AN OVERVIEW AND CONSIDERATION OF DE-RADICALISATION IN MALAYSIA

IAN TAN*

ABSTRACT

It is only in the last decade that the concept of de-radicalisation has gained prominence to encompass the strategies needed to rehabilitate and reintegrate extremists and radicals back into mainstream society. This article briefly traces the emergence of this discourse before exploring the concepts of radicalisation and de-radicalisation at a theoretical and conceptual level. The context and backdrop of Malaysia's de-radicalisation program is reviewed before an in-depth overview of the program is given. Different considerations are also explored, including the effectiveness of Malaysia's de-radicalisation program, as well as efforts at an international level in the area of de-radicalisation.

I INTRODUCTION

In 2017, the United Nations (UN) Security Council adopted Resolution 2396: a broad resolution which, among other measures, called on member states to do more towards the rehabilitation and reintegration of returning foreign fighters, as well as those who were demonstrating signs of radicalisation towards violence.[1] A year later, in a statement to the UN's High-Level Conference on Counter-Terrorism, Malaysia's Permanent Representative to the UN, Ambassador Muhammad Shahrul Ikram Yaakob, said that '[c]ounter terrorist measures are more effective with a de-radicalisation program'. [2] The importance of such rehabilitation and reintegration programs was also emphasised by other nations in attendance at the conference.[3] This underscores the growing prominence of de-radicalisation within the counter-terrorism discourse and the importance that is placed on it by individual member states as part of their 'countering and preventing violent extremism' (CPVE) policies.

Before considering this concept further, it is worthwhile to consider how the radicalisation and de-radicalisation discourse emerged. Prior to the September 11 attacks

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[1]* Ian Tan graduated from the University of Western Australia (UWA) with a Bachelor of Arts in 2019, majoring in Political Science & International Relations and History. He is currently completing his Master of Teaching (Secondary) at UWA, specialising in Humanities and Social Sciences.

 United Nations, SC Res 2396, UN SCOR, 8148th mtg, UN Doc S/RES/2396 (21 December 2017).

[2] Muhammad Shahrul Ikram Yaakob, 'Statement to the United Nations High-Level Conference of Heads of Counter-Terrorism Agencies of Member States' (Speech, United Nations High-Level Conference on Counter Terrorism, 27 July 2018) <https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/S3-Malaysia.pdf>.

[3] United Nations Office of Counter-Terrorism, *Report of the United Nations High-Level Conference on Counter-Terrorism* (Report, 28–29 June 2018) 13 <https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/Report_UNHLC_FINAL_WEB.pdf>.

in 2001, the word 'radicalisation' was more synonymous with the far-right and Nazism[4] and was loosely used to refer to an individual's shift towards a more radical view, one outside of the mainstream form of politics.[5] Similarly, the term has also been used — as far back as the early 1970s — to denote the process of escalation, in both form and intensity, by social movements into violent and covert groups.[6]

It was only around 2004 and 2005 when the meaning of radicalisation began to evolve. Attacks in Madrid, in 2004, and London, in 2005, by home-grown terrorists — as well as the rise of counter-insurgency in Iraq by Al-Qaeda forces following the fall of Saddam Hussein — highlighted the need for a change in strategy by Western governments, away from its current approach of hard, physical, and repressive force.[7] In May 2005, the Bush administration shifted its counter-terrorism efforts, away from solely targeting Al-Qaeda leaders, towards a wider strategy against violent extremism and radical Islam.[8] This approach became known as the 'hearts and minds' strategy. They contended that the 'battle of ideas' would be just as important as the battle for physical territory by physical force; they also contended that the fight against radical Islam would be both cultural and preventative.[9] Thus, it was around this time that the term radicalisation came to symbolise, and become associated with, the shift towards more radical and extremist views of Islam.[10]

This shift has allowed the concept of radicalisation, and by extension de-radicalisation, to emerge as a way of analysing and explaining the process and reasons behind a person becoming radicalised, as well as what preventative strategies can be used beyond hard, physical force.[11] While the discourse surrounding this field remains relatively young, de-radicalisation as a term now denotes the approach that is used in tackling violent extremism and has formed a core part of CPVE efforts.[12]

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[4] Arun Kundnani and Ben Hayes, 'The globalisation of Countering Violent Extremism policies: Undermining human rights, instrumentalising civil society' (Research Paper, Transnational Institute, February 2018) 4 <https://www.tni.org/files/publication-downloads/cve_web.pdf>.

[5] Arun Kundnani, 'Radicalisation: The journey of a concept' in Christopher Baker-Beall, Charlotte Heath-Kelly and Lee Jarvis (eds), *Counter Radicalisation: Critical Perspectives* (Routledge, 2014) 14.

[6] Donatella Della Porta, *Social Movement: Political Violence, and the State: A Comparative Analysis of Italy and Germany* (Cambridge University Press, 1995), cited in Donatella Della Porta and Gary LaFree 'Guest Editorial: Process of Radicalization and De-Radicalization' (2011) 6(1) *International Journal of Conflict and Violence* 4, 6 <https://www.start.umd.edu/sites/default/files/publications/local_attachments/LafreeEditorial.pdf>.

[7] Kundnani (n 5) 24.

[8] Susan B Glasser, 'Review May Shift Terror Policies: U.S. Is Expected to Look Beyond Al Qaeda', *The Washington Post* (Washington DC, 29 May 2005) A01.

[9] Kundnani and Hayes (n 5) 4.

[10] Ibid 16.

[11] Kundnani (n 5) 15.

[12] Mohammed Elshimi, 'Prevent 2011 and counter-radicalisation: What is de-radicalisation?' in Christopher Baker-Beall, Charlotte Heath-Kelly and Lee Jarvis (eds), *Counter Radicalisation: Critical Perspectives* (Routledge, 2014) 206, 207–208.

II RADICALISATION

A *Definition*

The emergence of the radicalisation discourse has allowed for a renewed conversation over the different economic, political, psychological, and social forces which underpin terrorist and political violence.[13] However, to provide a concise definition of radicalisation is problematic, given the lack of universality as to what it entails. As many as seven different definitions of radicalisation have been identified, with a general consensus emerging that it encompasses an escalating process leading towards, and ultimately concluding in, the use of violence.[14]

It is important to note that not all radicalisation necessarily leads to violence or acts of terrorism. Radicalisation centres around two foci: the pursuit of societal change — to achieve a particular or specific goal— through largely peaceful means, or through the use of violence.[15] The terms 'behavioural radicalisation' and 'cognitive radicalisation' have emerged to highlight this dimension.

While behavioural radicalisation ('violent extremism') refers to the use of extremist behaviour, such as violence or violent means, cognitive radicalisation ('cognitive extremism') refers to the emphasis of holding radical views outside of the mainstream.[16] There is debate over whether holding such radical views can be considered as being radicalised, as well as whether there is a relationship between holding radical views and committing acts of extremist behaviour.[17] While not all cognitive extremists end up becoming violent extremists, most, if not all, violent extremists start off as cognitive extremists.[18] After all, when distinguishing between violent extremists and more moderate leaders, the former are those 'who are the most optimistic about the usefulness of violence for achieving goals that many, and often most, support'.[19]

The Australian Government's official definition of radicalisation states that it is the 'process by which individuals come to accept violent extremism as a legitimate means of pursuing their political, ideological or religious goals', with violent extremism defined as the willingness or support of other people in using violent means towards achieving their goals.[20] The following definition has been offered by the former Malaysian Home Affairs Minister, Dr Ahmad Zahid Hamidi: '[T]he process whereby individuals (and

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[13] Peter R Neumann, 'Introduction' (Conference Paper, The First International Conference on Radicalisation and Political Violence, 17–18 January 2008) 4 <https://www.nonviolent-conflict.org/wp-content/uploads/2016/11/Perspectives-on-Radicalisation-Political-Violence.pdf>.

