

UDC 343.81

Barash Ye. – Ph.D in Law, Associate Professor,
Head of the Criminal and Penal Service Institute,
Kyiv, Ukraine

DANGER OF RADICALIZATION AT THE PLACES OF DEPRIVATION OF LIBERTY: WAYS OF PREVENTION

At present the international pseudo-extremist terrorist organizations are being actively developed all over the world. It affects not only the security environment, but also poses the direct threat to the national security of any country. The imprisoned persons are especially vulnerable to the impact of extremist religious movements, taking into consideration that radical texts are similar to the criminal ideology. There are a lot of people convicted for crimes in our country. That is why there high risk of terrorism is observed in Ukraine. Terrorists use it as a transit country. And it is necessary to take global measures to prevent the radicalization of persons in places of deprivation of liberty. As a consequence it will decrease the terrorist threat level.

Keywords: globalization, terrorism, radicalization, pseudo-religious extremism, counter-terrorist strategy.

Over the last 10 years international community has been led in new direction of development which is called globalization. Globalization itself is a concept, which determines the beginning of the new era of interaction between states, cultures, economic systems, world communities and individuals, resulting in fundamental transformations in all spheres of social life (Belska, 2013) bringing positive effects like development of scientific and technological progress, improving the quality of manufactured goods, prices reduction and so on. However, like any other phenomenon, globalization has its negative side, because of its brutal pace and methods. So, the radicalization of the population is constantly increasing in the world. The analysis of the modern development processes demonstrates that many countries are not able to survive because of the globalization challenges. They are not capable of

maintaining competition in the current globalization, unable to withstand the economic pressures of global financial markets and transnational monopolies. In this regard, they are trying to find their own special way of development that will preserve their sovereignty and economic independence. Due to such threats, in countries opposed to the liberal model of globalization, radicalization is taking place.

In Latin «radicalism» means a resolute and uncompromising implementation of intentions in specific case, a set of socio-political, economic or religious ideas and actions aimed at changing the basic institutions or a particular system as a whole.

The radical thinking and behavior are characterized by the mania, maximalism, nihilism, ignorance of the social invariants, orientation to the violent methods of achieving the goals and the wide range of the mood and activity fluctuations between the extremes (National Philosophical Encyclopedia).

Moreover, it occurs both in the form of radicalization at the state level and in the radicalization of society in those countries, which are not able to withstand the global world using the classical methods. Their weapons in such confrontation are the extremist methods including the terrorism, which becomes the only available mean of the weak subjects to confront the strong ones. An example of such confrontation is the terrorism in the Northern Africa and in the Middle East. It is based on the Arab nationalism and the radical Islamic interpretation, which is far beyond the traditional one (Bleifer, 2015).

Besides, the modern terrorism (the last decade of the 20th century and the beginning of the 21st century) is associated, first of all, with the Islamic fundamentalists supported by the Middle East radical regimes. The Islamist terrorist organizations operate on the international scale, using modern achievements in the sphere of communication, transport and armament. It has become the source of danger to a huge number of people (Tkach, 2014).

Therefore, terrorism cannot be considered only as a problem of internal security of an individual country. This is confirmed by its scale and level of the terrorist threat in the world, which is now quite high. Countries with ongoing armed conflicts (e.g. in the Middle East and Africa) and the Western European countries, which until recently have been considered completely safe because of the well developed system of the law enforcement agencies and the quick response special bodies (Reznikov, Misiura, Driomov, Voitovskiy, 2017). It is becoming increasingly difficult to combat the terrorist

threats, especially in the closed system of the penitentiary establishments and institutions. It has a negative effect on the tendencies of the terrorist manifestations through the radicalization of persons in places of deprivation of liberty. As a result, they do not stop to impose danger for the society. On the contrary, they begin to be engaged in the terrorist activity on the basis of the pseudo-religious extremist ideas.

Demographic failure as a factor of the pseudo-religious extremism.

