive developments have taken place at the TA that are conducive to staff interaction with the detainees and to providing tailor-made programmes to detainees. Through this report, I wish to encourage the PIs to continue their work and to foster developments at the TA.

J.G. Bos  
*Inspector General*  
*Inspectorate of Justice and Security*



# Summary

## Introduction

The establishment of the Terrorist Detention Units in 2006, in the Netherlands known as 'Terroristen Afdelingen' (TA), was prompted by the arrest of members of the Hofstad group<sup>1</sup> and signs that a number of them were attempting to radicalise fellow detainees.<sup>2</sup> The Netherlands' government subsequently decided to pursue the policy of placing detainees who were suspected of a terrorist offence<sup>3</sup> together in the TA. The concentrated placement of this group of suspects and convicted individuals aimed to prevent them from helping to commit, committing or preparing a terrorist offence. As a result of being placed together, detainees are unable to influence other prisoners to adopt extremist ideas and engage in extremist acts, making society safer.<sup>4</sup>

The performance of the TA was evaluated after three years.<sup>5</sup> The University of Groningen (RuG) carried out the evaluation, commissioned by the Research and Documentation Centre (WODC), in 2010. The RuG states that there is a need for a tailor-made approach to detainees at the TA. That approach may not compromise safety during the supervision of detainees.<sup>6</sup> To facilitate a tailor-made approach, the Netherlands Institute of Forensic Psychiatry and Psychology (NIFP) developed a tool for risk assessment of a TA detainee. The tool became the Violent Extremism Risk Assessment, Version 2, Revised (VERA-2R).<sup>7</sup>

In parallel with the development and introduction of the VERA-2R, from 2016 the Custodial Institutions Agency (DJI) worked on developing a new product specification for the TA jointly with the National Coordinator for Security and Counterterrorism (NCTV).<sup>8</sup> In this product specification, DJI describes what the day

<sup>1</sup> A group of radical Muslims from The Hague and Amsterdam in 2002. Mohammed B. was one of its most well-known members.

<sup>2</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the Research and Documentation Centre (WODC), Ministry of Justice and Security, 2010.

<sup>3</sup> Terrorist offence: the Dutch Criminal Code defines a number of offences as a terrorist offence if they are committed with terrorist intent (Section 83, Dutch Criminal Code). Terrorist intent is described as follows in Section 83a of the Dutch Criminal Code: *'to instil fear in the population or part of the population of a country or to seriously disrupt or destroy a government or international organisation with terrorist intent.'*

<sup>4</sup> Parliamentary Papers II, 2005-2006, 29 754, No. 31.

<sup>5</sup> Appendix to the Proceedings II, 2006/07, no. 373.

<sup>6</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the WODC, Ministry of Justice and Security, 2010.

<sup>7</sup> Instruction letter to develop a differentiated placement policy and a tailor-made approach for the Terrorist Detention Units and monitor costs, 12 October 2016, reference 803344.

<sup>8</sup> At the time of publishing this report, the new product specification had not yet been formally adopted by DJI.



programme looks like and the applicable security level. This policy includes the possibility of differentiating leaders from followers. The new product specification aims to provide DJI with more options for offering detainees more tailor-made programmes and for improving preparations to facilitate their safest possible return to society.<sup>9</sup>

While the product specification was being developed, Amnesty International and the Open Society Justice Initiative published a report, in which they concluded that human rights are being violated at the TA and that detainees are being held in prolonged solitary confinement.<sup>10</sup>

In the run-up to the completion and the future adoption of the product specification, TA detainees are being offered programmes tailored more to their individual needs, without any unnecessary measures being applied at the TA while facilitating reintegration. This includes periodically assessing whether a prisoner may carry out work. TA staff are trained to understand the process of deradicalisation<sup>11</sup> and to offer support, so that they can contribute to this process and help detainees return to society.<sup>12</sup>

The above developments relating to the TA prompted the Inspectorate of Justice and Security to initiate an investigation. In autumn 2018, the Inspectorate conducted an investigation into the tasks performed under the regime and the reintegration of this group of detainees. The Inspectorate will therefore be able to include the new product specification in its opinion on the tasks performed.

### Problem statement

The central research question for this investigation is as follows:

*What is the situation regarding the quality of the tasks performed by the Terrorist Detention Unit (TA), specifically relating to the regime and the activities aimed at the reintegration of detainees?*

The answers to the sub-questions below constitute the answer to the central question.

1. What is the situation regarding the legal position of TA detainees?
2. What is the situation regarding the interaction with detainees at the TA?
3. What is the situation regarding public safety at the TA?
4. How are TA detainees prepared for return into society?

### Operationalisation

The four research questions were investigated by reviewing case files, conducting interviews, visiting the TA in the PIs and, lastly, by observing consultations in the

<sup>9</sup> Instruction letter to develop a differentiated placement policy and a tailor-made approach for the Terrorist Detention Units and monitor costs, 12 October 2016, reference 803344.

<sup>10</sup> Inhuman and unnecessary: Human rights violations in Dutch high-security prisons in the context of counterterrorism. Amnesty International and Open Society Justice Initiative. October 2017.

<sup>11</sup> Deradicalisation: renouncing radical ideas. From the Report 'Brede visie op radicaliseren en extremisme'. DJI, September 2016.

<sup>12</sup> Product Specification for the Terrorist Detention Unit, DJI, June 2018.



PIs and consultations held by the municipal authorities. The answer to the central research question is based on the answers to the sub-questions.

The Dutch Probation Service (RN) and the municipal authorities were also involved in the investigation because they are also involved in the reintegration of TA detainees. The Inspectorate chose the municipalities of The Hague and Rotterdam, given that most of the TA detainees take up residence in these municipalities after their detention period or are transferred to another PI in these municipalities during their detention.<sup>13</sup>

### Conclusions and recommendations

The Inspectorate's conclusions are stated below. First, the Inspectorate has answered the central research question in the purple insert and then stated its sub-conclusions by answering the sub-question.

***What is the situation regarding the quality of the tasks performed by the Terrorist Detention Unit, specifically relating to the regime and the activities aimed at the reintegration of detainees?***

**The Inspectorate expresses a positive opinion on the tasks performed by the Terrorist Detention Units. PI De Schie and PI Vught respect the rights of the TA detainees, offer sufficient activities and interact respectfully with the detainees. Both PIs sufficiently safeguard public safety. The efforts aimed at the reintegration of TA detainees are also sufficient.**

**However, the Inspectorate wishes to point out that risks are still attached to the current working procedure. The application and usefulness of the risk assessment tool VERA-2R requires attention. The information is neither submitted by RN on time, nor is it complete. As a result, the PIs are unable to make a risk assessment of the detainees based on the information from RN. In addition, the PIs require more information from the Netherlands Public Prosecution Service (OM) for the risk assessment.**

**A competency profile for TA staff is required in order to guarantee the quality of the work performed by staff in the future as well. Lastly, cooperation between the PIs and the relevant criminal justice partners on detainee reintegration is not yet systematically embedded and, in some cases, depends on individuals.**

The Inspectorate explains its conclusion and opinion under each research question. The recommendations are included in the sub-conclusions below.

### ***What is the situation regarding the legal position of TA detainees?***

The Inspectorate expresses a positive opinion on compliance with the legal position of TA detainees at both Penitentiary Institutions, De Schie and Vught. The Inspectorate has noted that the number of hours of activities in the day programme was increased to a maximum of 36 hours per week in 2017 and 2018. The day

<sup>13</sup> TA detainee outflow figures, 2016-2018, DJI.



programme consists of prescribed activities, such as offering outdoor exercise, sports and work. The PIs therefore meet the standard.

***What is the situation regarding the interaction with detainees at the TA?***

In the Inspectorate's opinion, the staff has a positive attitude towards the detainees and treat them with respect. The staff has the ability to build up a professional working relationship with the TA detainees. TA staff are specifically trained. The PIs can apply tailor-made programmes by drawing up a risk profile of the detainee.

In the Inspectorate's opinion, the PIs succeed in assessing the degree to which detainees show radical behaviour and what the risk of the detainee is (classification), what security measures the PIs need to take to reduce any detainee risk-taking behaviour (differentiation) and, lastly, in determining what type of care the PIs will use and the activities the detainees will participate in (tailor-made approach). However, the diagnostic risk assessment tool, VERA-2R, is insufficiently used during differentiation and for offering tailored programmes. At the time of the investigation, the VERA-2R was delivered too late by RN and the PIs needed more information from the Netherlands Public Prosecution Service (OM). The PIs currently have no relevant information for classification and differentiation purposes. PI Vught, to which all detainees are admitted first, classifies and differentiates detainees based on its own findings during the six-week admission procedure.

The developments relating to the interaction with detainees at the TA were recently implemented. The Inspectorate has noted that there is no competency profile for TA staff. In order to guarantee that detainees in the TA will also be treated professionally in the future, a curriculum would be helpful. Staff working at the TA take training courses to deepen their knowledge and understanding of radicalism and different ideological movements. These staff members therefore develop a specialism that distinguishes them from other PI staff. As it is not clear what competencies staff should possess, it is not clear when a staff member is sufficiently trained and when a person is qualified to work at the TA.

**Recommendation for DJI: improve, together with RN and the NIFP, the use of the VERA-2R.**

**Recommendation for RN: provide the VERA-2R on time, during the first six weeks of the detainee's stay, so that it can be used by PI Vught.**

**Recommendation for DJI: specify the required competencies for working with detainees at the TA in a curriculum, so that it is documented when a person is sufficiently trained and which competencies staff should possess.**



***What is the situation regarding public safety at the TA?***

Both PIs apply security measures at the TA with due care, so that public safety is sufficiently ensured.

PI staff have sufficient contact with the detainees to have an overview of the situation in terms of safety. In the Inspectorate's opinion, the staff of PI De Schie and PI Vught discuss developments relating to detainees in the TA with sufficient frequency in order to make informed decisions on whether or not to adjust the current security measures. The PIs also discuss developments at the TA with sufficient frequency during consultations with partners in the criminal justice chain involving DJI, RN, NCTV, OM and the police.

It is difficult to measure the effect of disengagement from radical ideology among detainees. Detainees might adhere to their radical extremist ideology despite demonstrating good behaviour during the detention period and seemingly having abandoned it. Therefore, little can be said of the effect of the efforts. However, the Inspectorate has noted that the PIs, RN and the municipalities are doing their utmost to encourage detainees to disengage from the radical ideology and from engaging in extremist acts. According to the Inspectorate, the PIs, RN and the municipal authorities are also using sufficient interventions to reduce the risks identified in the behaviour of detainees and to increase the protective factors. There also is sufficient insight into preventing a negative influence among detainees in the TA. The PIs, RN and the municipal authorities are thus endeavouring to reduce the risk of the detainees reoffending and are facilitating the detainees' long-term and stable return to society.

