

Hiding in plain sight? Disguised compliance by terrorist offenders

Ian Acheson
Amanda Paul



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ABOUT THE AUTHORS



Ian Acheson is a senior advisor to the Counter Extremism Project and a Visiting Professor at Staffordshire University's School of Law, Policing and Forensics.



Amanda Paul is a Senior Policy Analyst in the Europe in the World programme.

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Executive summary

There is growing evidence across Europe that terrorist prisoners are successfully deceiving professionals concerned with their rehabilitation. This Discussion Paper provides recommendations on how this risk can be tackled. 'Disguised compliance' is complex, controversial and still not well understood. Merely complying with the generic interventions designed and delivered by professionals concerned with their deradicalisation is an insufficient response to the supposedly repentant prisoner. Many violent extremists have lived a life in the shade, evading detection and incarceration. Some are adept at countersurveillance and conditioning to create and maintain a façade of cooperation – even disengagement – that can be lethally misplaced.

The authors argue for a more assertive and tailored approach to establishing the authenticity of terrorist prisoners. Furthermore, they highlight some of the ways technology and current approaches in other behavioural management situations can assist in this endeavour.

The initial findings on disguised compliance reveal an under-researched phenomenon where practitioners working on the frontline are poorly equipped and vulnerable to manipulation. The authors suggest ways to improve the authentication process, but the most prominent areas of potential gains are in the spheres of culture and technology. Practitioners must be better directed to develop strong yet sceptical relationships with their subjects, based on a rich biographical understanding and not merely on passive compliance or uncorroborated, untested judgments through generic and mechanistic approaches.

Professional intuition is a necessary but insufficient guide to terrorist convicts' future intentions. There is much to be gained from a blended approach that includes technology and 'sense-checking' by a team of practitioners surrounding the individual. This approach is more expensive and probably longer-term than the standard approach. Nevertheless, the political and human price of deceptive terrorists falling through the rehabilitation net to harm again is incalculable.

Introduction

Deception is implicit in criminal behaviour. It is typically a means of creating trust for personal advantage. The use of deception by terrorist offenders is unsurprising: many have a non-ideological criminal background, where deceit and falsehoods were used for tactical advantage.¹ In these cases, deception is observable in the planning of acts of violent extremism, during interrogation, or in the assessment and treatment for the risky behaviour while imprisoned or under other forms of supervision by the state upon release.

For example, over the last few years, several jihadist terrorist attacks have been perpetrated by known terrorist offenders who deceived professionals involved in their risk management into believing that they had been successfully rehabilitated. Unlike the thief or the fraudster, the consequences of such behaviour can devastate not just individual victims but whole communities.

We call the most dangerous form of this deception 'disguised compliance'. Terrorist offenders gain an advantage over those who monitor them by acting in a superficially compliant way to avoid scrutiny, conceal their true intentions and secure benefits that can be at odds with public protection. Mere compliance with therapeutic programmes is seen too often as an indication of progress towards disengagement with terrorist ideologies. This is optimism that can be fatally misplaced.

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Once back on the streets, such individuals can represent a significant security threat. On several occasions, people who successfully disguised their commitment to terrorism went on to perpetrate outrageous terrorist attacks, despite being under surveillance in some cases. While risk assessment and deradicalisation programmes both inside and outside European prisons have made some progress over the last few years, there is significant room for improvement. Generic, predominantly psychosocial interventions delivered by poorly skilled practitioners without cultural or religious competence are inherently easier to manipulate and 'game'. It is little wonder that deception thrives in these situations. But what more can be done to combat this threat?