Analyzing the level and dynamics of the terrorism dissemination one should ask: what influences the growth of the terrorism level in Ukraine? Of course, there are many factors, such as the strategic geographical location, the difficult political situation, the annexation of the Crimea by the Russian Federation, the anti-terrorist operation in the East, the high level of corruption, the quick increase of the number of people who are below or close to the poverty line, the violation of human and constitutional rights and freedoms in the country, the expansion of illegal fire-arms market, etc. And this list is not unambiguous. It is even quite contradictory. The authors of the research of the Institute for Economics and Peace and the University of Maryland point out that most of the terrorist attacks occur in the context of the wider conflict situations. Contrary to the popular belief, poverty is not necessarily the main cause of terrorism. The low-income countries are less prone to terrorism than the middle-income countries. According to the researchers, such factors as the political instability, hostility between different social groups and mass violations of human rights are more significant than poverty. Another feature is that in recent years the religious terrorism has had the widest coverage in mass media (Global Terrorism Index URL: <http://visionofhumanity.org>).

The German scholar Gunner Heinson, who gives an explanation of the phenomenon in his book «Sons and the world domination», which has contributed greatly to the unpredictable and obscure wave of terrorism and violence all over the world, calls the phenomenon «the malignant demographic priority of youth». G. Heinzón calls them «Christianists» (not just Christians), which allows to make an analogy with the modern term «Islamists» (not just Muslims). He emphasizes that young people look for and readily accept an ideology, which apologizes them and gives freedom from responsibility: «When the moment comes, the new religious

pamphlets and books are written». The definition of this phenomenon is confirmed by the elementary mathematical calculations: the comparison of the number of men (40–44 years old) and boys (1–4 years old). Demographic failure occurs when for every 100 there are less than 80 boys. In Germany the ratio is 100/50, in the Gaza Sector – 100/464.

G. Heinson uses the term «demographic failure» to characterize countries, which are not able to resist the «youth priority» from other countries. Germany and Japan are demographically ready to surrender to such Muslim countries as Afghanistan (the ratio is 100/403), Iraq (the ratio is 100/351) and Somalia (the ratio is 100/364).

For Ukraine such situation is also typical. The ratio is 100 men for 50 boys in our country. It proves the demographic failure in Ukraine according to G. Heinson's theory.

Violence tends to occur in those societies, in which young people (from 15 to 29 years old) account for more than 30 % of the general population. The reasons are the following: religion, nationalism, fascism, Marxism. Now in the world there are 67 countries with the demographic priority of youth. In 60 countries either the mass genocide or civil war is already happening.

At present the Western world faces the giant priority of youth in most of the Muslim world, in which the demographic explosion takes place. During only five generations (1900–2000) the population of the Muslim world has grown from 150 million to 1,200 million (more than 800 % increase). For comparison, during that period the population of China has increased from 400 million to 1,200 million (300 %) and the population of India – from 250 million to 1,000 million (400 %) (Heinson, 2011).

At present, the situation is even more acute due to the high level of the world migration, including immigration to Ukraine. In the conditions of the armed conflict in the Donbas and the lack of control over the state border in the area of the anti-terrorist operation, the international terrorists have the possibility to use the territory of our country for transit, recreation, illegal transportation of weapons, people and narcotic substances, etc. According to the statistics of the International Organization on Migration, by the end of 2016 the number of foreigners, having crossed the Ukrainian state border for the entry, was 13.2 million persons, despite the fact that the official permits for crossing the state border were issued much less. Foreigners in Ukraine belong to the following groups: persons with

the permanent residence permit (about 250,000); labor migrants (about 9,000), students from other countries (63,600) (URL: http://iom.org.ua/sites/default/files/ff_ukr_21_10_press.pdf). It causes the decrease in the ratio of men in our country in comparison with young people. And according to the G. Heinson's research, it increases the level of the terrorist threat. Using the territory of Ukraine for the transit purposes, terrorists can consolidate their activities with the international terrorist organizations in future.

