The Middle East & North Africa Journal on Violence and Extremism

The Middle East & North Africa Journal on Violence and Extremism
(M E N A V E X)

The Middle East & North Africa Journal (MENAVEX) is an academic biannual peer review journal, specializing on the study of violence and extremism & related areas.

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Content

Editorial: The Power of Knowledge in Combating Violent Extremism

El Mostafa Rezrazi

Knowledge is paramount in the fight against violent extremism. A thorough comprehension of the intricacies and subtleties linked to radicalization and extremism paves the way for a comprehensive and anticipatory response to this escalating global menace.

The significance of knowledge in addressing the growing threats of violent extremism cannot be overstated. Successfully understanding, countering, and mitigating extremism hinges on an in-depth recognition of its root causes, outward manifestations, and operational methodologies. Integrating legal, scientific, and cognitive approaches into security frameworks is crucial in this context. Such integration ensures a holistic understanding of the phenomenon, its complexities, and its evolving dynamics, thereby equipping policymakers and practitioners with tools to implement effective countermeasures.

These are among the core motivations behind the launch of MENAVEX Journal. This publication aspires to serve as a platform for interdisciplinary dialogue and knowledge-sharing on violent extremism and related fields. By combining scholarly rigor with actionable insights, MENAVEX aims to bridge gaps between research and practice, contributing to the global fight against extremism and its underlying causes.

We are pleased to present the first volume of MENAVEX Journal, which features various articles reflecting the multifaceted nature of violent extremism. This volume includes exploring the complex and multifaceted dimensions of violent extremism. This issue delves into critical topics such as far-right extremism and its use of manifestos, lessons from the COVID-19 pandemic on counter-terrorism, prison radicalization in Bangladesh, the challenges of Islamophilia in combating

Islamophobia, and advancing peace through religious-based narratives. Other highlights include analyses of gaps in religious understanding leading to radicalization, state and non-state competition in international humanitarian law, juvenile delinquency prevention lessons from Japan, the digital reproduction of extremism, bibliometric studies on nuclear security culture, and the reintegration of women returning from conflict zones. These articles provide a comprehensive understanding of violent extremism and its diverse challenges.

We must acknowledge and apologize for the delay in publishing this inaugural issue due to technical and administrative challenges. However, we remain steadfast in releasing the journal biannually and ensuring its continuity.

Finally, we extend our heartfelt gratitude to all the academic, scientific, and professional circles who welcomed this initiative and supported us in establishing its scientific, advisory, and editorial structures. Their contributions have been invaluable in bringing this journal to fruition.

Together, we look forward to advancing the discourse on combating violent extremism and fostering a deeper understanding of its underlying dynamics.

December 2025

The Manifesto as a far-right weapon of war

Jeffrey Kaplan[1]

This article follows the development of the manifesto as both a tool for radicalization and as a pathway to violence from the 1960s to the present day. It considers the technological innovations that began with the mimeograph machine and the tiny newsletters that once were the sole avenue of dissemination to the internet age from Windows 95 to chat rooms to streaming media. These technological innovations have brought the manifestos of the radical right from the fringes of society to the very corridors of power.

Key words

Manifesto, National Socialism, ANP, NSWPP, NSLF, chat rooms, 4 chan, 8 chan, cultic milieu.

Introduction

Manifestos come in many forms, but all are a statement of intent by an individual or group. The best of them plays on the emotions of the readers by capitalizing on very real issues or grievances. They summarize the issues in simple terms, suggest a course of action to remedy the problem, and paint a utopian vision of what is to come if its prescriptions are followed. This article is a brief description of the development of the manifesto from the 1960s to the present day with a particular focus on the far right in western countries. It is important to note that the manifesto is not a purely western phenomenon. The Islamic world too has produced powerful manifestos such as Abu Bakr Naji's Management of Savagery: The most critical stage through which the umma will pass, which became a key text for Daesh and radical Islamists around the world.[2] This article however focuses entirely on the West.

1- Danube Institute, Budapest, Hungary.

2- An English translation of the text is available. Abu Bakr Naji, *The management of savagery: The most critical stage through which the umma will pass* (2004), https://scholarship.tricolib.brynmawr.edu/handle/10066/6849.

In the pre-internet age, the manifesto served the same purpose as it does today. First and foremost, the manifesto publicizes a cause. The cause may be well known or obscure, but it is in a sense a call to the people to awaken to the clear and present danger and to act. It may publicize a particular group or organization, or it may be anonymous. Manifestos of every type however are oppositional, making distribution problematic in some areas. Thus, they may be handed out on street corners, dropped in random locations in the hope that they will picked up and read by the curious or committed, or if funds were available, sent through the mail.

Manifestos were used to recruit new members or to inspire acts of resistance among sympathizers. They were intended to give authorities or the public the impression that a movement, group, or idea enjoys wider popularity or popular sympathy than was actually the case. In commercially published forms, they could be intended to make money for the author, to entertain the public, to frighten the public or state authorities, or in the worst cases, to frighten the public or state authorities. Should all else fail and the cause be doomed to an ignominious death, the manifesto may serve as a last, despairing epitaph saying that at least 'we existed, we were here'. Ultimately, in the worst case scenario, a manifesto may be unread or fail to move a single reader in its time, but the simple act of committing ideas and dreams to paper that may be found like a message in a bottle launched from a desert island by future generations and become an inspiration to a new generation of true believers.

1960s-1970s

In the 1960s and 1970s, most though not all manifestos were from the left. One of the earliest and most effective was the Port Huron Statement in 1962. The Port Huron Statement both announced the birth of the radical anti-Vietnam War student movement the Students for a Democratic Society and served as a call for university students to organize and oppose the War.[3] A manifesto of quite another type, The SCUM Manifesto, was published in 1967, either as satire or serious politics. In retrospect, it was both, as the document offered both an amusing if an often scatological critique of gender relations and suggested that with the development of biological science, men could at last be dispensed with altogether without dooming mankind. SCUM was an acronym for

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3- Richard Flacks and Nelson Lichtenstein, *The Port Huron Statement: Sources and Legacies of the New Left's Founding Manifesto* (Philadephia: University of Pennsylvania Press, 2015). John McMillian, ""Our Founder, the Mimeograph Machine": Participatory Democracy in Students for a Democratic Society's Print Culture," *Journal for the Study of Radicalism* 2, no. 2 (2009): 85-110.

the Society for Cutting Up Men and the text recommended just that, literally or figuratively. The SCUM Manifesto is credited as the starting point of radical feminism in the West.[4]

Leftist manifestos in the 1960s and 1970s, given the technology of the time, had wide distribution nationally and internationally and were read literally by millions of people. Opposition to the Vietnam War, rock music and the youth culture it symbolized, the sexual revolution and the emergence of a myriad of countercultural lifestyles and religious faiths made the left a mass movement and the manifestos that emerged from it thus had considerable impact. This was not true of the far right of the time.

The best known, and universally reviled, leader of the radical right in the United States was George Lincoln Rockwell, who founded the American Nazi Party (ANP) in 1959. Handsome, mediagenic, and leading a ragtag band of misfits and lunatics, he was always dressed in an imitation Third Reich uniform and smoking his trademark corn cob pipe. Rockwell made the round of university campuses and media events which put him in the American and later international spotlight. The manifestos issued by the ANP were in the form of books penned by the Commander as he was then styled, as well as shorter essays. For a more intellectual readership, or at least academics and young grad students studying the group, the ANP's one true intellectual, Dr. William Pierce, a former university physics professor, wrote and published The National Socialist World, which offered academic articles replete with interesting footnotes.[5] With monograph titles like This time the world and essays like In hoc signio vincus (under this sign we conquer), these books were read by a few true believers but remained unknown to the world at large, who were in any case utterly uninterested if not outright enraged by the Commander's attempts to revive the German Nazi state in contemporary America.[6]

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4- The full text is available at https://books.google.com/books?hl=en&lr=&id=KG6lvFPmY0YC&oi=fnd&pg=PP13&dq=The+SCUM+Manifesto+&ots=-E7A46cRKT&sig=wwzmh1diCyBAJIzQ6DQdpZ7AmTU. Sharon L Jansen, "Hell Hath No Fury: Rage in Arcangela Tarabotti's Paternal Tyranny and Valerie Solanas's SCUM Manifesto," in Reading Women's Worlds from Christine de Pizan to Doris Lessing, ed. Sharon L Jansen (New York: Springer, 2011), 129-60.

5- These are available from the Internet Archive at https://archive.org/details/ns-world-000.

6- George Lincoln Rockwell, This time the world (Arlington? Va.,: ANP, 1961). George Lincoln Rockwell, In hoc signo vinces (Arlington, Va.,: World Union of Free Enterprise National Socialists, 1960). For a fine biography of Rockwell, see Frederick James Simonelli, American Fuehrer: George Lincoln Rockwell and the American Nazi Party (Champaign: University of Illinois Press, 1999). In Hoc Signio Vinces can be found at Jeffrey Kaplan, Encyclopedia of White Power: a Sourcebook on the Radical Racist Right (Walnut Creek, CA: AltaMira Press, 2000), 439-53.

The Commander was assassinated by John Patler, a former ANP member, in 1967. With his passing, the ANP predictably fell into disarray and was succeeded by a host of National Socialist grouplets,[7] most notably the National Socialist White Peoples' Party (NSWPP) under the incompetent leadership of Matt Koehl. Both the NSWPP and its leader have long since faded into obscurity.[8] While groups and leaders changed frequently, the dream remained the same; that white men would awaken to the threat to their race and rise in mass against ZOG, the Zionist Occupation Government, so named to symbolize their belief that the the US government is Jewish controlled. In this vision, the enemy was portrayed as Jews, nonwhites, immigrants, and of course 'race traitors' who intermarried or who simply evinced no race consciousness. In short, the movement was delusional and dysfunctional at every level. As a result, their writings, manifestos and fiery speeches remain in utter obscurity and all but Rockwell himself are forgotten today.

One group that crawled from the wreckage of the ANP with a very different outlook on the world, and on National Socialism, was the National Socialist Liberation Front (NSLF), led by Joseph Tommasi. Tomassi, whose thirst for violent action sat no better with Rockwell's self-styled 'Stormtroopers' than did his fashionable 1960s counterculture appearance and style. Tomassi for a time followed Matt Koehl into the NSWPP, but that didn't last long.

The NSLF concept did not really go anywhere until 1973, however, when Tommasi was unceremoniously booted out of the National Socialist White People's Party by Matt Koehl for his un-National Socialist behavior of smoking marijuana in party headquarters and entertaining young women within those hallowed precincts.[9] In 1973 or 1974, Tommasi's slogan—which remains current to this day in National Socialist circles—became known to such East Coast neo-Nazis as James Mason, and in that year the NSLF held its foundational meeting. Tommasi's dictum—'THE FUTURE BELONGS TO THE FEW OF US WILLING TO GET OUR HANDS DIRTY. POLITICAL TERROR: It's the only thing they understand'—appeared on a poster featuring a .38 calibre pistol and a

7- The concept of grouplets, tiny groups with a tinier shelf life, was introduced by Roger Griffin. Roger Griffin, "From slime mould to rhizome: an introduction to the groupuscular right," *Patterns of Prejudice* 37, no. 1 (2003): 27-50.

8- On this history, Jeffrey Kaplan, "Real Paranoids Have Real Enemies: The Genesis of the ZOG Discourse in the American National Socialist Subculture," in *Millennialism, Persecution and Violence*, ed. Catherine Wessinger (Syracuse: Syracuse University Press, 2000), 299-322. The histories of all these groups can be found in Kaplan, *Encyclopedia of White Power: a Sourcebook on the Radical Racist Right*.

9- James Mason recalls that a lesser known charge of financial impropriety was lodged against Tommasi by California Koehl loyalists (interview with James Mason, 28 November 1996).

swastika. It would not be the last time Tommasi would borrow slogans, style and eventually even dress and physical appearance from the New Left of the 1960s. Even more striking in this vein was the slogan that opened Tommasi's "Building the Revolutionary Party" pamphlet, the Maoist motto: POLITICAL POWER STEMS FROM THE BARREL OF A GUN.[10] Indeed, even the group's name is strongly reminiscent of the Vietnamese National Liberation Front while the name of the group's journal, Siege!, was borrowed from the left wing Weather Underground.

Tomassi, who spun out catchy slogans and fiery manifestos that, while not greatly expanding the NSLF's minuscule following, have stood the test of time. The reason for the NSLF's contemporary influence while its larger rivals have been lost to time stems from Tomassi's realization that there would be no mass awakening of white men to the National Socialist cause in America or anywhere else. To wait for this global transformation of consciousness was tantamount to taking a vow of permanent impotence. Instead, Tommasi argued, was a small, disciplined revolutionary vanguard who would ignite the revolution and as racial violence escalated, force white men to choose one side or the other.[11]

Tomassi, like Rockwell, was assassinated by a fellow National Socialist in 1975. In reality, the NSLF died with him. There were never more than 40 nominal members, but the core of the group other than Tomassi were David Rust, Carl Hand and James Mason. Mason recalled years later:

> Yes, the N.S.L.F. of Tommasi had four persons who carried out the illegal activities. The remainder, the majority, weren't that much different from the N.S.W.P.P. [National Socialist White People's Party] members except they were a lot more forward thinking.[12]

Rust and Hand were quickly incarcerated for acts of pointless violence, leaving Mason to carry on the fight through legal means.