[14] Della Porta and LaFree (n 7) 5–9.

[15] Tinka Veldhuis and Jørgen Staun, *Islamist Radicalisation: A Root Cause Model* (Netherlands Institute of International Relations Clingendael, 2009) 4.

[16] Peter R Neumann, 'The trouble with radicalization' (2013) 89(4) *International Affairs* 873, 873.

[17] Ibid 875.

[18] Jakob Guhl, 'Why beliefs always matter, but rarely help us predict jihadist violence. The role of cognitive extremism as a precursor for violent extremism.' [2018] (Spring) *Journal for Deradicalization* 192, 193; Veldhuis and Staun (n 15) 6.

[19] Robert A Pape, 'Suicide Terrorism and Democracy: What We've Learned Since 9/11' (Policy Analysis No. 582, Cato Institute, 1 November 2006) 8 <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa582.pdf>.

[20] Council of Australian Governments, 'Australia's Counter-Terrorism Strategy: Strengthening our Resilience' (Research Paper, Parliamentary Library, Parliament of Australia, July 2015) <https://www.nationalsecurity.gov.au/Media-and-publications/Publications/Documents/Australias-Counter-Terrorism-Strategy-2015.pdf>.

even groups) develop over time, a mindset that can — under the right circumstances and opportunities — increase the risk that he or she will engage in violent extremism or terrorism'.[21]

Both these definitions highlight the wide dimension over what constitutes radicalisation. While the Australian Government sets a higher threshold of radicalisation at those who are seeking to advance radical views through violence, the Malaysian Government considers those who are just holding radical views as being radicalised.

B *Radicalisation As A Process*

There is a broad consensus that radicalisation is not an overnight occurrence, but rather an incremental process that may develop quickly within an individual.[22] In 2004, the Dutch intelligence service became the first Western intelligence agency to publicly depict radicalisation as an ideologically-driven process that could be home-grown and self-nurtured without the recruitment of a non-state actor.[23] The process of radicalisation is initiated and influenced by different social and psychological factors as commitment towards an extremist political and religious ideology increases, leading to a change in attitudes and behaviour.[24] Even if views differ on the length and complexity of the process, most major theories of radicalisation all accept that it is a process and a progression over time, with violent extremism being the ultimate end-point.[25]

One of the earliest models on radicalisation was developed by the New York City Police Department (NYPD). This model employs a linear progression of radicalisation from cognitive radicalisation to violent extremism.[26] The model has four stages: *pre-radicalisation*, the stage prior to embarkation onto the path of radicalisation; *self-identification*, where individuals begin to be exposed to radicalised teachings and adopt it as their own; *indoctrination*, the third stage, marked by an intensification of radicalised beliefs towards the conclusion that violent extremism is required to advance the cause thereof; and lastly, *jihadization*, where radicalised individuals take up the cause of the jihad, which includes the planning, preparation, and execution of a violent act.[27] It is important to note that this theory was written from the lens of Islamic radicalisation, though it could easily be applied to any radicalised individual.

Another similar model to Silver and Bhatt's is the 'Typology of Radicalism' model

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[21] Ahmad Zahid Hamidi, 'Malaysia's Policy on Counter-Terrorism and Deradicalisation Strategy' (2016) 6(2) *Journal of Public Security and Safety* 1, 11.

[22] Veldhuis and Staun (n 15) 6.

[23] Kundnani and Hayes (n 5) 6.

[24] John Horgan, *Walking Away from Terrorism: Accounts of Disengagement from Radical and Extremist Movements* (Routledge, 2009) 152 ('*Walking Away from Terrorism*'); Neumann (n 16) 874; Veldhuis and Staun (n 15) 6.

[25] Neumann (n 16) 874. See Fathali M Moghaddam, 'The Staircase to Terrorism: A Psychological Exploration' (2005) 60(2) *American Psychologist* 161; Clark McCauley and Sophia Moskalenko, 'Mechanisms of Political Radicalization: Pathways Toward Terrorism' (2008) 20(3) *Terrorism and Political Violence* 415; Zeyno Baran, 'Fighting the War of Ideas' (2005) 84(6) *Foreign Affairs* 68.

[26] Guhl (n 18) 197.

[27] Mitchell D Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Research Report, New York City Police Department, 2007) 6–7 <https://info.publicintelligence.net/NYPDradicalization.pdf>.

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developed by a Malaysian academic. Developed in the context of Malaysia, the model outlines a pyramid with six different stages of radicalisation, each stage signifying incremental increases in the strength and consistency of the adherence, understanding, and application of Islam.[28] Due to its restrictive religious laws, which seek to preserve the dominance of Islam in the country, most Malaysian Muslims are segmented into the *nominal believers* stage — an identity rooted in secular and Western lifestyles, but still identifying religiously as a Muslim.[29] Those falling into the *occasional* and *activist* stages, the exact boundaries of which can be blurred, are identified by an increased level of devoutness and a clearer identity rooted in Islam, which includes attending prayers, believing in the importance of living an Islamic lifestyle, and striving towards performing the Hajj at least once.[30] Progression onto the fourth *extremist* stage is marked by those who are 'more enthusiastic about their faith', with Islam being strongly embedded in their daily life. This stage includes belief in the practising of Sharia principles, making jihad[31] a key part of their life and the pilgrimage to Mecca a centrepiece of their faith.[32] Aslam's use of the word 'extremist' at this stage can cause some misguidance. A more appropriate word to describe individuals in this stage is 'fundamentalist', denoting those who hold a strict, literal interpretation of the Quran.

The fifth and sixth stages — *radicals* and *militants* respectively — represent the most concerning stages. Radicals are marked by a fierce opposition towards Western attitudes and lifestyles, believing that their role is to help others, and the country, seek contentment from Allah.[33] A dim view is held against those who do not oppose Westernisation, and fellow Muslims are encouraged to take an active role in Islamic activities, organisations, and pressure groups.[34] Parallels of this stage can be drawn with cognitive extremists. According to Aslam, militants are the radicals who subscribe to an extremist interpretation of the Quran and have 'grown impatient with the pace of change', resorting to violence as a means of redressing ills in society and bringing about change.[35]

Such models have been criticised as not being truly reflective of the radicalisation process.[36] It is argued that there is no singular theory or model which can adequately explain why people radicalise; it is also argued that models which place an emphasis

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[28] Mohd Mizan Mohammad Aslam, 'A Critical Study of Kumpulan Militant Malaysia, its Wider Connections in the Region and the Implications of Radical Islam for the Stability of Southeast Asia' (PhD Thesis, Victoria University of Wellington, 2009) 30 <https://pdfs.semanticscholar.org/bdb3/f9b14fbca4b66b4fac7071c4036f ae53b12e.pdf?_ga=2.127429069.1983746893.1574872663-1055549920.1574872663> ('A Critical Study of Kumpulan Militant Malaysia').

[29] Ibid 29.

[30] Ibid 31–32.

[31] The definition of jihad is 'to struggle'. In more recent times, the word has been used in association with violent Islamic extremists. To undertake jihad, however, is to strive towards becoming a better Muslim. This includes embedding the Five Pillars of Islam in one's daily life; engaging in acts of hard work, self-control, and charity; and, where necessary, defending the Islamic faith in everyday life. See generally Abbas J Ali, Manton Gibbs and Robert C Camp, 'Jihad in Monotheistic Religions: Implications for Business and Management' (2003) 23(12) *International Journal of Sociology and Social Policy* 19.

[32] Aslam, 'A Critical Study of Kumpulan Militant Malaysia' (n 28) 34.

[33] Ibid 35.

[34] Ibid.

[35] Ibid 37.

[36] Guhl (n 18) 197.