***How are TA detainees prepared for return into society?***

In the Inspectorate's opinion, the efforts aimed at reintegration are sufficient. Both PIs monitor the detainees' stay in detention and start making timely preparations for reintegration. They endeavour to work closely with RN and the municipal authorities to transfer information relating to reintegration. RN and the municipal authorities also visit the detainees during their stay at the TA. However, the Inspectorate concludes that, in some cases, the cooperation between the PIs and municipal authorities has not been laid down in formal agreements and is based on personal willingness to cooperate. The Inspectorate concludes that is a concern for the continuity of the cooperation between the PIs and the municipal authorities.

**Recommendation for DJI: embed the cooperation with the municipal authorities on reintegration by making agreements on the information that is exchanged.**



# 1

## Introduction

Individuals suspected or convicted of a terrorist offence are placed in one of the two TAs in the Netherlands. The TAs are located in PI De Schie and in PI Vught. Placement aims, among other things, to prevent recruitment activities and the radicalisation of other detainees. In principle, these TAs apply an individual regime.

### 1.1 Rationale

Since the establishment of the TAs in 2006, the regime has been the subject of a number of investigations and changes. A development has been occurring over the years in which emphasis is no longer being placed only on security, and more attention is being paid to the resocialisation of detainees. In 2016, in anticipation of the adoption of the new TA product specification, the first steps were taken to adjust the day programme. The new product specification includes what the day programme looks like and what general principles apply to the enforcement of custodial sentences at the TAs.

This aspect of the development of the TA as a detention regime prompted the Inspectorate to conduct an investigation into the quality of the tasks performed by the TAs.

### 1.2 Objective

The aim of the current investigation is to examine whether the TA regime and the reintegration process of detainees in the TA is of sufficient quality based on the existing laws and regulations. In particular, the Inspectorate will look at the legal position of detainees, staff interaction with detainees and public safety. It should also become clear from the investigation how detainees are prepared for a return to society.

#### 1.1.1 Central research question

What is the situation regarding the quality of the tasks performed by the TA, specifically relating to the detention regime and the activities aimed at the reintegration of detainees?



### 1.1.2 Sub-questions

The Inspectorate investigated the two themes based on the following sub-questions:

1. What is the situation regarding the legal position of TA detainees?
2. What is the situation regarding the interaction with detainees at the TA?
3. What is the situation regarding public safety at the TA?
4. How are TA detainees prepared for a return to society?

The first three questions relate to the regime and the fourth to preparing detainees for their return to society.

## 1.3 Research approach

In this section, the Inspectorate describes how it has operationalised the investigation and the research methods used to answer the sub-questions.

### 1.3.1 Operationalisation

The Inspectorate describes the aspects examined per question below. A schematic overview of this operationalisation is included in Appendix I.

#### **Research question 1: What is the situation regarding the legal position of TA detainees?**

For the purpose of this question, the Inspectorate examined the TA day programme and the social interaction detainees may engage in. The Inspectorate also examined whether detainees can exercise their right to file a complaint and to what extent the TAs impose punishments or non-punitive orders.

#### **Research question 2: What is the situation regarding the interaction with detainees at the TA?**

In order to answer this question, the Inspectorate examined the intake, screening and selection of detainees at the TA and the manner in which staff interact with detainees and how they treat them.

#### **Research question 3: What is the situation regarding public safety at the TA?**

The Inspectorate examined the application of security measures at the TA. The topic of conditional release was not examined, given that no detainees were eligible for conditional release during the investigation.

#### **Research question 4: How are TA detainees prepared for a return to society?**

Based on this research question, the Inspectorate examined whether the TA has properly functioning systems in place to ensure that detainees can be connected to the follow-up social services. The Inspectorate also examined whether the TA offers targeted activities and programmes for eligible detainees and works effectively in this area with the relevant external partners, such as RN and the municipal authorities.



### 1.3.2 Scope

The Inspectorate conducted the investigation in the two TAs in the Netherlands, which are located in PI De Schie in Rotterdam and in PI Vught. The Inspectorate specifically examined the detainees' stay in the TA and their reintegration activities. To obtain insight into the reintegration activities, the Inspectorate also included the municipalities of The Hague and Rotterdam in the investigation, because the PIs, RN and both municipalities are important partners in this area.

RN has a national team specialised in terrorism, extremism and radicalisation (TER team). All detainees who stay in the TA are supervised by the TER team if a probation assessment report has been issued or special conditions apply. Most of the TA detainees are transferred to another PI in the municipalities of The Hague and Rotterdam or take up residence in these cities after they have left the PI.<sup>14</sup>

### 1.3.3 Research methods

The following methods are aimed at gathering information so that the Inspectorate can express an overall opinion on the quality of the tasks performed.

#### Document analysis

The Inspectorate obtained documents from DJI, including the day programme, house rules and overviews of the complaints submitted and handled. The Inspectorate also obtained overviews of the training courses taken by staff of the TAs. The Inspectorate examined a number of Detention and Reintegration (D&R) plans and reports from the Multidisciplinary Consultations (MDO) on location.

#### Interviews

##### *DJI*

The Inspectorate interviewed prison officers (PIWs), both head of the units, case managers, spiritual counsellors, mental-health psychologists, the supervisory board, management and male and female detainees. The staff were asked questions about their working methods during the interviews. The detainees were asked questions about their experiences at the TA. The Inspectorate also asked questions about any bottlenecks at the operational, tactical and strategic levels.

##### *Probation Service*

The Inspectorate interviewed managers and a number of probation officers on the TER team to find out how the transfer from the PIs to the Probation Service proceeds.

##### *Municipal authorities*

The municipal authorities in the Netherlands hold local case consultations, in which radicalised persons or persons at risk of becoming radicalised are discussed. The organisations involved in a case participate in these consultations, which are chaired by the municipal authority. Detainees who are released are usually discussed during the local case consultations. To examine how the cooperation between the PI and the municipal authority proceeds, the Inspectorate interviewed relevant municipal officers in the municipalities of Rotterdam and The Hague.

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<sup>14</sup> Outflow or transferred TA detainees during the period 2016-2018. Rotterdam: 9, The Hague: 7. TA detainee figures, 2016-2018, DJI.



### Site visit

The Inspectorate obtained an insight of daily practice by visiting the TA units in PI De Schie and PI Vught and by observing day-to-day affairs.

### Observations

The Inspectorate observed a multidisciplinary consultation and a consultation with partners in the criminal justice chain in the PIs, and one local case consultation in the municipality of The Hague.

## 1.4 Reading guide

The Inspectorate provides a general description of the TA in Chapter 2 and also discusses the developments occurring in the TA in this Chapter.

The four sub-questions are stated and answered in Chapters 3, 4 and 6. Chapter 3 describes the legal position and Chapter 4 covers interaction. The Inspectorate discusses public safety in Chapter 5 and Chapter 6 is themed around the sub-question on reintegration. The Inspectorate discusses the differences observed between the PIs and detainees' perception of detention in Chapter 7. The Inspectorate concludes this chapter with a review of the effect of placement in the TA.



# 2

## The terrorist detention units

The Netherlands has had terrorist detention units since 2006. This chapter contains a description of the key characteristics of these units. The Inspectorate also discusses the development of the TA over the course of the years.

### 2.1 What is the TA?

#### Establishment

The TA was established in 2006 and accommodated in PI De Schie and PI Vught. This was prompted by the arrest of members of the Hofstad group and signs that a number of them were attempting to radicalise fellow detainees. The radicalisation of fellow detainees had to be prevented. The government decided, after seeking advice from the organisations concerned, such as DJI, NCTV and the General Intelligence and Security Service (AIVD), to set out a policy. In the policy, the government decided to place detainees suspected or convicted of a terrorist offence together in the TA. The TA regime existing at that time focused primarily on security and was the same for each detainee.<sup>15</sup>

The objectives of the TA are currently as follows:<sup>16</sup>

- to enforce a custodial sentence or custodial measure (normalisation) in a humanitarian manner;
- to facilitate an uninterrupted course of justice;
- to prevent terrorist offences and further radicalisation;
- to prevent recruitment activities and the radicalisation of other detainees;
- to facilitate protective factors and to reinforce the support system;
- if openings exist, to explore what is needed, from a deradicalisation and disengagement point of view;<sup>17</sup>
- to determine the necessary integration activities based on a personal plan to facilitate the detainee's proper return to society.

#### High-security unit

There are various security levels within the prison system. The penitentiary institution must meet a number of security requirements per level. The units of

<sup>15</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the WODC, Ministry of Justice and Security, 2010.

<sup>16</sup> Product specification for the Terrorist Detention Units, DJI, June 2018.

<sup>17</sup> Disengagement: ceasing radical behaviour (activities or statements), without renouncing the radical ideology. Report 'Brede visie op radicalisering en extremisme'. DJI, September 2016.



Penitentiary Institutions are designated by ministerial regulation as a minimum-security, low-security, normal, high-security or maximum-security unit. The TA is a high-security unit (UBI) in PI De Schie and PI Vught. Detainees with a high escape risk or a high risk to public safety are placed in a high-security unit. Placement in the units with the different security levels depends on the risks identified for a detainee.<sup>18</sup>

### Individual regime

Detainees stay in the TA under an individual regime. In view of the risk of inciting other detainees to engage in extremist acts, TA detainees are considered incapable or unsuitable for a regime of full or limited association.<sup>19</sup>

Detainees under an individual regime have the same rights as detainees under a communal regime. The day programme under an individual regime is usually not as extensive as that of a communal regime. The prison director decides to what extent the detainee is able to take part in individual or communal activities. An individual regime does not mean that the detainee is confined to a cell 23 hours day, with one hour of outdoor exercise. Detainees under an individual regime take part in activities, but do so on their own, accompanied by a staff member. For example, a detainee can engage in sports activities together with a PI staff member.<sup>20</sup>

## 2.2 Who is placed in the TA?

In the Netherlands individuals suspected or convicted of a terrorist offence are assigned to a TA in PI De Schie or PI Vught.<sup>21</sup> TA detainees include both men and women aged 16 or older.<sup>22</sup> Men and women stay in segregated facilities in the TA.<sup>23</sup> Individuals suspected or convicted of other crimes who propagate or spread radical messages before or during their detention may be transferred to a TA. This could also occur if detainees attempt to recruit fellow detainees for activities that endanger public order and security both within and outside the PI.

The TA can accommodate a total of 48 detainees, 7 in PI De Schie and 41 in PI Vught. Table a shows how many detainees stayed at the TA.<sup>24</sup>

**Table a.** Number of TA detainees

Occupancy	PI De Schie	PI Vught
2016	6	14
2017	6	16
2018	5	31

At the time of the investigation, 31 detainees were staying in PI Vught and 5 in PI De Schie. The majority of the detainees are in pretrial detention and are still awaiting a possible release or conviction.

<sup>18</sup> Articles 2, 3, 4, 5 and 6, Regulations on the Selection, Placement and Transfer of Detainees (RSPOG).

