

Luis Barragán Márquez

Lieutenant of the Spanish Civil Guard and responsible for the area fight against jihadist radicalization of the Civil Guard Information Command

Email: luisbarragan@guardiacivil.es

Salvador Berdun Carrion

Prison Service Officer. PhD In Criminology by the University of Granada

Email: salvadorberdunI@gmail.com

Jihadism in the prison system. The case of Rida B

Abstract

The recent sentence imposed on inmate Rida B. for threatening prison officers and glorifying terrorism has brought the issue of jihadist radicalisation in prisons back into the spotlight. However, this phenomenon has particular characteristics that differentiate it from jihadist radicalisation and its criminal manifestations outside prisons. The fact that convictions for jihadist activities in prisons have been handed down to inmates classified as high risk raises questions about the extent to which the prison system is able to prevent jihadist activity in prisons.

Keywords

Terrorism, Prisons, DAESH, Radicalisation, Glorification.

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I Introduction

In a ruling dated 25 February 2025, the Fourth Chamber of the National High Court sentenced Rida B., an individual imprisoned for common crimes (La Vanguardia, 2025), to a total of six years for crimes of glorification of terrorism and unconditional threats directed at a professional group, in this case prison officers. This sentence is a departure from previous rulings in other cases of jihadist activity in Spanish prisons. In 2004, Operation Nova¹ resulted in five convictions for membership of a terrorist organisation. In the case of Operation Escribano (2020)², two inmates were convicted of collaborating with a terrorist organisation.

In most cases, the convicted individuals were classified as maximum security prisoners and subject to the strictest regime, with restrictions on their movements and interactions with other individuals. This raises the question of how jihadist activity manages to develop in such a restricted environment.

As Marc Sageman (2004, 2008) pointed out, jihadist radicalisation is not articulated solely through formal hierarchies, but through networks of affinity and personal ties that reinforce ideological cohesion. This approach is particularly useful for understanding how, even in highly restrictive environments, dynamics of socialisation and ideological resistance can be maintained among inmates.

Under the hypothesis that jihadist activity itself is seen as a form of resistance against the prison administration, and that the judicial and prison response to the phenomenon reflects a regulatory adaptation aimed at containing radicalisation in prison, a series of three key questions arise: What strategies do inmates linked to jihadism use to maintain their activity within the prison? How does the prison administration react to these strategies and what mechanisms does it use to detect and contain them? To what extent does the case of Rida B. show a change in judicial or prison practice with regard to the treatment of jihadist activity in prison?

To answer these questions, we will use a dual perspective: prison and legal. The first will focus on explaining how individual resistance develops in maximum security

¹ Operation Nova dismantled a group of around thirty prisoners who called themselves “Martyrs for Morocco”. The group was formed in Topas prison between 2000 and 2002 under the leadership of inmate Mohamed Achraf, and later spread to other prisons. The main leaders and organisers of this network were convicted under the old Penal Code for membership of a terrorist organisation. It should be noted that until the 2015 reform, there were no criminal offences adapted to the new forms of terrorism adopted by jihadism in the West.

² Operation Escribano is the largest investigation carried out in Europe in the field of jihadist radicalisation in prisons in favour of the terrorist organisation DAESH. The investigation began in 2017 when graffiti depicting DAESH flags was detected in a prison and was expanded to investigate a large group of inmates who maintained an intense correspondence, both through regulated channels and by circumventing the prison administration’s control measures. The investigation concluded at the end of 2020, finding that the main suspects had planned to form a group to unite and reincorporate prisoners convicted of terrorism offences into jihadist militancy and continue terrorist activity upon their release from prison.

prison regimes. The second will focus on the importance of prison regulations and the reasons on which the National Court has based its decision. In terms of structure, the paper is organised according to the three questions posed in the hypothesis. First, we analyse the strategies employed by prisoners linked to jihadism to maintain their activity within the prison environment, understood as a form of resistance to institutional authority. Secondly, it examines the prison administration's response to these strategies, as well as the regulatory and operational mechanisms designed to detect and contain them. Finally, it addresses the case of Rida B. as a representative example of judicial and prison adaptation to jihadist activity in prison, assessing the extent to which it reflects a change in institutional practice and in the application of the current legal framework.

2 The Closed Regime and Challenges to Prison Security

This section aims to contextualise what the closed regime means in terms of security. It also introduces the influence of prison subcultures and the idea that authority and security in the prison environment are not absolute concepts, but are challenged by the prison population with the means available to them.

2.1 *Prison regulatory framework*

The principle of re-education and reintegration forms the basis of the Spanish prison system. This mandate is enshrined in Article 25.2 of the Spanish Constitution of 1978, which establishes that “custodial sentences and security measures shall be aimed at re-education and social reintegration and may not consist of forced labour”.

In compliance with this principle, the General Prison Law (Ley Orgánica 1/1979, de 26 de septiembre, General Penitenciaria, LOGP) was enacted, which sets out the objectives and foundations of the system. Subsequently, Royal Decree 1201/1981 of 8 May approved the first Prison Regulations, later replaced by Royal Decree 190/1996 of 9 February, which adapted the regulations to the changes introduced by the 1995 Penal Code and to the sociological evolution of the prison population.

The closed regime represents the highest level of control within the Spanish prison system and reflects the practical application of the principle of scientific individualisation provided for in the LOGP. According to Article 72, this system is divided into three levels of classification, the first being the most restrictive and intended for inmates who are particularly dangerous or unsuited to the ordinary or open regime.

The guiding principle of Spanish prison policy—the re-education and social reintegration of prisoners—does not, however, ignore the existence of inmates who are disruptive and resistant to prison treatment. Some of them pose a danger that compromises both the internal order of the establishments and the external security of society, which justifies the existence of a particularly severe regime.

Article 10 of the LOGP specifies the conditions of the closed regime, characterised by limited communal activities and greater control and surveillance of inmates. This

regulation is complemented by Articles 100 and 101 of the Prison Regulations (RP), which define the classification system and the regime applicable to each degree.

In this context, Article 102.5.c of the RP incorporates a criterion of particular relevance to the analysis of the jihadist phenomenon: membership of criminal organisations or armed gangs as an indication of particular dangerousness. This provision is particularly significant in the prison treatment of inmates convicted of jihadist terrorism offences, where institutional concern about proselytism and radicalisation has led to the application of the closed regime and their inclusion in the Special Monitoring File (FIES) as a means of containing radical ideologies.

In this way, Spanish prison regulations show an adaptive evolution in response to new forms of organised crime and the phenomenon of jihadist radicalisation, focusing on the prevention of ideological contagion within prisons.

2.2 Impact of the jihadist phenomenon on prison regulations

The treatment of jihadist terrorism in prison is one of the main security challenges facing the Spanish prison system. As Reinares, García-Calvo and Vicente (2018) point out, Spanish prisons have been areas of jihadist radicalisation, although to a lesser extent than other social or virtual spaces. However, at certain times they have also served as places for jihadist groups to organise and plan criminal activities. This assessment, based on judicial and police data, allows the Spanish prison phenomenon to be placed in a comparative perspective and highlights the need to maintain preventive measures and deradicalisation programmes within prisons.