Faking it as a means to an end

Take the November 2020 terrorist attack in Vienna as an example. Kujtim Fejzulai, an Islamist jihadist, murdered 4 members of the public in the city centre and injured more than 20 others. The Austrian Interior Minister, Karl Nehammer, was candid about the catastrophic operational failure that led to this bloodbath: "The perpetrator managed to fool the de-radicalization program of the justice system, to fool the people in it, and to get an early release through this".² In 2018, Fejzulai was convicted of attempting to cross the Turkish border into Syria to join the so-called Islamic State. Sentenced to 22 months in prison, he was released early in December 2019 on the condition that he would be regularly monitored by probation services and would participate in a deradicalisation programme.³

The November 2019 London Bridge attacker, Usman Khan, is a further example. A convicted terrorist, he murdered two young people after 'graduating' from several state deradicalisation programmes with glowing endorsements. He successfully disguised how dangerous he was to those responsible for monitoring his risk in prison and post-release. He was even attending a conference for rehabilitated individuals on the day of

the attack, where he deliberately targeted those who had been assisting his reintegration. While Khan was released with 16 separate licence conditions and the highest level of multiagency public protection arrangements, he still managed to create a positive and enduring image of a reformed citizen in the minds of those who worked with him. This undoubtedly had an impact on decisions to allow him to travel to and attend the public function unsupervised, despite still being regarded as high-risk. Indeed, a UK inquest into his victims' deaths in April 2021 reveals that while in prison, Khan was one of the main extremists responsible for radicalising others in his wing.⁴

Convicted terrorist Sudesh Amman was also under special police surveillance when he stabbed two people in Streatham, London in February 2020. Released from prison a week earlier, after serving part of a three-year sentence for terrorist-related activities, he was also deemed a sufficiently high risk to require close monitoring.⁵

Kahn and Amman were automatically released at the halfway point of their sentences, without any involvement of the UK parole board. This is significant. The board's function is to assess whether certain types

of serious offenders are safe to be released into the community. Its role is to examine the prisoner's custodial performance against rehabilitation targets, including assessing whether there has been an authentic and acceptable reduction in dangerousness. In this respect, it is specifically interested in false compliance.⁶ The fact that automatic release applied even in cases where an offender continued to display concerning behaviour led to an urgent review of the licence conditions of terrorist offenders. As a result, England and Wales enacted a law prohibiting the early release of terrorists.⁷

When it comes to non-Islamist terrorism, there are fewer examples of deception. And where they do emerge, such as in the case of the Christchurch extremist Brenton Tarrant, it is often related to a simple but devastating lapse in professional curiosity. In this case, the police's failure to properly scrutinise his firearms application and seek proper references led to the assailant easily circumventing screening processes to be in possession of several semiautomatic weapons, which he used to devastating effect.

Moreover, many violent extremists, particularly hardcore jihadists, often view incarceration as a test of their commitment to their cause and, potentially, an opportunity to continue their *jihād*. During their sentence, they look for ways to convince those with whom they interact (e.g. prison officers, social workers, psychologists, supervisors) that they have understood the error of their ways and have turned over a new leaf to speed up their release. In some cases, jihadists have opted to study psychology. While on the surface, this could be perceived as a positive step forward, experts allege that in many cases, they use what they learn to better manipulate the work of prison therapists.⁸

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Compared with non-ideological criminals or sex offenders, a significantly lower proportion of terrorist offenders are reconvicted of extremism crimes.⁹ However, this is not necessarily a result of state intervention, and the rates vary widely across the world. It is possible to exist peacefully in society while remaining deeply committed to a violent extremist worldview. Authorities cannot simply reverse the process of radicalisation. It must be a voluntary act taken by the radicalised themselves.

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Convincing terrorists that their long-held beliefs are wrong or warped is not straightforward. Offenders must voluntarily accept this themselves. As such, it is almost impossible to know definitively whether an individual is effectively rehabilitated and disengaged and thereby has a more favourable attitude to society. Only they hold that information.

Nevertheless, the formal assessment and management of risk in often sophisticated violent extremist offenders are crucially important. They can have a major impact on release arrangements, including decisions relating to early release, and levels of surveillance and controls over communication, association, location and movement.