<sup>19</sup> Article 11, RSPOG.

<sup>20</sup> Article 22, RSPOG. Explanatory Memorandum, Parliamentary Paper 24263 no. 3, 11 August 1995.

<sup>21</sup> Article 11, RSPOG

<sup>22</sup> Minors aged 16 and over can be tried as an adult, Section 77b, Dutch Criminal Code.

<sup>23</sup> Section 11, Custodial Institutions (Framework) Act (PBW).

<sup>24</sup> The figures were obtained from DJI in October 2018.



The 2016 and 2017 figures are average figures on account of the high turnover at the TA. A total of 115 men and 8 women were present throughout the 2016-2018 period. The detainees stayed at the TA for an average of 227 days, with a minimum of 3 days and a maximum of 763 days.

Detainee turnover at the TA and residence status is shown in Table b.

**Table b.** TA turnover and residence status for the 2016-2018 period

Residence status	Number
Termination of preventive detention	9
Immediate release	16
Transfer to another regime	29
Suspension for an indefinite period	14
Sentence executed	9
Extradition	1
Deportation	1
Still present	36

## 2.3 What are the views on the TA?

Over the years, various studies and investigations have been conducted on the TA by both national and international supervisory authorities and scientific institutes.

### European Committee for the Prevention of Torture

The European Committee for the Prevention of Torture (CPT) was founded following the entry into force of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment adopted by the Council of Europe in 1989. The CPT has paid several visits to prisons in the Netherlands, including the TA. The CPT concluded that the climate control system at the TA was inadequate, that the full body searches were too invasive for detainees and that it was possible for detainees to be placed under an exceptionally severe regime for a petty crime. In 2016, the CPT submitted a recommendation to the Netherlands' Government that the PIs should use a risk assessment tool when placing a detainee in the TA.<sup>25</sup>

### WODC

In 2010, the University of Groningen (RuG) carried out an evaluation of the performance of the TA in the Netherlands commissioned by the Research and Documentation Centre (WODC). In the evaluation, the RuG states that the PIs have a need to achieve a better balance between providing tailor-made programmes to the detainees and ensuring safety.<sup>26</sup>

<sup>25</sup> Report to the authorities of the Kingdom of the Netherlands on the visits carried out to the Kingdom in Europe, Aruba, and the Netherlands Antilles by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), February 2008.

<sup>26</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the WODC, Ministry of Justice and Security, 2010.





### Amnesty International

In 2017, Amnesty International (Amnesty) and the Open Society Justice Initiative published the report entitled 'Inhuman and unnecessary, human rights violations in Dutch high-security prisons in the context of counterterrorism'. Amnesty states that a person who does not pose an actual threat to safety can nevertheless be detained under one of the harshest detention regimes in the Netherlands. Stringent security measures that relate solely to the type of offence are routinely imposed on detainees upon placement. An individual assessment of whether detainees actually pose a radicalisation or recruitment threat is not performed and it is not periodically revised either. Amnesty also states that prolonged solitary confinement of detainees is possible at the TA. Like the CPT, Amnesty also states that full body searches are regularly and routinely carried out on detainees and that the TAs automatic placement system does not distinguish between suspects and individuals who have been convicted of a terrorist offence.<sup>27</sup>

### Committee against Torture

The Committee against Torture (CAT) is a United Nations human rights committee. The committee contributes to safeguarding and implementing human rights in all countries. If necessary, it calls States to account regarding their responsibilities.

The CAT has issued seven recommendations on the TA, including separating people who were suspected or convicted of a terrorist offence in the TA.<sup>28</sup>

## 2.4 How has the TA developed?

### Developments from 2006

#### *Relocation of the TA*

When the TA was established in 2006, it was accommodated in Unit 1 of PI Vught, the same building where the first Temporary Maximum-Security Unit (TEBI) was housed. A second TA was accommodated in PI De Schie at the same time. The TEBI premises were old and in need of repair (ventilation and climate control system). The TA was relocated to a more modern complex in PI Vught in 2009.

The capacity and occupancy have fluctuated throughout the years. Fewer detainees were held in the TA around 2010. PI De Schie used the TA for another purpose at that time because it was vacant.<sup>29</sup>

#### *Focus on control and security*

When the TA was introduced, the regime focused primarily on control and security, based on the segregation unit and the unit for detainees posing management problems. This meant that the detainees were routinely searched before and after each activity. Therefore, full body searches were also carried out after visits and when detainees were transported between locations. The TA was described as 'Guantanamo Vught'.<sup>30</sup>

<sup>27</sup> Inhuman and unnecessary, human rights violations in Dutch high-security prisons in the context of counterterrorism. Amnesty International and Open Society Justice Initiative. October 2017.

<sup>28</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, CAT, 18 December 2018. The Dutch State has yet to respond to the CAT's recommendations. For all recommendations, see <https://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>

<sup>29</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the WODC, Ministry of Justice and Security, 2010.

<sup>30</sup> Terrorists in Prison. Evaluation of the Dutch terrorism wing. University of Groningen. Commissioned by the WODC, Ministry of Justice and Security, 2010.



### *Need for a tailor-made approach*

In its 2010 report, the RuG recommended adopting a more tailor-made approach to TA detainees. The PIs also had the same need. The one-size-fits-all approach with high-security measures applying to all detainees was considered inappropriate. To make a tailor-made approach possible, a risk assessment drawn up with a diagnostic tool was a requirement. The VERA-2R was translated into Dutch by the Netherlands Institute for Forensic Psychiatry and Psychology (NIFP) and further developed so that it could be used in the Netherlands to assess the security risks of detainees.<sup>31</sup>

## **Developments from 2016**

### *Development of an assessment tool*

In a letter to the House of Representatives, the State Secretary for Justice and Security stated that there was a need to offer detainees a more tailor-made programme and to ensure safety.<sup>32</sup> The condition imposed on offering a more tailor-made programme was that an assessment tool had to be made available first in order to assess how dangerous the ideologies of detainees were. The assessment tool became the VERA-2R.<sup>33</sup> The State Secretary for Justice and Security also stated that the possibilities of differentiating the level of security under the regime would be examined.<sup>34</sup>

### *New product specification*

The development towards differentiation prompted DJI to develop a new product specification. In the run-up to the completion of the product specification, parts of this policy began to be implemented in 2016. The product specification describes how the regime will be implemented at the TA. The product specification should be used by the PIs to offer more tailor-made programmes at the TA and help them better differentiate detainees based on the threat they represent. The D&R plan is also required to be used to prepare detainees for a return to society.<sup>35</sup>

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<sup>31</sup> Instruction letter to develop a differentiated placement policy and a tailor-made approach for the Terrorist Detention Units and monitor costs, 12 October 2016, reference 803344.

<sup>32</sup> Instruction letter to develop a differentiated placement policy and a tailor-made approach for the Terrorist Detention Units and monitor costs, 12 October 2016, reference 803344.

<sup>33</sup> Differentiated placement policy and tailor-made approach within the Terrorist Detention Units, 12 August 2016, reference 791298.

<sup>34</sup> Instruction letter to develop a differentiated placement policy and a tailor-made approach for the Terrorist Detention Units and monitor costs, 12 October 2016, reference 803344.

<sup>35</sup> Product specification for the Terrorist Detention Units, DJI, June 2018.



# 3

## Legal position

In this chapter, the Inspectorate discusses the legal position of detainees staying in the TA and hence the first research question: *what is the situation regarding the legal position of TA detainees?* The first section contains the Inspectorate's sub-conclusion. This is followed by a brief description of the applicable laws and regulations per section. The Inspectorate then discusses its findings on the day programme and the compulsory activities the PIs are required to offer. The Inspectorate concludes this chapter with its findings on imposing punishments and non-punitive orders on detainees and the possibility of making a complaint.

### 3.1 Sub-conclusion

The Inspectorate concludes that the legal position of TA detainees is sufficiently safeguarded. The day programme consists of the compulsory activities, such as outdoor exercise, work and spiritual care. Detainees receive visits from their family. The Inspectorate considers it positive that the PIs offer detainees the opportunity to maintain family ties through video messages. Detainees have the possibility of lodging a complaint about decisions made by the prison director on their detention.

### 3.2 The day programme

#### 3.2.1 Applicable laws and regulations

Standards apply to the activities the PIs are required to provide in the day programme at the TA as well. These are included in the Dutch Custodial Institutions (Framework) Act (PBW). The PIs must provide varied and balanced activities.

#### 3.2.2 Findings

The minimum requirements are shown in Table C under 'standard', as well as the compulsory day programme as specified in the product specification. The other two columns show what the day programmes of both PIs look like.

**Table c.** Day programme

Activity	Standard (PBW) (hours per week)	Programme in product specification (hours per week)	PI De Schie (hours per week)	PI Vught (hours per week)
Visit	1 (Section 38.1 PBW)	1	Not stated in day programme	Not stated in day programme
Outdoor exercise	7 (Section 49.3 PBW)	7	7	7
Personal care		1	Not stated in day programme	Not stated in day programme
Leisure activities and cooking	6 hours (Section 49.2 PBW)	10	15	19
Sports	2 x 45 minutes (Section 48.2 PBW)	2	2	2
Spiritual care	Must be available (Section 41 PBW)	1	2	45 minutes
Education, reintegration activities, library facility and meaning of life	Right to attend education and educational activities (Section 48.1 PBW)	4	1	2
<b>Total</b>		<b>26</b>	<b>27</b>	<b>30.75</b>
Work and/or meaningful daytime activities (more education, disengagement activities and interventions, meaning of life, etc.) <sup>36</sup>	Right to participate in the work available (Section 47.1 PBW)	10	Not stated in day programme	5.15 hours
<b>Total</b>		<b>36</b>	<b>27 (excl. hours of work)</b>	<b>34.50</b>

<sup>36</sup> If the detainee is eligible to participate in group activities.



The day programme consists of 26 hours during the 6-week admission procedure. During these six weeks, the detainees are observed and ultimately differentiated based on an assessment of the security risk. The Inspectorate discusses the admission procedure in further detail in Section 3.

After the admission procedure and differentiation process, the detainees may participate in work and in meaningful daytime activities, so that the programme consists of a maximum of 36 hours of activities. As stated in Chapter 2, the prison director is the one who decides to what extent a detainee may take part in individual or communal activities. If the prison director believes there are grounds for this, the director may also decide after the initial six-week period that a detainee will take part in the day programme individually. At the time of the investigation, all detainees at PI De Schie took part in the activities as a group. This applied to all detainees in PI Vught, except for those in the Admission Unit.

Both PIs carry out the day programme in a varied manner. This means that the activities are carried out on a different day every week at the PIs. Detainees decide on a daily basis at what time they want to take a shower when they are not in their cell. Leisure activities are scheduled in the day programme as well as sports activities and work.