Taking into consideration the dissemination of the pseudo-religious extremism propaganda in many countries around the world and the terrorists' use of the spiritually and religiously ignorant persons, the radical elements are able to expand the network of their supporters and adherents. They use such persons as a tool of the terrorist activities, especially at the penitentiary establishments and institutions. That is why the latter require the development of means for the detection and prevention of pseudo-religious extremism and radicalization.

Features of the negative impact of radicalization and pseudo-religious extremism on prisoners.

Radicalization, extremism and terrorism are parts of one process, which causes the terrorist threat. The effective prevention and countering such threat requires the integrated approach. If we ignore the above mentioned manifestations, it will have negative consequences for countering the terrorist threat. The radical citizens are supporters of the religious (rather, pseudo-religious) extremism and advocate extreme views and actions in the religious sphere. Under the pseudo-religious influence they are engaged in terrorism. Such situation is particularly acute at present. And the vector of such threat is constantly changing. Some radical groups, which used terrorist methods in the past, do not commit any terrorist act at present. But some political radical organizations (both the right-wing and left-wing forces) and the separatist movements in the Western Europe are active terrorists now (Reznikov, Miciura, Dryomov, Voitovsky, 2017).

In addition, more and more countries have recently paid attention to the possibility of radicalization of the imprisoned people. The reason is the radical Islam preachers find the necessary conditions for carrying out their activities at the penal establishments (the psychological depression of many prisoners; the similarity of the pseudo-religious extremist dictatorial postulates with the ideology of

the criminal world; some material benefits for those prisoners, who accept Islam or neo-paganism; religious ignorance). At the same time, there are many cases of accepting the radical Islam by the persons of Slavic origin. Terrorists use the aspiration of people to acquire spirituality for expanding the network of their adherents. On the basis of the religious ignorance they make their adherents as a tool of economic gain, political or social manipulation. Some inmates become adherents of the radical Islam because they find similarity of its dictatorial postulates to the ideology of the criminal world. In the opinion of many experts, an inmate, who actively preaches the ideology of radical Islam, is able to attract 5–7 and even more supporters during rather short period of time. According to the figurative statement of the Muslim traditional theologian Farid Salman; «If one wahhabite is imprisoned, his ten supporters appear at the penal establishment...». (Krasnogorsk Bishop Irinarkh, 2016). Besides, the prison chaplains say that more and more inmates have decided to join radical religious movements, which are contrary to the Christianity. Such inmates find in their postulates the justification for the anti-social behaviour and criminal activities. There are about 15 % of such believers from the total number of believers among the inmates in Ukraine. It has very negative effect on the process of correction and resocialization, which becomes absolutely impossible under the radical ideas influence of the pseudo-religious extremism. In addition, such situation may be considered as one of the factors, which increases the level of terrorist threat in Ukraine. It is confirmed by the information available at both national and international level.

According to the data of the General Prosecutor's Office of Ukraine, during the period 2013–2017 the following number of crimes, envisaged by the Art. 258, 258¹, 258², 258³, 258⁴ and 258⁵ of the Criminal Code were registered in Ukraine: 4 in 2013, 1,499 in 2014, 1,295 in 2014, 1,865 in 2016 and 1,875 from January to November 2017 (the Prosecutor General's Office of Ukraine: portal.URL: https://www.gp.gov.ua/ua/stst2011.html?dir_id=112661&libid=100820&c=edit&_c=fo#), which indicates a steady increase in the number of terrorist crimes committed on the territory of Ukraine.