During the last few years, a significant number of risk assessment tools have been developed, including the Violent Extremism Risk Assessment (the Netherlands, Belgium and Finland), Extremism Risk Guidelines (the UK) and RADAR-iTE (Germany).¹⁰ Using varying methodologies, these instruments assess the likelihood of an individual threatening public security. This is done via professional judgments using a set of risk indicators that examine identity and ideology. Yet despite these relatively new and ever-evolving tools, understanding whether a terrorist offender has truly abandoned his toxic worldview and is not simply faking it can be near impossible to determine. The metric of *authenticity*, which is key to anticipating future threats posed by ideological offenders, is often conspicuously absent in such mechanistic approaches.

Deception in penal risk management

Prisons are places where power, control and space are regularly contested between the state and those incarcerated, whatever their crimes. This is a phenomenon that transcends the modern problem of terrorism. The legitimacy of the state and its institutions is central to the contemporary challenge of deception in risk management.

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Current theory and practice concerned with disguised compliance is mainly located in social work and non-terrorist forensic psychology. Dealing with discerning the true intentions of those deemed a physical and/or sexual risk to others, both disciplines may assist in

counterterrorism policy development. However, it would be unwise to reach for too many similarities between such disparate groups of offenders.

The forms of subversion encountered by these social workers and/or non-terrorist forensic psychologists are typically limited to deception to achieve personal goals. The sex offender may seek to deceive therapists who regulate his ability, to have the freedom to access more victims. Ideologically motivated offenders may well use the same techniques to declare their disengagement from toxic beliefs to which they are actually still committed. In the case of Islamist extremism, some scholars argue that dissimulation is not simply a pragmatic response but a divine obligation mandated in theology.¹¹ Others condemn this view as a malign misrepresentation of a doctrine that historically allowed persecuted Muslims to deny their faith to survive.¹² Nonetheless, as many terrorist acts depend on long-term deception, terrorist convicts under extreme surveillance likely have a particular predisposition to conceal their intent. Many terrorists incarcerated for very long periods with little to do become adept at countersurveillance and react to their environment accordingly. This has been observed in prisons across the world.¹³

Human limitations

People are not very efficient lie detectors. Multiple studies show that we lack a reliable set of skills and cues to tell when we are being deceived.¹⁴ Even professionals have only slightly better track records in detecting false compliance than equal chance. This is often because they rely on inaccurate beliefs about what constitutes deception. Uncovering insincerity is difficult at the best of times. With terrorist offenders operating in tightly knit prison communities that are often hard to penetrate – keenly aware that they are constantly monitored and holding a worldview built on paranoia and resistance –, this arduous task is made even more complex.

Moreover, the professionals charged with risk management often come from profoundly different cultural backgrounds than their clientele and operate screening systems and interventions which reward mere compliance as a measure of improvement. Complying with terrorist treatment programmes does not equal successful rehabilitation. And yet, some of the most high-profile deradicalisation programmes, such as the UK's Healthy Identity Intervention, judge success on levels of positivity in participation, as opposed to levels of measurable authentic change.¹⁵

Neutrality and assertiveness

The value of the collaborative approach between therapists and patients is in such ascendancy in the relatively new 'science' of deradicalisation that it risks taking the form of an unquestioned orthodoxy. In this way, risk assessment and management tools and counter-extremism interventions are built around a joint enterprise between therapist and patient. While it is hard to imagine how a non-voluntary alternative could work, the collaborative therapeutic approach is rooted

in interventions for prisoners who are *not* ideologically motivated. Certainly, there is plenty of evidence to support the idea that a coercive, aggressive or shaming approach to behavioural change does not work in other groups likely to use deception in therapeutic encounters, such as drunk drivers.¹⁶

However, neutrality and the absence of assertive challenges to the tactics employed by deceptive terrorists

should not simply be accepted as the ‘industry standard’ for those charged with deciding who is safe and who is not. The stakes are far too high for a failure in identifying those still wedded to violent extremism. Moreover, violent extremists’ short-term exposure to therapists – often a moral universe away from their subjects – seems an unlikely way to foster an authentic and sustainable new identity in environments as fragile and abnormal as prisons. These complexities and risks suggest an approach that should be longer, more individualised, more intrusive and more sceptical than the current fashion for short-term metered ‘doses’ of generic intervention.