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on the development of ideological beliefs as a justification for violent extremism only provide one pathway into radicalisation.[37] Drawing on proceedings from the 2006 conference, 'Paths to Global Jihad: Radicalisation and Recruitment to Terror Networks',[38] Randy Borum writes that '[d]ifferent pathways and mechanisms operate in different ways or different people at different points in time and perhaps in different contexts'.[39] Other factors which may contribute to an individual's radicalisation include a loss of belonging or voice and socioeconomic inequality or repression; those who become violent extremists are driven by fear, adventure, vengeance, or hostility, as well as material enticements.[40]

Building on the different factors of why people radicalise, twelve different mechanisms have been identified which detail, more specifically, *how* a group or an individual becomes radicalised, as well as their transition from cognitive radicalisation to behavioural radicalisation.[41] While groups or masses of people are more likely to be triggered by conflicts against another party, group, or state, at a general level, radicalisation is triggered by personal grievances and identity.[42] The twelve mechanisms or triggers towards radicalisation are segmented into mass radicalisation, group radicalisation, and individual radicalisation.[43] While triggers for mass radicalisation occur when a large group of people are in conflict with an out-group — driven by either hate, martyrdom, or jujitsu politics — group radicalisation is triggered by people within a like-minded group who, under isolation or threat, are competing for the same base of support, against a state power, or within a group.[44] Radicalisation for individuals is triggered by personal or political grievances, through self-persuasion of the importance of the group's goals, and by the lure of belonging and acceptance.[45]

III DE-RADICALISATION

A *Definitions*

In 2008, Time Magazine attributed the concept of reverse radicalisation (more commonly known as de-radicalisation) as one of ten ideas changing the world.[46] Like radicalisation, the discourse surrounding de-radicalisation remains vague and with

[37] Randy Borum, 'Radicalization into Violent Extremism I: A Review of Social Science Theories' (2012) 4(4) *Journal of Strategic Security* 7, 8.

[38] See Laila Bokhari et al, 'Paths to Global Jihad: Radicalisation and Recruitment to Terror Networks' (Seminar Proceedings, Norwegian Defence Research Establishment, 15 March 2006).

[39] Borum (n 37) 8.

[40] James Khalil, 'Radical Beliefs and Violent Actions Are Not Synonymous: How to Place the Key Disjuncture Between Attitudes and Behaviors at the Heart of Our Research into Political Violence' (2014) 37(2) *Studies in Conflict & Terrorism* 198, 200.

[41] Chuck Crossett and Jason A Spitaletta, *Radicalization: Relevant Psychological and Sociological Concepts* (Report, September 2010) 39 <https://info.publicintelligence.net/USArmy-RadicalizationConcepts.pdf>.

[42] Clark McCauley and Sophia Moskalenko, 'Mechanisms of Political Radicalization: Pathways Toward Terrorism' (2008) 20(3) *Terrorism and Political Violence* 415, 418.

[43] Crossett and Spitaletta (n 41) 39.

[44] Ibid.

[45] Ibid.

[46] Amanda Ripley, 'Reverse Radicalism', *Time Magazine* (online, 13 March 2008) <http://content.time.com/time/specials/2007/article/0,28804,1720049_1720050_1722062,00.html>.

ambiguities; however, in its simplest form, it can be described as a reversal of the radicalisation process.[47] This does not occur overnight. As a 'social and psychological process', de-radicalisation is used to reduce 'an individual's commitment to, and involvement in, violent radicalization … to the extent that they are no longer at risk of involvement and engagement in violent activity'.[48] Similarly, Hamidi referenced the use of different methods and strategies that 'undermine and reverse the completed radicalisation process'.[49]

De-radicalisation can also have strategic uses, underscoring its growing prominence among CPVE strategies. The first is that it breaks the potential cycle of violence, whereby a violent attack is met with a strong counter-response, which leads towards the alienation and radicalisation of more individuals; the second is that it distinguishes a softer approach away from the hard, repressive measures deployed in the aftermath of the September 11 attacks; the third is that de-radicalisation can occur spontaneously and without the need for intervention; and the fourth is that de-radicalisation mostly involves the cognitive side of radicalism, specifically the attitudes, values, and beliefs which affect and drive behaviour.[50] It is important to note that the fourth point assumes that radical ideology is an indicator of extremist behaviour, which is not always necessarily the case.[51]

It is important to differentiate between de-radicalisation and disengagement — two terms which are often used interchangeably within the discourse. Disengagement centres on the behaviour and actions of a radicalised individual: it pertains to their renunciation or abandonment of physical violence as a means for advancing their agenda.[52] This does not mean that there has been a moderation or reduction in their ideological support or beliefs.[53] An extremist can still hold on to their radical beliefs but no longer believe in using violent means to advance their ideology. De-radicalisation, on the other hand, centres on an individual's cognition: it is noticeably harder to achieve than behavioural disengagement[54] and involves the moderation or abandonment of radical ideas, values, aspirations, and beliefs.[55]

B *De-radicalisation As A Process*

There is a lack of precision, clarity, and consensus over what elements constitute the actual process of de-radicalisation.[56] Unlike radicalisation, the field of de-radicalisation remains underdeveloped and less explored, with little published empirical research

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[47] Della Porta and LaFree (n 6) 7.

[48] Horgan, *Walking Away from Terrorism* (n 24) 152.

[49] Hamidi (n 21) 105.

[50] Mark Dechesne, 'The strategic use of de-radicalization' (2014) *Journal Exit-Deutschland* 177, 179–180.

[51] Guhl (n 18) 206.

[52] Elshimi (n 12) 209.

[53] Ibid 209; John Horgan, 'Disengaging from Terrorism' in David Canter (ed), *The Faces of Terrorism: Multidisciplinary Perspectives* (Wiley-Blackwell, 2009) 257, 270.

[54] Dechesne (n 50) 180.

[55] Ibid 181; Horgan, 'Disengaging from Terrorism' (n 53) 264.

[56] Della Porta and LaFree (n 6) 7; John Horgan and Kurt Braddock, 'Rehabilitating the Terrorists?: Challenges in Assessing the Effectiveness of De-radicalization Programs' (2010) 22(2) *Terrorism and Political Violence* 267, 268.

conducted in this field.[57] The reasons why an individual may be motivated to begin the process of radicalisation may be completely different to the reasons why they seek to disengage or de-radicalise.[58] Indeed, different factors and characteristics help influence the motivation to exit from radical and extremist activity.[59]

The trigger point for exiting extremism is not an overnight occurrence. It begins with the radicalised having a 'cognitive opening' to alternative worldviews and viewpoints as a result of a variety of factors.[60] This may include experiencing personal trauma, disillusionment with the group leadership, wishing to return back to a normal lifestyle, or pressure from family and friends.[61] In an Australian study of 22 former members of violent and non-violent extremist groups, disillusionment with the group leadership and fellow group members, along with burnout and dissatisfaction with violence and radical methods, were cited as the most common reasons for exiting an extremist group.[62]

Building on the NYPD radicalisation model, a trajectory of terrorism has been opined which suggests that, with disengagement from extremist activity, the process of de-radicalisation follows.[63] Indeed, this is generally seen as a necessary step before de-radicalisation.[64] It is also important to note that disengagement does not necessarily lead to a change or moderation in radical and extremist ideas.[65] When interviewing former terrorists between 2006 and 2008, Horgan argued that, '[though] almost all interviewees could be described as disengaged, not a single one of them could be said to be "deradicalized"'.[66]

Ambiguity still surrounds many parts of the de-radicalisation process. Some of the questions posed have centred around involuntary disengagement (especially at a group level) and its potential impacts,[67] why extremists disengage, and what is needed to be done to reintegrate former extremists back into society.[68] The term de-radicalisation

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[57] Anja Dalgaard-Nielsen, 'Promoting Exit from Violent Extremism: Themes and Approaches' (2013) 36(2) *Studies in Conflict & Terrorism* 99, 100.