Work is referred to as a 'meaningful daytime' activity by both PIs. Meaningful daytime activities include cleaning food containers, disassembling CD covers and attaching cords to roller blinds. Gardening and mending clothes are also included in the daytime activities at PI Vught.

The primary aim of meaningful daytime activities is to enable PI staff to interact with detainees so that they can get to know them better. The PIs have stated that these activities do not need to generate a profit.

## 3.3 Social contact

### 3.3.1 Applicable laws and regulations

Detainees have the right to maintain contact with the outside world, such as visits by family members and friends, and to contact a lawyer.<sup>37</sup> In principle, telephone communication, correspondence and access to media are a requirement.<sup>38</sup> However, communication, correspondence and access to media may be restricted, for instance, if this is necessary for maintaining order and security.<sup>39</sup>

### 3.3.2 Findings

During the admission procedure, the detainees are usually subject to all restrictions for the duration of two weeks. This is imposed by the examining magistrate in the interests of the criminal investigation. The detainees only communicate with their lawyer and the RN during that period. Therefore, detainees may not receive visits from family members. This is only allowed when the restrictions have been removed. The admission period amounts to six weeks, but the restrictions are usually removed earlier.

<sup>37</sup> Section 38 PBW; Sections 37-39 PBW Model House Rules for Penitentiary Institutions (Section 3.8.2).

<sup>38</sup> Sections 36, 37 and 39 PBW.

<sup>39</sup> Sections 36 and 40 PBW.



The PIs have stated that they encourage contact with family members and always cooperate in facilitating access to a lawyer. To facilitate contact with family members, the PIs provide 'read aloud programmes', in which detainees read a story aloud on camera. The PIs send the video recording to children who are unable to visit. The PIs also want to look at the possibilities of using Skype to make contact with family members living abroad.

Detainees receive visitors in the TA visiting room. Detainees are allowed to receive a maximum of 3 people during a visit, plus 1 child aged under 12. PI Vught has stated that men and women are allowed to receive their children in the family room instead of in the visiting room. These visits are referred to as 'Visits under Supervision' and are supervised by the social worker working at the TA.

Detainees are allowed a ten-minute telephone call with a screened person four times a week.<sup>40</sup> The costs of the telephone calls are charged to the PI as compensation for the meaningful daytime activity. Detainees find ten minutes too short. They are not given the opportunity to finish the telephone conversation because the line is disconnected when the time runs out.

Lastly, detainees have access to media by watching television. The recreation room of the TA and the detainee's cell have a television. Only detainees who are subject to all restrictions do not have a television in their cells and do not take part in leisure activities.

## 3.4 Spiritual care

### 3.4.1 Applicable laws and regulations

The PI prison directors are required to provide sufficient spiritual care in the institutions in line with the detainee's religion or beliefs.<sup>41</sup>

### 3.4.2 Findings

Detainees of different faiths and beliefs are detained in the PIs. Primarily Muslim detainees were detained in the TA at the time of the investigation. A number of the detainees distrust the imam. They regard this spiritual counsellor as an extension of the Ministry of Justice and Security. The PIs offer alternatives, such as philosophy. One detainee was visiting a humanist.

PI Vught appointed a second imam to the TA in November 2018. This was necessary to allow religious gatherings to go ahead, given the occupancy of the TA (31 detainees at the time of the investigation).

PI De Schie has one imam, who provides spiritual care to all detainees (five at the time of the investigation) and talks to them individually, if desired.

Detainees attend a religious service in groups consisting of a maximum of five detainees. Men and women cannot attend Friday Prayers together because men and

<sup>40</sup> The standard is ten minutes once a week. Section 39 PBW.

<sup>41</sup> Section 41 PBW.



women are segregated in the PI. Two prison officers are routinely present during the religious service to supervise detainees.

All officers at the PIs have stated that the role of the imam at the TA is larger compared to the spiritual carers in other units of the prison system. Imams serve as a link between the detainees and the prison officers and mental health psychologists, as it were, and have a role in helping to identify TA detainee behaviour and statements. In the other direction, the imam endeavours to explain what a psychologist does if a detainee refuses to talk to the psychologist. This is aimed at facilitating contact between the psychologist and the detainees. The imams maintain their confidential position in their role of intermediary. They do not contribute to the D&R plan, nor do they take part in multidisciplinary consultations. Conversations with the imam are confidential. If the imam shares information with staff at the PI, the imam communicates this to the detainee. If the safety of the detainee, other detainees or staff is at risk, the imam may breach this professional duty of confidentiality.

## 3.5 Education and library facilities

### 3.5.1 Applicable laws and regulations

Detainees have the right to pursue a range of courses and/or education during their stay at the TA.<sup>42</sup>

### 3.5.2 Findings

Both PIs have stated that they encourage detainees to pursue a study programme. The staff want to ensure that detainees spend their time in a prison cell as responsibly as possible because they can use it to study.

The PIs aim to be innovative in the ranges of courses and training programmes offered. A teacher is available at PI Vught who also teaches language courses (Dutch and Spanish) on a voluntary basis. Detainees can also earn a Safety, Health and Environment (SHE) Checklist for Contractors certificate so that they can start working as a self-employed professional in the future.<sup>43</sup> The PIs are therefore preparing the detainee for return into society.

Detainees make use of the library facilities by requesting books on a book list. The books are delivered to the TA. The library offers a wide range of books. The PI determines whether the individual detainee may read the book. TA detainees have no access to books with an extremist or jihadist content.<sup>44</sup> A classification and assessment committee has assessed the range of books offered. No books are made available that incite hatred or violence. The Inspectorate discusses disengagement and deradicalisation efforts in the sections on interaction (2.2) and public safety (2.3).

<sup>42</sup> Section 48.1 PBW

<sup>43</sup> [www.vca.nl](http://www.vca.nl)

<sup>44</sup> See also the letter of the Minister for Legal Protection to the Lower House of Dutch Parliament, [Parliamentary Paper](#) 2019D23530, 7 June 2019.



## 3.6 Punishments and non-punitive orders, complaints and appeal

### 3.6.1 Applicable laws and regulations

Punishments and non-punitive orders must be proportionally applied and based on principles laid down by law.<sup>45</sup> If detainees disagree with a decision made by the PI, they may lodge a complaint or an appeal. The PIs are required to explain the detainees' rights and obligations in a comprehensible manner as well as how detainees can lodge a complaint or objection.<sup>46</sup> The house rules must be available in multiple languages, including Dutch, Arabic and English, so that the detainee can always read them again.<sup>47</sup>

### 3.6.2 Findings

#### Awareness of complaints and appeal procedures

Detainees are assigned to the Admission Unit when entering the TA and, depending on their risk profile, may be transferred to PI De Schie or another TA detention unit at PI Vught. One prison officer is assigned as the detainee's mentor. The mentor makes acquaintance with the detainee, explains what the detainee can expect at the TA and what the rules and sanctions are. The prison officer also points out the detainee's rights and obligations and explains how a detainee can lodge a complaint or an appeal. The PIs have stated that the detainees are usually aware of their rights and obligations because they have previously been held in detention.

The house rules are available at both PIs in the languages stated above. There are prison officers and prison complex security guards who also speak Arabic in addition to Dutch and can act as an interpreter. The telephone interpreting service can also be used.

#### Number of complaints proceedings

The information obtained on complaints and appeal proceedings shows that detainees hardly ever lodge a complaint or appeal. Six complaint cases were submitted in 2018, one of which was declared well-founded, three inadmissible and two cases were still pending during the investigation.

Detainees have stated that they want to lodge an appeal or complaint against their placement in the TA. However, such a complaint is unlikely to succeed. As stated in Chapter 2, a detainee is placed in the TA based on being suspected or convicted of a terrorist offence.<sup>48</sup> Placement complaints are declared unfounded. The Appeal Committee of the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) concluded that Article 20a RSPOG, which specifies the placement criteria, is not inconsistent with a higher regulation and must therefore be deemed binding.<sup>49</sup>

<sup>45</sup> Articles 27-32 SMR and Article 56 et seq. EPR.

<sup>46</sup> Pursuant to Chapter IX PBW, Sub-sections 61/68 Complaints Regulations

<sup>47</sup> Section 56 PBW; Section 5 PBW; Article 35 SMR; Article 30 EPR.

<sup>48</sup> Section 83 Dutch Criminal Code, Article 20a, RSPOG.

<sup>49</sup> RSJ 06/3261/GB, 27 March 2007, appeal.





### **Punishments and non-punitive orders**

The PIs impose few or no punishments and punitive orders. The explanation given by the Supervisory Board is that, as a result of the investment in relational security, PI staff usually manage to resolve the detainee's problems. The Inspectorate discusses relational security in further detail in Section 4.3.



# 4

## Interaction

In this chapter, the Inspectorate examines the second sub-question: *what is the situation regarding the interaction with detainees at the TA?* The Inspectorate discusses the implementation of the risk assessment and how detainees are treated by staff. The Inspectorate will start with their sub-conclusion.

### 4.1 Sub-conclusion

Partly due to developments in recent years, greater emphasis has been placed on the interaction with and treatment of detainees at the TAs. The Inspectorate considers this a favourable development because of its positive effects on the living environment and security.

The Inspectorate believes there is a risk in sharing the available information for the purpose of the risk assessment. Due to restrictions on sharing information and different opinions on the added value of the VERA-2R – the tool developed for this purpose – the risk assessment is not performed in a structured manner. Several parties complete parts of the VERA-2R based on information that cannot be viewed by every party. The PIs are aware that there is more information on detainees than that available to them. In view of the fact that RN submits the VERA-2R to PI Vught too late, the institution lacks the relevant information required to classify detainees and create the risk profile. PI Vught creates the risk profile based on its own findings, with which the detainees are subsequently classified.

The Inspectorate considers it undesirable that PI De Schie and PI Vught have different views on the use of the VERA-2R and that PI De Schie does not want to use the tool. This has no consequences for daily practice at the TA because detainees are first admitted to PI Vught and PI Vught draws up the risk assessment using the VERA-2R.

The process involved in assessing the risk in order to differentiate detainees should therefore be improved.

Lastly, the Inspectorate would advise the PIs to draw up a competency and job profile for the roles fulfilled at the TA. These profiles will clearly show when a person is sufficiently qualified to work at the TA.



## 4.2 Admission procedure

### 4.2.1 Applicable laws and regulations

The PIs screen the detainees upon arrival for care needs and security and management risks.<sup>50</sup> With regard to the TA, it is important for the PIs to classify the radical extremist behaviour of the detainees in order to identify the security and management risks. PI Vught classifies the detainees by screening them first and then differentiating them.