10- Joseph Tommasi, 'Building the revolutionary party', NSLF posters, pamphlets and it's newspaper are published in James Mason, *Siege* (Ironmarch. org, 2015).

11- This history is detailed in Jeffrey Kaplan, "The post-war paths of occult national socialism: from Rockwell and Madole to Manson" *Patterns of Prejudice* 35, no. 3 (2001): 41-67.

12- Letter from James Mason, 16 December 1996. Mason was responding to the suggestion that this core/peripheral membership was at the root of differing claims by both Tommasi and Mason of the level of NSLF support, which was variously reported as either 4 or more than 40.

Mason was a true believer, who for a time added Charles Manson to his list of heroes and National Socialist avatars. However, it was his publication of the Siege! volume that would assure not only his place as the eminence grise of the movement but more importantly, bring Tomassi's revolutionary vanguard concept to a new generation of true believers. This new generation, including such violent groups as the American-based Atomwaffen, had an advantage undreamed of by the 1960s generation: the internet and social media, which has spread Tomassi's ideas far and wide.[13] Indeed, the current trend in right wing extremism, accelerationism, is little more than an updating of Tomassi's revolutionary vanguard in 21st century dress.[14]

The Manifesto in the Internet Age

Before Windows 95 and the emergence of social media as a dominant force in opinion formation, the lunatic fringe was called that for a reason. To use the language of the time, looneys, conspiracy theorists and general wingnuts were kept on the periphery of public discourse. In more academic terms, they were denizens of the cultic milieu, a term coined by the British sociologist Colin Campbell and updated and redefined by Jeffrey Kaplan and Heléne Lööw as the realm where forbidden, forgotten or simply rejected ideas reside, are traded and refined, and allowed to circulate to a small community of believers in myriad ideas and philosophies in a milieu that rarely reaches the mainstream.[15]

Today, the lunatic fringe reached the White House and remains a force in American politics. Globally, far right parties that once were explicitly racist or neo-Nazi and were kept beyond the pale of polite society are the king makers in EU parliaments and in Italy have broken

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13- Jacob Ware, "Siege: The Atomwaffen Division and rising far-right terrorism in the United States," *Terrorism and Political Violence* 20(2008): https://www.icct.nl/app/uploads/2019/07/ICCT-Ware-Siege-July19.pdf. Bethan Johnson and Matthew Feldman, "Siege Culture After Siege:: Anatomy of a Neo-Nazi Terrorist Doctrine," (ICCT, 2021), https://icct.nl/app/uploads/2021/07/siege-culture-neo-nazi-terrorist-doctrine.pdf.

14- Maura Conway, Ryan Scrivens, and Logan McNair, "Right-wing extremists' persistent online presence: History and contemporary trends," (ICCT, 2019), http://doras.dcu.ie/23960/1/Conway%20et%20al_RightWingExtremistOnlinePresence.pdf.

15- Jeffrey Kaplan and Heléne Lööw, *The cultic milieu: oppositional subcultures in an age of globalization* (Walnut Creek, CA: AltaMira Press, 2002).

through to take power in their own right.[16] Even in such liberal bastions as Sweden and Finland, the Sweden Democrats, previously a loose collection of Hitler cultists and National Socialist fanatics, and the True Finns, previously a group of far right mystics who idealized the national epic, the Kelleva, have become near majority parties in their national parliaments.[17] In Israel, a coalition under Benjamin Netanyahu includes not only West Bank settlers from the National Religious community, but followers of the late Rabbi Meir Kahane's politics, openly espousing racism and violence.[18] Windows 95 was the beginning of it all.

Before Windows 95 made the internet easily accessible to even the most technologically challenged, Texas Ku Klux Klansman Louis Beam published two seminal articles. One was circulated only within movement circles and dealt with pre-internet ways to publicize the cause such as setting up a telephone bulletin board or leaving flyers in public places. The second, "Leaderless Resistance," revolutionized the movement.[19]

"Leaderless Resistance" recognized the futility of trying to create a mass movement in the United States based on racism and anti-Semitism. Instead, it urged its readers to take up arms and fight as individuals, doing what they could to inflict damage on the system and creating pockets of resistance characterized by lone wolf and autonomous cells. The ideas were based on the post-Civil War Reconstructionist era

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16- Michelle Williams, *The impact of radical right-wing parties in West European democracies* (London: Springer, 2006). Jean-Yves Camus and Nicolas Lebourg, *Far-right politics in Europe* (Cambridge: Harvard University Press, 2017). Tarik Abou-Chadi and Werner Krause, "The causal effect of radical right success on mainstream parties' policy positions: A regression discontinuity approach," *British Journal of Political Science* 50, no. 3 (2020): 829-47. Vasiliki Georgiadou, Lamprini Rori, and Costas Roumanias, "Mapping the European far right in the 21st century: A meso-level analysis," *Electoral studies* 54(2018): 103-15.

17- Gabriella Elgenius and Jens Rydgren, "Frames of nostalgia and belonging: The resurgence of ethno-nationalism in Sweden," *European Societies* 21, no. 4 (2019): 583-602. Tuukka Ylä-Anttila, "Social media and the emergence, establishment and transformation of the right-wing populist Finns Party," *Populism* 3, no. 1 (2020): 121-39.

18- David M. Halbfinger, «Netanyahu Sparks Outrage Over Pact With Racist Party,» *New York Times*, February 24, 2019, https://www.nytimes.com/2019/02/24/world/middleeast/benjamin-netanyahu-otzma-yehudit-jewish-power.html. Nari Zibler, «Far-Right Party Will Push Anti-Arab Agenda in New Israeli Government,» *Foreign Policy*, November 2, 2022, https://foreignpolicy.com/2022/11/02/israel-government-election-far-right-anti-arab-netanyahu/. «Itamar Ben-Gvir: Israeli far-right leader set to join new coalition,» *BBC News*, November 25, 2022, https://www.bbc.com/news/world-middle-east-63754806.

19- The text of "Leaderless Resistance" can be found at Kaplan, *Encyclopedia of White Power: a Sourcebook on the Radical Racist Right*: 503-12. On its importance to the movement, see Jeffrey Kaplan, "Leaderless resistance," *Terrorism and Political Violence* 9, no. 3 (1997): 80-95.

sources (1867-1877), as well as on the model of Joseph Paul Franklin who for more than a decade crisscrossed the nation carrying out shootings and assassination attempts ranging from interracial couples to such high profile figures as civil rights leader Vernon Jordan and Hustler magazine publisher Larry Flint.[20] These actions were fictionalized in a novel very popular in movement circles written pseudonymously by former ANP house intellectual Dr. William Pierce, who would become the most important National Socialist figure in America following the Commander's death.[21] So important was the "Leaderless Resistance" idea that President Barack Obama declared lone wolf violence, taken up also by radical Islamist groups after the killing of Osama bin Laden and the rise of Daesh, to be the greatest threat facing the nation.[22]

While the ideas in "Leaderless Resistance" were important, so too was its timing. With the failure of the Order[23] in the 1980s to create a true revolutionary organization and the increasing use of force by the federal government against such far right compounds as that of the Covenant, Sword and Arm of the Lord (CSA) and individuals such as Randy Weaver whose wife and son were killed in a standoff with the FBI, the movement was at low ebb.[24]

Less visible but equally important in retrospect was the timing of the publication itself. Louis Beam wrote "Leaderless Resistance" just at the cusp of the Windows 95 revolution. Originally published in an obscure Klan journal and copied and circulated by hand from believer to believer, the text started as samizdat, but became one of the most circulated radical right wing texts on the internet, vastly expanding its reach and influence. Until the era of streaming live actions some three

20- Mel Ayton, *Dark soul of the South: the life and crimes of racist killer Joseph Paul Franklin* (Washington, D.C.: Potomac Books, 2011).

21- Andrew (William Pierce) MacDonald, *Hunter* (Hillsboro, WV: National Vangaurd Books, 1989).

22- The literature on Lone Wolf terrorism is voluminous today. See for example Jefrey Kaplan Heléna Lööw and Leena Malkki, ed. *Lone Wolf and Autonomous Cell Terrorism*, vol. 26, No. 1, Terrorism & Political Violence (London: Routledge, 2014). Ramon Spaaij, *Understanding Lone Wolf Terrorism: Global Patterns, Motivations and Prevention* (Dordrecht Springer, 2011). Bart Schuurman et al., "End of the lone wolf: The typology that should not have been," *Studies in Conflict & Terrorism* 42, no. 8 (2019): 771-78. Raffaello Pantucci, "A typology of lone wolves: Preliminary analysis of lone Islamist terrorists," (ICSR, 2011), https://www.academia.edu/download/24801864/1302002992icsrpaper_atypologyoflonewolves_pantucci.pdf.

23- Kevin Flynn and Gary Gerhardt, *The Silent Brotherhood: Inside America's Racist Underground* (New York: Free Press, 1989).

24- On CSA, see the book by the repentant second in command of the group, Kerry Noble, *Tabernacle of hate: Seduction into right-wing extremism* (Syracuse: Syracuse University Press, 2011). On Randy Weaver, Jess Walter, *Every Knee Shall Bow* (New York: Harper Collins, 1996).

decades later, it would remain the most important manifesto of the far right in the internet era.

As a manifesto, "Leaderless Resistance" became popular reading and motivated a few to take action, but it neither ignited significant violence nor did it unite the warring tribes of the radical right. Most important, it became even more obvious that there would be no mass movement as all these groups operated on the lunatic fringe, or more politely, the cultic milieu. Mainstream society held them all in contempt. The movement itself, always divided, further balkanized into warring tribes as Christian Identity, National Socialism, Ku Klux Klan and other racial movements that could find no common ground.[25] The greatest violence, all street level and as much common crime as racial violence, were centered in youth movements based around white power music and skinhead culture which turned off most of the far right and got such leaders as tried to embrace it into serious trouble. Tome Metzger, whose attempts to recruit skinheads became the model for the film "American History X" learned this to his cost.[26]

Worse, the movement never had charismatic leaders who could rally more than a few followers and who were in competition with each other for members and funds. Finally, the movement was thoroughly infiltrated with informers for the local police, the FBI and private watchdog groups like the Jewish Anti-Defamation League and the Southern Poverty Law Center.[27]

Chat Rooms and Streaming Media

With the emergence of social media and closed chat rooms like 4 chan, 8 chan, and Parler in the 21st century there was a deadly change. Not only could texts and ideas circulate in relative seclusion from the outside world, but believers could form virtual communities and in talking to each other in isolation, greatly accelerate the radicalization process.[28] Rather than inhibit violence by endless closed cycle chatter

25- Jeffrey Kaplan, "Right – Wing Violence in North America," *Terrorism & Political Violence* 7, no. 1 (1995): 44 – 95.

26- George Michael, "This Is War! Tom Metzger, White Aryan Resistance, and the Lone Wolf Legacy," *Focus on Terrorism* 14(2016): 44 – 95.

27- On the watchdog movements, Jeffrey Kaplan, "The Anti-Cult Movement in America: An History of Culture Perspective," *Syzygy: A Journal of Alternative Religion and Culture* 2, no. 3-4 (1993): 267-96. On the milieu as a whole, including the watchdogs, see Jeffrey Kaplan, *Radical religion in America: millenarian movements from the far right to the children of Noah* (Syracuse, N.Y.: Syracuse University Press, 1997).

28- Daniel Koehler, "The radical online: Individual radicalization processes and the role of the Internet," *Journal for Deradicalization*, no. 1 (2014): 116-34. Jackson T Grasz, "Tweeting Terror: Evaluating Changes to the Terror Recruitment and Radicalization Process in the Age of Social Media," *Pepperdine Policy Review* 13, no. 1 (2021): https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1194&context=ppr.

however, an inevitable dynamic took place where one community member would undertake, after suitable hints to others in the chats, an act of spectacular violence and, when captured, dare others to 'top this' by doing something even more spectacular.[29]

Live-streamed attacks have occurred in the US, Germany, and New Zealand in recent years, but the paradigmatic attack was that of Brenton Tarrant, who on 15 March 2019, attacked a mosque in Christchurch, New Zealand, killing 51 Muslims and injuring 49 others.[30] He live-streamed the event, and his manifesto, "The Great Replacement" has become a kind of holy writ in the movement, to be quoted and referenced by the rash of copycat killers that followed.[31] Although few viewed the live feed, the event quickly generated no less than 722,295 Tweets, commenting pro and con on the action.[32] The video feed was quickly stuffed down the online memory hole by providers, leaving it to float hand to hand among the faithful like the samizdat of another era. But the manifesto circulates freely, including through such academic channels as Academia.edu.[33]

"The Great Replacement" opens with style, including an academicese subtitle "Toward a New Society," a pinwheel chart that well illustrates the bricolage of beliefs commonly held in the far right as well as some idiosyncratic additions of his own. The inclusion of Dylan Thomas' poem "Do Not Go Gentle Into That Good Night"[34] demonstrates that Tarrant was an independent thinker with a broad range of influences and ideas.