The Spanish prison system's first contacts with individuals linked to Arab international terrorism date back to the 1970s. During the 1980s, organisations such as Hezbollah, AMAL³, and others linked to Palestinian terrorism also operated in Spain. During this period, a total of twelve individuals were imprisoned, which was truly exceptional.

In the mid-1990s, the situation began to change with the establishment of Algerian networks in Spain. In 1995, Ghebrid Massaoud (Sirvent and Duva, 1995) was arrested in Barcelona, marking the beginning of a new cycle in which the number of jihadist prisoners began to grow steadily (Berdún, 2023: pp. 413-414). Since then, jihadist terrorism has brought a significant number of inmates to Spanish prisons. Most of them have been classified as first-degree prisoners.

The closed regime usually involves the inclusion of first-degree inmates in the FIES file. The regulation of the FIES underwent a final transformation with Royal Decree 419/2011 of 25 March, which addressed the problem arising from the annulment of Instruction 21/1996. The reform covered the FIES in the 1996 Prison Regulations.

³ The Amal Movement (in Arabic, حركة أمل Harakat Amal; *amal* means 'hope') is a Lebanese Shia organisation.

In addition, the idea of the prison institution as another part of the state security apparatus was reinforced.

Concerns about the rise of jihadist terrorism influenced the reform of the RP, giving new functions to the prison administration in the fight against terrorism (Berdún, 2023: p. 192). Concepts such as the importance of collaboration between the prison system and the information and intelligence services were introduced, as was the approval of organisational rules for surveillance, control and intervention in response to attempts by prisoners to continue criminal activities in prisons. At this point, it is worth highlighting the capacity for social mobilisation and cohesion of imprisoned ETA militants grouped together in the so-called 'Prison Front'.

The reform expressly regulated the existence of the FIES in Article 6.2 RP, and Article 65.3 established the possibility of creating specialised groups of officials to control prisoners involved in these forms of crime. With this regulation, the FIES transcended the limits of prison security to become part of anti-terrorist policy in its broadest sense.

Analysts from the Civil Guard Information Service in charge of the Rida B. case have highlighted the importance of adapting regulations to the evolving terrorist threat and, in particular, the daily work of prison officers to maintain adequate control over inmates likely to become involved in proselytising networks within prisons, in contrast to the situation in neighbouring countries, which is often described as close to chaos.

However, the regulatory and organisational measures adopted have not succeeded in eliminating the conflict inherent in first-degree regimes. In these contexts, prison authorities continue to be challenged by resistance dynamics which, in some cases, find symbolic legitimacy in jihadist ideology.

2.3 *The challenge to authority in maximum security environments*

2.3.1 *Resistance and disobedience in restrictive environments*

Authority is not an immutable concept. Even in maximum security environments, there is room to evade institutional control and challenge established authority. Sykes warns of the imperfection of prison power:

'The criminal in prison rarely denies the legitimacy of confinement. At the same time, recognition of the legitimacy of society's substitutes and its body of rules is not accompanied by an obligation to obey, nor is it internalised, and the prisoner thus accepts the fact of his captivity on one level and rejects it on another. If, for one reason, the institution of custody is valuable to a theory of human behaviour, it is because it makes us realise that men do not need to be motivated to conform to a regime they define as legitimate'. (Sykes, 1958: p. 48).

Sykes, referring to the problem of maintaining order in prisons, suggests that only in the case of total or almost total isolation of individuals can one speak of almost absolute control:

‘If a prisoner confined in solitary confinement bangs his head against the wall, it is individual madness; if he refuses to bathe or eat, his rebellion remains within the confines of his cell. However, in a maximum security prison, maintaining order is much more complex than moderating self-destructive impulses or isolated gestures of protest’. (Sykes, 1958: p. 17)

From these words, it could be deduced that strict confinement prevents any kind of dissent on the part of inmates. However, Foucault (1976) stated in his book *The History of Sexuality* that ‘where there is power, there is resistance’. In any space of authority, there is room for confrontation.

There are examples of defiance of authority and the prison regime in high-security spaces. For example, Pelican Bay Prison in California was the scene of collective challenges to authority by inmates housed in the so-called *Security Housing Unit* (SHU). Reiter (2014: p. 579) defines this type of unit as the archetype of *supermax* prisons. The protest spread throughout much of the Californian prison system and was followed by hundreds of inmates. This was a success, considering that these were individuals who had no prior connections and were not part of an organised group.

Recently, in Italy, there was a protest by an inmate linked to anarchism, Alfredo Cospito, who went on hunger strike against the application of Article 41bis of the Italian prison law regulating the application of the high security regime. He was linked to the Informal Anarchist Federation, a decentralised and autonomous network with characteristics typical of insurrectionary and diffuse resistance networks. According to Marone (2023), Cospito had spread propaganda from prison, despite being in a high security regime. The campaign had a profound public impact and led to attacks claimed by anarchists in Italian and European cities. He also maintained contact with inmates linked to the mafia and also subject to Article 41bis. Members of the Italian mafia have repeatedly attempted to oppose both the 41bis regime and the *ergastolo ostativo*, highlighting the legal controversies surrounding this regime. This highlights the potential of prisons as *hubs* for individuals belonging to different types of criminal networks.

These conflicts are not new. The challenge to established authority was constant in the 1970s with the outbreak of social and racial conflicts in American and Western prisons. Some of these conflicts arose from issues of ethnic and religious identity. On other occasions, there are no political or social reasons to be found, but rather they are simply the result of friction between prisoners and guards.

Prison power is susceptible to challenge, even in regimes where individuals face greater limitations. It is possible to confront the system, sometimes through what Garreaud (2014: p. 158) calls the political technologies of the total institution and the ‘practices of the prisoners’ selves’. This dialectic can escalate, from prisoners’ self-mutilation to escapes and riots, but it does not necessarily imply political content.

Sometimes, prisoners in the most restrictive prison regimes seek ideological justifications for their maladjustment to the prison regime. To this end, they seek outside support from anti-system movements. Examples of this narrative can be found in numerous publications by prisoner support groups that focus on such behaviour

as a social or political struggle⁴⁵⁶. There are numerous cases of prisoners convicted of common crimes who are linked to campaigns against maximum security regimes in different countries: FIES in Spain, 41bis in Italy, and F-type prisons in Turkey.



Figure 1



Figure 2

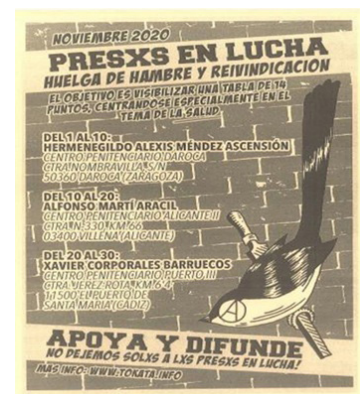


Figure 3

2.3.2 Jihadist challenge to the prison administration, the Spanish case

Colouring activities in support of terrorism with a social or political struggle became a constant feature of the imprisoned militancy of extreme left-wing ethno-nationalist terrorist groups such as the IRA, ETA and GRAPO. One of the most renowned jihadist leaders in the Spanish prison system, Mohamed Achraf, promoter of the jihadist networks dismantled in the Nova and Escribano operations, was inspired by this type of activity.