[58] Fathali M Moghaddam, 'De-radicalization and the Staircase from Terrorism' in David Canter (ed), *The Faces of Terrorism: Multidisciplinary Perspectives* (Wiley-Blackwell, 2009) 281.

[59] John Horgan, 'Deradicalization or Disengagement? A Process in Need of Clarity and a Counterterrorism Initiative in Need of Evaluation' (2008) 2(4) *Perspectives on Terrorism* 3, 5 ('Deradicalization or Disengagement?').

[60] Naureen Chowdhury Fink and Ellie B Hearne, *Beyond Terrorism: Deradicalization and Disengagement from Violent Extremism* (Report, October 2008) 3 <https://www.ipinst.org/wp-content/uploads/publications/beter.pdf>.

[61] Ibid.

[62] Kate Barrelle, 'Pro-integration: disengagement from and life after extremism' (2015) 7(2) *Behavioral Sciences of Terrorism and Political Aggression* 129, 132.

[63] John Horgan and Max Taylor, 'Disengagement, Deradicalization and the Arc of Terrorism: Future Directions for Research' in Rik Coolsaet (ed), *Jihadi Terrorism and the Radicalisation Challenge: European and American Experiences* (Routledge, 2nd rev ed, 2011) 179.

[64] Alex P Schmid, 'Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review' (Research Paper, International Centre for Counter-Terrorism, March 2013) 29 <https://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf>.

[65] Horgan, 'Deradicalization or Disengagement?' (n 59) 6.

[66] Ibid.

[67] Barrelle (n 62) 132.

[68] Della Porta and LaFree (n 6) 8.

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itself has come to encompass other terms, including (among others) rehabilitation, reintegration, amnesty, de-mobilisation, and dialogue.[69] While these terms do highlight potential stages of a de-radicalisation process, they have not been precisely defined, which has hindered the acceptance of a general framework of what such a process may look like. There are further ambiguities over what the successful endpoint of the process should look like.[70] Thus, greater conceptual clarity between de-radicalisation and disengagement is required to enable a greater understanding of the discourse.

IV MALAYSIA: A CASE STUDY

A *Background Of Malaysia*

Malaysia is a multi-ethnic, multi-religious nation located in Southeast Asia, bordered by Thailand in the north, the Sultanate of Brunei and Indonesia in the east, and Singapore in the south. It has a population of over 32 million people, made up mostly of ethnic Malays and local indigenous groups, with ethnic Chinese and Indians making up sizeable minorities. The official language remains Bahasa Malaysia, although English, Chinese Mandarin, Hindi, and other local Chinese dialects and indigenous languages are spoken as well.

Islam remains the dominant religion in Malaysia, practised by 61.3% of the country — most of whom who are ethnic Malays.[71] Freedom of religion is guaranteed under Article 11 of the Malaysian Constitution;[72] however, in most states, it is against the law to evangelise to those who profess the Islamic faith. Islam has also been designated as the official religion of Malaysia,[73] allowing it to occupy a 'special and effectively privileged' status within the country.[74] Controversy over the demolishment of Hindu temples, and restrictions over the use of the word 'Allah' to denote God by Christians, continue to highlight how religion remains a contentious issue in Malaysia.[75] Apostasy laws also prohibit Malays from renouncing the Islamic faith and converting to another religion.[76] While a pathway for renouncing Islam does exist, it is a difficult and lengthy process, further limiting and coercing existing Muslims to continue practising Islam.[77] The issue of whether Malaysia is a secular or an Islamic state remains contentious, with the former Prime Minister, Dr Mahathir Mohamad, declaring in 2001 that Malaysia is an 'Islamic fundamentalist state' — a statement at odds with the secular wording of the Malaysian Constitution.[78]

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[69] Horgan and Taylor (n 63) 175.

[70] Horgan and Braddock (n 56) 268.

[71] Central Intelligence Agency, 'People and Society: Malaysia', *The World Factbook* (Web Page, 27 June 2019) <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>.

[72] *Federal Constitution* (Malaysia) art 11.

[73] Ibid art 3.

[74] International Commission of Jurists, 'Challenges to Freedom of Religion or Belief in Malaysia' (Briefing Paper, International Commission of Jurists, March 2019) 3 <https://www.icj.org/wp-content/uploads/2019/03/Malaysia-Freedom-of-religion-Exec-sum-Advocacy-Analysis-brief-2019-ENG.pdf>.

[75] Ibid 4.

[76] Ibid 22.

[77] Ibid 22, 24.

[78] Kevin Tan, 'Malaysia a fundamentalist Islamic country, says PM', *Malaysiakini* (online, 17 June 2002) <https://www.malaysiakini.com/news/11804>.

B *Past Experience*

From 1948 until the signing of a peace accord in 1989, communists — largely made up of the ethnic Chinese minority — waged a long-running insurgency of assassinations, sabotage, and attacks in an attempt to overthrow the ruling government and take control of the country.[79] It was this insurgency, and the subsequent response by the British colonial authorities, that would lay the crucial groundwork for Malaysia's de-radicalisation program and influence the emergence of the wider radicalisation discourse.

In order to counter the rising insurgency, Field Marshal Sir Gerald Templer — appointed High Commissioner of Malaysia by the United Kingdom Government in 1952 — believed that the answer laid not in physical force but in capturing the 'hearts and minds' of the Malaysian citizenry.[80] Temple is quoted as saying: 'The answer [to the uprising] lies not in pouring more troops into the jungle, but in the hearts and minds of the people'.[81] This approach sought to capture the confidence of the people rather than the potential alienation that would arise from continued use of physical force. This force, with the mass incarceration of Guantanamo Bay as an example, initially dominated how Western governments responded to violent extremism prior to the broader shift in thinking in 2005.[82]

To counter the rise of radicalisation, the Government moved villagers away from communist strongholds and invested in regional development projects to stem discontent.[83] Several other counter-radicalisation methods and initiatives were also deployed to undermine communist propaganda, which led to the eventual signing of the 1989 peace accord. Many of these initiatives are still prevalent today within Malaysia's de-radicalisation program, including the focus on moderating ideological beliefs and reintegration by providing wellbeing support after completing the program.[84]

As Mahathir wrote in 2003, the communist insurgents had surrendered because the Malaysian Government fought them with physical force and initiated a campaign to win the hearts and minds of the Malaysian people:

> They laid down arms because the Government of Malaysia did not just fight them with arms … We carried out a campaign to win the hearts and minds of the people so as to ensure that the terrorists lost their civilian support. We studied the causes of the disaffection of these terrorists and their supporters and took remedial action.[85]

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[79] Hamed El-Said, 'De-Radicalising Islamists: Programmes and their Impact in Muslim Majority States' (Research Paper, The International Centre for the Study of Radicalisation and Political Violence, January 2012) 25 <https://icsr.info/wp-content/uploads/2012/02/1328200569ElSaidDeradicalisation1.pdf>.

[80] Paul Dixon, '"Hearts and Minds"? British Counter-Insurgency from Malaya to Iraq' (2009) 32(3) *Journal of Strategic Studies* 353, 362.

[81] John Cloake, *Templer, Tiger of Malaya: The Life of Field Marshal Sir Gerald Templer* (Harrap, 1985) 477.

[82] Kundnani (n 5) 14.

[83] Jane Harrigan, 'Malaysia: A History of Dealing with Insurgency and Extremism' in Hamid El-Said and Jane Harrigan (eds), *De-Radicalising Islamist: Programmes and their Impact in Muslim Majority States* (Routledge, 2011) 140, 142.

[84] Ibid.

[85] Mahathir Mohamad, *Terrorism and the Real Issues* (Pelanduk Publications, 2003) 34–5.