Foremost among his beliefs is the threat of immigration, which is a common enough trope for the far right and is the focus of the "Great

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29- Tiana Gaudette, Ryan Scrivens, and Vivek Venkatesh, "The role of the internet in facilitating violent extremism: Insights from former right-wing extremists," *Terrorism and Political Violence* 34, no. 7 (2022): 1339-56. Florian Hartleb, *Lone wolves: The new terrorism of right-wing single actors* (New York: Springer Nature, 2020).

30- For articles on various post-Christchurch attacks in Europe and the US, see the special issue of the *CTC Sentinel*, vol 12, no. 11, (December 2019), https://ctc.usma.edu/wp-content/uploads/2020/02/CTC-SENTINEL-112019.pdf.

31- For example, Stephan Balliet who attacked a synagogue in Halle, Germany and broadcast the carnage on Twitch, a gaming app popular among the radical right. «Germany shooting: 2,200 people watched on Twitch,» *BBC*, October 10, 2019, https://www.bbc.com/news/technology-49998284.

32- Hanif Fakhrurroja et al., "Crisis Communication on Twitter: A Social Network Analysis of Christchurch Terrorist Attack in 2019" (paper presented at the 2019 International Conference on ICT for Smart Society (ICISS), 2019), https://ieeexplore.ieee.org/abstract/document/8969839/.

33- https://www.academia.edu/38978739/The_Great_Replacement.

34- The poem complete with dramatic reading can be found at Poets.org: https://poets.org/poem/do-not-go-gentle-good-night.

Replacement's" introduction. But where racist movements commonly fear miscegenation, Tarrant's concern is more practical—the low White birth rate as opposed to the much higher fertility rates among immigrant families.

> This crisis of mass immigration and sub-replacement fertility is an assault on the European people that, if not combated, will ultimately result in the complete racial and cultural replacement of the European people.[35]

Thus:

> This is ethnic replacement.
> This is cultural replacement.
> This is racial replacement.
> This is WHITE GENOCIDE.[36]

What follows is a mock interview in which the author poses the kind of questions to himself that an impartial journalist might ask. A very brief bio is followed by a justification for the action he is about to undertake. The text is written on multiple levels, accessible to a mainstream audience but chock full of terms, witty asides, and in-jokes that would be understood only by the movement cognoscenti. For example, Tarrant describes his means of livelihood as some marginal Bitcoin investments and a side job as a "kabob removalist," which is a reference common on 4 chan and 8 chan chat rooms to the killing of Bosnian Muslims in the Yugoslavian Civil War of the 1990s.[37]

Tarrant then posits grandiose and utterly ridiculous geopolitical goals for his act, ranging from simple revenge on non-White immigrants to driving a wedge between NATO states and securing the future of the White race in North America while ending America's "melting pot dream." The US is much on his mind as he segues into another uncredited quote: David Lane's famous "14 Words": "We must ensure the existence of our people, and a future for white children."[38]

35- "The Great Replacement." Educators reading this will be pleased that Tarrant sources his demographic fears, but may blanche at the sole use of *Wikipedia* for the purpose.

36- Ibid.

37- For a brief dictionary of these terms, see Tess Owen, «Decoding the racist memes the alleged New Zealand shooter used to communicate,» *Vice News*, March 15, 2019, https://www.vice.com/en_us/article/vbwn9a/decoding-the-racist-memes-the-new-zealand-shooter-used-to-communicate.

38- "The Great Replacement." On Lane and the internet era radical right, see Mattias Gardell, *Lone Wolf Race Warriors and White Genocide* (Cambridge: Cambridge University Press, 2021).

Radicalization leading to taking up arms is a gradual process, but in many years of fieldwork with radical movements of many stripes, there is one commonality—a triggering event that forces an individual to decide that he or she must take action is always a factor; that passive belief, hope, and fervent prayer is no longer enough. For Tarrant, whose zeitgeist is international in scope, it was the death of a young girl in Stockholm, Ebba Akerlund, who was killed by accident when struck by a car driven by a fleeing Islamist terrorist.[39] He concludes that the final push was his tour through France in which he observed the rundown appearance of French towns with large refugee populations.

That very little of Tarrant's justification of his actions centers on New Zealand is important. The international character of the 21st century race movements is remarkable[40] and remarkably ironic as it unconsciously mirrors the 'rootless cosmopolitans' trope of historic anti-Semitism. In stark contrast to the racist screeds of the 20th century, Jews are hardly mentioned in the document. In fact, Tarrant is at pains to dissociate himself from anti-Semitism. Posing the question to himself on the topic, he states: "No. A jew living in israel is no enemy of mine, so long as they do not seek to subvert or harm my people."[41] He is however aware of the continued prevalence of anti-Semitism in the movement, thus in a kind of racist political correctness, he is careful not to capitalize the words 'Jew' or 'Israel'.

This awareness of movement sensibilities—born of his immersion in the hothouse of chat rooms and social media—is reflected in a section in which he poses to himself hostile questions that he assumes will flow like a river in internal discussions. The most acute perhaps is:

> **Are you a Fed/shill/mossad agent/false flag/patsy/ infiltrator/antifa/glow in the dark etc?**
>
> No, but the next person to attack could be, so a healthy scepticism [sic] is a good thing. Just [sic] do not allow your scepticism to turn to paranoia and keep you from supporting those that want the best for you.[42]

39- «Stockholm quietly remembers victims of terror attack,» *The Local*, April 8, 2019, https://www.thelocal.se/20190408/stockholm-quietly-marks-two-year-anniversary-of-terror-attack. The death is a touchstone for the far right as well. See the unauthorized Facebook page titled "Refugees Not Welcome" with a picture of both the little girl and her grave. https://www.facebook.com/1004579652932069/posts/1871595482897144/.

40- The internationalization of Black Lives Matter after the death of George Floyd is another case in point. Today for example, all Premier League football games begin with taking a knee and decrying racism in every form.

41- "The Great Replacement."

42- Ibid. The misspellings are left intact from the original.

Similarly, detractors are also anticipated, but this soon morphs into the realm of fantasy and childish dreams, which are included here to again drive home the observation that the internationalization of the White race movement may soon enter into a truly post-nationalist phase when the true believers will at last despair of saving their individual nations. The comic book fantasy here is where Tarrant posits himself as a kind of Joe Ledger rogue American Special Forces operative.[43] The American mythos of all this clear, with peaceful and still largely pastoral New Zealand rating nary a mention.

What follows are about fifty pages of historical observations, strategic suggestions to those who would follow, and much more of interest. "The Great Replacement" ends with a reprise of the beginning with another poem, "Invictus" by William Ernest Henley, which concludes:

> It matters not how strait the gate,
> How charged with punishments the scroll,
> I am the master of my fate:
> I am the captain of my soul.[44]

Tarrant closes the manifesto with the slogan "Europa Rises" and a pastiche of photographs that beautifully illustrates Tarrant's dreams. There are idealized pastoral images of White country life, hunting scenes, a little girl with her mother, a baby with her mother, and of course American soldiers on patrol in what appears to be the mountains of Afghanistan.

In the years that followed the Christchurch attacks, "The Great Replacement" has become so ubiquitous that it has moved from movement circles into more mainstream discourse. Donald Trump uses it regularly and through him a substantial number of Republicans have embraced what has come to be called Replacement Theory.[45] At his speech at Tusványos, Romania, in June 2022, Prime Minister Viktor Orbán went further, urging his audience to read a 1960s era racist tome from France, recently translated into Hungarian, The Camp of the

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43- Joe Ledger is the main character in a long running series of novels by Jonathan Mayberry. Ledger and his associates fight comic book good vs. evil scenarios featuring zombies, vampires, aliens, mad scientists and much more.

44- https://poets.org/poem/invictus.

45- Domenico Montanaro, «How the ‹replacement› theory went mainstream on the political right,» *NPR*, May 17, 2022, https://www.npr.org/2022/05/17/1099223012/how-the-replacement-theory-went-mainstream-on-the-political-right. Philip Bump, «Nearly half of Republicans agree with 'great replacement theory',» *Washington Post*, May 9, 2022, https://www.washingtonpost.com/politics/2022/05/09/nearly-half-republicans-agree-with-great-replacement-theory/.

Saints, which was a French dystopian novel written in 1973 to decry the threat that immigration posed to French culture, the Christian faith, and ultimately the western world.[46] The Camp of the Saints is the first in what half a century later would become a burgeroning genre of dystopian literature which foresees the white race in Europe being overrun with immigrants from Africa and the Middle East who seize their women and their land, transforming Europe from a Christian to an Islamic continent.

> Manifestos still have power, even in the age
> of the internet.

Conclusion

The manifestos of the radical right are many and varied, but few have had lasting influence. Those that have, "Leaderless Resistance" and "The Great Replacement" being only two of the most influential, have done so because of the confluence of timing and historical circumstance. Each reflected the perceived longings and needs of their readers, and each provided simple bromides with utopian outcomes. In the age of the internet, they were able to reach larger, global audiences than was possible in the days of the mimeograph machine and the newsletter, while the advent of closed chat rooms facilitated the rapid radicalization and allowed for the global, real time dissemination of violent acts. In their myriad forms, the manifesto will remain a far-right weapon of war for some time to come.

46- Speech by Prime Minister Viktor Orbán at the 31st Bálványos Summer Free University and Student Camp,» *About Hungary*, 23 July 2022, https://abouthungary.hu/speeches-and-remarks/speech-by-prime-minister-viktor-orban-at-the-31-st-balvanyos-summer-free-university-and-student-camp.

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Lessons Learned from Covid-19 on terrorism and the Portuguese case in the fight against extremism[1]

Major General Carlos Branco[2]

ABSTRACT

This paper is an extended and adapted version of the communication presented in the OMEV Annual Conference of 2022, "Collective Intelligence in facing Terrorism & Building CVE/PVE Strategies", held at the ICESCO Headquarters in Rabat, Kingdom of Morocco, between 8th and 10th June. Our paper, "Lessons Learned from Covid-19 on terrorism and the Portuguese case in the fight against extremism" aims to present a brief analysis on these two topics. No matter the challenges to counterterrorism, stakeholders should continue to promote multilateralism, fostering holistic responses, while ensuring human rights. Portugal is not immune to the threat and remains vigilant and strongly committed to international rules based order in the fight against terrorism and extremism.

1- Paper presented at the "2022 OMEV Annual Conference": "Collective Intelligence in facing Terrorism & Building CVE/PVE Strategies" at ICESCO Headquarters in Rabat, Kingdom of Morocco, 8-10 June 2022.

2- Carlos Branco is a Major General of the Portuguese Army (retired). He has extensive experience on politico-military affairs and international relations gained in various international assignments. He served with the UN, in the Balkans, before Dayton, as military observer. He lectures in several universities and schools, and is also member of several think tanks (national and international) and civic organizations. He was scientific co-director of a post graduated course on Media and Crisis Management, at the Instituto Superior das Ciências do Trabalho e da Empresa (Lisbon). His major subjects of research and interest are peacekeeping, conflict resolution, strategic communications, NATO, United Nations and CSDP.

Introduction

This paper is structured as follows. First, presents a brief threat assessment overview about the global terrorism landscape. Second, discusses four long-term impacts of the pandemic on terrorism. Finally, address the Portuguese approach in the fight against terrorism and extremism. We decided to focus on this country because there are lack of scientific studies regarding Portugal's counterterrorism approach (this article makes a brief introductory note to this case).

1 Threat assessment overview

According to the Global Terrorism Index of 2022, global deaths from terrorist activity have fallen in 2021, being this the fourth consecutive year where deaths remained fairly constant. This is primarily due to the decline of ISIS in Iraq and Syria. However, terrorism still represents one of the most pressing issues to international peace and security. In fact, the number of terrorist attacks remained substantially high all over the world.

However, the threat is distinct between geographical regions. For the last three years, terrorist activity has been concentrated in South Asia and sub-Saharan Africa. Since 2020, safe heavens persisted in the MENA region and the activities of al-Qaeda (AQ) were also a concern. Nonetheless, significant counterterrorism efforts in the Maghreb, operated by Algeria or Morocco, thwarted AQ and Daesh from planning or conducting attacks. In 2021 the Sahel region was the most impacted by terrorism due to the expansion of Daesh's affiliates namely the Islamic State in West Africa (ISWA): deaths in the Sahel account for 35% of global terrorism deaths, compared with just 1% in 2007. Deaths in the MENA region dropped substantially, yet Afghanistan remains the country with the highest impact from terrorism for the third year followed by Iraq and Somalia (UN, 2022; GTI, 2022).

In 2021, ISIS remained the deadliest terror group globally, despite continuing to suffer major leadership losses. This death toll is followed by Al-Shabaab, the Taliban and Jamaat Nusrat Al-Islam wal Muslimeen (JNIM). In 2022, both AQ and Daesh's capabilities have significantly weakened, although ISIS and its affiliates have gained visibility in Afghanistan following the Taliban takeover (UN, 2022). Nonetheless, it is worth to highlight that one major current challenge comes from the designated Racially/Ethnically Motivated Violent Extremists (RMVEs) and not jihadism terrorism (DIA, 2022). According to the Council of Europe, violent extremism means "promoting, supporting or committing acts which may lead to terrorism and strongly oppose to democratic values"

Radicalisation represents the process whereby an individual "increasingly accepts and supports violent extremism" (Council of Europe, 2016, p. 9). Yet, it should be stressed that violent extremism does not necessarily lead to terrorism. As Europol puts it "although all terrorists are extremists, not all extremists are terrorists" (TE-SAT, 2007, p. 9). Extremism is a very serious concern and may use violence but not with the intention of "seriously destabilise the political and social structures of a country" as required for a terrorist offence (Council of Europe, 2016).