According to the results of the joint international report of the Institute for Economics and Peace and the University of Maryland, which annually provides the research report on the phenomenon of terrorism in the world and calculates the Global Terrorism

Index (GTI). The latter demonstrates the terrorist activity level, in particular in Ukraine in terms of the number of incidents, deaths and injuries and the level of material damages. According to official data, in 2014 the GTI for our country was 2.95. Ukraine was on the 51th position in the ranking of 124 countries. It means that there was rather high level of terrorism in Ukraine (higher than average). In 2015 the GTI for Ukraine increased to 7.2 and it was in the 12th position in the above mentioned ranking. The level of terrorism was similar to the Philippines, Thailand and Libya. In 2016 the GTI for Ukraine remained almost unchanged – 7.132. However, Ukraine moved to the 11th position in the ranking of 160 countries, which took part in the survey. In 2017, the GTI for Ukraine decreased to 6,557. The country moved to the 16th position in the ranking of 160 countries.

At present Ukraine is in the ranking of countries with high level of terrorism. Therefore, all citizens are in danger. (Global Terrorism Index URL: <http://visionofhumanity.org>). In order to protect its citizens from the terrorist manifestations the law enforcement bodies of the corresponding countries apply to the perpetrators the measures of the state coercion in the form of criminal punishments for the terrorist offenses. On November 1, 2017 there were 517 persons, who had been sentenced to imprisonment for the terrorist crimes, including 100 inmates for crimes envisaged by the Art. 109–114 of the Criminal Code of Ukraine, 305 inmates for crimes envisaged by the Art. 258–2585 of the Criminal Code of Ukraine and 112 inmates for crimes envisaged by the Art. 260 of the Criminal Code of Ukraine (State Criminal Execution Service: website URL: <http://www.kvs.gov.ua/peniten/control/main/uk/index.>).

But just the imprisonment of those persons, who committed terrorist crimes, does not solve the problems. In spite of their isolation from the civil society, many convicts continue their criminal activity at the penal establishments.

For example, according to the information provided by the bodies, establishments and institutions of the Penal Service in 2017 127 Ukrainian inmates were sentenced for crimes committed during serving the sentence, including 5 inmates for the crime envisaged by the Art. 392 of the Criminal Code of Ukraine, which provides punishment for the actions, which disrupt the work of the Ministry of the Interior, namely the terrorization of other prisoners or the attack against the penitentiary administration representatives. That Article also envisages punishment for organization of the criminal organized

group for such purposes or active participation in such group. 5 crimes out of 127 is not a considerable ratio, but if we consider the structure of crimes at the penal establishments as a whole, the terrorist crimes are in the 4th position after the illicit drug trafficking (111 crimes), the malicious disobedience to the administration's requirements (70 crimes) and the escape from the penal establishment (14 crimes). As a result, it is necessary to take measures in order to prevent the radicalization of persons, who serve their sentences at the places of deprivation of liberty, because the situation can be aggravated in future, as we know about dangerous manifestations of the pseudo-religious radicalization of inmates. For example, I. Usmanov in his article «Islamic radicalization: myth or reality?» said the following: «Followers of the radical religious ideology unite convicts into the organized extremist groups, which receive the extremist literature from abroad. At the same time, radical Islamists recruit not only the "ethnic Muslims", but also "Slavic inmates». At one of the penal establishments of the Ulianovsk region (Russia) about 30 participants of the clandestine group of the Wakhabi community «Caucasian Emirates» were revealed. The inmate had even their own «library» with the corresponding literature. Similar groups are more and more popular and influential. They easily find their supporters among inmates. Many prisoners willingly join them, thus gaining the protection.

Obviously, this situation has a negative impact on inmates. At present there are 59,965 persons deprived of liberty in Ukraine. 4,135 of them are citizens of other countries and represent different cultures and religions, in particular Russians – 2,654 persons, Roma – 323 persons, Moldovans – 280 persons, Georgians – 129 persons, Azerbaijanis – 109 persons, Armenians persons – 79, Bielorusians – 78, Tatars – 74, Bulgarians – 73, Uzbeks – 55, Gagauzians – 30, Jews – 28, Kazakhs – 25, Mordovians – 20, Koreans – 15, Germans – 11, Turks – 8, Chechens – 2, Pakistanis – 1. Each inmate, according to the Ukrainian legislation, is free to choose the religion. Therefore, inmates may be negatively influenced by the representatives of the radical religious groups. That is why it is necessary to take global measures in order to prevent and counter the dissemination of terrorism in Ukraine and in the world.