In early 2018, Achraf began demanding that the prison administration allow jihadist prisoners to go out into the yard together, identifying them as ‘Islamist political prisoners’, and gradually increased his demands for their regrouping in the same prison and module. As a means of pressure, in the spring of that year, he began a forty-five-day hunger strike, sending letters to other like-minded prisoners

4 Examples of these narratives can be found in the *Tokata* newsletter, which frequently devotes its pages to criticising the closed regime in Spain and its equivalents in other countries.

5 Graphic archive of the Sancho el Sabio Foundation. Poster with the text “Herriaren borrokarekin gure askatasuna: expetxeak apurtu, amnistia osoa, errefuxiatuek Euskadin bizi behar dute” (With the support of the people, our freedom: open prisons, full amnesty, refugees must live in the Basque Country) produced by the organisation Gestoras Pro-Amnistía, which was banned for being part of the ETA network. Available at: <https://www.euskalmemoriadigitala.eus/handle/10357/54134>

6 In March 2022, the fifth issue of the publication “O MUJAHIDEEN IN THE WEST”, an English-language magazine produced by the Hurras Al-Tawheed (HAT) group, was published on social media under the title “Jihad, the only path to glory”, in which two articles containing threats against prisons were published. The first, entitled “Are we going to let them rot in prison?”, calls on Muslims in the West to attack prisons and free Muslim prisoners, considering that they have sacrificed their lives to defend true Islam. The second, entitled “Kill all the Guards!”, orders the murder of prison officers, specifying that such attacks should be carried out when they arrive home and by stabbing.

proposing that they support his initiative, along with expressions typical of the jihadist imagination⁷.

‘We are also on strike over the issue of the courtyard. All this until we achieve victory or martyrdom. And until their injustice, aggression and war end. And until they give in and put us together in one wing and allow us to go out into the courtyard together’.

His influence on other inmates led them to reiterate the same request to the prison administration and adopt the idea that they should fight for a ‘Prison Front’, putting pressure on the authorities to concentrate jihadist prisoners in prisons close to their places of residence, emulating the demands of prisoners belonging to the terrorist organisation ETA. As part of this campaign, in June 2018 Achraf published an article entitled ‘Situation of subjugation, control and extermination of prisoners under the “Anti-Jihadist Protocol2 in State Prisons” in the activist newsletter *Tokata*. Achraf had previously published several letters in *Tokata*⁸.

Another case in which inmates linked to jihadism used this type of media as a platform for their demands is M.E.H.E.Y., who appeared on websites linked to this type of movement⁹. In all cases, this inmate vehemently declared himself to be an individual linked to the resistance against the closed prison regime. This is a widespread practice among the prison population classified as first degree.

3 Jihad in maximum security prison environments

This section describes the impact of radicalisation in prisons and the influence that prison subculture, the ‘prisonisation’ of religious sentiment and the adoption of an individual and collective identity conditioned by the jihadist narrative on prisons can have on these processes.

7 The operation was prosecuted by Section 4 of the Criminal Chamber of the National Assembly. The oral and public trial took place between 4 and 21 July 2022, with a total of five trial sessions.

8 On 7 December 2014, Achraf published a letter in *Tokata* entitled “The Prison Inquisition. Reflections by Mohamed Achraf”. Available at: <https://tokata.info/la-inquisicion-penitenciaria-reflexiones-de-mohamed-achraf/>. On 12 November, he also published a letter criticising the FIES regime entitled “From the Isolation of Malaga II, Letter from a prisoner in struggle against state violence and racism”. Available at: <https://tokata.info/desde-el-aislamiento-de-malaga-ii-carta-de-un-presos-en-lucha-sobre-la-violencia-y-el-racismo-de-estado/>

9 This individual sent a letter published in the *Tokata* newsletter entitled: “Collective demand for decent living conditions in the isolation of Villena prison (Alicante II)”. Available at: <https://tokata.info/reivindicacion-colectiva-de-unas-condiciones-de-vida-dignas-en-el-aislamiento-de-la-carcel-de-villena-alicante-ii/>. Another letter in which the same inmate sends greetings to Achraf. Available at: <https://www.federacionanarquista.net/companerismo-desde-el-departamento-de-castigo-de-la-carcel-de-picassent-valencia/>

3.1 *The risk of radicalisation and its impact on the prison environment*

Concern about radicalisation and the spread of ideas based on a radical view of Islam has become a priority for security and police authorities and prison services¹⁰. Prisons can become breeding grounds for jihadist radicalisation. Prisoners may come into contact with extremists and adopt radical views while serving their sentences, in many cases attracted by the promise of redemption.

From an academic point of view, there is consensus that the phenomenon of radicalisation must be addressed, but there is a need to avoid alarmism. Furthermore, there is a significant gap in research that needs to be filled, as Veldhuis and Kessels (2013: p. 3) point out that most studies are based on qualitative evidence, and access to quantitative data is needed to understand the scale of the phenomenon.

3.2 *Collective identity in the prison environment. A radical prison subculture?*

Political identity has been a fundamental tool in the construction of prison collectives of terrorist organisations such as ETA, GRAPO, the IRA and the RAF. For example, with regard to ETA prisoners, Alcedo Moneo points out that:

‘Prison is the ETA space par excellence, where militants can express themselves as such. There, they are recognised as ETA members by their fellow villagers, the officials in charge of their custody, and the anonymous masses who see their photos among many others on large posters calling for amnesty for Basque prisoners. Prison, like the street before it, is a place of struggle and resistance, but in prison it is passive. With the struggle, the characteristics that accompany it reappear, for example, clandestinity, although they do have some peculiar characteristics’. (1996: p. 285)

In these cases, we are talking about organised and hierarchical groups. On the contrary, when considering the problem of proselytism and jihadist activity in prisons, the issue presents a different perspective. Prisoners linked to jihadism or who may be vulnerable to radicalisation processes do not constitute an organised and structured group. Therefore, the possibility of creating structures in prisons will depend largely on the interaction of individuals during their imprisonment.

It is interesting to understand how identity and individual awareness influence the greater or lesser risk of radicalisation in maximum security prison environments.

¹⁰ Examples of this are the 2021 National Security Strategy (ESN) (p. 57) and the European Council Conclusions on preventing and combating radicalisation in prisons adopted in June 2019. In this regard, EUROPOL, through its Report on the Situation and Trends of Terrorism in the European Union (TE-SAT), continues to highlight, year after year, the large number of terrorist attacks carried out in Member States and perpetrated by individuals who have been totally or partially radicalised in prison. It should be noted, for example, that in 2020 at least five jihadist attacks in Europe involved prisoners or ex-prisoners at the time of the attack.