### 4.2.2 Findings

#### Admission procedure

Detainees are admitted to the Admission Unit in PI Vught. This unit has a high-security level. If necessary, the highest security measures can be imposed on a fifth TA unit housed in the building where the maximum-security unit (EBI) is located. The examining magistrate can impose all restrictions on a detainee during the initial weeks of the admission period. This means that the detainees are only allowed to communicate with their lawyer and the Probation Service. The detainees follow the minimum day programme (see table c in Chapter 3). The admission procedure consists of six weeks, during which the detainees are observed for the purpose of the intake, the final risk assessment and final differentiation.<sup>51</sup>

#### Intake

During the first week of the detainee's stay in the TA, several intake interviews are held between the detainee and the staff of the PIs. The head of unit conducts an intake interview and explains the TA system. The prison officer explains what the detainee can expect at the TA, what the detainee's rights and obligations are and that the detainee should read the house rules. The case manager discusses the living areas with the detainee, also with a view to obtaining insight into the detainee's social network. In addition, the spiritual counsellor and the medical staff, such as the doctor, hold an intake interview with the detainee. RN also visits detainees during the first six weeks for the purpose of drawing up an advisory report for the court. A municipal officer visits the detainees (which may be at the same time as the case manager or RN) in order to draw up a reintegration plan. This is because the suspect might be allowed to await his or her sentence in freedom and will consequently return to the municipality (see Chapter 6, Reintegration).

Apart from the intake interview, the prison officers and the mental health psychologist also observe how the detainee behaves in the unit. The staff of the PIs report their observations in the D&R plan. The medical staff (doctor, nurse, psychiatrist and psychologist) record the intake interviews in the detainee's medical record. The head of unit, the case manager and the prison officers record their information in daily reports and in the D&R plan. The staff discuss the reports during weekly multidisciplinary (MDO) and psychomedical (PMO) consultations. The Inspectorate discusses the D&R plan and the MDO and PMO consultations in Chapter 6, Reintegration.

<sup>50</sup> Article 24 SMR, Articles 16 and 51.3 EPR.

<sup>51</sup> TA House Rules



## VERA-2R

PI Vught uses the VERA-2R to classify detainees. The VERA-2R produces a risk assessment of the detainees. The results of the assessment can also provide insight into the degree of radicalisation and protective factors.<sup>52</sup>

The VERA-2R is drawn up once and in theory is a joint product of the Dutch Probation Service (RN) and PI Vught. The aim is to complete the VERA-2R within six weeks after the detainee's arrival so that the results of the VERA-2R can be included in the classification and differentiation of detainees. If a detainee is transferred to PI De Schie, the results of the VERA-2R and the corresponding classification are also transferred.

RN has one team that works with clients who are suspected of a terrorist offence: the Terrorism, Extremism and Radicalisation team (TER). The RN TER team fills in the VERA-2R based on the information available in the case file, including the criminal records of the OM. The OM has granted a number of probation officers authorisation to use the OM information. The VERA-2R scoring process is labour-intensive. The agreement is that RN will finalise the VERA-2R one month after the detainee's arrival at the TA. RN is unable to meet that deadline because only two of the TER team members have OM authorisation and an unexpectedly high number of detainees were admitted to the TA. All TER team members are trained to conduct the VERA-2R. A request for more authorisations was pending during the investigation.

The mental health psychologist at PI Vught adds information obtained from the Detainee Intelligence Information Service (GRIP) and the profile obtained from the PI to the VERA-2R. The overall findings produced by the VERA-2R shows what the key risk and protective factors are for the detainees and whether the detainees should be regarded as a leader or follower. Given that, at the time of the investigation, the information from RN was not available on time, PI Vught assessed the key risk and protective factors based on its own observations and the information obtained.

Both PIs have levelled criticism at the usefulness of the VERA-2R. For example, parts of the criminal records in the VERA-2R cannot be viewed by the PIs. In addition, the PIs has stated that the OM has more information on the detainees that is not available to the PIs. In the opinion of the PIs, they lack information that is relevant to classification and differentiation.<sup>53</sup>

PI De Schie does not draw up a VERA-2R and the mental health psychologist at PI De Schie does not score VERA-2R. PI De Schie maintains the view that filling in the VERA-2R conflicts with the duties of the mental health psychologist. PI De Schie argues that the mental health psychologist is there for care needs and not for drawing up a risk profile. The mental health psychologist considers these duties incompatible. The mental health psychologist leaves the risk assessment to the Probation Service that reports it to the court.

<sup>52</sup> Product specification for the Terrorist Detention Units, DJI, June 2018.

<sup>53</sup> Section 39e of the Judicial Data and Criminal Records Act (*Wet justitiële en strafvorderlijke gegevens*) provides a legal basis for the Board of Procurators General to provide criminal records to a number of persons or authorities if necessitated by a compelling public interest. Criminal records may be made available for non-criminal justice purposes only if this falls within the scope of the tasks of the Netherlands Public Prosecution Service and to the extent necessitated by a compelling public interest. This means that criminal records may not be made available based on the sole interest of a third party therein.



## Classification

A risk assessment is drawn up on the basis of the profile obtained and the results of the VERA-2R. PI Vught holds several consultations in order to determine the final differentiation and to document it during the MDO consultation after the six-week admission procedure. Prior to the MDO consultation, the mental health psychologist discusses the results of the VERA-2R and the medical profile during the PMO consultation. The care pathway is subsequently determined during the PMO consultation in the presence of the medical director. Based on this care pathway, the medical team determines treatment and intervention. During the Safety and Intervention Consultation (VIO) the prison director, the mental health psychologist and a radicalisation expert, engaged by DJI with the budget made available by the NCTV and DJI, discuss the potential safety risks for staff and fellow detainees.<sup>54</sup>

After six weeks, the results of the PMO and VIO consultations are collated during the MDO consultation, in which the day programme in which the detainee will participate, the security measures and the care to be provided by the PI are determined. Staff discuss the risk and protective factors, and the care to be provided with the aim of reducing the risk factors and increasing the protective factors. The risk of recurrent punishable behaviour should decrease as a result.

Based on the MDO consultation, the detainee is placed in a group in a unit where the security measures are appropriate for the detainee's profile. A TA detainee may also be placed in the TA within the unit accommodating the maximum-security unit.<sup>55</sup>

The composition of groups may change as a result of newly admitted detainees or detainee-related developments. A possible placement at PI De Schie is also discussed. If a detainee is suitable for a group and it is deemed essential for the group composition (separation of detainees), the detainee may be transferred. Detainees can also submit a transfer request to the prison director. The prison director will submit the transfer proposal to the selection officer, who will then make a decision.<sup>56</sup>

## 4.3 Detainee treatment

### 4.3.1 Applicable laws and regulations

There should be sufficient interaction between staff and the detainees and they should treat each other with respect. It is important that detainees are treated fairly during their detention, without any unnecessary suffering and without infringing their right to personal integrity. The key factors for achieving this are staff professionalism and the motivational treatment of detainees.<sup>57</sup>

<sup>54</sup> The radicalisation expert engaged by DJI, with the budget made available by the NCTV and DJI, assists the TA with the classification of detainees.

<sup>55</sup> Article 26, RSPOG.

<sup>56</sup> Article 25, RSPOG. Section 18 PBW

<sup>57</sup> Articles 6 and 48 SMR, Articles 13 and 75 EPR.



## 4.3.2 Findings

### Relational security

In a reflection on the interaction with detainees, PI Vught stated that the 2016 regime focused primarily on controlling the detainees. This regime elicited negative behaviour in the detainees, to which PI Vught subsequently responded. Although internal safety in the PI was guaranteed due to regular interventions by the Internal Support team (IBT), this did not apply to public safety. The detainees were not being prepared for a return to society. The risks of radical behaviour were not being countered either, merely controlled.

The PIs have stated that relational security has been a key aspect of interaction since 2016. Relational security means that staff make contact with detainees and work on building a professional relationship of trust. Through these efforts, the PIs endeavour to engage in a relationship of trust with the detainee. PI Vught applies 'the circle of change' theory. Based on this theory, PI Vught endeavours to increase detainees' understanding and to make clear that society perceives the radical ideology as threatening. 'Choosing to Change' is a standard training programme provided by PI De Schie. The training programme is primarily aimed at making contact with the detainees in order to obtain insight into the detainees' mindset. The PIs are endeavouring to motivate detainees to change the way they act with a view to disengagement and deradicalisation.

The PIs have stated that hardly any incidents have occurred at the TA since 2016 that have forced the prison director to impose sanctions. The Supervisory Board has confirmed this finding. Detainees know how they can lodge a complaint or an appeal, but rarely use this possibility. As a result of the frequent interaction between the staff member and the detainee, prison officers are able to resolve most of the complaints on the spot. The staff communicate in an open and transparent manner so that the detainees have insight into the decisions and assessments made during an MDO consultation.

Detainees have a positive opinion on interaction with the staff of the PIs. Even though they find the regime harsh, the detainees stated that the staff do try to make the best of it. Detainees interact a lot with staff because they also depend on them. For example, they need to ask the prison officers to provide them with the basic necessities, such as a new toilet paper. Detainees notice the difference when a stand-in worker works in the unit. They are exposed to more denigrating comments.

### Training programmes and courses for staff

Prison officers, heads of unit, imams and mental health psychologists at the TA acquire a deeper understanding of radicalisation, extremism and jihadism by attending training programmes and courses. In addition, the NCTV provides knowledge enhancement courses.<sup>58</sup> Emphasis is also placed on conducting conversations, aimed at moral understanding, values and standards.

DJI has not drawn up a separate competency profile for prison officers who work at the TA. As a result, it is not clear what training programmes they should take and what requirements they should meet. However, the interviews have pointed out that specific knowledge of radicalisation is required in order to work at the TA.

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<sup>58</sup> Culture & Cultural Perceptions, Migration History, Basic Knowledge of Islam, Designing Individual Treatment Profiles.



# 5

## Public safety

The Inspectorate examines the third sub-question in this chapter: *what is the situation regarding public safety?* The measures taken by the PIs to ensure public safety were examined. As stated under Operationalisation (Section 1.3), the Inspectorate has not examined conditional release, given that no detainees were eligible for conditional release.

The sub-conclusion is stated first. The Inspectorate subsequently describes the applicable regulations and then its findings on the application of public safety measures.

### 5.1 Sub-conclusion

Both TAs have implemented security measures to ensure safety in the units and to prevent recruitment activities and radicalisation during detention.

The Inspectorate concludes that the security measures, combined with the treatment of detainees, contribute to safety in the unit, as evidenced by the low number of incidents. As a result of differentiation, the probability of unnecessarily applying stringent security measures has been reduced.

### 5.2 Security measures

#### 5.2.1 Applicable laws and regulations

One of the objectives of the TA is to prevent recruitment activities and radicalisation during detention, as well as to preclude detainees from helping to commit, committing or preparing a terrorist crime while in detention.<sup>59</sup> One way in which to achieve this objective is to implement security measures.<sup>60</sup> The prison director can apply security measures during detainees' contact with the outside world, including screening potential visitors.<sup>61</sup>

<sup>59</sup> Product Specification for the Terrorist Detention Unit, DJI, June 2018.