Lone actors, the return of foreign terrorist fighters, the use of digital technologies and of CBRN substances appear to have capitalized the attention of counterterrorism authorities over the past years. For example, AQ and Daesh have been calling for lone terrorist attacks in Western countries since 2016, at least. In the EU all terrorist attacks in 2018 were perpetrated by lone actors, and in 2020 all completed jihadist terrorist attacks were also carried out by these non-affiliated individuals (TE-SAT, 2019; TE-SAT, 2021). Far-right terrorism has also been one of the most pressing challenges. In fact, in august 2022, the UN Secretary-General, António Guterres, launched a new report where he "highlights a new, emerging form of "far-right" terrorism" (UN Press, 2022a).

Major international organisations, as the United Nations, highlight the impact of Covid-19 on the global terrorist landscape, both for counterterrorism authorities and terrorist groups. In the West, particularly, the pandemic coincided with the decline of terrorism attacks, but the results are quite ambiguous. For example, according to Europol (2021), in the EU area it "remains unclear" whether the decline indicates "reduced terrorist activity or it is a result of changes in the operational capacities of public authorities during the pandemic" (TE-SAT, 2021, p. 6).

2 Lessons learned from Covid-19 on terrorism

Terrorists want to provoke mass casualties but Covid-19 restrictions on public life limited such opportunities. However, terrorist activity did not decrease: terrorists were also keen to promote fear and chaos. Amongst other impacts, we highlight four main long-term impacts of Covid-19 on terrorism in different dimensions: (1) propaganda; (2) new technologies; (3) bioterrorism and (4) ongoing conflicts.

(1) Propaganda. The new coronavirus is an instrument of propaganda for terrorists. Since the outbreak, extremists from both left and right, as well as jihadists, sought to capitalize and weaponize the pandemic for their political purposes, including radicalization and recruitment. For right-wing extremists the pandemic was an opportunity to push for their

xenophobic, racist, anti-Semitic and anti-immigrant agenda. They are doing so by creating chaos and promoting fear through the dissemination of conspiracy theories about the virus or by blaming foreigners and ethnic minorities. Furthermore, some right-wing extremists, named "accelerationists", violent neo-Nazis who want society to crumble, see the pandemic as a "necessary step". Jihadists also sought to exploit the COVID-19 pandemic for propaganda purposes, "framing the disease in line with their longstanding narratives" (TE-SAT, 2021, p. 42). ISIS and al-Qaeda took advantage for the increased vulnerability of societies. For example, ISIS "portrayed the pandemic as a punishment from God for his enemies an incited followers to perpetrate attacks" (TE-SAT, 2021, p. 21). The Wilson Centre (2020) also reported that the Islamic State blamed Shiites for the first cases of coronavirus in Iraq (apud AOAV, 2022).

(2) New technologies (cyberspace). Lockdowns provided fertile ground for the malicious use of new technologies. Cyberspace, in particular, has been exploited for political and ideological purposes. Restrictions on freedom of movement prompted a shift in terrorist groups' modus operandi: from the physical to the virtual world. The pandemic not only encouraged networking between terrorists, but also accelerated the spread of propaganda in multiple virtual platforms. Lone actors were especially prone to self-radicalisation, while being exposed to disinformation and conspiracy theories from right-wing extremism in particular. This intense activity had also an impact in radicalisation and recruitment of youth and vulnerable people with mental health issues. This is a greater challenge for counterterrorism because sometimes is not clear what motivates terrorist violence.

(3) Bioterrorism. Bioterrorism, or the use of pathogens for terrorist purposes, is not a new theme for counterterrorism authorities. However, Covid-19 drawn new attention to the weaponization of biological agents and raise fears about the future of a possible biological warfare (CTC, 2022). The anthrax plot in the US, in the aftermath of 9/11, showed the dangers of a possible CBRN (chemical, biological, radiological, nuclear) attack. More recently, in 2018, European authorities dismantled three attempted biological attacks in France, Germany and Italy, and there is evidence of Daesh's propaganda calls for the use of CBRN substances in terrorist attacks[3] (TE-SAT, 2016; TE-SAT, 2019). Biological terror attacks

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3- In 2022, the Washington Post revealed: "U.S. officials learned through electronic surveillance in 2014 that Salih al-Sabawi - Iraqi chemical weapons expert who was later known within ISIS as Abu Malik - was working to produce powerful new weapons using highly lethal botulinum toxin and ricin, while also pursuing plans to make weaponized anthrax. Sabawi's intention (…) was to create a large stockpile consisting of multiple types of chemical and biological agents to be used in military campaigns as well as in terrorist attacks against the major cities of Europe" (Warrick, 2022).

are still controversial amongst the specialists but some hazardous substances continue to be sold through online. Therefore, terrorist groups might take lessons from the current events. The Council of Europe Committee on counter-terrorism has already warn against the risk of bioterrorism (Council of Europe, 2020) and the UN has also warned for developments in biotechnology and artificial intelligence that could prompt the use of biological agents as weapons (UN, 2020).

(4) Ongoing conflicts. According to the UN (2022), "there is limited evidence of any correlation between the pandemic and a change in the intensity of terrorist violence". However, political instability and conflict remain the primary drivers of terrorism and terror groups continued to exploit grievances (IEP, 2022). Terrorist groups, from Daesh to al-Qaeda and right-wing groups, exploit vulnerable societies to cause further violence and chaos. This was the case of Sahel region. Moreover, there are terrorist groups that can simultaneously be classified as insurgents groups which can further exacerbate the conflict environment. Humanitarian emergencies will thrive, causing pressing security dilemmas to national states. In December 2022, UN member-states "emphasized that the threat of terrorism is affecting an increasing number of Member States across most regions, which may exacerbate conflicts and undermine affected States' security, stability, governance and socioeconomic development" (UN Press, 2022b).

3 The Portuguese Case

Historically, Portugal has been a target from domestic and international terrorism. On the domestic realm, it has suffered from left-wing terrorism due to the violent activities of the FP-25, an extremism organization created in 1980, in the aftermath of the Carnation Revolution of 1974. This organization operated until 1991, and perpetrated several bomb attacks and assaults, which resulted in the death of 17 people and several wounded, including 4 security officers. On the international realm, some extremist and terrorist groups also perpetrated a few of terrorist attacks in the territory, especially during the 80s and the 90s, namely against diplomatic agents and other elite figures.

Since the 2000s Portugal has not suffered from any terrorist attack. Currently, jihadist terrorism and ethno-nationalist/separatist terrorism (focus in ETA) are the two main types of terrorism monitored in Portugal. Although Portugal adopts an holistic approach and monitors different types of terrorism and extremisms, jihadist terrorism is the top priority for the Portuguese authorities for a number of reasons: (1) Portugal is a western country and is a member of international organizations as

NATO or the UN; (2) Portugal is an European country, member of the European Union; (3) Portugal has strategic interests in geographical areas, as the MENA region, which are targeted by terrorist groups as Daesh and its affiliates. Nonetheless, and despite the historical link to al-andalus, Portugal is not a primary target of Daesh. Portugal is also a security provider and contributes to the missions of the UN and the EU, besides being a member of *The Global Coalition Against Daesh* since 2015 (RASI - Portuguese Annual Internal Security Reports, 2001 - 2021). Taking into account these risk factors as well as the European and international context, the Portuguese authorities state that Portugal is not immune from terrorist attack, either from jihadist groups or any other terrorist organisations.

In the spectrum of political extremisms, the right-wing is the most worrisome for a number of reasons. First, the extreme-right is specifically regarded as a threat to national security. Second, its discourse and activities are similar to other extremist groups in European Union, including of terrorist nature. Third, the neo-Nazi offspring of the Portuguese extreme-right has been particularly active in the country over the years. In 2020, authorities identified a new right-wing extremism group in Portugal. Finally, recent journalist investigations revealed that the Portuguese extreme-right has links with other neo-Nazi groups in Europe, including the extreme-right in Ukraine. During the pandemic, the Portuguese extreme-right exploited its effects in the virtual world, following the same behavioural pattern of similar right-wing groups. Online, they spread disinformation and conspiracy theories and offline, tried to reconnect, but had weak mobilization capacity (RASI - Portuguese Annual Internal Security Reports, 2001 - 2021).

Portugal regards terrorism and extremism as serious threats to international stability and vehemently condemns extremism in all forms. Our counterterrorism strategy (of 2015) abides by the UN and UE principles and Portugal is fully committed to international law, human rights and multilateralism. Portugal is involved in various international fora and strongly supports bilateral, international cooperation and collective intelligence to fight against these menaces. In this regard, we should highlight the bilateral relationship between Portugal and Morocco. North Africa is a region of special interest for Portugal for its geographical proximity, cultural and historical ties. Morocco, in particular, is a reliable and close partner in important cooperative forums as the 5 + 5 Dialogue (The Western Mediterranean Forum) and the G4 (SGMAI, n/data). In both we join efforts, share know-how and work together to promote security within the Mediterranean region to fight against shared threats as terrorism, amongst others.

Conclusion

To conclude, and to quote Jonathan Evans, a former Director General of MI5 (2007-2013), "risk can be managed and reduced but it cannot be realistically be abolished". No country is immune to terrorism or violent extremism and the pandemic has had a profound impact on the global terrorism landscape. Therefore, as the UN notes, "counter-terrorism approach must remain high on the international peace and security agenda, with partnerships widened and strengthened" (CTED, 2021). Stakeholders should strive to promote responses based on a hybrid set of criminal and military measures, while stressing the need to ensure human rights. Fostering multilateralism and promoting collective intelligence, as our conference main theme suggests, remain key assets to address security challenges.

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Prison Radicalization in Bangladesh: A Critical Study

Thowhidul Islam[1]

Abstract

Prison radicalization has now become a challenge to the global security, particularly, in the countries under the threat for violent extremism. Prison is a place used for confinement of convicted criminals. It is also a center of correctional activities with potential scopes for transforming the imprisoned people into good human being. But the present prison system is not only at risk, but also creates secure opportunities for extremists to spread their radical ideologies. Historically, the prisons of Bangladesh are concerned with punishing offenders through incarceration. Prison system of the country was introduced by the British rulers as a weapon of suppression to secure colonial interest. It was never designed as an institution for correction. Many reforms were made, in course of time, but mostly in the management aspects, not in the system. On the other hand, Bangladesh is facing threats by radicalism in recent past. The condition of the prisons of Bangladesh is very vulnerable because of overcrowd inmates, unhealthy accommodation, poor quality food, corruption and even physical persecution by the prison staff. The vulnerability of the prisons of Bangladesh creates high risk of radicalization there and even to become a safer hub for recruitment of militant groups. This study aims at assessing the realities and possibilities of prison radicalization in Bangladesh. It also highlights the radicalization threats in the country and the prison system with a view to ascertaining the presence of elements for prison radicalization. The methodology used in this study is composed of critical review of available literature, analysis of relevant data and information from limited number of primary sources and various secondary sources. Having a clear perception about the radicalization threat in the country, its prison system, current scenario

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1- Associate Professor of Bangladesh Studies, Center for General Education (CGED). International Islamic University Chittagong.

of prison vulnerability and scopes for radicalization there, the paper suggests effective measures for successful deradicalization programs and to make the prisons a perfect center for transformation and correction.

Key Words: Prison, Radicalization, Extremism, Deradicalization, Bangladesh.

1. Introduction

Prison radicalization has now become a big challenge to the global security, particularly, in the moderate Muslim countries those are under the threat for violent extremism. Primarily, prison is a place used for confinement of convicted criminals. It is also a center of correctional activities with potential scope for transformation. The aim of prison is to protect society by confining offenders in secure location and to engage them in programs that will assist them in transforming into good human being and law abiding citizens. At the same time, it is evident that several prisons have been serving as recruitment centers for radicalization. Historically, the prison system of Bangladesh was introduced by the British colonial authority. It was, primarily, concerned with punishing offenders through incarceration. It was never designed as a correction center. It is overcrowded with 216.9% of actual capacity. Living condition, logistic facilities i.e. food, health service etc. are of very poor. Physical persecution by the prison staff, corruption, providing illegal facilities in exchange of bride are very regular practices in the prisons of Bangladesh. On the other hand, the majority people of the country are, economically, poor and, educationally, illiterate. They are the most vulnerable community for radicalization and have always been targeted by the extremist groups for motivating into radical ideology. Simultaneously, radicalization threat has been increasing in the country since the 1990s. Extremist groups have attempted a noticeable number of radical attacks in the country in recent decades. The recent influx of Rohingya people into the country has increased the level of threat perception of radicalization in the country. All these factors i.e. existence of extremist groups, socio-economic condition and vulnerable situation of the prison have together contributed to the emergence of prison radicalization in the country. It has not only been becoming a big challenge to the national security, but also creating secure environment for the recruitment of new members and place of brain wash for the extremist groups.