In 2001, authorities uncovered a domestic extremist group — the Kumpulan Mujahidin Malaysia (KMM) — which had links to Jemaah Islamiyah (JI), a more prominent and prolific extremist group that operated in the wider Southeast Asian region.[86] Members of KKM were mostly young; many of them had become radicalised after attending religious schools in Pakistan and training with the Taliban. Many also held membership with the opposition Pan-Malaysia Islamic Party (PAS), an ultra-Islamist party.[87] KKM had sought to weaken the national government and stir up racial and religious tension in the pursuit of a purist Islamic society.[88] It was also associated with a string of armed robberies, attacks on Christian and Hindu places of worship, and assassinations, including the murder of a Christian state assemblyman in Penang.[89] Multiple attacks against the US Navy were also planned but were not followed through with for logistical reasons, highlighting the willpower to attack but not to become a martyr in the process.[90]

C *The Internal Security Act*

Though a 'hearts and minds' approach was deployed to contain the communist insurgency, this did not mean that hard and repressive force was not also used. In 1957, in response to the communist threat, the British colonial government enacted emergency regulations that allowed for detention without trial — a regulation retained by the Malaysian Government after independence in 1957 as the *Internal Security Act 1960* (ISA). Under the ISA, police could hold those who were deemed a national security threat for an initial 60 days without warrant, trial, or access to legal counsel. Following this initial period, the Minister of Home Affairs could authorise further detentions of two-year terms, renewable indefinitely.

Malaysia's first Prime Minister, Tunku Abdul Rahman, commented in an October 1987 affidavit, following the arrest of political scientist Dr Chandra Muzaffar, that

> [t]he ISA introduced in 1960 was designed and meant to be used solely against the communists … My Cabinet colleagues and I gave a solemn promise to Parliament and the nation that immense powers given to the government under the ISA would never be used to stifle legitimate opposition and silence lawful dissent.[91]

On closer analysis, use of the ISA contravened Malaysia's domestic law — as well as international human rights obligations — through arbitrary arrest, failure to provide access to legal counsel, lack of habeas corpus and review of evidence, torture, and inhumane conditions which detainees were kept in.[92] The ISA has also been used to arrest and silence opposition figures and critics, discouraging participation in the

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[86] Aslam, 'A Critical Study of Kumpulan Militant Malaysia' (n 28) 149.
[87] El-Said (n 79) 26.
[88] Aslam, 'A Critical Study of Kumpulan Militant Malaysia' (n 28) 97.
[89] Ibid 142.
[90] Ibid 149.
[91] Therese Lee, 'Malaysia and the Internal Security Act: The Insecurity of Human Rights after September 11' [2002] (July) *Singapore Journal of Legal Studies* 56, 59.
[92] Nicole Fritz and Martin Flaherty, 'Unjust Order: Malaysia's Internal Security Act' (2002) 26(5) *Fordham International Law Journal* 1345, 1350.

political process.[93] In 1987, the ISA was used in a major crackdown on opposition and activist figures, which, under the pretext of preventing a potential race riot, saw the incarceration of over 100 people as part of Operation Lalang.[94]

In 2012, as part of a wider transformative program to improve democracy in Malaysia, the ISA was officially repealed by the administration of Najib Razak and replaced by the *Security Offences (Special Measures) Act 2012* (SOSMA).[95] SOSMA was heralded by Najib as a vast improvement over the ISA, highlighting that the initial period of detention was cut to 28 days, so long as an active investigation by the police was in place, and that no one could be arrested on the basis of their political affiliation or political association.[96] However, like its predecessor, SOSMA has been prone to abuse by the Government, including the detention of Maria Chin Abdullah, a reform activist and now Member of Parliament, who was held for 10 days in solitary confinement under SOSMA in 2016.[97]

In 2015, as the Najib administration moved towards countering extremism within Malaysia, SOSMA was supplemented with the enactment of the *Prevention of Terrorism Act 2015* (POTA).[98] POTA allowed for the detention of those accused of being a potential terrorist for an initial period of up to two years,[99] with the ongoing possibility of extension,[100] the use of an electronic monitoring bracelet,[101] and justification of a restriction order to limit the areas where a released detainee may travel.[102] Indeed, it would not be wrong to argue that POTA is a second re-incarnation of the abolished ISA, sharing many similar characteristics and features.

This background of the ISA, as well as SOSMA and POTA, is important as it is under these legislations which those accused of extremism were arrested. POTA is the primary legislation used for the arrest of those who are accused of supporting or engaging in terrorist acts.[103] Following an initial period of remand at Bukit Aman, the police headquarters in Kuala Lumpur, detainees are then transferred to Kamunting Detention Centre for the de-radicalisation program. For a brief period following the abolishment of the ISA, the program took place at Simpang Renggam Special Detention Centre in the state of Johor (for male detainees) and Machang Special Detention Centre in the state of Kelantan.[104] However, as noted later, Kamunting will once again house the de-radicalisation program. There is no specific time limit for a detainee to complete

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[93] Ibid.

[94] 'Mahathir vows to repeal security law', *The Straits Times* (online, 24 July 2018) <https://www.straitstimes.com/asia/se-asia/mahathir-vows-to-repeal-security-law>.

[95] Charlotte Gisler, Ineke Pruin and Ueli Hostettler, 'Experiences with Welfare, Rehabilitation and Reintegration of Prisoners: Lessons Learned?' (Working Paper No 2018-5, United Nations Research Institute for Social Development, April 2018) 49 <https://www.econstor.eu/bitstream/10419/186115/1/102429658X.pdf>.

[96] 'Malaysia: Security Bill Threatens Basic Liberties', *Human Rights Watch* (Web Page, 10 April 2012) <

[97] 'Mahathir vows to repeal security law' (n 94).

[98] Gisler, Pruin and Hostettler (n 95) 49.

[99] *Prevention of Terrorist Act 2015* (Malaysia) s 13.

[100] Ibid s 17.

[101] Ibid s 13.

[102] Ibid.

[103] Hamidi (n 21) 6.

[104] Ibid.

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the de-radicalisation program, with POTA allowing indefinite renewals, and much of it depends on how responsive detainees are to the program.

D De-radicalisation Program

Malaysia's de-radicalisation program is a multi-pronged affair that draws together a number of government agencies, including the Department of Home Affairs, the Prisons Department, the Department for Islamic Development, and the Royal Malaysian Police.[105] At its core, it is centred on correcting radical interpretations of Islam through re-education, with the ultimate goal of rehabilitating detainees and reintegrating them back into mainstream society.[106]

The bulk of the de-radicalisation program takes place at Kamunting Detention Centre, a prison located at the township of Taiping in the state of Perak, roughly 250 kilometres north of Kuala Lumpur. Today, the prison houses detainees accused of political and religious extremism and those with communist sympathies.[107] Figures released in 2014 showed that nearly 2,800 people have been incarcerated at Kamunting for offences which threatened national security, including 1,702 for being perceived communists, and 193 on terror-related charges.[108] The latest available statistics from the Home Affairs Department suggest that five people, four Malaysians and one non-Malaysian, were admitted into the de-radicalisation program.[109] Kamunting also houses a special centre which is focussed solely on de-radicalisation and rehabilitation. Concerns were raised in 2017 over the accommodation of extremists in a singular location, with the 'very dangerous' dispersed across other prisons.[110]

During their incarceration, detainees are offered a range of recreational activities, as well as opportunities to gain new skills. Staff members identify their core mission as helping detainees become 'good citizens', with their treatment of detainees guided by humanitarian values.[111] A range of recreational activities are offered in prison, including libraries, educational classes, physical exercise, lectures, debates, and concerts.[112] To aid the reintegration process, there is also a focus on helping detainees gain new skills and opening up different career pathways after release.[113] A points-based system is used

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[105] Parliament of Malaysia, *Oral Questions* (Parliamentary Reply No 18, 29 March 2017) <

[106] Mohd Mizan Aslam, Iffah Bazilah Othman and Nur Aqilah Khadijah Rosili, 'De-Radicalization Programs in South-East Asia: A Comparative Study of Rehabilitation Programs in Malaysia, Thailand, Indonesia & Singapore' (2016) 4 *Journal of Education and Social Sciences* 154, 157.