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Guarding against complacency

As mentioned earlier, the numbers of terrorist offenders in prison populations are still relatively small across Europe. Much is also made of the risk of their reconviction being significantly less than non-terrorist prisoners. Some studies put the reconviction rates of terrorist offenders as low as 5%, compared with 45% for the rest of the prison population.¹⁷

The combination of these low numbers coupled with traditional underinvestment in penal institutions has not helped to stimulate thinking or improvement in how we identify and defeat disguised compliance. Bilal

Taghi, sentenced to 28 years for the attempted murder of two French prison officers in 2016, boasted in court that he had deliberately lowered the guard of his targets by appearing to be a model prisoner who was approachable and ‘chatty’. In the UK’s highest-security prison, HM Prison Whitemoor, in 2020, a prison officer was nearly murdered by two radicalised assailants dressed in fake suicide belts. Two days prior, a prison psychologist discussed the possibility of awarding one of the assailants with a certificate of achievement for his participation in a deradicalisation course. The stakes of disguised compliance remain extremely high.

Think outside the box

The vulnerability of the relationship between rehabilitation practitioner and terrorist offender subjected to risk management suggests that a multidisciplinary approach that balances positive trust-building with regular integrity checks is likely better than the more orthodox, therapeutic relationship based on exclusivity.¹⁸ Moreover, in one-on-one encounters, the ‘failure’ of the subject may be perceived as the ‘failure’ of the therapist, and so the possibility of inadvertent collusion in disguised compliance is magnified. Some psychological features of offenders may predispose them to greater levels of deception. They include a high tolerance for ambiguity, meaning the ability to flex their outward appearance and views to conceal their true intentions. In other words, to be a good actor.

Mental health screening will be important in building the right approach to detecting deception. Mutual radicalisation by opposing ideological groups across the religious and/or political spectrum of violent extremism ratchets up perceptions of threat as factions seek to exploit the fears and prejudices of vulnerable people. This can mean some offenders being hyper-vigilant as factors on either side of the prison walls increase paranoia and hatred. Such entrenched perceptions may well have a bearing on levels of disguised compliance in treatment where vulnerability is associated with weakness and where fleeting encounters with therapists fail to mitigate the lived reality of the offender as he returns to his comrades in the prison wing and the pressures of prison life. There is a consensus that detailed biographical knowledge of terrorist prisoners from early life onwards is essential to detecting insincerity.

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Differences in extremists’ ideological motivations within and between groups necessitate a calibrated approach in therapeutic interventions. In turn, it can assist with controlling false compliance as therapies evolve from generic to individualised ‘doses’ that treat the pathology of the offender according to his criminogenic factors. For example, extensive research into one offender might

indicate a theological and substance misuse approach, while another might require psychological and family therapy. Research by criminologist Sagit Yehoshua distinguishes between offenders who commit terrorist acts for predominantly ideological reasons and those whose motivation is internalised and personal.¹⁹ This has significant implications for how compliance and true intent is assessed and tested.

Despite the currently small numbers, with increasing populations of terrorist offenders in Europe and the US comes the potential for more risky offenders to be added to this mix as repatriated foreign terrorist fighters. Therapeutic interventions for this latter ‘unknown quantity’ group must also be developed to manage public safety.

The successful reintegration of all terrorist offenders into society post-release also depends on our ability to grasp an authentic picture of their hopes, fears and risks. To that end, host communities can play a vital role as an adjunct to necessary state surveillance, keeping offenders committed to disengagement and alerting authorities if they perceive deception. There is repeated evidence of terrorist offenders across the ideological spectrum who deceive those nearest to them of their intentions successfully. While broader community support is not a substitute for professional risk management, it remains, in the UK at least, an underutilised asset that should be mobilised to help protect national security.