Liebling and Straub (2012, pp. 15-21) point out that monotheistic religions are prone to being misinterpreted or misused and are attractive in prison, while individuals with communication skills are attractive to other subjects. Liebling and Straub cite Hamm, who concludes that the behaviour and influence of Muslim prisoners vary according to the characteristics and social conditions of the prison. Overcrowded maximum security institutions provide conditions conducive to radicalisation.

In contrast, in prisons with appropriately designed regimes and activities, the risk of radicalisation can be counteracted. The appeal of Islam lies in the fact that it can serve as a justification for the acts that have led the inmate to prison by blaming the 'West' or the 'infidels', allowing bonds of trust to be established or even serving as a mechanism for channelling rebellion against the system. In many cases, religious conversion serves to reinforce their own cultural identity and is expressed as a form of individual and collective resistance against the West in a restrictive environment.

On the other hand, certain charismatic individuals can take on special relevance in a context where individuals experience a deep sense of insecurity. For Marranci (2012: pp. 23-24), Islam in prison is defined on the basis of individual emotions, although that faith may be 'performative' (i.e., expressed more as an external performance or manifestation than as a deep internal conviction).

Misinterpretations of religious concepts that operate in the processes of radicalisation and recruitment in prison are conditioned by the way in which individuals experience their imprisonment and by institutional control. There is a third factor, the prison subculture, which conditions the way in which individuals adapt to the prison environment. It is worth asking whether we can speak of a prison subculture shaped and based on a radical interpretation of Islam. A jihadist subculture in prison that would differentiate its members from the general prison subculture. In this way, they play with the Salafist concept of 'takfirism', classifying as 'good Muslims' those who subscribe to their understanding of Islam and are loyal to their group within the prison wing, while labelling as 'bad Muslims' or apostates those who do not submit to the discipline of their group and do not interpret Islam in those terms.

In prison, many inmates classified as first degree consider this classification a sign of individual status vis-à-vis the rest of the prison population. Often, these types of inmates define themselves as 'warriors' who defy the system¹¹. In the case of individuals convicted of jihadism or classified as radicalised for recruitment and leadership activities, Civil Guard investigators point out that inmates with this profile often boast about their classification as a symbol of prestige within the prison. However, their expressions of opposition to the prison regime are very limited thanks to the special supervision given to this type of inmate.

¹¹ Interestingly, until recently, inmates with this profile often had Sun Tzu's *The Art of War* in their cells as a reference book.

For terrorist organisations, maintaining the identity and militancy of their members within prisons is essential to maintaining the cohesion of their organisations. GRAPO member Bittor Dieguez described the group's philosophy in prison as follows:

'We are communist prisoners, we have a concept of life and we take it everywhere. We cannot conceive of life in prison without doing anything, with our hands tied, lying around in the courtyards as they have managed to do with common prisoners. It would be unacceptable for us to be subjected to such conditions. Always and in any prison, also depending on the strength we have had, we have tried to maintain these minimum standards, to be able to study collectively, to be able to improve ourselves, to be able to train ourselves better so that tomorrow we can contribute more to the cause' (Dieguez, 1989).

With regard to jihadism, it is necessary to determine the ideological basis of this phenomenon in prison. Above all, because jihadist militancy sometimes arises in prison, unlike what happened with other terrorist groups. Marranci (2020) points out that religion can become a way of reaffirming their personality by confronting their religious identity against an institutional authority they consider unjust or illegitimate. Based on this perception of unjust imprisonment and illegitimate authority, *tawhid*, the principle of the oneness of God, evolves from a theological principle to a survival mechanism that allows prisoners to reinforce their own personality in the face of a system they perceive as hostile.

Officials often report how radical inmates interrupt scheduled activities such as roll calls with prayer. This is a mechanism of identity reaffirmation and resistance, but also a violation of prison regulations masked by the practice of religion to avoid disciplinary sanctions.

Hamm (2009: p. 144) reports the existence of small influential groups of individuals capable of spreading a 'prison' version of Islam (*Prison Islam*). They thus take advantage of the traditional prison dynamics of coercion and the use of pressure groups. In this way, a simplified version of Islam is spread, adapted to respond to the perceptions of incarcerated individuals. With regard to this concept of 'prison Islam', the approach to this unorthodox version of religion is often based on motivations to seek protection and integration into a group that facilitates the stay in prison.

Sometimes, the approach to religion is based on utilitarian reasons such as access to greater social interaction or group protection, even in the most restrictive prison environments. The group dynamics typical of the prison environment facilitate this practical approach, which can precede a recruitment process and is carried out discreetly through direct interaction.

García Martínez (2008: pp. 188-189) mentions this prison religious subculture that defines models of behaviour and can lead to the adoption of attitudes of 'resistance' to the system. Sometimes, prisoners adopt a 'ritualistic' approach to religion focused on their own identity, in which religious expressions are subject to 'prison ritualisation'. In other cases, the 'rebellious' approach serves to justify the behaviour of individuals linked to violent crime.

The propaganda approach of Al Qaeda and DAESH is oriented towards mere religious and ideological conversion through learning, building a prison jihadist subculture in which individuals are told how to be *cool*. This explanation, derived from cultural criminology, allows us to go beyond the traditional justifications of conversion or rebirth to understand certain behaviours (Sunde and Sandberg, 2021: p. 282). Applied to the prison environment, this form of attraction to the individual can take the form of an invitation to challenge the rules. These subcultures constitute an added difficulty in maintaining orderly coexistence and the resocialising aims of punishment.

The fear of radicalisation has contributed to a feeling among incarcerated individuals that the experience of deprivation of liberty has worsened (Liebling, Williams and Lieber, 2020: p. 1664). Maximum security environments provoke greater feelings of aversion to the system and its rules. When collecting testimony from an inmate regarding the risk of radicalisation, he stated: 'I don't need to radicalise anyone here—they're all already anti-authority!' (Williams and Liebling, 2023: p. 98).

Contrary to the perception that these subcultures may contribute to violent radicalisation processes in prisons, other authors believe that they may play a role in counteracting the emergence of radicalisation processes in prisons (Bucerius, Shultz and Haggerty, 2022). Linge, Sandberg and Tutenges (2023: p. 1384) consider that radicalisation processes among criminals are complex and unpredictable, and that exposure to jihadism fuels both radicalisation and resistance to it. It is therefore important to understand that prison can be both a favourable and an unfavourable environment for radicalisation.

The experience accumulated by the Civil Guard in prison investigations also points in this direction. There are many inmates, Muslim or otherwise, who reject jihadist radicalisation and terrorist violence and who, with due caution and confidentiality, denounce jihadists who pressure other inmates for not being 'good Muslims', either because of their sexual orientation or because they do not practise the religion in Salafist terms.