[107] 'Taiping Shelter', *Malaysian Prisons Department* (Web Page) <http://www.prison.gov.my/images/carta/ttp.htm>.

[108] Zuhrin Azam Ahmad, 'Kamunting centre to stay with an agricultural concept', *The Star* (online, 7 January 2014) <https://www.thestar.com.my/news/nation/2014/01/07/kamunting-centre-to-stay-with-an-agricultural-concept>.

[109] Ministry of Home Affairs (Malaysia), *Statistik Kemasukan Tahanan Ke Pusat Pemulihan Akhlak, Pusat Pemulihan Khas Dan Tempat Tahanan Khas Jabatan Penjara 2015 Hingga 2017* (Web Page, 22 June 2018).

[110] 'Zahid: Kamunting detention centre will rehabilitate terrorists', *Free Malaysia Today* (online, 8 October 2017) < https://www.freemalaysiatoday.com/category/nation/2017/10/08/zahid-kamunting-detention-centre-will-rehab-terrorists/>.

[111] Harrigan (n 83) 150.

[112] Gisler, Pruin and Hostettler (n 95) 53.

[113] Ibid 50.

for detainees who demonstrate good behaviour during their detention, with rewards and benefits including increased frequency of face-to-face family visits, the ability to buy extra food, and access to television.[114] Overall, to help facilitate an environment conducive to effective rehabilitation, the living conditions for detainees in the de-radicalisation program has been made better than for other prison inmates in jail.[115]

A detainee's time at Kamunting is built around three distinct phases. The first is an *orienting* phase, lasting around three months, where the detainee becomes acquainted with the running of the centre and receives, along with religious counselling, an initial exposure to the programme. This follows an initial phase, whereby the detainee is arrested and held for questioning at Bukit Aman, the police headquarters. In this phase, more intel is elicited from the detainee and it is determined which legislation to remand them under.[116]

If a detainee begins to show a positive response towards rehabilitation in the first phase, they are progressed onto the second, *personality enhancement* phase, where the correction of the detainee's radical ideology intensifies.[117] The Department of Islamic Development (JAKIM) plays an active role through the provision of counsellors and clerics;[118] however, the Malaysian Prisons Department also actively seeks volunteers to contribute as religious speakers.[119] The modules of the de-radicalisation program are available in four languages — Malay, English, French, and Arabic[120] — and focus on building self-acceptance, building up social skills, the responsibilities associated with being a Malaysian citizen, and religious considerations, including a more moderate way to interpret Islam.[121] The scope of the de-radicalisation program has also expanded beyond just ideology to include other contributing factors, such as politics, international relations, living in a multi-cultural society, and other global issues.[122]

The process of correcting a detainee's ideology can also be measured in stages. Following the first stage of identifying the misinterpretation of Islam, counsellors face the challenging task of correcting detainees, who are eager to defend their interpretations.[123] According to Aslam, '[c]ounsellors must counter this with smart answers, using clear and deep knowledge of Islam, because the terrorist detainees would at first argue that the counsellors are infidels'. By the third and final stage, as teachings about Islam and other global issues intensifies, a detainee's misinterpretations will be replaced by correct, more moderate interpretations.[124]

It is important to note that the focus is predominantly on abandoning the behavioural

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[114] Harrigan (n 83) 151.

[115] Ibid 150.

[116] Mohd Mizan Aslam, 'A model of deradicalisation in Malaysia' in Rohan Gunaratna and Sabariah M Hussin (eds), *International Case Studies of Terrorist Rehabilitation* (Routledge, 2018) 90, 94.

[117] Harrigan (n 83) 151.

[118] Ibid 152.

[119] 'Community Service', *Malaysian Prisons Department* (Web Page, 2012) <http://www.prison.gov.my/portal/page/portal/english/khidmat_en>.

[120] Hamidi (n 21) 12.

[121] Aslam, 'A model of deradicalisation in Malaysia' (n 116) 96.

[122] Harrigan (n 83) 152.

[123] Aslam, 'A model of deradicalisation in Malaysia' (n 116) 95.

[124] Ibid.

component of the radicalisation process and not necessarily on the ideology.[125] In 2017, there was controversy over the decision by the Malaysian Home Affairs Department to retain a controversial Islamic cleric, Zamihan Mat Zin, as a religious counsellor within its de-radicalisation program, despite him being stripped of the right to preach in the state of Selangor.[126] Zamihan courted controversy after publicly criticising the Johor Sultan, a member of Malaysia's royal family, for barring a Muslim-only launderette in the state of Johor, as well as making disparaging comments against the ethnic Chinese minority.[127] The Government defended the department's decision to retain the cleric, arguing that Zamihan was an asset to the program because of his successful record in correcting the faith of Muslims associated with extremism.[128]

The third and final stage of detention in Kamunting is focussed on *rehabilitation*. Detainees continue to be counselled by religious counsellors as they engage in other programs which aid their reintegration back into society, including courses on anger management, parenting, emotional management, and, to equip them with new skills to enter a career after their release, vocational training.[129] An agricultural program has also been established at Kamunting, with the aim of establishing self-sufficiency at the centre in the production of vegetables, cattle, and fish.[130]

However, Malaysia's de-radicalisation program goes beyond the walls of a prison. To alleviate the chances of potential recidivism, detainees are monitored and placed under surveillance following their release.[131] A detainee may be released unconditionally after completing the program; however, most have restrictive orders placed on them, which limit where they can travel freely, and are placed under strict supervision and monitoring by the police.[132] This has included the use of electronic monitoring devices (EMDs), which, according to the former Home Affairs Minister, released detainees have to wear 'for a certain period of time'.[133] Support and continued counselling are also given by case officers and ex-detainees.[134]

Family also plays an important role in the de-radicalisation process. The potential for marginalisation by society, and for indoctrination by extremist groups as families turn to them for support, highlights the prominence that families have in the process.[135] While the Malaysian Government provides financial assistance to families whose breadwinner is detained within the program, the Royal Military Police (along with the Social Welfare

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[125] Harrigan (n 83) 152.

[126] Laili Ismail, 'Controversial preacher Zamihan to continue public service of reforming religious militants - Deputy PM Zahid', *New Straits Times* (online, 9 November 2017) <https://www.nst.com.my/news/nation/2017/11/301210/controversial-preacher-zamihan-continue-public-service-reforming>.

[127] 'Controversial cleric barred from preaching in Selangor', *The Straits Times* (online, 17 October 2017) <https://www.straitstimes.com/asia/controversial-cleric-barred-from-preaching-in-selangor>.

[128] Ismail (n 126).

[129] Harrigan (n 83) 151.

[130] Ahmad (n 108).

[131] Harrigan (n 83) 154.

[132] El-Said (n 79) 28.

[133] Kalbana Perimbanayagam and Hani Shamira Shahrudin, 'Deputy PM: Huge success in de-radicalising terrorists in Malaysia', *New Straits Times* (online, 22 November 2017) <https://www.nst.com.my/news/nation/2017/11/306019/deputy-pm-huge-success-de-radicalising-terrorists-malaysia>.

[134] Hamidi (n 21) 13.

[135] Aslam, Othman and Rosili (n 106) 158.