1.1   Objectives of the study

The main objective of this study is to ascertain the realities, possibilities and threat perceptions of prison radicalization in Bangladesh.

For an effective understanding, it focuses on several background issues such as radicalization concept, radicalization threat in Bangladesh, the prison system of the country and its vulnerability that together contribute to the emergence of prison radicalization in Bangladesh. Identifying its challenges, the study also suggests for a number of recommendations for effective deradicalization program in the country.

1.2   Methodology of the Research

The methodology used in this study is composed of critical review of available literature, analysis of relevant data and information from various secondary sources like books, journal articles, magazines, working papers, dissertations, various official websites, intelligence documents, newspapers, etc. The study also collected data from primary sources about the vulnerability of the prisons of Bangladesh, but it was very limited. Despite the drawbacks of studying prison radicalization based on secondary data, official and journalistic sources, to ensure the maximum reliability, the same data were verified against different sources. The author has also followed the methodology of description and elucidation. Finally, the study has concentrated on written explanatory facts and events related with the prison radicalization in Bangladesh.

2. Prison Radicalization

Radicalization is a process by which an individual or group comes to adopt increasingly extreme political, social, or religious ideals and aspirations that reject or undermine the status quo or contemporary ideas and expressions of the nation (Randy, 2011: 7-11). It is "a process whereby people adopt extremist belief systems—including the willingness to use, encourage or facilitate violence—with the aim of promoting an ideology, political project or cause as a means of social transformation. At the heart of the process of radicalization leading to violence is a dynamic that involves individuals severing ties with those in their immediate environment (family, friends, colleagues, etc.), and progressing along a radical path that may eventually lead to violence. Violent radicalization entails:

- The adoption of an ideology that becomes a way of life and a framework for meaningful action for the individual;

- Belief in the use of violent means to promote a cause;

- The merging of ideology and violent action" (CPRLV, 2019).

Though sometimes, the concepts of radicalism, terrorism and extremism become conflated, but the term radicalization is used in this paper to refer to the process of developing extremist ideologies and beliefs.

Prison is, primarily, aimed at protecting society with the confinement of criminals in a safer place. Prison represents a social system in which an attempt is made to create and maintain total or almost total social control (Sykes, 1999: xiv). It also facilitates the offenders with different types of programs that will assist transforming them into good human being and law abiding citizens after their return back to the society. These good objectives of prison system could only be achieved by an effective prison management with necessary facilities. However, poor prison governance, lack of necessary facilities and many other circumstantial perspectives such as isolation, individuals' frustration, influence of bad company may result not only in a negative way, but also the rise of radicalization.

Prison radicalization is not a new phenomenon. Throughout history, prisons, besides being a place of confinement for the offenders, have served as recruitment centers for ideological extremists across the globe. Famous individuals in different courses of history used prison to develop extremist philosophies and recruit others into their mode of thinking. From Adolf Hitler or Joseph Stalin to Abu Mohammad al-Maqdisi or Ayman al-Zawahiri all used their time behind bars to develop and cultivate their extremist ideologies (Kahara, 2017: 5-6). Prisons have served as a fertile recruitment ground for radicals of all hues, particularly of religious radicals. In the present era, while extremism has been posing a serious threat to the global security, prison radicalization has become a big challenge. It has been contributing to the spread of radical ideas and recruitment of radical groups in a comparatively safer zone. Prison radicalization has already spread out in many countries such as Afghanistan, Algeria, Egypt, France, Indonesia, Israel, Jordan, Morocco, Netherlands, Pakistan, Philippines, Saudi- Arabia, Singapore, Spain, UK, USA, Yemen etc. (Rahman, 2017: 159). A number of prominent extremist leaders of present world either were radicalized in prison or used prisons as a center for radicalization. For example, Abu Muhammad Al –Maqdisi was imprisoned in Jordan in 1995 for 15 years, where he advocated his radical ideology for new recruits. His famous recruit was Abu Musab Al Zarqawi, who later became the leader of Al Qaeda in Iraq. Ayman al-Zawahiri, an Egyptian eye surgeon, was imprisoned in 1981 in Egypt for collaborating in the assassination of Egypt's President Anwar Sadat. Prison time only redoubled Zawahiri's radicalization process and

immediately after his release, he took over leadership of Egyptian Islamic Jihad (Wright, 2002). He became the leader of al-Qaeda following the killing of Osama Bin Laden by US forces in May 2011. 'Jail to Jihad' of Indonesia rightly fostered the influence of prison radicalization. Afif, was an aspiring Muslim and imprisoned in a high-security jail of Indonesia, where he was radicalized and became a soldier for Islamic State (ISIS) (Rahman, 2017: 159). Afif's recruitment manifested the danger of prison radicalization and uncovered how a poor prison system (in Indonesia), where staff shortage, overcrowding and corruption have opened the door for extreme radicalization (Reuters, 2016; BBC, 2014). Ismail and Sim (2016) carried out a study of violent extremism and radicalization in prisons in Indonesia. They visited several prisons that hold terrorist convicts, and reviewed the case histories of 40 known terrorists. Their findings discovered that the prison is seen by the Indonesian extremists as a way station to further their ideology and glory. Many extremists in the Arab world have repeatedly used prisons to recruit new followers, reinforce the commitment of existing extremists and to network and exchange ideas with like-minded individuals (Brandon, 2009: 1). Capano (2018) has given several examples how radicalization is expanding in the well secured prisons of Europe and how prisons are playing role in the radicalization process and the challenges posed by the incarceration of extremist offenders. Exploring the background of the attackers involved in extremist violence, particularly in Europe, it is found that a very large number of them were radicalized in prisons. Several studies (such as Hoffman, 2019; Brandon, 2009; Hannah et. al., 2008) conducted research surveys on the extremist radicalization in the west and found that there is increasing evidence of prison radicalization in the west and 'the prisons have become incubators of extremism' (European Union, 2018: 5). Preventing radicalization in prisons remains a significant challenge across the EU. Even, the European Commission called on its member states to look into possible alternatives to detention for terrorism-related crimes and to map existing practices to prevent and counter radicalization in the prison (European Union, 2018: 6). Several imprisonment perspectives and factors such as separation from close family and supportive relationships; threats to personal identity and masculinity; deprivation of autonomy; insecurity, anxiety and threats to self-esteem they experience in a violent environment; rejection by the dominant group; separation from a dominant moral code; removal to a harsh, violent and unpredictable context in the prisons; individuals frustration towards life instigate them to radicalization (Hannah et. al., 2008; 5-8).

3. Radicalization Threat in Bangladesh

The rise of radicalization is not a regional, rather a global concern. Historically, the society of Bangladesh has been enjoying a very peaceful coexistence among all the religious groups. Although political use of religion practiced in the region dates back to pre-independence days and was the principal ground for the creation of Pakistan in 1947, the history of radicalization in Bangladesh has not a very long past. After the independence of Bangladesh in 1971, a form of radicalization was seen in 1975 with the changes in political situation. The Successive governments tried to make civilian alliance under a military auspicious, but political instability continued. Since then, violent politics has become a norm in Bangladesh (Moniruzzaman, 2009; Rahaman, 2007). Besides political violence, the country has been experiencing two types of radicalism: first, radicalism by the Islamist groups and second, extremism by the ultra-left-wing political groups. The ultra-left-wing activities originated since the Independence of the country whereas the religion based violence activities originated before Independence. (Islam, 2017: 8).

The history of Islamist radicalism in the country goes back to the 1980s, when around 3,000 Bangladeshis reportedly joined the US and Saudi-sponsored anti-Soviet jihad in Afghanistan (Riaz, 2008). These Soviet-Afghan war returnees created Harkat-ul-Jihad al-Islam (HUJI) in Bangladesh in 1992 as the first generation radical group in the country. It was led by three Afghanistan veterans, Mufti Abdur Rouf, Mowlana Abdus Salam and Mufti Abdul Hannan Sheikh, who declared that Bangladesh should become an Islamic state (Riaz and Fair, 2011: 71-90). The group became more active under the leadership of Mufti Hannan and has attempted several radical attacks on the secularists, diplomats and even civilians in the following years. Its deadliest action was the August 2004 grenade attack on a rally of the then opposition leader, chief of Awami League and present Prime Minister of the country, Sheikh Hasina, killing over twenty people.

The second generation of Islamist radicals appeared in 1996 with the establishment of the organization named 'Qital Fi-Sabilillah'. This organization transformed into 'Jamayat-ul-Mujahedin' known as JMB in 1998. The JMB and its militant wing Jagrata Muslim Janata Bangladesh (JMJB) became active in the early 2000s. JMB's 17 August 2005 countrywide coordinated and simultaneous attacks, involving over 459 low-intensity bombs, in all but one of Bangladesh's 64 districts, proved a turning point (The Daily Star, 2005). The subsequent security crackdown, including trials and executions of top JMB members, forced the group into hiding.

The third generation started from 2001, with the group known as Hizbut Tahrir, which had a direct linkage with an international movement on-going in different countries. The fourth generation commenced in 2007 with the group known as Jamatul Muslemin which later began to function as 'Ansarulah Bangla Team'. The group started as online community and inspired by the sermons of Anwar al-Awlaki, a US citizen who joined al-Qaeda's Yemen branch. They soon began identifying itself as the Bangladesh chapter of al-Qaeda with the name Ansar Al-Islam (Prothom Alo, 2016). The emergence of ISIS in the Middle-East has also influenced the local radicals and thus, the fifth generation of Islamist radicals emerged. They are educated young group, to be pursuing their objective of establishing an Islamic state in Bangladesh (Riaz, 2016). In 2015, the JMB was divided into two groups, older JMB and Neo-JMB. This Neo-JMB claims that they belong to the Bangladesh chapter of ISIS. This group led the most unprecedented savagery in Bangladesh in 2016. That brutal incidence was occured in a restaurant at Dhaka by a group of 7 young attackers which extinguished the lives of 29 people, including 20 hostages (18 foreigners and 2 locals). All of the attackers were also killed during the rescue operation conducted by the Bangladesh Army. It was found that all of the attackers were educated in western curriculum and came from well to do families. It is claimed that a new generation of radicals, earlier linked either to JMB or Ansar, now identifies more directly with ISIS (BDNews24, 2016, 2015). The government, however, refuses to acknowledge an ISIS presence in Bangladesh. Several studies suggest that the number of radical militant groups in Bangladesh ranges from 20 to 50 (Ahsan, 2005; Khan, 2007). In 2009, the Government identified 12 militant groups – the JMB, HUJI-B, HT,Ulema Anjuman al Bainat, Hizb-ut Tahrir (HuT), Islami Democratic Party (IDP), Islami Samaj, Touhid Trust, JMJB, Shahadat-e al Hikma Party Bangladesh, Tamira Ar-Din Bangladesh (Hizb e Abu Omar), and Allahr Dal. The security agencies identified 33 militant groups (Tutul, 2015: 71). Though the number is big, but the HUJI, JMJB, JMB, ABT and HT are described as the most prominent militant groups in Bangladesh (Datta, 2007; The Daily Star, 2005). The profile of major radical groups in Bangladesh has been described below (Tutul, 2015: 74-78):

Sl.	Organization	Established	Estimated Member	Status
1	HUJI	1992	15,000	Banned in 2005
2	JMB	1998	10,000	Banned in 2005
3	Hazbut Towhid (HT)	1994		Banned
4	JMJB	1998	300000	Banned in 2005
5	Islamic Biplob Parisad	2001		
6	Shahadat al Hiqma	1996	36000	Banned in 2003
7	Khatm-e Nabuyat Andolon	Late 1980s		
8	Hizbut Tahir (HuT)	2000s	20,000	Banned in 2009
9	Tamir ud Deen	1999		Black listed
10	IDP	2008		Black listed
11	Allar Dal			Black listed
12	Ulema Anjuman Al Baiyinaat			
13	Touhid Trust	2001		Banned in 2005

The rise of radicalization in the country is the consequence of political use of religion, defective education system, socio-economic backwardness, misinterpretation of religious doctrines together with political instability in many Muslim countries as well as the influence of globalization. Despite many operational successes by the law enforcement agencies, limited success was achieved in disrupting terrorist contrives, ideologies, motivations and networking (Islam, 2017: 3). Some of the groups like Neo-JMB, Ansar-Al-Islam, Ansaullah Bangla Team and Hizbut Tahrir have emerged in Bangladesh preaching ideologies by training, distributing books and pamphlets among the mass people

and educational institutions, mainly in rural areas. The most frightening concern is that the extremist groups prefer women and families to promote extremism in the rural districts (Islam, 2017: 3-11). The influx of hundreds of thousands of Rohingya Muslims from Myanmar's Rakhine state in August-December 2017 increased the radicalization concerns for Bangladesh. Several radical groups, including ISIS, have referenced the Rohingya's plight in efforts to mobilize support. It is reportedly said that Myanmar's insurgent group Rohingya Solidarity Organization (RSO) established relationship with Harkat-ul Jihad of Bangladesh (IPAC, 2017). Flow of money from Middle-East in disguise of charity and exposure of Islam in a particular conservative form, namely Wahabi or more recently, Salafi are also contributing to this kind of Islamization in Bangladesh. Flow of money from Middle East in disguise of different aid or charity played an important role in the expansion of Islamic beliefs, but sometimes in a very strict and extreme thought. It, occasionally, creates confrontation with the liberal thoughts of Islam in the country. The political use of religion, ideological contradictions, rigid religious beliefs, socio-economic factors like poverty, social inequality, hunger, backwardness and unemployment have also been significantly contributing to the rise of extremism in Bangladesh. Underdevelopment, poor governance, malfunctioning institutions, and violent politics combine to create an "enabling environment" for extremism in Bangladesh (Fink, 2010: 1). Thus, the radicalization poses the strongest threat to the national security in Bangladesh.