Therapeutic inquiry differs from the interrogation techniques that might have put terrorist offenders in front of their therapists in the first place. Nonetheless, we can still draw some useful information from the police interview process. Interrogators who rely on passive observation are less likely to detect deception than those who adopt a more assertive approach. This includes strategies designed to exploit the cognitive ‘load’ of false compliance – lying is a mentally taxing task.²⁰ Intensifying that burden by withholding information and testing it against the suspect’s account

is a common instance of this type of strategy. Another approach is to test a detailed biographical knowledge of the offender for inconsistencies. There are limits to such interrogation innovations, principally that the offenders’ trust can be misplaced or manipulated, and the obvious disbenefits of an oppressive approach. Relationship-building in a therapeutic environment is, in the end, more fruitful than the oft-confrontational aspects of criminal interrogation. However, the therapeutic relationship must then be authentic.

The benefits of assistive technology to detecting deception have not been fully exploited.

The benefits of assistive technology to detecting deception have not been fully exploited. While the effectiveness of polygraphs is still fiercely contested, these views are often rooted in outdated perceptions rather than the recognition of an increasingly sophisticated approach that, for example, combines artificial intelligence (AI) with new innovations.²¹ These include voice and speech pattern and involuntary muscle movement analyses. Research into the biodata generated by deceptive people is still in its infancy but is growing fast. Moreover, advanced wearable technology, such as electronic and satellite ‘tagging’ bracelets that could also communicate other data that measures physiological changes in real time (e.g. heart rate, drug and alcohol consumption),²² may feature in early warning systems of risky behaviour. Increasingly cheap and sophisticated, this technology could also play a role in corroborating or disproving offenders’ accounts of their whereabouts and behaviour when remotely supervised in the community, thus testing their sincerity and deception and aiding desistance.

Conclusion and recommendations

At a European Policy Centre–Counter Extremist Project (CEP) Expert Workshop on disguised compliance in February 2021, several encouraging areas for exploration were revealed. Based on the evidence gathered from the expert panel and other sources, including interviews with experts in the field, the authors draw up the following recommendations to reduce the possibility of deceit by terrorist offenders. These are preliminary views and will inform a larger piece of research by the CEP and Staffordshire University, which is due at the end of 2021.

RECOMMENDATION 1

An executive, multidisciplinary agency that coordinates the risk management of terrorism-related prisoners is likely to be more effective than the current multiagency approach. In many jurisdictions, the burden of terrorist risk management is shared between agencies with different philosophical and organisational structures that operate at different points in the journey, with different personnel who have different resources and objectives.²³ As the terrorist offender travels through the prison system and back into society, this inherent dysfunctionality magnifies the prospect

of a dangerous individual ‘falling through the net’. Case in point, this phenomenon is revealed in the coroner’s inquest into Usman Khan.²⁴

One unified, multidisciplinary team with executive authority would better ensure coherence and continuity in offender risk management, thereby reducing handovers and rationalising the dangerous sprawl of the terrorist offender threat response. These new arrangements, combining stable and long-term relationship-building with assertive intervention, would make disguised compliance harder to sustain.

RECOMMENDATION 2

A blended therapy approach that utilises a diversity of technology and involves different professionals around a lead caseworker is the best approach to detecting deception in terrorist offenders. Collusive and collaborative approaches should be blended with assertive challenge informed by professional scepticism and augmented by regular authenticity monitoring. For example, integrity testing has been used in the human resources industry for over half a century.²⁵ Some of these techniques may be adapted for terrorist offenders to help establish the true extent of their behavioural change. An interventionist model must replace the passive approach to managing risks activated by poor behaviour.

RECOMMENDATION 3

Carefully controlled therapeutic encounters between opposing ideological extremist groups should at least be considered as a means of reducing the distant ‘mutual radicalisation’ that entrenches and hardens belief systems. Although highly controversial, this approach could challenge false narratives, humanise outgroups and police deception. The dynamics of violent extremism change all the time. We must not be afraid to contemplate new ways of responding to it.