Department and other agencies) helps cover the costs of living, including books and uniforms for children, jobs for family members, and, sometimes, even healthcare costs.[136] Great care is also taken to prevent the aggravation of families whose members have been incarcerated, including a special education program, which highlights the wrong interpretations of Islam, as well as explanations of why the detainee has been arrested, the legal procedures, and other related information.[137]

V CONSIDERATIONS

A *Effectiveness*

The Malaysian Government has enabled a high level of state backing to their 'resource intensive' de-radicalisation program, with religious counselling seen as central to the program's success.[138] However, the lack of statistics makes it difficult to assess and evaluate the effectiveness of Malaysia's de-radicalisation programme. The success rate has been pegged at around 97%,[139] though it is unclear what benchmark it is being measured against. According to the Royal Malaysian Police, the program has a 95% success rate, with 240 detainees completing the program between 2001 and 2011 and only 13 cases of detainees relapsing back into 'their old antics'.[140] Leading scholars have argued that Malaysia's program is more focussed on disengagement and desistance from terrorism rather than actual de-radicalisation.[141] It is also worth noting that, in the past, the state apparatus has used coercion to ensure compliance, which was described as being an effective and conducive way to prevent re-engagement.[142] While the introduction of EMDs may have negated this, past detainees have spoken of how government officials used threats against them and their families if they re-engage with militants and/or anti-state activities.[143] The coercive nature of this program exemplifies the emphasis on disengagement rather than de-radicalisation.[144]

Malaysia's bold claim of success is difficult to corroborate. It is implied by the Royal Malaysian Police that the success rate of Malaysia's de-radicalisation program is based on recidivism. Indeed, the rate of recidivism is said to be the most practical way

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[136] Hamidi (n 21) 13; Harrigan (n 83) 153.

[137] Harrigan (n 83) 153.

[138] Ibid 155.

[139] Hamidi (n 21) 10; '97 per cent success rate for Malaysia's deradicalisation programme, says Nga', *Bernama* (online, 1 October 2019) <http://www.bernama.com/en/general/news.php?id=1773576>.

[140] Laili Ismail, 'Police: Msia's deradicalisation programme has 95 per cent success rate', *New Straits Times* (online, 26 January 2016) <https://www.nst.com.my/news/2016/01/124116/police-msias-deradicalisation-programme-has-95-cent-success-rate>.

[141] Horgan, 'Deradicalization or Disengagement?' (n 59) 6; Daniel Besant, 'Is Malaysia a world leader in the deradicalisation of Islamist militants?', *Southeast Asia Globe* (online, 14 January 2016) <https://southeastasiaglobe.com/malaysia-islamist-deradicalistion>.

[142] Marc Jones, 'Rehabilitating Islamist Extremists: Successful Methods in Prison-Centred "De-radicalisation" Programmes' (2013) 10 *POLIS Journal* 71, 96.

[143] Zachary Abuza, 'The Rehabilitation of Jemaah Islamiyah detainees in South East Asia: A Preliminary Assessment' in Tore Bjørgo and John Horgan (eds), *Leaving Terrorism Behind: Individual and Collective Disengagement* (Routledge, 2008) 193, 208.

[144] Jones (n 142) 96.

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to assess the success of de-radicalisation programs.[145] Many countries do not explicitly state the criteria by which they measure success, nor is there data available which can independently verify it.[146] While some independent studies have been conducted on Europe's de-radicalisation programs, it is unlikely that this will extend to nations in Southeast Asia and the Middle East due to political and security sensitivities.[147] This lack of publicity makes it difficult to assess the effectiveness of de-radicalisation programs and to review their negative aspects.[148]

Lauding its de-radicalisation program as 'the best in the world',[149] Malaysia has expressed an open willingness to share its program with other nations. The program has been translated into four languages — Malay, Arabic, English, and French — for the purpose of sharing it with other countries.[150] Dr Kumar Ramakrishna, from Singapore's S Rajaratnam School of International Studies, is quoted as saying that: 'There is a continual exchange of ideas on de-radicalisation and rehabilitation both within and outside government with neighbouring Southeast Asian countries as well as partners further afield'.[151] Nations including India and New Zealand have also approached the Malaysian Government for advice and insight into de-radicalisation programs.[152] This eminence placed on Malaysia's de-radicalisation program by the international community does provide an endorsement of the program's strength and effectiveness.

B *International Efforts Towards De-radicalisation*

Considering the nature of radicalisation and terrorism, which has become increasingly de-centralised and diffused, it follows that there is no single, one-size-fits-all de-radicalisation program.[153] De-radicalisation efforts 'must take account of the culture, mores, traditions, history, and rules and regulations of each country' and be developed in a way that is consistent with the attitudes on rules and regulations, as well as what is acceptable and unacceptable, in their societies.[154] De-radicalisation programs must be closely aligned with countries' culture, values, and priorities in order for it to

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[145] Marisa L Porges, 'Reform School for Radicals', *The American Interest* (online, 1 July 2011) <https://www.the-american-interest.com/2011/07/01/reform-school-for-radicals/>.

[146] Horgan and Braddock (n 56) 286.

[147] Dalgaard-Nielsen (n 57) 100.

[148] Jones (n 142) 96.

[149] 'Zahid Hamidi: Malaysia's deradicalisation programme "best in the world"', *The Star* (online, 20 February 2016) <https://www.thestar.com.my/news/nation/2016/02/20/zahid-hamidi-malaysia-deradicalisation-programme-best-in-the-world>.

[150] Hamidi (n 21) 12.

[151] Besant (n 141).

[152] See Zulkifli Abdul Rahman, 'Malaysia's counter-terrorism efforts draw India's attention', *The Star* (online, 21 July 2016) <https://www.thestar.com.my/news/nation/2016/07/21/malaysias-counterterrorism-efforts-draw-indias-attention>; 'NZ's spying minister Chris Finlayson asks Malaysia for advice on deradicalisation', *New Zealand Herald* (online, 3 March 2017) <https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11811513>.

[153] *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*.

[154] Ibid 47.

be successful.[155]

As individual nations developed their own de-radicalisation programs, it highlighted deep variations over approaches, levels of structure, and formalisation, as well as outcomes and what constitutes success.[156] Compared to Southeast Asian and Middle Eastern countries, who view the correction of wrongful interpretations of Islam as being the most effective way of rehabilitation, de-radicalisation programs in Europe have generally placed less emphasis on ideological re-education.[157] Instead of re-education, countries in Europe have focussed more on providing economic assistance, welfare, and counselling, with success measured by disengagement from extremism.[158] Some programs, like in Saudi Arabia, are more structured, formal, and well-funded; in other countries, they are more informal, less structured, and driven by private individuals.[159] These variations show that de-radicalisation programs are often context-specific and highlight the cultural, political, and linguistic factors which underpin them.[160]

For example, Saudi Arabia's de-radicalisation program has been characterised as a 'Saudi solution to a Saudi problem'.[161] The program, much like Malaysia's, draws on the use of clerics and scholars to provide religious counselling and re-education, involves family members in the process, and gives vocational support, including a stipend and employment after release.[162] However, such a program would be difficult to implement elsewhere, especially in Western nations, due to the structure of the program and the requirement for a high number of theologically-sound clerics and scholars.[163] Furthermore, the Saudi program has been refined and adapted based on its history and past experiences, which leads to a warning of caution as to what can be learnt and taken from them.[164]

The dominant focus at a global level has been on rehabilitation and reintegration, as well as ensuring that programs comply with human rights and international law. The most comprehensive work done on de-radicalisation was in 2008, when the United Nations Counter-Terrorism Implementation Task Force (CTITF) published a report that mapped out the different counter-radicalisation and de-radicalisation initiatives employed across 34 countries, including Malaysia.[165] This was driven by countries looking to learn from the past experiences of other nations and is a reflection of the unknown territory many

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[155] Ban Ki-moon, *Activities of the United Nations System in Implementing the United Nations Global Counter-Terrorism Strategy*, UN Doc A/70/286 (12 April 2006).