4. Prison System in Bangladesh

The prison system of the country was introduced by the British rulers as a weapon of control and suppression to protect colonial interest. It was never designed as an institution for correction. In course of time, the colonial rulers brought some reforms, but mostly in the aspects of prison management, not in the system. A series of prison reform committees were formed in 1836, 1864, 1877, 1888 and 1892. The recommendations of these committees were consolidated in 1894 which appeared as the first ever Prisons Act of the region. Presently, prisons system of Bangladesh is managed under the provisions of Prisons Act 1894, Prisoners Act 1900, Identification of Prisoners Act 1920, Rules made under Section 59 and 60(a) of the Prisons Act 1894 (Bangladesh Prison, 2019). The present jail code and laws governing Bangladesh prison system are, namely: The Prison Act 1894; The Code of Criminal Procedure of 1898; The Prisoners Act 1900; The Civil Procedure Code of 1908; The Lunacy Act 1912; Identification of Prisoners Act 1920; Jail Code of 1920; The Children's Act 1974; and The Special Power Act 1974.

4.1 Prison Administration

Bangladesh currently has 68 prisons that include 13 Central Jails and 55 District Jails (Bangladesh Prison, 2019). The Ministry of Home Affairs, through the Directorate of Prisons, exercises overall responsibility for the management of the prison. Inspector General (IG prison) works as the chief of the prison administration, while Additional Inspector General assists him. Each prison is administered by sergeants, guards and other prison staff, under the supervision of the Superintendent of Jails (Bangladesh Prison, 2019).

4.2 Accommodation and Logistic Facility in the Prison

Prisoners are required to sleep together in single dormitories, accommodating about 100 to 150 prisoners. Under dormitory rules, each prisoner should have 36 sq. ft. of floor space. Each convicted prisoner is supposed to get 250 gm of rice, 125 gm of wheat while the persons in lock up will get 200gm of rice, 87 gm wheat everyday. Apart from these, prisoners are supposed to get 133 gm of vegetables and 72 gm of fish or meat. Each prisoner is entitled to get a plate, dish, glass, and three coarse sheets. Everyone has to sleep without mosquito net. During the winter no additional clothes are provided. Only the convicted prisoners are entitled to dress. Each convicted male gets 2 shirts, 2 pajamas, 2 towels and a cap whereas each woman gets 2 saris, and 2 blouses.

4.3 Key Statistics of Bangladesh Prisons (World prison brief, 2019; Bangladesh Jail, 2017):

Number of Prisons	68
Total Prison population	88,211 (as of May, 2019)
Official capacity of prison system	40,664 (as of May, 2019)
Occupancy level (based on official capacity)	216.9% (as of May, 2019)
Prison population rate (per 100,000 of national population)	52 (based on an estimated national population of 168.38 million at May 2019)
Female prisoners (% of prison population)	4.1% (as of May, 2019)
Juveniles / minors prisoners (% of prison population)	0.7% (as of May, 2019)
Foreign prisoners (% of prison population)	0.8% (as of May, 2019)
Average of Prisoners	Male: 36.64 and Female: 30.78

5. Vulnerability of the Prisons and Prison Radicalization

Prison radicalization is closely connected with the condition of prison. The vulnerable condition of prison can lead to the prison radicalization. The condition and standard of the prisons of Bangladesh is not only vulnerable but also far away from complying with the international standards for prisons. These are beleaguered by severe overcrowding, outdated material infrastructure, unhygienic food, unhealthy accommodation, lack of adequate health care, physical torture, corrupt practices of prison staff, violation of human rights, sentry brutality etc. These vulnerable conditions of the prison can create an atmosphere that open the scope of radicalization in prison and for spreading radical ideology there.

5.1 Overcrowding

Bangladesh's prisons are severely overcrowded with convicted prisoners together with the people who have yet to be convicted. The number of detainees grossly outnumbers the actual capacity of the prison. It has 88,211 prisoners (as of May, 2019), while the capacity is of 40,664 and that is 216.9% higher than the capacity. Pre-trial detainee prisoners are forming 81.3% of total (World prison brief, 2019). Overcrowding is more acute in Dhaka Central Jail with a capacity of 2,682 inmates, it currently occupied by 11,014 prisoners. This is 410% of the prescribed habitation, while it is 280% in other prisons. It is too overcrowded that "200 prisoners could be observed to be sleeping in a 40 square meter cell". IG (prison) stated that the inmates were in an inhumane situation as their number kept rising (The New Age, 2018). According to the jail statistics, the number of inmates was 2,023 in Narayanganj jail against the capacity of 200 and 863 in Manikganj district jail against the capacity of 100 (The New Age, 2018; Al Jazeera, 2016). Due to overcrowding, prisoners slept in shifts and did not have adequate toilet facilities. There is even a news report that 65 prisoners were crammed into a room suitable for 20 at most. They had no place for sleeping. They could only sit with their legs almost touching their chests.[2] This massive overcrowding makes hard for the authority to provide all facilities to the prisoners. The baneful effect of overcrowding is that it doesn't segregate among convicts i.e. those punished for serious offenders and those for minor offences. As a result of this, hardened criminals as well as members of radical groups may spread their influence over other inmates.

2- Authors interview with the prisoners who released recently.

5.2 Poor Medical Service

The country's prison system has a very poor medical service. There are only six doctors in five out of 68 prisons across the country. As many as 111 posts of doctors have remained vacant. Only nine ambulances are available to shift prisoners from different jails to hospitals (The Daily Star, 2017). Only twelve prisons have hospitals. Dhaka prison has a 172-bed hospital with only two doctors, where at least 350-400 patients go for treatment on a regular basis and some 140-150 patients remain admitted every day (The Daily Star, 2017). So, a very predictable result of overcrowding, malnutrition, unhygienic conditions, and absence of medical care is the spread of contagious diseases, often leading to premature disability and deaths in prisons. Sick inmates carrying virulent pathogens, infect new prisoners, and constitute a serious threat to public health when they are released. Not only the general prisoners, but also everyone including prison staff suffer because of the shortage of doctors and poor health care facilities.

5.3 Violation of Human Rights in the Prison

The US Department of State reported in its 2013 Country Report on Human Rights Practices that "Prison conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and lack of proper sanitation" (US Department of State, 2014). Sometimes the prisoners are kept in the jail even after completing their imprisonment which is clear violation of their fundamental rights as well as human rights. Odhikar, a human rights organization in the country, reported in its report:

> "Despite the fact that the Prisons Act, 1894 has specific provisions binding medical officers or their subordinate to give treatment without delay, there are not enough doctors in the prisons of Bangladesh. According to section 94 of the Jail Code, there should be separate hospitals for the male and female prisoners which is not always followed in the prisons of Bangladesh. Section 129 of the Jail Code illustrates that there should be enough space for sleeping for the prisoners but gross overcrowding makes this impossible... The food supply is also inadequate and sub standard. According to the Jail Code, every prisoner is entitled to 116 grams of bread; 291 grams of rice; 233.28 grams of vegetable; 145.48 grams of pulse; 14.58 grams of date-palm; 36.45 grams of meat or fish every day. The research made by Odhikar's team underlines that food

provided in jail is often less than the amount described in the Government rule. As a result, inmates suffer from malnutrition and become victims of infectious disease. Without proper treatment, proper food and decent living conditions, prisoners fall ill and weak, while those who can afford to pay, enjoy basic services" (Odhikar, 2014).

5.4 Physical persecution and Violence

The practice of corporal punishment on the prisoners by the prison staff is very common in the prisons of Bangladesh. Leg irons, fetters, shackles, and chains are characteristically used. The weighty bar irons used in Bangladeshi prisons turn simple daily movements into agonizing ordeals. Physical maltreatment of prisoners by guards remains as a chronic complexity. In most prisons, unnecessary beating is so common as to be an essential part of prison life. Inmate-on-inmate violence is a common practice mainly due to the official slackness. By neglecting to take charge of the inmates within their facilities, by failing to act in response to incidences of violence, by wickedly allowing the entry of armaments into the prisons, and by generally abetting the domination of the strongest prisoners over the weakest, prison authorities are directly liable for the violence.[3]

5.5 Condition of Women and Juvenile Prisoners

The condition of female prisoners is very worse, while the number is increasing. The number of women inmates is 3627, which makes up 4.1% of total prison population as of May 2019. They are for the most part exposed to custodial sexual abuse. The male guards and inmates overpower the female inmates. The confinement of male and female prisoners in the same jail without separate areas is harmful to women who are more easily subjected to physical and sexual torture. The Juvenile prisoners are forming 0.7% of total prison population and that is 617 as of May 2019, while a number of children are kept in the correction centers. Juvenile inmates are often held together with adults violating the international standards. Children in such circumstances frequently fall victim to bodily abuse, including sodomy and rape by adult inmates. US department of State report said that:

"While the law requires holding juveniles separately from adults, many juveniles were incarcerated with adults. Children were sometimes imprisoned (occasionally with

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3- Authors interview with the prisoners who released recently.

their mothers) despite laws and court decisions prohibiting the imprisonment of minors. Authorities routinely housed female prisoners separately from men. Although the law prohibits women in "safe custody" (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, officials did not always provide separate facilities" (US Department of State, 2014).

5.6 Corruption

Corruption of the officials and guards is a very common practice in the prisons of Bangladesh. The poorly paid guards try to increase their regular earnings by exploiting the prisoners as bait for their friends and relatives. A prisoner in Dhaka Central Jail has to spend a minimum of around taka 30,000 a month for food and other services which the state is supposed to provide for free (The Daily Star, 2016). According to a former inmate, "they can get any undue and illegal privileges by bribing the guards. For example, using mobile phone inside the prison or getting alcohol or narcotics, like marijuana or methamphetamines are not a problem at all" (Rahman, 2017: 163). In exchange for smuggled goods or special treatment, inmates have to pay bribes to the guards or officials. Powerful and rich inmates often enjoy rich diets and comfortable lodgings, while the poor prisoners live in nastiness. There are evidences that some criminals, in collaboration with the prison staff, keep on operating and networking their gang activities outside while being locked up inside the prisons.

5.7 Delays in the Proceedings of Criminal Justice System

The criminal justice system in Bangladesh operates with wide-ranging problems that have resulted in an enormous backlog of cases in the courts, while the prisons remain severely overcrowded with inmates. Consequently, pre-trial detainees are increasing and they forming 81.3% of total prison population as of May 2019 (World prison brief, 2019). A report referred to Judge Abu Ahmed Jamadar, Joint Secretary (Opinion) in the Law and Justice Division of the Bangladesh Ministry of Law, Justice and Parliamentary Affairs, who made following comment about the dire situation of Bangladesh's criminal justice system. "In my five years at the Ministry, I have watched the court case load increase day by day. At the end of 2011, there were 2.13 million cases pending before the Bangladesh Supreme Court and subordinate courts; at the end of 2012, that number rose to 2.45 million; end of 2013, it was 2.8 million" (Rahman, 2018: 162).

5.8 Problems with the Prison Administration

The administration officials of prison, namely, the jailors, superintendents, warders and guards on their part, are generally rough and tough with the inmates (Tamim, 2016). Some of them are engaged in corrupt practice and extend undue favors to certain inmates in exchange of petty gains.[4] Prison services are quite inadequate which is geared towards punishment of prisoners, and does not facilitate their correction. Prison officers and staff are neither recruited with appropriate skills nor trained adequately to encourage reform. The major problems of prison administration system of Bangladesh may be summarized as involvement of officials and guards in corrupt practices; lack of proper training program of prison officials and staff; inadequate facilities inside the prisons; overcrowded prisoners against limited facility; lack of proper monitoring; lack of reform programs and welfare measures; inadequate attention to women and juvenile prisoners; and inadequate vocational training facilities etc.

The UN Standard Minimum Rules for Treatment of Prisoners provides guidelines for the fair treatment of prisoners and the management of prisons. It requires states "to observe the fundamental principles of security of life, health and personal integrity, non-discrimination in the treatment of prisoners, and to create conditions that allow prisoners on release to adjust and integrate into normal community life" (UNSMRTP, 2019). It further requires "the jail administration to respect prisoners' right to information regarding jail regulations, as well as rights to religious belief and communication with the family, and to notify the family of a prisoner's death on illness." Bangladesh has not yet been able to implement all the recommended reforms set by the UN. Failure to improve the conditions of the prisons in Bangladesh can possibly lead to radical anguish among the prisoners.