Results and discussion.

Since the pseudo-religious extremism and radicalization at the places of deprivation of liberty generate terrorism, which is a global

phenomenon, there should be the large-scale response. It is necessary to coordinate the actions of all those who are called to fight terrorism on the global scale.

Therefore, in order to prevent the dissemination of radicalism at the penitentiary establishments and the inmates' joining the terrorist groups, the work with relevant persons should be carried out and the corresponding active measures should be taken. Such work should be carried out, first of all, in order to protect the convicted persons who have lost faith into the radical proselytism carried out by representatives of the non-traditional Islamic movements, neo-paganism and other pseudo-religious movements, as well as in order to counter recruitment to their organizations. Such work should be complex and systematic.

First of all, it is necessary to create the corresponding sub-unit in the structure of the penitentiary administration, responsible for that activity. It is necessary to combine the efforts of the state and religious organizations. It is recommended to develop a comprehensive programme to counter the dissemination of radicalism at the penitentiary establishments. After all, the counteraction to the radicalization of society is an integral part of the counterterrorism strategy in the European Union.

We believe that the primary role in such work belongs to the religious organizations, namely, prison chaplains. The activities of religious associations, which carry out the religious, spiritual and moral education of the sentenced should be considered as an integral part of the mechanism of correction and process of re-socialization of inmates. The criminal sentence is a trial for any person. It is a challenge for everyone to stay behind the bars. In order to successfully pass this test and to survive, to begin a new life the priests' advice and assistance are necessary.

The essence of reforming the criminal-executive system is the strict compliance with international standards, focusing on the spiritual, moral and educational elements of the correctional influence on inmates. The increase of the number of convicts requiring spiritual care of the religious organizations testify to the absolute necessity of the religious influence on the imprisoned persons in modern conditions. Issues related to the religious influence should be considered as a priority components of the unified process of convicts resocialization. In the past the activities of religious organizations regarding the spiritual and moral education of

convicts caused distrust and skepticism, at present the penitentiary-religious cooperation has reached the new level.

In addition, it is advised to develop further training courses on countering radical proselytism and recruiting at the penitentiary establishments, both for prison chaplains and for employees of the penitentiary bodies, establishments and institutions. The acquired knowledge would help to prevent the pseudo-religious extremism and radicalism among inmates.