[156] John Horgan and Mary Beth Altier, 'The Future of Terrorist De-Radicalization Programs' (2014) 13(2) *Georgetown Journal of International Affairs* 83, 85.

[157] Dalgaard-Nielsen (n 57) 100.

[158] Ibid.

[159] Horgan and Altier (n 156) 85.

[160] Ibid; Horgan and Taylor (n 63) 175.

[161] Christopher Boucek, 'Extremist re-education and rehabilitation in Saudi Arabia' in Tore Bjørgo and John Horgan (eds), *Leaving Terrorism Behind: Individual and Collective Disengagement* (Routledge, 2008), cited in Horgan and Altier (n 156) 85.

[162] El-Said (n 79) 38–39.

[163] Ibid 47.

[164] Horgan and Altier (n 156) 85.

[165] Counter-Terrorism Implementation Task Force, *First Report of the Working Group on Radicalisation and Extremism that Lead to Terrorism: Inventory of State Programmes* (Report) 3 <https://data2.unhcr.org/en/documents/download/44297>.

governments face, as well as the infancy of the de-radicalisation discourse.[166] Though it has been more than a decade since its publication, it still marks one of the largest inventories of non-coercive, soft counter-radicalisation and de-radicalisation programs that are employed across the world.[167]

Building on a desire for the UN to take a greater role in the prevention of crime and criminal justice, the United Nations Interregional Crime and Justice Research Institute (UNICRI) was established in 1968. Their mission is to build support for the rule of law and to build up just and efficient criminal justice systems, as well as an understanding of crime-related issues.[168] Part of their work today has evolved to include working alongside the CTITF in implementing strategies and initiatives that prevent and counter violent extremism, a part of which includes rehabilitation and reintegration.[169] CTITF, as part of the Global Counter-Terrorism Coordination Compact, is a task force composed of 37 UN entities and Interpol, established with a mandate from the General Assembly to ensure that there is a common and consistent response by UN agencies to CPVE.[170] This compact, signed in 2018, is an embodiment of an 'All-of-United Nations' approach, demonstrating the need for collective, multifaceted responses by the UN in countering, and responding to the whole life-cycle of, terrorism — from radicalisation, financing, and travelling to conflict zones, rehabilitation, and reintegration.[171]

The work of UNICRI has centred around the Fourth Pillar of the Global Counter-Terrorism Strategy in ensuring that human rights are respected and the rule of law upheld as 'the foundation for the fight against terrorism'.[172] Part of this work has included helping to plan, develop, and establish rehabilitation and reintegration programmes for member states who request assistance,[173] with the UNICRI having worked with Indonesia, Jordan, Kenya, Mali, Morocco, the Philippines, and Thailand.[174] The United Nations Office on Drugs and Crime (UNODC), an entity to the Global Counter-Terrorism Coordination Compact, developed a comprehensive handbook for offering practical guidance on how to manage violent extremist prisoners, preventing radicalisation in prisons, and different programs and strategies for disengagement, de-radicalisation, and social reintegration.[175] Malaysia's de-radicalisation program was one of the case studies featured in the handbook. Central to the UNICRI and UNODC's work is ensuring that prisoners are treated according to the *United Nations Standard Minimum Rules for the*

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[166] Ibid 4.

[167] Ibid 3.

[168] Nöel Klima, 'Overview of the UN Counter Terrorism Architecture' in *Strengthening Efforts to Prevent and Counter Violent Extremism: Good Practices and Lessons Learned for a Comprehensive Approach to Rehabilitation and Reintegration of VEOs* (United Nations Interregional Crime and Justice Research Institute, February 2018) 11 <https://biblio.ugent.be/publication/8584068/file/8625410.pdf>.

[169] Ibid 11.

[170] 'Preventing and Countering Violent Extremism', *United Nations Interregional Crime and Justice Research Institute* (Web Page) <http://www.unicri.it/topics/counter_terrorism/>.

[171] Ban (n 155) 6.

[172] 'Preventing and Countering Violent Extremism' (n 170).

[173] Ibid.

[174] 'Pathways to Rehabilitation of Violent Extremist Offenders (VEOs)', *United Nations Interregional Crime and Justice Research Institute* (Web Page) <

[175] Shane Bryans, *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons* (Handbook, United Nations Office on Drugs and Crime, October 2016) <https://www.unodc.org/pdf/criminal_justice/Handbook_on_VEPs.pdf>.

Treatment of Prisoners (the Nelson Mandela Rules). This involves ensuring the dignity and value of detainees; protection from torture or degrading treatment; ensuring basic living conditions, including hygiene and sanitation, health care and drinking water; and support post-release to ensure continued rehabilitation and reintegration into society.[176]

The UNICRI, along with the International Centre for Counter-Terrorism based at The Hague, also contributed towards the development of the *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders 2012*, which was adopted by the Global Counter-Terrorism Forum (GCTF) in 2012. The GCTF is a multilateral institution founded in 2011 by 29 countries and the European Union to provide a forum for exchanging ideas and experiences, with a goal of achieving a 'strategic, long-term approach to counter terrorism and the violent extremist ideologies that underpin it'.[177] Malaysia itself is not a party to the GCTF; however, the Association of Southeast Asian Nations (ASEAN) is. The UNICRI considers the *Rome Memorandum* to be the first 'international soft law instrument' that is geared towards addressing de-radicalisation, especially within prison settings.[178] Though non-binding, it sets out the guidelines by which countries should incorporate and underpin their programs for rehabilitation, disengagement, or de-radicalisation.[179] The 25 different Good Practices outlined in the *Rome Memorandum* have a particular focus on rehabilitation and reintegration in prison settings, including the use of scholars and psychologists, eliciting the support of family members, the use of monitoring after release, and the development of aftercare programs.[180]

VI CONCLUSION

While there continues to be ambiguity surrounding the concepts of radicalisation and de-radicalisation, there is a broad consensus that de-radicalisation programs must be established and framed by the different political, cultural, and social circumstances of individual nations. What works in Malaysia will not necessarily work in India or New Zealand, or Saudi Arabia for that matter. Because of this, a one-size-fits-all approach to de-radicalisation is impractical, hence why multilateral efforts have focused more on guiding principles rooted in respect for human rights, the rule of law, and humane treatment of extremists in detention.

For Malaysia, this has meant developing a comprehensive de-radicalisation program which incorporates a number of elements listed in the *Rome Memorandum*, including the use of religious counsellors to help correct misinterpretations, involvement of family members, and skill training to aid reintegration back into society. However, the secrecy with which the de-radicalisation program is conducted under makes it difficult to independently verify the success rate the Government espouses; it also makes it difficult to assess whether the program complies with international law and human

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[176] *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016).
[177] 'Background and Mission', *Global Counterterrorism Forum* (Web Page, 2019) <
[178] 'Preventing and Countering Violent Extremism' (n 170).
[179] *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders* (n 153).
[180] Ibid.

rights standards.

The fields of radicalisation and de-radicalisation involve more than just psychology — they involve religion, sociology, politics, and law. To help guide future multilateral efforts, and ensure that a nation's way of CPVE complies with human rights and international law, further development should build upon *the Nelson Mandela Rules* and *Rome Memorandum*. Greater research should also be directed towards clarifying the different objectives and aims of de-radicalisation programs worldwide, especially on what countries hold as being successfully de-radicalised. The continued evaluation and assessment of de-radicalisation programs, both individually and comparatively, will allow for greater knowledge and insight on what strategies could or could not work. This will provide valuable lessons and assistance for national governments, along with a continual exchange of ideas and experiences at an international level, whether in informal forums or more formal settings. Malaysia has expressed an open willingness to share its ideas and experiences — an offer other nations should consider accepting.