<sup>60</sup> Sections 29, 34a, 36, 37, 38, 58 PBW.

<sup>61</sup> Section 38(4) PBW.



## 5.2.2 Findings

### Small groups

Detainees in the TA stay in groups of no more than five people. The PIs have stated that the groups are deliberately kept small. This enables staff to keep an eye on the group and to pay attention to the detainees. The immediate aim of small groups is to prevent detainees from revolting against staff.

### Differentiation of detainees

Equally, the differentiation of detainees serves as a security measure for the PIs. The risk profile gives the PIs insight into the degree of radical behaviour and the security threat. The PIs differentiate detainees with similar profiles as far as possible. By doing so, the PIs aim to prevent detainees from influencing each other and becoming more radicalised.

The PIs have stated that the higher the threat posed by the detainees, the more stringent the measures will be during their stay at the TA. If the risk profile shows that detainees pose a very high threat, they are not allowed to take part in group activities. In this way, the PIs aim to prevent the risk of other detainees being negatively influenced. The lower the detainee risk profile, the less stringent the PI security measures will be. At the time of the investigation, women were allowed to receive their children in the unit rather than in the visiting room.

### Visitor screening procedure

Before detainees are allowed to receive visits from their family, the PI prison directors inform them that potential visitors or people whom detainees wish to telephone will be screened. The PI prison director assesses whether there are any objections to the visit or telephone call based on the background check. Detainees must be prevented from inciting others in any way via visitors to radicalise or engage in terrorist activities.

The potential visitors must agree to screening. The detainees can fill in a maximum of 15 people on the visiting form. Detainees are allowed to replace five visitors on the visitor list with other visitors every month. Potential visitors grant written permission on the screening form submitted and return it to the PI. The PIs hand over the forms to the GRIP. The screening process begins as soon as the GRIP receives the forms. The GRIP needs a maximum period of two weeks to carry out screening. The GRIP ultimately issues a positive or negative recommendation based on the information it has obtained. The recommendation is submitted to the prison director who subsequently makes a decision.<sup>62</sup> If the prison director's decision is negative, the prison director can refuse the visit or telephone call for a maximum period of twelve months. After twelve months, repeat screening may be requested.

<sup>63</sup>

### Monitoring social contacts

The Intelligence and Security Agency (BIV) watches and listens in during telephone calls and visits, using cameras and microphones installed in the visiting and communal rooms. BIV is a department of the DJI Head Quarters and writes reports on the audio recordings (visits and telephone calls). The PIs also watch, listen in and

<sup>62</sup> TA House Rules. Section 38(1) PBW.

<sup>63</sup> Article 6, Regulations on the admission and refusal of visits and the restriction of telephone calls in penitentiary institutions (*Regeling toelating en weigering bezoek en beperking telefooncontacten penitentiaire inrichtingen*).





read when the detainee communicates with the network outside the PI by telephone and letters.

Before and after the visit, visitors and detainees are security-checked by walking through a metal detector. They should pass through it without triggering an alarm. The detainees may also be subjected to a full body search. Detainees are aware that others are listening in during visits and telephone calls. When they receive a visit, a light burns, which indicates that the PIs are watching and listening in.

BIV shares the reports with TA staff. Feedback is given during the MDO consultation. Based on the feedback from BIV, the PIs can classify the detainees' behaviour and tighten the security measures, if necessary. In addition to observation by BIV, a prison officer observes the visit in a room adjacent to the visiting room.

#### **Check before and after the visit**

Visits to both PIs can take place with or without a glass partition wall. The PI may decide to use this wall if it believes there is a risk. Otherwise, it is the detainee's choice. However, the consequence of a visit without a glass partition is that the detainee is subjected to a full body search afterwards. After a visit behind a glass partition, the detainee is only patted down. Detainees usually opt for a visit behind a glass partition because they do not want to undergo a full body search.

#### **Full body search**

A full body search is performed during the admission procedure when the detainee is in contact with the outside world. In other words, a full body search is performed when detainees are admitted to the PIs for the first time and when detainees are transported to the court. After differentiation, a full body search is performed based on the risk profile. If the detainee is regarded as a security risk, a full body search may be performed.<sup>64</sup>

#### **Urine tests and drug searches**

Urine tests and cell inspections are carried out at the TAs for the presence of drugs, which have not produced positive results to date. The Supervisory Board describes the TA detainees as a target group that does not suffer from an addiction problem. Detainees feel safe at the TA because they are staying there with like-minded detainees and they perceive the interaction with PI staff as positive.

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<sup>64</sup> TA House Rules. Product specification for the Terrorist Detention Unit DJI, June 2018.



# 6

## Reintegration

This chapter focuses on the research question: *how are TA detainees prepared for a return to society?* After the sub-conclusion, the Inspectorate discusses the applicable laws and regulations on reintegration in Section 6.2 and then presents its findings. Section 6.3 follows the same structure.

### 6.1 Sub-conclusion

In the Inspectorate's opinion, the PIs sufficiently follow the detainees' detention process. Both the PIs and the municipal authorities prepare the detainee for return into society.

The Inspectorate concludes that the municipal authorities make an effort to implement the reintegration of their citizens who are detained in the TA. For example, there are specialist units that draw up a person-specific approach, and information is transferred between the PIs and the municipal authorities.

As concluded by the Inspectorate earlier in Chapter 4 on Interaction, it regards the transfer of information as a risk. If the PIs do not have the information that is available at the OM, the municipal authority does not receive this information either. In addition, the Inspectorate has noted that the exchange of information between the PIs and the municipal authorities has not been formalised. The PIs and the municipal authorities work together on the basis of experience gained from earlier cases. It has not been agreed and documented what specific information will be exchanged. In the Inspectorate's view, this poses a risk to the municipality in implementing its task of reintegrating citizens.

### 6.2 DJI reintegration efforts

#### 6.2.1 Applicable laws and regulations

DJI is required to ensure, together with the municipal authorities, that detainees prepare for a proper return to society. DJI, RN (where an operational period with special conditions has been imposed) and the municipal authorities provide after-care services focusing on five aspects of life: identity document, income/daytime activity, debts, care and housing/accommodation immediately after release from



detention.<sup>65</sup> The detention should therefore be conducive to the detainee's return to society.<sup>66</sup>

The PIs define objectives in the D&R plan, setting out how the detainee will work on reintegration. The plan is drawn up as far as possible in consultation with the detainee and agreed with partners in the criminal justice chain. The PI is required to draw up the D&R plan within four weeks of the detainee's arrival and to update it prior to the MDO consultation.<sup>67</sup>

The reintegration process begins in the PI. Detainees may be discharged from the TA in the event of a remaining sentence of a minimum of four months and a maximum of one year.<sup>68</sup> This is subject to the condition that the detainee has not proclaimed or spread any radicalisation messages in the 12 months following placement at the TA. This also includes recruitment activities that are contrary to public order and safety, or to order or safety in the institution. For detainees who are not discharged from the TA, the DJI selection officer decides, based on a selection proposal, whether to extend the stay of a detainee at the TA. If the selection officer makes a decision, the detainee has the option to lodge a complaint or appeal.<sup>69</sup>

If the detainee is serving a non-suspended prison sentence of more than one year, the detainee will be released on conditional parole unless the OM orders the court to postpone or to dispense with conditional release entirely.<sup>70</sup> Furthermore, recidivism may not occur during the operational period. Where special conditions apply, such as following a treatment programme, the detainee must comply with these conditions.

## 6.2.2 Findings

### D&R plan

The PIs have stated that PI Vught draws up the initial D&R plan because the detainees are admitted to PI Vught first. If a decision is made to transfer the detainee to PI De Schie, PI Vught transfers the D&R plan to the latter institution. The mentor is responsible for delivering an up-to-date D&R and for discussing it with the detainees. The prison officers, case managers and the mental health psychologist record observations and acts in the D&R plan. Detainees notify their mentor if they do not agree with a description, and a comment to that effect is added to the description. Factual inaccuracies are corrected. No discussion is possible on the results of the risk profile and the interventions to be used, as decided during the PMO consultation. However, detainees can opt not to cooperate if they are not motivated.

Both PIs want to improve the quality of the D&R plans. Both PIs would like to include more information in the D&R plan.

<sup>65</sup> Article 24 SMR, Article 107.4 EPR. TA House Rules.

<sup>66</sup> Section 2.2 PBW

<sup>67</sup> Article 1c, RSPOG.

<sup>68</sup> Article 26a, RSPOG.

<sup>69</sup> Articles 26a and 26b, RSPOG.

<sup>70</sup> Section 15 et seq. of the Dutch Criminal Code.



### **Multidisciplinary Consultation (MDO)**

The frequency of an MDO consultation is weekly to once every two weeks. The head of the unit acts as the chair and is responsible for the adoption of the D&R plan. The participants include the prison officers (who also act as mentors), the medical service, the sports instructor, the case manager, the BIV officer and the mental health psychologist.

During the MDO consultation, staff provide a detailed picture of detainees. Staff are critical towards each other during an MDO consultation and ask questions about what a colleague means with the picture they have described. The staff want to understand the detainee's behaviour in as much detail as possible so that there is consensus on the type of behaviour and they can implement unambiguous interventions. The psychologist supports staff by providing input on how to interpret the detainee's behaviour, with the aim that all parties will provide the same care to the detainee.

Each case is closed by running through the action list in the D&R plan. This enables the PIs to monitor whether actions have been carried out and which staff member is responsible for which action. The list also includes the dates of court hearings and the completion date of the detainee's sentence. The latter is relevant to the case manager, so that the PIs can commence the reintegration programme in good time.

### **Reintegration programme on the part of DJI**

The case manager at the PIs is responsible for supervising and organising the reintegration programme. A number of officers interviewed by the Inspectorate stated that, in their view, risks are attached to commencing the reintegration programme in the PIs. Detainees can be discharged from the TA if they have a remaining sentence of a minimum of four months and a maximum of one year.<sup>71</sup> As fewer staff are present per detainee in regular units, the detainee is monitored less and there is less opportunity for supervision. At the TA, the detainee stays in a group of five under the supervision of at least two prison officers. At mainstream units, the detainee stays in a group of 32 under the supervision of at least 2 prison officers.

The Inspectorate understands this point and acknowledges that detainees at mainstream units are monitored less because there are fewer staff. However, TA detainees are transferred to a mainstream unit only after a formal decision has been made by the selection officer. If a detainee is not suitable for a mainstream unit, the detainee will not be transferred.

### **Consultation with criminal justice partners**

A consultation with criminal justice partners is held at De Schie once a month. The DJI selection officer (Individual Affairs Division – DIZ) chairs the consultation. The criminal justice organisations involved in the TA participate in the consultation. They are DJI, the PIs, RN, OM, GRIP and NCTV. They discuss current matters relating to both relevant investigations and developments. Detainees and cases are also discussed. PI De Schie shares information about developments relating to detainees and their behaviour. PI Vught provides an impression of the situation at the TA. It does not share any detailed information, in the interests of the detainees, particularly if they have not yet been sentenced.