REFERENCES

1. Bielska, T.V. *Hlobalizatsiia yak factor transformatsii vladno-suspilnykh vidnosyn* [Globalization as a factor of the transformation of the relations between the state authorities and civil society]. Retrieved from <http://www.kbuapa.kharkov.ua/e-book/putp/2013-1/doc/2/02.pdf> [in Ukrainian].
2. Bleifer, R. (2015). *Terorizizm i globalizaciia. Krizis i mir* [Terrorism and globalization. World Crisis]. Retrieved from <http://crisismir.com/analiticheskie-materialy/politika/144-terorizmiglobalizacziya.html> [in Russian].
3. *Nacionalnaia filosofskaia enciklopediia* [National philosophical encyclopedia]. Retrieved from <http://terme.ru/termin/radikalizm.html> [in Russian].
4. Tkach, V.F. (2015). Suchasnyi terorizm: tendentsii, vyjavy, vyklyky ta zahrozy dlia Ukrainy [Modern terrorism: trends, expressions, challenges and threats for Ukraine]. *Stratehichni priorytety, Strategic Priorities*, 3(36), 12-18. Retrieved from <http://sp.niss.gov.ua/content/articles/files/2s-1454425641.pdf> [in Ukrainian].
5. Reznikov, O.O., Miciura, A.O., Driomov, S.V., & Voitovskiy, K.Y. (2017). *Aktualni problem borotby z teroryzmom u sviti, zokrema v Ukraini* [Actual issues of countering terrorism in the world, in particular in Ukraine]. O.O. Reznikov (Eds.). Kyiv: NISS [in Ukrainian].
6. G. Heinson. (2011). *Sohne and the world authority: terrorism during the nations' rising and decline*. Retrieved from https://docviewer.yandex.ua/view/0/?*=fgf4eH0J9BDYHIIOLDRHmklUzTJ7InVybCI6lmh0dHA6Ly93d3cucHNldWRvbG9neS5vcmcvR2FsbHVwL0hlaW5zb2huLnBkZiIsInRpdGxlljoiSGVpbmNvaG4ucGRmliwidWkljoiMCIslnl1joiMTg3MDU1MTMwMTQ1MTM5MTA0OSlsm5vaWZyYWV1Ijlp0cnVLCj0cyI6MTUxMDkwMjUwMzI1OH0%3D&page=15.
7. Global terrorism index [E-resource]. *Executive Summary*. Retrieved from <http://visionofhumanity.org/app/uploads/2017/11/Global-Terrorism-Index-2017.pdf>.
8. Mihratsiia v Ukraini: fakty i tsyfry [Migration in Ukraine: facts and figures]. *Miznarodna orhanizatsiia z mihratsii, International Organization on Migration*. Retrieved from http://iom.org.ua/sites/default/files/ff_ukr_21_10_press.pdf (accessed on 19.01.2018) [in Ukrainian].
9. *Report of the Krasnogorsk bishop Irinarkh, vicar of the Moscow Orthodox Church's Patriarch, chairman of the Prison Service Division of the Russian Orthodox Church, on the topic Radicalization in prisons: the Pasteur's point of view, presented at the European meeting of the prison chief chaplains*. 2016. Strasbourg, France.
10. Ofitsiyniy sait Heneralnoi Prokuratury Ukrainy zareiestrovano kryminalni pravoporushennia ta rezultaty ikh dosudovoho slidstva [Official site of the General Prosecutor's Office of Ukraine. Registered criminal offences and results of their pre-trial investigations]. www.gp.gov.ua. Retrieved from <http://www.gp.gov.ua/>

ua/stst2011.html?dir_id=113281&libid=100820&c=editc=fo# (accessed on 7.10.2017) [in Ukrainian].

11. State Criminal-Executive Service of Ukraine: site. Retrieved from <http://www.kvs.gov.ua/peniten/control/main/uk/index>. [in Ukrainian].

12. Usmanov, I.M. *Islamska radykalizatsiia osib, zasudzhenykh do pozbavlennia voli: mif chy realnist? [Islamic radicalization of persons sentenced to the deprivation of liberty: myth or reality?]*. Retrieved from http://dpr.ru/pravo/pravo_43_9 [in Ukrainian].

Стаття надійшла до редколегії 20.02.2018

Бараш Є. Ю. – кандидат юридичних наук, доцент,
начальник Інституту кримінально-виконавчої служби, м. Київ

Радикалізація в місцях позбавлення волі: шляхи профілактики

Проаналізовано явище тероризму як загроза особистій, національній та міжнародній безпеці в умовах активного розвитку глобалізаційних процесів в Україні та світі. Окреслено його негативний вплив на найвразливіші групи населення, зокрема засуджених. Констатовано, що спроби радикалізації засуджених з боку представників псевдорелігійних екстремістських течій можуть призвести до виявів релігійного тероризму як під час відбування покарання, так і після звільнення. Актуалізовано питання розроблення методів профілактики та протидії тероризму і радикалізації в кримінально-виконавчій службі.

Ключові слова: глобалізація, тероризм, радикалізація, псевдорелігійний екстремізм, антитерористична стратегія.