6. Threat Perception of Prison Radicalization in Bangladesh

The threat of prison radicalization has mostly been found in the prisons where the services and facilities provided to the prisoners are inadequate combining with the presence of radical and extremist elements in the prisons. With the prevailing dissatisfactory perspectives in the prisons, the prisoners of radical and extremist groups try to influence and motivate the general inmates to their radical ideologies. Lax oversight, overcrowding prisoners, desegregated living conditions where the inmates of radical groups get to mix freely with other prisoners, and untrained prison staff, together contribute to the prison radicalization

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4- Authors interview with the prisoners who released recently.

(The Daily Star, 2018). The dissatisfied, disadvantaged and frustrated young, student and uneducated prisoners could easily be the vulnerable community by prison radicalization. These could easily be happen in the prisons of Bangladesh, where the facilities of prisoners are extremely poor, while there is presence of good number of prisoners of different extremist and radical groups. On the other hand, the majority people of Bangladesh are poor and illiterate and thus, it could easily be said that the majority inmates are also of same group. Radical ideologies could easily be disseminated among the people who suffer from poverty and illiteracy. So, taking into account all of these indicators together, it can be said that Bangladesh remains at a very high risk of prison radicalization threat.

According to an intelligence report, the militants of same ideology manage to communicate with one another through various means in the prison for long time. The identities of the persons, who meet the militants claiming to be family members, are not properly verified. The report showed, "Gaining unfair advantages, the militants are keeping their networks operational beyond the prison walls." It means that prison walls are failing to contain a thriving terror web as militants behind bars apparently take advantage of lax surveillance to discuss ideas and make plans and keep their networks operational outside through visitors. There are over a hundred accused militants in Kashimpur jail, and more than 50 of them remain in the high-security unit (The Daily Star, 2016).

Prisons system of Bangladesh is managed following the Jail Code consists of the provisions of Prisons Act 1894, Prisoners Act 1900, Identification of Prisoners Act 1920, Rules made under Section 59 of the Prisons Act 1894 and Rules made under Section 60(a) of the said Act of 1894 for the superintendence and management of jails and subsidiary jails respectively (Bangladesh Prison, 2019). All these laws bearing the colonial legacy, framed in the 19th century with the objective of confinement of prisoners through suppressive and punitive measures. There has been no significant up-gradation in the jail code complying with the global standard and to reduce the radicalization threat. Although, Jail Reform Commission was formed in 1980, but the vital recommendations of the Commission have not been implemented yet. With this reality, many prisoners of radical groups can easily conduct their radicalization program inside the prisons.

On the other hand, the inmates of different radical groups can easily come out of jail due to the weakness of law, insufficient witness and evidence come out of jail on bail and re-involve in radical activities. Reportedly, Some 800 militant suspects arrested in anti-militant drives in the last five years (up to April 2016) have secured bail from different courts. Most of them were members of banned militant outfits such

as Jama'atul Mujahideen Bangladesh, Ansarullah Bangla Team and Hizbut Tahrir. After getting released on bail, they not only continued radicalization activities, rather carried out gruesome attacks in different parts of the country (The Daily Sun, 2019).

7. Rehabilitation as a Deradicalization Program in Bangladesh

The concept of rehabilitation has now widely been used as a deradicalization program in different countries of the world. Singapore has established the Religious Rehabilitation Group (RRG) as a result of their rehabilitation efforts of extremist prisoners (Hassan and Pereire, 2006: 461). Since 2004 some 2,000 prisoners have participated in the Saudi Arabian rehabilitation program, of whom roughly 700 have been released. Yemen created a program called the Religious Dialogue Council (RDC) and some 364 extremist prisoners were released as an outcome of this rehabilitation program (Hannah, 2008: xi). These rehabilitation initiatives encompass several programs. It emphasis on counseling the extremist prisoners that seeks to engage them in theological debate and psychological development. The counselors (made up of religious scholars, psychologists and social scientists) influence the prisoners to participate in religious debate, and "attempt to persuade them that their religious justification for their actions is wrong and based upon a corrupted understanding of Islam" (Boueck, 2007: 2). Efforts are also made to address the needs of the prisoners and their family; such as providing financial support, and help their children with schooling, finding jobs etc. (Boueck, 2007: 3).

In Bangladesh, the concept of rehabilitation of prisoners as a means of deradicalization program is relatively new and has neither explicitly been mentioned in the concerned laws nor initiated by concerned agencies. Though, article 14 and 35(1) of the Rules for the Superintendence and Management of Jails in Bangladesh mentioned the word –'rehabilitation' several times, but there has not been seen any significant progress to take rehabilitation program for the prisoners of extremist groups. Rehabilitation concept may bring success, where punishment fails to combat prison radicalization in the country. However, some such kind of programs, though not fully targeted the extremist prisoners, were initiated in some prisons of Bangladesh. In Moulavibazar Central Jail, Some income generating, skill development and education programs were initiated. A garment factory having 26 knitting machines was established in the Dhaka Central Jail aiming towards skill development and rehabilitation of the prisoners. This strategy could be developed into a complete rehabilitation program as a means of deradicalization.

8. Conclusion and Suggestions

Prisons are not only a place of confinement, but also an institution of correction, where a criminal could be transformed into a good human being. The radicalization threat can be reduced by an effective good prison system, while a bad prison system can boost radicalization threat. The study found that the prisons of Bangladesh are extremely vulnerable for radicalization. The vulnerable condition of the prisons accompanying with the presence of extremist inmates poses prison radicalization threat to the national security. The study also found that the present criminal justice system which is suffering from a number of problems, is not only unable to reduce radicalization, but also instigates the victims, in some cases, to radicalization. There is no existence of effective deradicalization program. Only reform of prison system, without resolving the problems, reorganizing the criminal justice system and implementing effective deradicalization program, will have very little impact in reducing radicalization in the prisons. The prison system should be too effective to identify the root causes of radicalization in the prison and then launch proper programs for deradicalization. This study suggests the following recommendations to reduce the threat of prison radicalization in Bangladesh.

- To ensure logistic facilities and basic human rights for the prisoners i.e. food, medical service, living condition etc. following the UN Standard Minimum Rules for the Treatment of Prisoners (UNSMRTP) as a means to reduce dissatisfaction among the prisoners. To make the prisoners realize the necessity to abide the law, it has to be ensured that they are enjoying all their lawful rights and all the laws are maintained properly.

- To allow the prisoners to practice their own religious rituals. They should be given the right to participate in cultural and educational programs directing to the full advancement of human potential.

- To increase the scope of the engagement of the prisoners in vocational and wage-earning jobs inside the prisons. It will help them to contribute to their own financial support and to that of their family members.

- To Standardize the rules and procedures relating to prison administration and enforcing them efficiently to ensure effective prison management, supervision, and accountability;

- To improve the skills of prison personnel by training and education to address prison radicalization scientifically. They need to be trained perfectly to treat prisoners with due respect for their intrinsic self-respect and value them as human beings.

- The prison administration should be kept free from political pressure and corruption.

- To develop such an environment and system to identify potential violent radicalization early and recruiters find no opportunity to target the vulnerable inmates;

- To monitor all forms of communication in prisons intensively to detect any radicalization activities, increase surveillance and restrict their meetings with outsiders;

- To initiate rehabilitation and deradicalization programs in the prisons in order to motivate the prisoners of radical ideologies positively. The religious extremists' ideologies should be countered with original religious interpretation to make them understand that they are on wrong understandings. In this case, the experience of such successful programs in different countries such as Singapore, Saudi Arabia and Yemen could be shared;

- To continue keeping oversight the radical prisoners after their release;

- To ensure the proper punishment of the criminals and extremists regardless of political identity, ethnic identity or socio-economic status. It will de-motivate the inmates to join radical groups.

- To incorporate necessary amendments into the existing law to reduce prolonged operational procedures of criminal justice system and to ensure its implementation. The study found that the existing laws have rarely been implement perfectly;

- To facilitate further in-depth study on radicalization, extremism, prison radicalization, deradicalization and rehabilitation in the country with access to prison. A viable and effective strategy incorporating short-term, mid-term and long-term goals should be explored incorporating the prevention, intervention and enforcement measures. Innovative approach towards rehabilitation and deradicalization efforts should always be continued.

By only using 'hard power' without using 'soft power' and without paying due attention to the root causes of prison radicalization, the overall deradicalization efforts to combat extremism would not bring expected success.

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Islamophilia: A Threat Towards Combating Islamophobia

Mohd Mizan Aslam[1]

Abstract

This article will attempt to provide a clearer image of the entire discourse surrounding Islamophobia, its relationships with literature, and the imminent peril society faces in attempting to eradicate this pervasive problem. I will start by discussing the history of Islamophobia, including its origins and evolution over the past millennia. In this section, I go beyond the modern interpretation of Islamophobia by contrasting the origins of anti-Muslim intolerance, the relationships between Muslim and Christian kingdoms, and the effect this has had on contemporary views of Muslims. Then, I conduct a similar analysis concentrating on the history of Islamophilia, the positive outlook towards Muslims and their culture, and a new emerging interpretation of the term that may be crucial for altering the future narrative of Islamophobia. I discuss the coexistence of Muslims, Christians, and Jews under various rules and how mutual respect between cultures has contributed to the tranquilly of the time. I continue my argument by discussing the numerous and divergent interpretations of the concepts of Islamophobia and Islamophilia, as well as how it is crucial for us to comprehend them because they influence our perception of academic literature. In conclusion, I conduct a comprehensive analysis of the major obstacles facing anti-Islamophobia initiatives, focusing primarily on the complexities of addressing it, such as attitude-based versus systemic Islamophobia, simplified complex representation, and the conflict of ignorance between Muslims and non-Muslims. I propose that, despite its complexity, efforts to combat

1- Prof. Dr. Mohd Mizan Aslam attached to National Defence University of Malaysia (NDUM) as Professor in Strategic and Defence Studies. Mizan, former Professor at the Naif Arab University for Security Sciences, Riyadh Kingdom of Saudi Arabia.

Islamophobia must begin with education for all, and that change is possible as long as we are aware of where and how improvements must be made to be effective. This reading will be useful for everyone, whether they are social science researchers, students, or members of the general public; not only to close the information gap regarding Muslims, but also to encourage a rethinking of Islamophobia, calling for more effective actions by the public and policymakers against this common enemy of discrimination and extremism.

Keywords: Islamophobia, Islamphilia, Radicalism, Deradicalization, Recidivism.

"The best way in curbing extremism for both Muslim and Non-Muslim is by having no Muslims in Western countries and vice versa"

Source: Author.

1. Introduction

Conflicts between various parties continue to occur in every region of the globe despite centuries of technological advancements and the ever-shrinking borders between nations as a result of globalisation. This essay will concentrate on Islam and the difficulties its adherents confront as a result of Islamophobia. Islamophobia, or what is commonly understood to be discrimination against Muslims, has been a very important topic of discussion in the social sciences, including politics, sociology, and many others, and justifiably so, given the issue›s enormous influence on mass media and daily interactions. Muslims around the globe, particularly in the West, report racial and religious assaults in various sectors, including education, careers, and in extreme cases, violent attacks. It is common for Muslims to be viewed negatively with remarks insinuating that they are all inherently dangerous, susceptible to becoming terrorists, and that women are oppressed. Clearly, categorising a group of 2.01 billion people based on the less than 1% of them being categorised as terrorists is not only morally incorrect but also poses a significant problem for everyone, Muslims and non-Muslims alike. Moreover, a common misconception is that Islamophobia stems from the fear of terrorist attacks, with the attacks of September 11, being the most prominent reference point; in reality, it has roots in racial-based attacks and the historical relationships between Christianity and Islam, the two largest religions by population. Decades of interfaith dialogue, Muslim solidarity events, and policy change advocacy have been ineffective in addressing the negative perceptions and widespread dread of Muslims, despite the efforts of spokespeople

from around the globe. This would be the result of the information divide that exists not only between non-Muslims, but also Muslims themselves who lack a comprehensive understanding of the issue at hand and are caught in this exhaustion trap—a result of respectability or Good Muslim Politics.