3.3 *Prison in the jihadist narrative*

Prison is a fundamental pillar of the jihadist narrative. A large part of the ideological developments of political Islam have taken place in prison. Ibn Taymiyyah is a paradigmatic example, very influential in contemporary Islam. A scholar of the Hanbali school of law, characterised as the most rigorous of all, with a literal, inflexible and uncompromising interpretation of the Qur'an and Sunnah, his thinking was based on the belief that Islam was perfect and complete in the time of the companions of the Prophet Muhammad (*al-salaf al-salih*). This led him to reject other variants of Islam, such as Sufism and Shiism, among others, calling for their persecution and declaring their followers *kāfir* (unbelievers). He was imprisoned for seven years for his legal rulings and confrontations with scholars from other schools of jurisprudence. Taymiyyah is a key figure in the jihadist imagination, defining imprisonment as a 'divine' blessing.

More recently, names such as Hassan Al Banna and Sayyid Qutb have become references in the jihadist imagination of martyrdom in prisons. Sayyid Qutb conceived his main work in prison. After the attempted assassination of Nasser, numerous members of the Muslim Brotherhood were imprisoned. During this period, Qutb wrote *Ma'alim fi-l Tariq* (Milestones), which summarises his political thinking, centred on the need to apply Sharia law in all areas of society and human relations.

Qutb's work was decisive in the evolution of later references. This was the case of Shukri Mustafali, a jihadist leader and follower of Qutb and the Muslim Brotherhood. He participated in the assassination of the Egyptian Minister of Religious Affairs and was convicted and executed in 1978. During his time in prison, he radicalised his views, considering the whole of society to be apostate and infidel. He was the main founder of the group or sect Takfir Wal Hijra (Anathema and Exile), a radical organisation that gained followers over time, especially after Shukri's execution. The same can be said of other individuals who were prominent in the rise of jihad. Muhammad abd-al-Salam Faraj, one of the ideologues of the Tanzim al-Jihad organisation, was executed in 1982 after being imprisoned. His political thinking was captured in a pamphlet entitled *Al-Farida al-gha'iba* (*The Forgotten Duty*). Ayman al-Zawahiri, one of the leaders of Al Qaeda, was imprisoned in Egypt. His stay in prison during the 1980s and the torture he suffered sharpened his radicalism and made him a leader among the other inmates.

Zaynab Al-Ghazali deserves special mention. It is important to highlight her role as a woman, given the significance of her story. Al Ghazali recounted her experience in prison in the first person under the title *Ayyam min Hayati* (*Days of My Life*) and is a symbol in that she extends to women the narrative of resistance against 'tyrants' in prisons.

The most recent manifestations of this phenomenon have found an ideal environment in crime and prisons to spread their narrative and attract followers. This is the case with DAESH, whose very origins can be traced back to a prison, as acknowledged by David Petraeus, the general who led the US operation in Iraq, when he admitted that: 'these extremists were basically running a university to train terrorists on our own premises' (BBC, 2015). His statements give us an idea of the important role played by prisons such as Camp Bucca and Abu Ghraib, where the leader of DAESH, Abu Bakr al-Baghdadi, self-proclaimed Caliph and 'leader of all Muslims', was interned, along with a dozen members of his leadership.

The link between crime and terror has been a growing concern in recent years. Basra and Neumann (2017: pp. 1-6) believe that DAESH has skilfully used its narrative to recruit members in these environments. The organisation's magazine, *Rumiyah*, has praised jihadists with criminal pasts and justified the commission of crimes as a means of waging jihad, saying that it is not behaviour that needs to be changed but motivation, which provides moral justification for individuals who feel the need to legitimise their behaviour. DAESH is well aware that people with criminal records have skills and resources that make them very effective in carrying out terrorist plans.

According to Civil Guard investigators, this form of redeeming sins or crimes, which modern DAESH jihadism defends in its propaganda, is attractive to young Muslims in Western prisons because it labels institutions as apostates and the jihadist imagination forgives them for their crimes if they join the jihadist cause. It should be remembered that in the early years of the jihadist group's growth, in order to swell its ranks, it adopted the strategy of the "Breaking the Walls" campaign¹², which succeeded in freeing hundreds of militants from Iraqi prisons between 2012 and 2013. This operation had a profound symbolic impact, presenting prisons as spaces of resistance and redemption. The resulting narrative reinforced the idea that imprisonment does not interrupt jihad, but is part of it, legitimising violence against prison institutions.

Berdún (2024: p. 205) cites several cases in which the jihadist propaganda apparatus has placed special emphasis on directing a promise of redemption to common criminals. For example, a group of British jihadists in Syria, calling themselves *Rayat al-Tawheed*, coined the apt slogan 'sometimes people with the worst pasts create the best futures'. Al Qaeda's magazine, *Inspire*, referred to the prisons of the infidels in 2016 and asked Allah to 'accept the exploits of our mujahideen brothers in the West, double their rewards, and for those who have been imprisoned, make their prison a garden among the gardens of paradise' (Bayliss, 2016). In 2016, in a video on the administrative structure of the caliphate, DAESH announced the existence of the 'Committee for Prisoners and Martyrs', whose mission was to monitor prisoners, rescue them, and help their families. In its magazine *Dabiq*, it mentioned prisons as a place to continue the struggle¹³. In its eighth issue, it interviewed Boubaker al-Hakim¹⁴, who described his seven years in prison¹⁵.

For DAESH, imprisoned members of the organisation are still considered 'soldiers or mujahideen' and important assets to the organisation. They must continue to wage jihad wherever they are and with the means at their disposal, even inside prisons and with the constraints of confinement. Thus, DAESH's strategy in prisons includes threats and attacks on prison officers, both security guards and other staff, as it considers this to be a legitimate and necessary struggle, which is why there are calls to attack prison staff inside and outside prisons.

¹² The "Breaking Down the Walls" campaign was announced by the leader of Islamic State of Iraq, Abu Bakr al-Baghdadi, in a speech on 21 July 2012:

"And we bring you good news of the beginning of a new phase in our struggle. We are starting it with a plan we have named 'Breaking Down the Walls' and we remind you of your main priority: to free Muslim captives wherever they may be and to make it your primary goal to prosecute and kill their butchers (judges, investigators and guards)."

Excerpt from Abu Bakr al-Baghdadi's speech: 'And God wants nothing but to perfect His light' 21 July 2012.

¹³ See: *Inspire Magazine*. Autumn 2016. 1438. Issue 2016.

¹⁴ Boubaker Al Hakim had been arrested in Syria. Upon his return to France, he devoted himself to recruiting fighters to send to Iraq. Arrested for these acts, he spent seven years in prison.

¹⁵ Interview with Abū Muqātil At-Tūnusī. *Dabiq Magazine*. Issue 8.