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<sup>71</sup> Article 26a, RSPOG.



An issue that criminal justice partners are concerned with is sharing information. The information available upon the admission of new detainees is limited. The PIs are aware that the OM has more background information. According to the NCTV, the VERA-2R is the tool that should be used to share relevant information. For PI Vught, however, the VERA-2R is not the appropriate tool for meeting the institution's information needs. The PIs would like to receive information from the OM so that PI Vught (Admission Unit) can use it to classify and differentiate detainees. PI Vught classifies detainees based on its own profile and, if available, the VERA-2R.

## 6.3 Working on reintegration in the municipalities

### 6.3.1 Applicable laws and regulations

Under the Social Support Act (*Wet maatschappelijke Ondersteuning – Wmo*), the municipal authority is required to support citizens in the area of self-reliance, participation, sheltered accommodation and care. Please note that the Inspectorate does not carry out checks on the Wmo because it does not supervise the municipalities.

### 6.3.2 Findings

#### Municipalities' approach

The municipality of The Hague and the municipality of Rotterdam both have specialist departments that deal with radicalisation. The Hague established the Prevention of Polarisation and Radicalisation Information Centre (IPPR) in 2009. Rotterdam took the first steps towards setting up the Radicalisation Contact and Advisory Point (MAR) in 2015. The MAR forms part of the Tackling Radicalisation Programme. The municipality receives a DPAN<sup>72</sup> notification if a citizen of the municipality is placed in the TA. Furthermore, the OM notifies the municipality by telephone of the transfer of a citizen to the TA usually the same day.

#### Community Safety Partnership

The municipal authority discusses residents in the Community Safety Partnership (*Veiligheidshuis*).<sup>73</sup> The municipal authorities have stated that, if a resident is placed in the TA, the resident is already on the radar of the IPPR (The Hague) and MAR (Rotterdam). The municipal authority discusses suspicious matters, such as networks showing signs of radical behaviour, with the police.

If residents are detained in the TA, the municipal authority draws up a plan to allow the individual to reintegrate into the municipality. The action plan includes various scenarios and a risk profile, based on which the municipal authority takes action. Each scenario is hypothetical and becomes more concrete according to the available information. A decision is made on a case-by-case basis on which professional should join the consultation to discuss the action plan. The organisations involved

<sup>72</sup> Digital Aftercare Alignment Platform

<sup>73</sup> Community Safety Partnerships are network alliances in which partners in the criminal justice system, the healthcare system, municipal partners and local government jointly tackle complex problems aimed at reducing public nuisance, domestic violence and crime.  
<https://www.veiligheidshuizen.nl>



are RN, the OM, the police, the Youth and Family Centre (CJG)<sup>74</sup> and the Child Care and Protection Board

The Rotterdam municipal authority would like to draw up the risk profile based on a diagnostic risk tool, such as the VERA-2R. It expects to be able to draw up a more objective risk profile using the tool.

The municipal authorities continue to monitor their residents after detention during the case consultations held by the Community Safety Partnership, for as long as they consider it necessary. The individuals monitored by the municipality of The Hague are notified of this by the municipal authority. Rotterdam provides notification only after the case consultations and if no grounds for exception exist. If the resident does not show any risk behaviour, the municipality downscales its monitoring activities from the Community Safety Partnership to the community team and other professionals. If risk behaviour does not occur, the community team ends the monitoring activities. If risk behaviour is identified again in the future, the community team can resume monitoring and scale it up to the MAR/IPPR.

### Cooperation with the PIs

The municipal authorities have expressed a positive opinion on cooperation with PI De Schie and PI Vught. Rotterdam and The Hague have stated that, because the staff has worked together for many years, they know each other and can easily contact each other. A visit to a detainee at the TA can be arranged within a few days by contacting the case manager. The PI also shares information on the impression obtained of the detainee (resident). Together with the PIs, the municipal authority focuses on reintegration in five aspects of life: a valid identification document, income/daytime activity, debts, care and housing/accommodation upon the detainee's return to the municipality.

Two municipal officers visit and talk to the detainee. Before the municipal authority handles a request from the detainee, the detainee should be prepared to cooperate. According to the municipality of The Hague, the willingness to cooperate should at least imply disengagement.<sup>75</sup> The municipal authority aims to prevent the detainee from reverting to (further) radicalisation or criminal behaviour. Ex-detainees/detainees become eligible for a benefit, for instance, if they pursue a study programme. The municipal authority wants to maintain contact so that it can monitor its citizen.

### Information sharing

The Hague and Rotterdam have stated that they depend on the information the PIs submit to the OM and the police. However, no agreements have been made with the PI on what information should be shared. The municipal authorities are not criminal justice partners and therefore do not take part in the consultation with criminal justice partners. The risk profiles derived from the VERA-2R cannot be viewed by the municipal authorities.

The Hague and Rotterdam consider the independent position of the criminal justice partners difficult. The municipal authority is in charge. The mayor carries responsibility for the safety of the municipality and for the reintegration of residents at the same time. The municipal authorities want to take up and fulfil this

<sup>74</sup> CJG does not take part in Community Safety Partnership discussions in Rotterdam.

<sup>75</sup> The municipality of Rotterdam does not apply the rule of willingness to disengage.



responsibility, but have also indicated that they need to be certain that they have complete and relevant information. According to the municipal authorities, the solution lies in laying down the cooperation with the criminal justice partners in an agreement. They want to lay down cooperation on the approach to the reintegration of residents who are held in the TA, to ensure that there are agreements on sharing information.



# 7

## A further review of accommodation, perception and placement

When conducting this investigation, the Inspectorate noted a number of differences between PI De Schie and PI Vught. The differences were evident when the day programme was carried out and relate to the possibilities and impossibilities of the buildings, the organisational choices and the security measures applied. The Inspectorate has highlighted these differences because, in the Inspectorate's opinion, they affect detainees' perception of detention, which will also be discussed. This chapter concludes with a review of the effect of placement in the TA.

### 7.1 Sub-conclusion

The Inspectorate concludes that the spaces in the TA are clean and meet the legal requirements, such as for the size of the spaces. However, the Inspectorate has noted that there are differences between PI De Schie and PI Vught.

In the Inspectorate's opinion, the combination of organisational choices and the possibilities and impossibilities of the building adversely affect the freedom of movement of detainees in the TA in PI De Schie. Compared to the TA in PI Vught, TA detainees at PI De Schie experience fewer environmental stimuli and have less space to walk around in.

Lastly, according to the Inspectorate, not much can be said about the effect of placement in the TA on detainees because more research needs to be conducted over the longer term. Professionals who work within, but also outside the PIs, should at all times be alert to signs of extremist behaviour with a view to preventing extremist acts.

### 7.2 Capacity and accommodation

#### 7.2.1 Applicable laws and regulations

The accommodation housing the detainees must meet the applicable standards. The living conditions in the facility must also be hygienic.<sup>76</sup>

<sup>76</sup> Section 44.4 PBW. Articles 10, 11, 12-19 SMR, Articles 18, 19 and 19.4 EPR. The CPT has set specific standards for the minimum required floor area of accommodation spaces and the additional requirement that the exercise yards must offer shelter in the event of inclement weather.





## 7.2.2 Findings

The TA at PI Vught is located in enclosed grounds within PI Vught. Four units (Unit 9) in PI Vught have their own access gate (the other places are housed in the same unit as the maximum-security facility (EBI), Unit 5, which also has its own access gate. PI Vught has a total TA cell capacity of 41 places. The Admission Unit, which is also the accommodation unit with the high-security level (see Chapter 3, Table c), is sealed off from the other accommodation unit with a fence. There is a workroom inside the TA unit and an external workroom in the PI work complex. The TA in the unit also has the possibility of offering outdoor activities, such as gardening. Detainees in PI Vught therefore have a relatively large amount of freedom of movement in the accommodation units and on the grounds compared to detainees in PI De Schie.

PI Vught has more facilities. In November 2017, it began providing the meaningful daytime activity, one year earlier than De Schie. The prison had to adapt a space for this purpose beforehand.

PI De Schie has a cell capacity of seven places. The TA in PI De Schie and the detainees posing management problems (BPG) form one unit. This means that one single team has to monitor both the TA and the BPG. Given that incidents regularly occur on the BPG wing, it requires more attention from the prison officers. When prison officers are needed for the BPG, the detainees are locked in their cells in the TA. The PI suspends scheduled activities when this occurs. This encroaches on the attention and availability for the TA.

In view of the limited space in the building, detainees in the TA at PI De Schie carry out all activities communally, such as recreational activities, cooking, and meaningful daytime activities. They also make telephone calls in the same space.

### Outdoor exercise

TA detainees exercise outdoors in a large, domed space. The metal dome has holes so that the sky can be seen directly and detainees can feel the rain. It is not possible to look inside the domed space from the outside, which means that TA detainees do not come into contact with other detainees. Detainees can play table tennis, sports or sit on a bench inside the domed area. The dome is located on the inner courtyard and a wall separates it from the airing yard used by the other detainees. Detainees take outdoor exercise under the supervision of the prison officers. PI De Schie allows prisoners to take outdoor exercise outside the domed space when two prison officers are on guard. In PI Vught, detainees take outdoor exercise in an airing yard that does not have a dome. However, the airing yard is divided into two parts by a wall and a fence so that the various units do not come into contact with each other.

### Detainees' perception of their stay in the TA

Detainees find their stay in the TA harsh. They compare their stay with that of detainees who have been sentenced to lifelong imprisonment. However, the difference is that they are subject to more restrictions than inmates serving lifelong prison sentences, even though not all detainees in the TA have been convicted. The PI always monitors and listens in when they have conversations with visitors, with the exception of the lawyer and privileged post.



The Inspectorate has noted that there are differences between the perception of detainees in PI Vught and PI De Schie, and that there are differences in perception between men and women in PI Vught.

The male detainees at PI De Schie criticised their stay. They find that staff devote more time and attention to the BPG than to them. At the time of the investigation, the composition of the male detainees had not changed for a whole year. According to the detainees, a sixth detainee will not be admitted to De Schie because two TA groups will then need to be formed and adjustments will need to be made to the staff schedule and the day programme.

The women expressed a positive opinion on the interaction with staff at the TA. They have noticed that staff think about what is possible. Women in PI Vught receive their children in the unit and do not need to sit behind glass in the visiting room. They find the body search at the end of the visit irritating and incomprehensible. The visit takes place under supervision or is monitored by the prison officers and BIV listens in. As two women were staying at the TA at the time of the investigation, they carried out all activities together. They sometimes feel like a robot. Female detainees also find that they hardly have any privacy because the staff continuously monitor and observe them.