RECOMMENDATION 4

The utility of assistive technology, such as lie detectors, AI and other means of collecting biodata, should be thoroughly investigated to enhance public safety. It would help distinguish between offenders who model socially desirable behaviour to conceal their true intent and those who have authentically disengaged from toxic ideologies.

RECOMMENDATION 5

More research into the ‘countermeasures’ used by terrorists to defeat forms of authenticity testing should be conducted. This would include against polygraph testing, which is due to be used on convicted terrorists in the UK following legislative reforms and which has been trialled in some EU border countries.²⁶

RECOMMENDATION 6

Individualised approaches should replace generic rehabilitation programmes. The pathways into – and, therefore, out of – violent extremism can vary greatly. More tailored, holistic treatment programmes, based on rich biographical understanding of offenders’ trajectory into a terrorist mindset, are needed to help uncover insincerity. While this is a difficult and inevitably more expensive and time-consuming approach, multifaceted interventions that focus on features of psychology, theology, social drives and more will reveal information that is useful in combatting deception.

RECOMMENDATION 7

Ideologically motivated prisoners involved in risk assessment programmes must have **minimised contact**, as there is evidence that they can learn from those who know how to ‘game the system’ to progress, without any real disengagement, through custody and back out into the community.

RECOMMENDATION 8

European member states should follow the UK and **end the automatic early release** of terrorist offenders, particularly where their risk exceeds a public protection threshold.

RECOMMENDATION 9

Preventative custodial measures for terrorist offenders who have served their prison sentence but are still considered to be radicalised and, therefore, a threat to public safety and/or national security should be assessed further. Preventative detention is clearly controversial as it engages debate about human rights and legitimacy, but it must not be off the table, either. People whose risk and behaviours fall below a criminal threshold but are still clearly dangerous have considerable potential for harm.

RECOMMENDATION 10

The successes and failures of public risk management in related areas must continue to be shared and learned. These include therapeutic interventions for sex offenders or people with personality disorders. Many professionals in such areas share common challenges and have developed strategies that remain located in their individual practice. Assimilating best practice across agencies that deal with deception routinely is an important task. There is currently no multidisciplinary forum for practitioners to share challenges and solutions – this should be investigated. The EU’s Radicalisation Awareness Network could be well placed to facilitate such coordination.

RECOMMENDATION 11

Community supervision programmes should be assessed extensively to better understand their strengths and weaknesses in preventing terrorists from re-engaging with extremist ideology and carrying out terrorist attacks. Pilot schemes that place trusted and influential community representatives who are well placed to test commitment to non-violent futures at the heart of reintegration and safety surveillance should be encouraged.

RECOMMENDATION 12

Prisons should be surveilled more assertively, with better-integrated data collection to uncover discrepancies between what violent extremists tell prison staff and their true intentions. This might include creating or expanding the recruitment of covert human assets to carry out authenticity tests. Prison surveillance must be intelligence- as well as behaviour-led.

RECOMMENDATION 13

Diverse forms of activity for offenders that help build a picture of intent but are not directly or obviously related to interventions specifically designed to combat violent extremism should be encouraged. This particularly applies to wider educational participation that might provide valuable additional context about an offender's mindset, worldview, psychological stability, capacity for change and future intent. This has the additional benefit of broadening the offender's engagement with the world and so providing more possibilities for reflection and change.

Terrorists who deceive those trying to manage their safety in prisons and future social integration pose a lethal threat. Their actions are societally destructive, sometimes out of all proportion to the relatively small number of innocent victims they create. If professionals working in the field of violent extremism understand this complexity, it is also understood by the terrorists they oppose, many of whom have achieved 'spectaculars' through at least some degree of false compliance and deception.

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Determining who is sincere about abandoning ideological terror and who is not is profoundly difficult. We could never be totally safe from sophisticated and determined terrorists without surrendering the very liberties that define us – and so doing their work for them. However, the authors believe that our ability to identify and control such threats can be vastly improved. The research on deceit and detection is still in its early stages. We must continue this discussion with pace and rigour.

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