3.4 *Recruitment of new members*

Recruiting members within prisons is one of the fundamental elements of jihadist narrative. This discourse was initially used by Al Qaeda and later by DAESH in a more refined way. Authors such as Yaacoub (2018) highlight the importance of prisons as spaces for radicalisation. Warnes and Hannah (2008: p. 408) also find similarities with the prison structures of terrorist groups such as the IRA and ETA, considering that much of the behaviour of jihadists in European prisons was a 'replica' of the way IRA and ETA prisoners behaved during their incarceration. The passage of time has nuanced this discourse, and although it is true that the problem of radicalisation exists, jihadist structures in prisons have not managed to replicate those of previous, more organised groups.

In France, Khosrokhavar (2013) considers that radicalisation processes in prisons occur between two individuals or small groups. The case of Italy is similar. According to Rhazzali (2017: pp. 261-286), the presence of organised groups that can be conventionally defined as radical Islamists does not seem to be a characteristic of the Italian prison system. In Spain, the phenomenon of radicalisation is described very clearly by Carou García (2019) in his study on jihadist recruitment in prison when he states:

'Prison, as a total institution, places the individual in an existential situation of extreme complexity, in which he is forced to develop social relationships – not of his own choosing – and to adapt to a markedly restrictive organisational and architectural structure. In such an environment, radical Islamic ideology, conveniently manipulated and adapted to the personal circumstances of each case, acts at different levels. Faced with the loneliness and uprooting caused by imprisonment, adherence to a fanatical Salafist ideology acts as an element of socialisation, thus preventing the individual from becoming isolated. Jihadist cells surround the individual with a false perception of respect and recognition within the group, so that he perceives a kind of community protection, an aspect that is particularly relevant in a hostile environment such as prison' (Carou-García, 2019: p. 55).

Although the experience accumulated in recent years allows the prison institution to mitigate the phenomenon described by Carou García, the truth is that entering prison is a personal crisis. The impact of a new hostile reality forces the individual first into shock (loss of freedom, truncated projects and dreams, social shame) and then into reflection on the events that have led them to this situation.

Inmates who have additional vulnerabilities, such as the absence of a family support network, not speaking the language, lack of financial resources, or a solid religious upbringing, find themselves in the dichotomy of either advancing alone on their prison journey towards resocialisation or taking refuge in the protection offered by their peer group.

Case studies carried out by the Civil Guard in its investigations highlight that it is within this framework that radicalising agents operate, offering the group protection typical of prison subculture. In this case, under the cultural pretext of joining their

peers, the communal and tribal nature of the *umma*, being a 'good Muslim', and seeking redemption in the practice of the Salafist version of their religion, they are gradually initiated into jihadist indoctrination.

It should be borne in mind that we are dealing with a model of approach, recruitment and radicalisation in a closed and highly exposed environment in which victim and perpetrator coexist, despite the efforts of prison institutions to keep radicalising agents isolated and offer inmates leisure or work options¹⁶. As a result, vulnerable prisoners are easily integrated into peer groups that offer them a certain degree of protection and social comfort in exchange for following the self-appointed leader of the group.

In the case of young people from non-Western cultures, a profile that is becoming increasingly common in the Spanish prison system and which combines multiple vulnerabilities, other elements typical of youth come into play, such as defiance of authority, adventure, belonging to a subversive group that feeds the feeling of being victims of an unjust system, resentment and hostility. In this environment, individuals gradually shape their perception, justifying any affront or 'stressor' under the argument of 'you vs us' (the West vs the *umma*). Under this mindset, prison is illegitimate, while being united in hatred of the West or the infidels is not only legitimate but also a religious duty and a defence of one's own community that allows one to regain the honour lost in the commission of crimes. It is a path of manipulation that leads new followers towards utopian and destructive thoughts, in which jihad is seen as a redemptive renewal and martyrdom as liberation.

4 The case of Rida B. Threats and glorification of terrorism within the prison system

The importance of this case lies in the novelty of the legal classification of the acts committed by Rida B. (threats and glorification of terrorism) and the lengthy sentence imposed. It is also noteworthy that Rida B's actions must be interpreted in a specific context that has conditioned his activity. The prison environment limited the way in which the protagonist of this case carried out his pro-jihadist activity. It should be noted that his radicalisation process was a long one. According to the investigation, it lasted just over a year (from the first signs to when he swore allegiance to his leader and jihadist role model). This highlights the importance of monitoring by prison institutions, both in detecting his radicalisation process and in following up on it.

4.1 Context and background of the case

As we have seen in previous sections, there is a prison subculture that establishes customary rules outside the institutional framework and a religious subculture shaped

¹⁶ Instruction 17/2011, of 8 November, sets out the "protocol for intervention and rules in closed regimes", as Royal Decree 419/2011 of 25 March modified certain regulatory aspects and established the obligation to intervene in closed regimes, as well as the creation of a stable technical team and the implementation of a treatment programme.

by the fact of imprisonment that can condition the behaviour of the individuals who are part of them. Both factors can lead a sector of the prison population, influenced by certain narratives, to seek their own space for protest and confrontation with the administration. This confrontation presents a series of particularities due to the limits that the prison environment, especially in closed regimes, places on disruptive and risky behaviour that threatens the orderly coexistence of a prison establishment. In this context, we can situate the case of Rida B.

In this section, we will describe his process of radicalisation over the years and the difficulties that investigators from the Civil Guard's Information Headquarters encountered in reconstructing his life. We will also analyse the way in which Rida B. carried out his jihadist activity. It is necessary to dwell on the importance of radicalising agents in prison. In addition, attention must be paid to the importance of the glorification of terrorism and the threats made by Rida B. on behalf of DAESH, as well as the operational and legal response by the Prison Service, the Civil Guard and the National Court.

This case study provides us with a profile of prisoners who are vulnerable to radicalisation and who, once they have embraced this ideology, develop their own proselytising activities. Rida B. carried out his activities within the confines of closed prison wings, which greatly limited the resources available to him for carrying out his jihadist activities. Through the study of the radicalisation process, his links with other jihadists and his activity in favour of DAESH, a reality is revealed that often goes more unnoticed than that of those convicted of terrorism, but which does not therefore pose a lesser risk. Rida B. carried out at least two types of activities in support of DAESH, as documented in his sentence: on the one hand, painting flags of the jihadist organisation; on the other hand, threatening prison officials with explicit statements such as ¹⁷: 'you are all going to die under the flag of the Islamic State'; 'I am going to kill you and your families [...] to kill in the name of Allah and the flag of the Islamic State'. In addition, Rida B. also showed signs of behaviour typical of prison life, such as boasting about his dangerousness and anti-establishment character. In many cases, this took the form of uncontrolled outbursts of anger stemming from his own character.