### 7.3 Effect of placement in the TA

The high level of security and the use of control measures are effective in that no contraband has been found at the TA (including no positive results for urine tests and drug searches) and hardly any incidents occur. The PIs make considerable investments in interventions aimed at reducing the risk factors of detainees. The PIs efforts are consequently directed towards disengagement and deradicalisation. So far, little is known about the effect of these interventions.

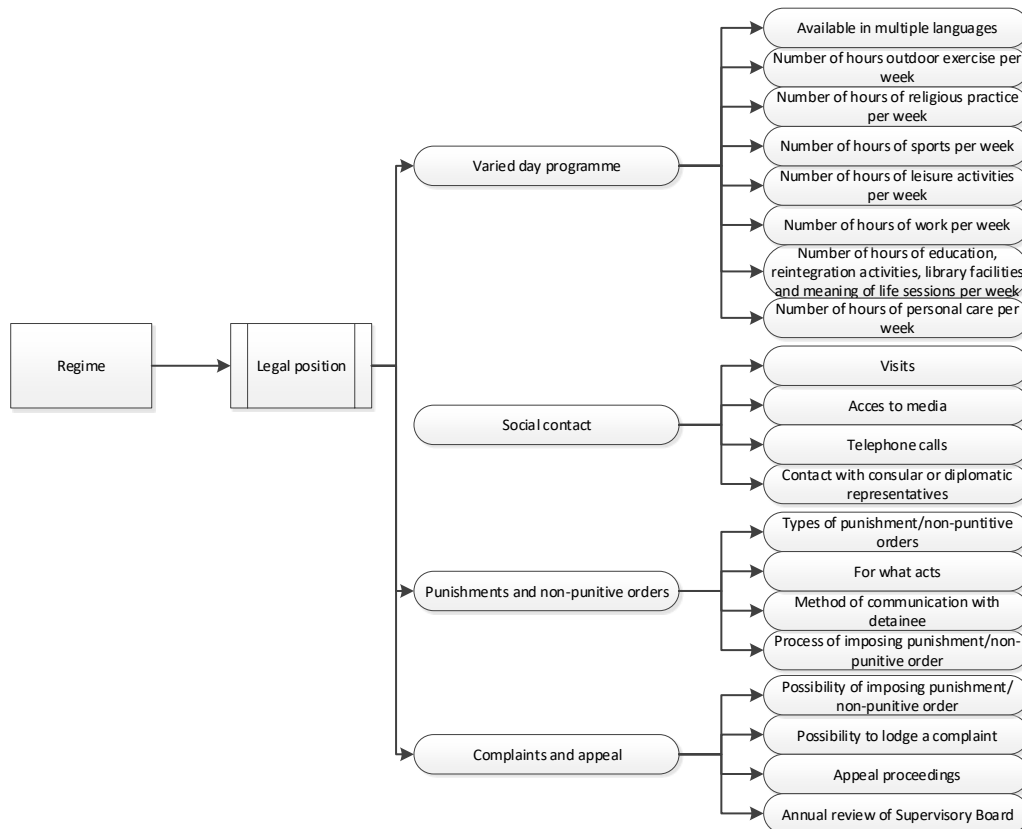
Placing detainees together rules out that they will incite other detainees to extremism. However, because detainees get to know each other better at the TA, radical views can be exchanged and new contacts can be made. This is a risk that the DJI has also identified.

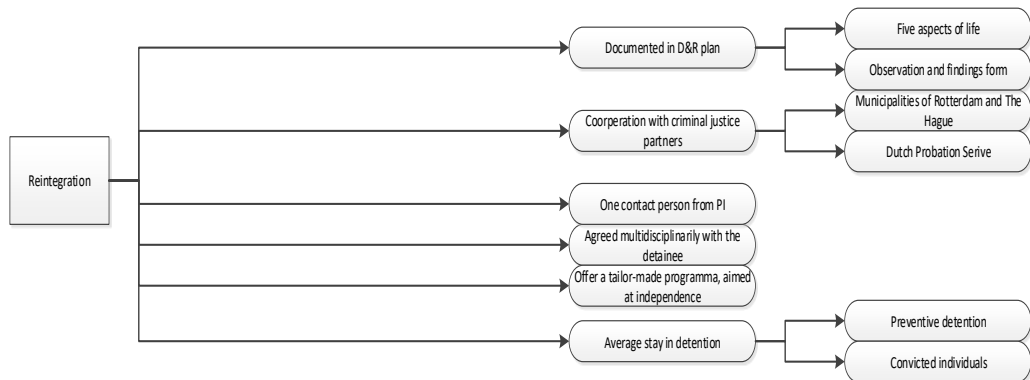
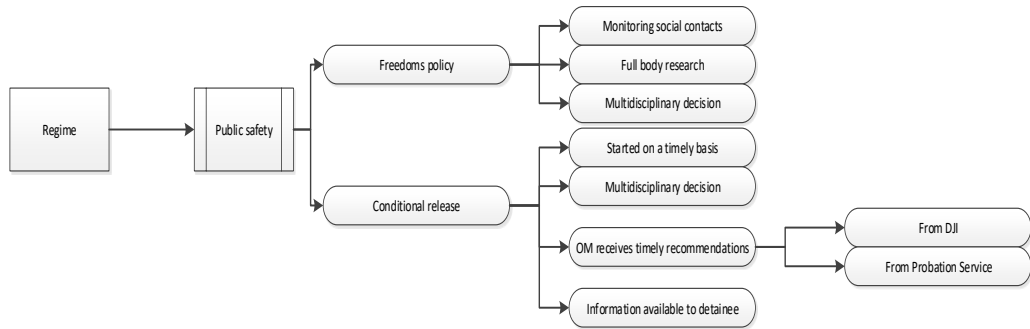
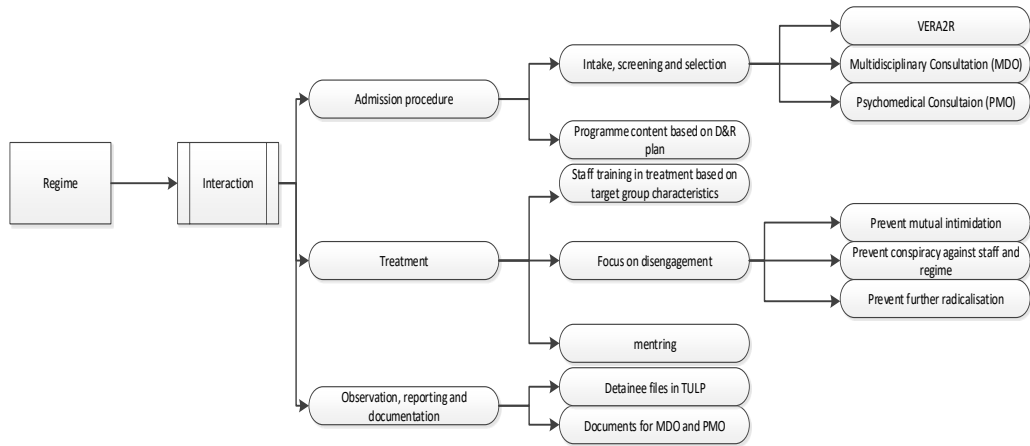
Detainees might adhere to their radical extremist ideology despite demonstrating good behaviour during the detention period and seemingly having abandoned it. Professionals should therefore remain alert for signs of extremist behaviour in order to prevent extremist acts. This applies not only to the professionals at PI De Schie and PI Vught, but also to criminal justice partners such as RN, and indeed to the municipal authorities.



# I

## Appendix Operationalisation







# II Appendix

## List of sources

**Table d.** *List of sources*

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Dutch Criminal Code (*Wetboek van Strafrecht*).



# III Appendix Abbreviations

**Table e.** *Abbreviations*

Abbreviation	Name
Amnesty	Amnesty International
AIVD	General Intelligence and Security Service of the Netherlands
BPG	Detainees posing management problems ( <i>Beheersproblematische gedetineerden</i> )
BIV	Intelligence and Security Agency
CAT	United Nations Committee Against Torture
CVT	Supervisory Board ( <i>Commissie van Toezicht</i> )
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
D&R plan	Detention and Reintegration plan
DIZ	Individual Affairs Division
DJI	Custodial Institutions Agency
DPAN	Digital Aftercare Alignment Platform
EBI	Maximum-Security Unit ( <i>Extra Beveiligde Inrichting</i> )
EPR	European Prison Rules
GRIP	Detainee Intelligence Information Service
Inspectorate	Inspectorate of Justice and Security
IBT	Internal Support Team
IPPR	Information Centre for the Prevention of Polarisation and Radicalisation



MAR	Radicalisation Contact and Advisory Point
MDO	Multidisciplinary Consultations
NCTV	National Coordinator for Security and Counterterrorism
NIFP	Netherlands Institute of Forensic Psychiatry and Psychology
OM	Netherlands Public Prosecution Service
PAR	Tackling Radicalisation Programme ( <i>Programma Aanpak Radicalisering</i> )
PBW	Dutch Custodial Institutions (Framework) Act
PI	Penitentiary Institution
PIW-ers	Prison officers
PMO	Psychomedical Consultation
RuG	University of Groningen
RN	Dutch Probation Service
SMR	Standard Minimum Rules for the Treatment of Prisoners, United Nations
RSPOG	Regulation on Selection, Placement and Transfer of Detainees
RSJ	Council for the Administration of Criminal Justice and Youth Protection
RuG	University of Groningen
SHE	Safety, Health and Environment Checklist for Contractors
TA	Terrorist Detention Unit, a special detention unit designated for terrorists ( <i>Terroristen Afdeling</i> ), which is also referred to as a 'Terrorist Wing'.
TER team	Terrorism, Extremism and Radicalisation team
TEBI	Temporary Maximum-Security Unit ( <i>Tijdelijke Extra Beveiligde Inrichting</i> )
UBI	High-Security Unit ( <i>Uitgebreide Beveiligde Inrichting</i> )
VIO	Safety and Intervention Consultation
v.i.	Conditional release ( <i>voorwaardelijke invrijheidsstelling</i> )
VERA-2R	Violent Extremism Risk Assessment-version 2, Revised





VOG	Certificate of Conduct ( <i>Verklaring Omtrent Gedrag</i> )
WODC	Research and Documentation Centre of the Ministry of Justice and Security
RN	Dutch Probation Service



**Mission of the Inspectorate of Justice and Security**

*The Inspectorate of Justice and Security monitors the Justice and Security domain in the interest of society, the parties subject to monitoring and persons politically and administratively responsible, in order to provide insight into the quality of the performance of tasks and compliance with rules and standards, to detect risks and to stimulate organisations to perform better, thereby contributing to a safe and just society.*

**Published by:**

Inspectorate of Justice and Security  
Ministry of Justice and Security  
Turfmarkt 147 | 2511 DP The Hague  
PO Box 20301 | 2500 EH The Hague  
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September 2019

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