



On 30 November 2019, a just-released jihadist Usman Khan, attending a "Learning Together" seminar in London, wearing a fake suicide vest, murdered two members of the organisation before running to London Bridge to stab more people, writes Olivier Guitta. He was subsequently killed by police and when details of his case emerged, the public was outraged. Khan had been convicted for trying to attack the London Stock Exchange and was sentenced to 16 years in jail. After serving half of his sentence, he was automatically released. The judicial system in Britain had miserably failed but this is happening throughout Europe when it comes to dealing with terrorism cases.

Ironically, the London Bridge attacker had been heralded as a success story of the rehabilitation initiative that he went on to attack. How could he be considered a reformed model prisoner while he was upgraded to a "high risk" prisoner after making threats to senior prison staff and despite the judge warning that he remained "an ongoing danger to the public"? A source quoted by The Telegraph said: "It looks to me that he has played the system, giving the impression that he is reformed and rehabilitated but, like a sleeper cell, waited for the opportunity to grab a headline for the jihadis."

Usman Khan was far from an exception: In the UK, 187 of the 264 Islamist terrorists jailed up to 2015 were eligible for early release. 180 have so far been freed under licence with a further seven still in prison, of which three are due to be released within the next three months. Among them is one of Britain's top al-Qaeda terror master is Rangzieb Ahmed who got life in 2008 for plotting carnage across the UK and was linked to the 7/7 London bombers who killed 52. Because of the scandal, 40 Islamist terrorists freed after serving half their jail terms will go back to prison, after the review of 74 cases. In the UK, ten convicted jihadis were returned to their cells after breaching their licence conditions last year - the highest ever total.

A poll after the London Bridge attack revealed that 82% of Brits favour a ban on early release for terrorists; 66% think that it would significantly reduce terror attacks; 57% think that longer prison sentences would have a similar impact in reducing the terror risk; 77% think increased surveillance of terrorists would help.

The London Bridge attack is the second in recent memory where the jihadist was wearing an electronic tag. The first one took place in July 2016 when a French priest was murdered near Rouen by two Islamic State jihadists. One of the terrorists had been released from jail against the advice of the State prosecutor because the judge believed the young radical had had a change of heart.

Not only have major loopholes in the judicial system made it easier for terrorists but also the light sentencing of terrorists is at the core of the issue. In the UK, the average jail sentence for terrorists behind life-threatening acts of violence is 9.4 years for those causing explosions endangering lives, while those convicted of "preparing terrorist acts" were jailed for 8.4 years on average.

The UK is not the only country in Europe with a failing judicial apparatus when dealing with terrorists: Belgium is another example. The jihadist behind the terror attack in Liege in 2018, Benjamin Herman, who killed three, was a radicalised prison inmate freed just the day before he carried out his act. It was the 14th time since his detention that he was granted temporary leave despite being on the national terror watch list. The Algerian behind the attack in Charleroi in 2016 killing two policewomen had been staying illegally in Belgium and had been ordered twice to leave but the system failed.

France is not much different. For instance, after having been jailed the first time around for six months for trying to join a jihadist group in Syria, a woman received a four-year jail sentence with 18-month suspended period for planning a knife attack on soldiers in Nice. Larossi Abballa, a Moroccan jihadist sentenced in 2013 to three years in jail for recruiting jihadists to go to Afghanistan and Pakistan, carried out in 2016, in the name of the Islamic State, the murder in Magnanville of a couple who were both police officers.

The leniency of the judicial system coupled with naivete allowed an Algerian jihadist from the GIA terror group that was sentenced to ten years in jail in 2006 for planning attacks in Paris, to be freed in 2011. He was under house arrest before he vanished. In another case in France, a judge forgot to extend the detention of a jihadist accused of planning a terror attack in Lyon and

sending men to fight in Syria and Iraq.

There are many other perversities in UK systems. Someone viewing terror propaganda only once can be sentenced up to 15 years in jail but a jihadist returnee that had joined and fought for Islamic State in Syria/Iraq risks only 10 years. The UK-based preacher who influenced the Sousse (Tunisia) beach attack in 2015 by an extremist recruited by the Ansar al-Sharia movement which cost 39 lives (30 British) received £123,000 of legal aid to fight deportation successfully. He was alleged to receive around £48,000 a year in Government benefits (2 years after a newspaper investigation) and live in a £1 million council house in West London. Associates of the gunman were imprisoned in Tunisia for from 6 years to life.

One of the most pressing concerns for European security services specifically stems from the weak judicial system. About 500 convicted jihadists - 254 in France alone - are to be freed from European jails in the next two years. Public protection requires terrorists/jihadists should not be freed before serving their full sentence.

European law-enforcement need to focus on monitoring radicalised multiple offenders who may have a higher probability of carrying out terror attacks upon their release from prison. The British MI5 is taking that matter seriously now: for proof it has just increased the number of behavioural scientists it uses by 50% to improve the agency's chances of catching former jihadists who re-engage with planning attacks.

Perhaps there is change on the way: At the latest terrorism trial in France in October 2019, the two main Islamic State female plotters of the Notre Dame foiled attack of 2016 were sentenced to 30 and 25 years in jail respectively.

*Olivier Guitta is the Managing Director of GlobalStrat, a security and geopolitical risk consulting firm for corporations and governments. Olivier tweets @OlivierGuitta*