4.2 Limits on jihadist activity in the prison environment

Despite posing a risk to the life and physical integrity of prison staff and inmates, jihadist activity can be encouraged by the physical environment of a closed prison regime. These limits prevent actions carried out in a controlled environment such as a prison from being comparable in terms of means and execution to those that may occur outside. The Civil Guard analysts responsible for the investigation that led to

¹⁷ The investigation into Rida B. was conducted by the Sixth Central Investigating Court of the National High Court and tried by the Fourth Section of the Criminal Chamber of the National High Court. The oral and public trial took place on 3 and 4 February 2025. "Moroccan prisoner sentenced to another six years in prison for graffiti in support of Islamic State and threats." (El Debate, 2025)

the conviction of Rida B. emphasise this point. Even this type of activity is confused with events typical of prison dynamics. For example, threats to prison staff or the possession of homemade weapons by inmates may be considered normal in certain environments, despite the extreme danger they pose. An analysis of the operations carried out by the FCSE in prisons leads to the conclusion that the means used to recruit and radicalise other inmates are the same as those traditionally used in prisons: coercion, threats, the use of force, as opposed to the self-serving use of solidarity, group protection or favours.

Control by the administration is circumvented through mechanisms that are nothing new, except for the purpose of jihadist radicalisation. The main tools used for this purpose are intermediaries and chains of ‘favours’ and friendship that allow news to be passed between individuals. Officials working in closed prisons point out that it is common for inmates classified as first degree, due to rotations between centres, to know each other directly or indirectly. It is also common for this type of practice to be carried out individually or with the participation of two or three people¹⁸. It should be borne in mind that recruitment or glorification activities in prisons are extremely difficult and persistent. In addition, DAESH uses a series of symbols that can be expressed through gestures or through oral or written forms. Examples include the *tawhid* gesture (extending the arm with the index finger pointing to the sky to express the oneness of God) or the repetition of certain Islamic quotations.

These activities are perfectly suited to the confines of the prison system. As researchers from the Civil Guard point out, prison jihad and the radicalisation of third parties in this closed environment have particular characteristics. The dissemination of ideas is not based on physical media such as books or videos via the Internet. Everything is based on oral transmission through the recitation of certain suras from the Koran or *nasheeds*, messages sent through correspondence which, despite institutional control, flow through parallel channels, especially through what researchers have called “messenger pigeons”, i.e. inmates whose correspondence was not subject to any kind of intervention. These letters convey greetings, support, loyalty and radical ideology, accompanied by feelings of opposition to the prison system. The vast majority of these letters include prayers and other religious texts from the Salafist creed and are accompanied by DAESH flags and even slogans used by the terrorist organisation, such as *baqiyah*, *tatamaddad*, *takbir*, and *Allahu Akbar*.

4.3 Rida B's radicalisation process

In its ruling 4/25, the National Court considered that Rida B.'s actions were part of the promotion and praise of DAESH. The Civil Guard's investigation has made it possible to reconstruct his radicalisation process, from before he even entered prison

¹⁸ Some examples of this type of activity reported in the press (El Mundo, 2015a, 2015b, 2026; El Independiente, 2020; El País, 2021a, 2021b; El Faro de Vigo, 2021; El Correo Gallego, 2021; Europa Press, 2021)

to the moment when he formalised his commitment to DAESH's ideology and objectives while in prison. The court ruling also describes him as a dangerous and disruptive inmate, which is why he was included in the FIES file.

Based on the Civil Guard's investigation, the National Court considered that Rida B.'s activity in prison was motivated by the designs of DAESH, which considers prison to be a suitable place for recruiting militants and spreading its radical ideas, inciting violent attacks against prisons and their staff¹⁹.

The reconstruction of this process has been meticulous and has been based on the investigation carried out by the Information Headquarters, as well as on reports from the General Secretariat of Penitentiary Institutions, technical eyewitness reports from various Judicial Police units, handwriting expert reports from the Civil Guard's Criminalistics Service, witness statements and other proceedings. All of these refer not only to the period of the criminal investigation, but also to the period prior to Rida B.'s imprisonment.

Sources close to the investigation warn that the convicted man had shown signs of radicalisation during his stay in a juvenile detention centre. At that time, Rida B. had photos of Osama Bin Laden and armed young people in conflict zones in his possession. Later, after entering prison and reaching the age of majority, he began to show signs of increasing radicalisation under the influence of a first radicalising agent. His behaviour became more violent and confrontational, with threats and attacks on prison staff as he continued his radicalisation process. The prison administration detected this incipient radicalisation process, which led to his classification as a FIES.

Gradually, his conflictiveness increased, and he began to maintain contact with inmates linked to jihadist terrorist cells and networks. Among these individuals, he contacted two inmates investigated in Operation Escribano for their high capacity for recruitment and radicalisation, one of whom was linked to two previous jihadist networks. As a result of these contacts, Rida B. declared in a letter his adherence to the ideology of DAESH and his loyalty to one of those investigated for terrorist recruitment and indoctrination in the network dismantled by the Civil Guard in Operation Escribano. It should be noted that Rida B. was investigated in that operation, detecting his level of radicalism and his oath of allegiance to one of the leaders under investigation, even going so far as to paint the DAESH flag in a prison courtyard, but his activity at that time did not result in criminal charges.

His radicalisation process continued with new incidents until he began to be investigated for the activities for which he has been convicted. Over a period of one year, between 2022 and 2023, he engaged in a series of behaviours with the clear aim of glorifying DAESH terrorism and intimidating prison staff in the name of the 'Islamic State'.

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19 SAN 955/2025 - ECLI:ES:AN:2025:955. P. 4.

4.4 Graffiti and threats in prison

Rida B.'s activity focused mainly on graffiti and threats to the prison officers responsible for his custody.

As for the graffiti, the ruling considers that it constituted representations of the DAESH flag and its most characteristic slogans. Such graffiti was made with the purpose of spreading this doctrine among other inmates and anyone connected with the prisons²⁰.

The investigators, and subsequently the ruling, consider that the painted images were a representation of the *shahada* ('There is no God but Allah'), with a shape and distribution that has been adopted as a distinctive sign by the terrorist organisation DAESH, which defines it as the flag of 'unicity or monotheism' and serves to vindicate its actions and propagate its activities²¹.

The graffiti was painted using the means and opportunities available to Rida B. in a controlled environment. This meant that the flags and slogans could not be exactly the same as the original or, as the Civil Guard officers explained at the trial, the background of the flag could not be black.

The investigation into Rida B.'s activity of disseminating DAESH symbols has made it possible to attribute the authorship of fourteen DAESH flag graffiti²², ten of them in public areas such as dining rooms or courtyards where other inmates who are at risk and vulnerable to jihadist recruitment enjoy their leisure time.



Figure 4

Detail of graffiti painted by Rida B. of the DAESH flag on a wall in the common areas of a prison.

According to the ruling, these graffiti created a risky situation in which the display of the DAESH flag was not only a call for ideological affinity with the terrorist

²⁰ SAN 955/2025 - ECLI:ES:AN:2025:955. P. 3.

²¹ SAN 955/2025 - ECLI:ES:AN:2025:955. P. 4.

²² Some graffiti was up to 3.5 metres high, making it highly visible.

group, but also an explicit call to wage jihad, a call that every person who considers themselves a “good Muslim” must practise jihad to the best of their ability. These were carried out in different prisons. Alongside the DAESH flag, Rida B. painted other slogans such as: ‘Always smile, soldier’; ‘Resist until you cease to exist’; ‘Allahu akbar’ (‘Allah is the greatest’) and ‘Religion has never led us to do anything illegal’.

At the hearing, Rida B. stated that the graffiti did not represent a flag and that it was ‘a wake-up call, in the sense of saying: gentlemen of the prison system, do something’²³. In contrast to what happened in the past in the cases of ETA and GRAPO militants, it should be noted that it is common practice during criminal proceedings related to jihadism for individuals to deny their militancy.

As for the threats, these were directed both at prison officers as a group and at some of them in particular: ‘[...]You will find out because the flag of the Islamic State will soon be spread throughout the world and you will die as infidels’; ‘Cowards, torturers, come and get me. I will kill you as commanded by the flag of the Islamic State present throughout the world’; [...] ‘You will embrace Islam or die’; ‘Allah is the only God, Muhammad his prophet and no one above God’; ‘Soon the Islamic State will rule the world’. All of these statements were made for the purpose of making demands and appealing to the ‘Islamic State’ to reinforce their intimidating effect.

This intimidating effect was evident in the statements made by officials during the trial. The statements made by prison officials and the social worker who wrote the report in which Rida B. expressed his plans to kidnap and murder a prison official were decisive²⁴.

Rida B.’s aggressive state and his willingness to commit a violent act were demonstrated by the convicted man on numerous occasions with expressions such as ‘being willing to do anything’ or statements that if he carried out his violent intentions, people from the terrorist milieu would contact his family, as is often the case in suicide attacks.

The theft of razor blades from closed-regime departments is one of the few occasions on which a prison weapon or ‘spike’ can be made²⁵. For investigators, the concealment of the blades constitutes a preparatory act in the context of violent actions that Rida claims to have planned and causes fear and alarm among officials. According to sources close to the investigation, this situation is based on the convergence of five elements: collective and individual threats to certain prison officials; the jihadist ideology embraced by Rida B.; the campaigns against prisons and prison staff promoted by DAESH; the plans to murder expressed by Rida B. in an interview with a social worker; and Rida’s intention to obtain a sharp object. The

23 SAN 955/2025 - ECLI:ES:AN:2025:955. P. 9.

24 SAN 955/2025 - ECLI:ES:AN:2025:955. P. 16.

25 Other options include using window panes or trying to get hold of pieces of window hinges or bed fixing screws. Sometimes windows are torn out with the intention of using them as blunt objects against the officers who have to intervene to subdue the inmate.

investigation found that Rida B. managed to obtain blades on three occasions. This means that, considering himself a 'soldier of the Islamic State', he had taken steps to carry out his threats by stealing blades with which he could carry out his plans to attack.

4.5 *Conviction and legal basis*

Rida B. was convicted of glorifying terrorism and sentenced to three years in prison. He was also convicted of making unconditional threats against a professional group and sentenced to three years in prison. In the case of glorification, the Fourth Section of the Criminal Chamber of the National High Court considered that Rida B.'s conduct was serious enough to pose a risk that his activity could lead to the commission of terrorist acts in the future:

'The defendant's acts of public promotion, glorification and justification of the terrorist organisation DAESH, which, with his continuous and insistent acts of propaganda among the prison population of the centres where he painted images of DAESH flags, with their characteristic slogans unified in the *shahada*, created a risk of future acts of a terrorist nature among those who saw and read them, as these were not mere personal acts that did not transcend the confines of the cells in which the accused lived, but rather graffiti painted in common areas that were also used by the prison population not subject to the strict isolation regime applied to the accused. Furthermore, it is implausible and hardly coherent to deny, as the defendant's defence does, that the drawing was the DAESH flag because it lacked the characteristic black colour. Applying the rules of logic, the defendant lacked black paint with which to perfect his graffiti; instead, he drew the square outlines, the phrase about Allah, drew the seal of the prophet and alluded to his status, as depicted on the DAESH flag, which he did to the best of his ability and in accordance with the temporary conditions and availability of materials he had, as the accused himself has maintained, supported by the prison officer witnesses²⁶.

The court ruling is also forceful with regard to the existence of the crime of threats under Article 170.1 of the Criminal Code. The ruling considers that the threats are directed at prison officers as a group and are serious enough to have a frightening effect on their recipients²⁷. In a context where threats are frequent, the ruling is innovative, arguing as follows for the conviction:

'In the present case, the intimidation referred to in Article 170.1 of the Criminal Code was directed by the accused, first at a prison officer, but later at other members of the prison service, affecting the group as a whole,

²⁶ SAN 955/2025 - ECLI:ES:AN:2025:955 P. 7.

²⁷ SAN 955/2025 - ECLI:ES:AN:2025:955 P. 8.

not only because of the expressions used by the accused, but also because of the circumstances in which they were uttered, creating a state of fear and intimidation among the victims, since the accused made generalised statements and referred to the families of those who were listening to him, lending credibility to his statements, not only because of the literal meaning of what he said, but also because he implicated the terrorist organisation itself, for which he was promoting among potential new followers through his graffiti. Therefore, we maintain that the content and forcefulness of the terms used constitute serious threats capable of intimidating that group. Threats that do not require the actual instilling of fear in the passive subjects in order to be consummated, as it is sufficient that they come to the knowledge of the recipients, without considering them to be mere individual threats to the four people who are initially considered to be the passive subjects of the crime of threats that they witnessed, since their scope transcends them and encompasses the community of civil servants affected’.

5 Conclusions

The evolution of jihadism in the Spanish prison system shows a progressive institutional adaptation to a changing threat. From the first isolated cases in the 1970s and 1980s to the consolidation of networks linked to international terrorism in the 1990s, the prison administration has redefined its control mechanisms and collaboration with the intelligence services. The creation and subsequent consolidation of the Special Monitoring File (FIES) and the reform of the Prison Regulations in 2011 reflect this evolution, in which prisons have gone from being a marginal space in the phenomenon to occupying a central place in strategies for the prevention and detection of violent radicalisation.

From a prison perspective, the ruling highlights the limits, but also the capabilities, of the system to detect and contain processes of violent radicalisation. Despite the restrictions of the closed regime, the case shows how some individuals maintain significant proselytising activity. It also underlines the value of the prevention and investigation work carried out by prison institutions and the security forces, which are capable of reconstructing the radicalisation process and proving the terrorist intent of the convicted person.

The ruling constitutes an important development in the prevention and prosecution of jihadist activity in Spain. While previous convictions in the prison system had been for membership of a terrorist organisation or for recruitment and indoctrination, this ruling is a milestone in recognising the potential seriousness of certain acts laden with symbolism in a sensitive environment such as a prison.

Furthermore, the ruling considers that glorification poses a risk of radicalisation and polarisation of other inmates exposed to the influence of Rida B. and punishes behaviour, namely threats, that is common in interactions between the prison population and prison staff, considering that the behaviour is serious enough to warrant criminal punishment.

This case demonstrates the importance of consolidating early detection mechanisms and inter-institutional cooperation. The development of these policies will continue to be key to preventing the formation of jihadist groups in prisons.

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