2. The history of Islamophobia

Islamophobia is the collection of negative attitudes and beliefs towards Islam and Muslims, such as stereotypes, misinformation, and ignorance, which can lead to prejudice and hate crimes. Contrary to popular belief, the use of this term is relatively recent, dating back to the 1920s or 1980s (Allen and Firestone, 2010). Even though the term «Islamophobia» was not coined after the September 11 attacks, it is widely held and dangerously so. This event has demonstrated in virtually all discourse on Islamophobia that it is central and has propelled its utilisation to the present day (Alsultany, 2013). Others contend that before the 20th century, it was not Islamophobia but rather anti-Muslim sentiment (Firestone, 2010). As with anti-Semitism, it is undeniable that historical associations have played a significant role in shaping dread and loathing of Muslims.Islamophobia is rooted in anti-Orientalist bigotry, or the general dread of a distinct culture from foreign regions (McGinty, 2012). Orientalism is the general depiction or notion held by Western civilization throughout history of Middle Eastern and Asian communities as exotic or primitive and in need of European rescue or liberation (Staughton, 2020). This impression would be the result of a lack of communication between the East and West and would be based on the accounts of merchants who can only speak from their own experiences. During the preachings of the prophet Muhammad (p.b.u.h.), anti-Islamic sentiments were promptly met with opposition by Meccan tribes due to the prospect of polytheistic pilgrimage to the Kaaba (Firestone, 2010). As Islam expanded westward, the Catholic Christian kingdoms viewed this as a threat to their beliefs because it contradicted their own teachings that their success is the result of God›s help. However, this connotation is not unique to Islam; Christians endured comparable persecution during the Roman Empire. It is inherent to the human condition to fear or at least be sceptical of change or the possibility that it will result in distress or aggregation. The desire for conquest to convert people was of the utmost importance to both Muslims and Christians, as the success of their kingdoms was also a reflection tool to indicate that God was on their side, resulting in increased stigmatisation from both of the groups (Firestone, 2010). This resulted in the explosive growth of Christian

literature containing anti-Islamic narratives, such as the portrayal of the prophet Muhammad and his teachings as threats to Christianity, thereby further sowing the seeds of enmity (Firestone, 2010). Although there have been other conflicts throughout history that posed a threat to the Catholic Church, no civilization has posed as much of a threat as the Muslim civilisation because of their massive success not only in war but also in science, mathematics, medicine, and art, which poses a direct challenge to the clergy›s faith in God (Firestone, 2010).

Christians, Muslims, and even Jews have coexisted successfully in various mediaeval societies, such as the Al-Andalus civilisation under the Umayyad Caliphate and the Iberian Kingdom of Castile, when discussing coexistence. (O›Brian and Zgourides, 2017) Both Christian and Muslim societies experienced a period of stability that resulted in the development of trade and the exchange of knowledge in various disciplines, such as art and science, which were sought after by scholars worldwide. As individuals admired each other›s cultures, we can observe historical estimates of Christian and Muslim name adoptions and interfaith dialogue (O›Brian & Zgourides, 2017). Due to their coexistence, it is possible to conclude that anti-Muslim sentiments were not prevalent during these periods. During these rules, there was no large-scale genocide, but there was prejudice against various religions, which manifested in racial slurs and physical assaults. Racial stigmas were never completely eradicated, but they were «tamed» or under control during times of social and economic stability, analogous to a «timed bomb» that can be detonated in times of frustration or disappointment, as seen in the Reconquista, which led to the fall of Islamic Spain (Firestone, 2010; O›Brian, and Zgourides, 2017). In response to pressure from the Church and the Pope, monarchs such as King Edward IV called for the «cleansing» of their non-Christian subjects, which included forced baptism, torture, and exile (O›Brian and Zgourides, 2017). In the 15th century, the world witnessed the forced and voluntary exodus of approximately 3 million Muslims from Spain and Portugal over the course of just over three years, thus transitioning away from the relatively nonviolent approach previously held. In order to liberate the sacred city of Jerusalem in the name of the Catholic Church, the Knights Templar also participated in numerous Crusades that resulted in violent confrontations with the Islamic community (Othman, 2014). Years later, when the Ottoman Empire rose to power, a similar process of persecution towards Muslims was also evident, albeit to a much diminished degree, demonstrating that anti-Muslim bigotry has never truly vanished, but rather been controlled or not during periods of stability and instability.

There are contradictory sources and claims regarding the origin of the term Islamophobia, such as the 1925 article «Accès de délire islamophobe» by Etienne Dinet and Slima Ben Ibrahim or the Mullah›s description of non-hijabi women adherents during the Iranian revolution (Allen, 2010). However, if we limit our attention to the origins of Islamophobia as the fear of Islam among non-Muslims, we can trace it back to the issue of ethnic segregation in Britain. Following the mass migrations of predominantly South Asian communities in the 1980s, the majority of migrants retained their country-of-origin-based identities but soon adopted a British Muslim identity (Allen, 2010). Despite a growing cry for awareness of racial abuse and stereotypes, which resulted in laws against ethnically-based attacks, there was no true protection for inter-ethnic identities. This created a loophole for attacks on religion, and British Muslims became victims of this anomaly, which normalised hostility against them (Allen, 2010).

Then, on September 11, 2001, the calamity of the devastation of the World Trade Centre occurred, resulting in an ongoing period of scepticism and discrimination against Muslims and their culture. In the years that followed, there was a rise in coverage of terrorist attacks linked to Islam, such as ISIS operations in the Middle East, Osama bin Laden›s attacks, and the murder at Charlie Hebdo (Alsultany, 2013). This subsequently prompted the well-known but hardly conclusive debate over the suitability of Islam in the West and George W. Bush›s War on Terror. In retaliation, Muslims around the world were subjected to severe prejudice in schools, workplaces, and health institutions, leading to violent and nonviolent assaults on this religious minority in the West. In retaliation, numerous works, both for and against its practise, have been published on various platforms, such as academic journals and television news reports, in the hopes of educating the general public about the peace of Islam and, eventually, ending Islamophobia.

Islamophobia has been primarily the result of ethnic and xenophobic stereotypes and has rarely involved the discourse of the religion›s teachings, as is evident from the outset. As a result, Islamophobia is the result of centuries of accumulated resentment from the limited integration between both religious groups and the fear of change in their society, despite the fact that change has always been constant and terrorist attacks have never been its source.

3. The history of Islamophilia

Islamophilia is not as prevalent in academic literature as Islamophobia and its meaning has not changed significantly. Contemporary Islamophilia is commonly understood to be a fascination with and reverence for the progress brought about by the religion of Islam. Its meanings are contingent on the author›s or user›s intention, despite the fact that academicians are still unable to agree on its precise meaning. Such admiration for Islam is prevalent throughout all of history, but we have seen eras where Islamophilia was dominant and, consequently, as I would argue later on, leading to a reduction in Islamophobia.

As many scholars would concur, the Islamic Golden Age during the Umayyad Caliphate (9th–14th century) was the zenith of reverence for Islam. Despite the fact that these were times of war and intense competition for religious dominance (the Reconquista and the Crusades), the achievements of Islamic scholars in various fields such as philosophy and medicine captivated Christian intellectuals, leading them to seek knowledge in these Islamic societies (O›Brian and Zgourides, 2017). As a result of the collision between Eastern and Western cultures, traders and academicians of various ethnicities and religions interacted with one another in search of new business and academic opportunities. It was believed at the time that the Christian Kingdoms were technologically inferior to the Muslim Kingdoms; consequently, many Christian scholars sought out knowledge from their Muslim neighbours and incorporated it back home (Al-Hassan and El-Gomati, 2006). During Islamic rule, acquiring Arabic was viewed as advantageous because it gave non-Muslims access to highly sought-after Greek and Latin literature. The relatively «good» treatment of non-Muslims as guests and the respect for their culture, such as hosting non-Islamic literature and allowing their philosophy and mathematics to be contemplated by non-Arabs, were viewed favourably by Western tourists (O›Brian and Zgourides, 2017). Consequently, during this period of increased trade and globalisation, scholars and students of the Abrahamic faiths engaged in a novel exchange of knowledge that resulted in the translation of their religious literature into their respective languages and promoted interfaith understanding (Kusi-Obodum, 2017). Instances of this nature include accounts of the personal experiences of Juan de Segovia of Castile and his efforts to comprehend Islam as a result of his enslavement to the Islamic religion (Wolf, 2020). As argued in the preceding section, although Islamophobia had always existed to a reduced extent under this Islamic rule, the positive perception that non-Muslims had of Muslims and their culture played a crucial role in preserving peace and order in the region. These so-called Islamophiles facilitated open discussion, dialogue, and

cultural assimilation (Kusi-Obodum, 2017). Scientific and mathematical discoveries advanced due to the exchange of knowledge and art. Note that such accomplishments were possible even during periods when monarchs and religious leaders, both Christians and Muslims, prohibited religious discourse. In a time when religious dialogue can occur anywhere and at any moment, Islamophilia can and should spread rapidly, but this is not the case.

The Emir-Stein Centre, which studies and promotes Islamic literature and its contribution to the West, has resulted in more positive discussions about the compatibility of Islam in the West (Emir-Stein, n.d.). Although to a reduced extent, admiration for Islam can also be observed today, where institutions such as the Emir-Stein Centre that study and promote Islamic literature and its contribution to the West have led to such discussions. The recognition of Islam›s culture and teachings has generally been met with approval by its adherents, and it facilitates a more civilised discussion that is not motivated by emotive backlash. It has also led to less discriminatory policies in society, such as when Americans of all faiths united to protest the «Muslim Ban» imposed by the Trump administration (The White House, 2021). The eventual revocation of that executive order by the Joe Biden administration was influenced by pressures from individuals and organisations from around the globe (The White House, 2021). During the Christchurch mosque shootings, New Zealanders joined together to advocate interfaith dialogue and the wearing of the hijab, demonstrating that there is no distinction between them (ABC News, 2019). This appreciation for Muslims and their culture has improved social interactions and promoted a positive image of Islam and the inherent dangers posed by untreated Islamophobia. There is a widespread perception that Islam contributes positively to society, which has facilitated greater tolerance and coexistence between people of different faiths.

Islamophilia is increasingly understood as an excessive affection for Islam and its culture without a solid comprehension of its diversity and doctrines. Some academics and the general public have advocated for this viewpoint, expressing grave concern for the «special» or «tamed» treatment Muslims receive for their practises (Sky News Australia, 2022). Right-wing ultranationalists who oppose the immigration of non-Europeans to their country benefit from this narrative because they are able to refute claims of racial abuse against Muslims, thereby advancing their agenda for a country free of immigrants. Richard Landes, an eminent author on Islamophobia and Israel-Palestine relations, defines the term as the «ignorant romanticization of Islam» (Middle East Forum, 2021). This implies a lack of understanding or even support for Islamic beliefs.

In an interview with Middle East Forum, he defines Islamophilia as the fear of being labelled Islamophobic, which restricts criticism of Islam (Middle East Forum, 2021). This, he argues, is particularly perilous in academic writings, where authors are forced to adopt a submissive and uncritical stance towards everything Islamic (Middle East Forum, 2021).

Other authors, such as Ashraf Kunnumal and Reza Zia-Ebrahimi, disagree and assert that Islamophobia denial is on the rise in France and India (Kunnumal, 2022; Zia-Ebrahimi, 2020). Dismissing anti-Islamophobic writings and publications as not a real threat, but rather as a threat to national ideals, is Islamophobic in nature and ignores the discrimination that is currently occurring (Kunnumal, 2022). In the future decades, as Islam becomes more pervasive in Western culture and Westerners are pressured to counter this imminent «threat,» the term›s usage could increase dramatically. When discussing Islamophilia, we cannot ignore Islamophobia, as the two terms are intricately intertwined, and only by addressing both will we be able to address the issue at its foundation. As a result of this admiration for Islam, not only did Muslims benefit from its improved image, but society as a whole operated with less prejudice, and racial and religious-based offences were not as prevalent as they are now. In the near future, it is likely that literature will be more susceptible to this negative view of Islamophilia, which will result in a number of hazards that will be discussed below. Despite the fact that the negative connotation of Islamophilia is not currently prevalent in the literature, I believe it is imperative to address its threats, as it is creating a narrative that shifts the emphasis from the positive contributions made by Islam to various sectors of a working community to that of a justification for extreme behaviour.

4. The clash and connection of the two concepts

Due to the negative connotations associated with Islamophobia and Islamophilia, the discourse surrounding these terms becomes convoluted. Islamophobia, for instance, is associated with two similar yet distinct definitions: the general dread of Islam and its principles and the fear of Muslims and their culture (Shryock, 2010). It is essential to have a thorough comprehension of their distinctions because a misunderstanding of the causes of these issues will lead to ineffective solutions. The fear of Islam and its principles refers to a phobia of their teachings and beliefs and is commonly associated with the belief that Islamic beliefs challenge the principles of the West and are therefore incompatible with Western beliefs (Shryock, 2010). I would contend that such archetypes are less harmful because such Islamophobes do

not merely judge individuals based on their physical appearance and are much more likely to engage in dialogue with religious scholars. Unfortunately, the vast majority of Islamophobic attacks are much more closely related to ethnic and xenophobic attacks and are not inherently connected to specific Islamic teachings (Salaita, 2006). This is the consequence of centuries of animosity rooted in history for the dangers posed by these «barbaric» individuals. The mere sight of individuals donning Middle Eastern attire or having a particular skin tone may incite Islamophobes to hatred. In addition, it is unlikely that a person would adhere to one interpretation in the absence of another; the phobia of Islam would ordinarily lead to the phobia of its adherents. Addressing these types of issues would necessitate a greater emphasis on racial inclusivity and cultural tolerance. There is a generally accepted definition of Islamophobia, and the majority of the population recognises that it is a pejorative term associated with discriminatory and oppressive treatment of Muslims.

When discussing Islamophilia, the issue is arguably much more complicated, as the spectrums at each extremity are so extreme that they can be characterised as both positive and negative towards Islam, Muslims, and society as a whole. As discussed in the preceding historical section, it is believed that Islamophiles are those who venerate Islam and its achievements, which were primarily prevalent during the Islamic Golden Age (O›Brian and Zgourides, 2017). Maintaining this perception of Islamophilia contributes significantly to the case against Islamophobia and to efforts to end it. It is believed that Islamophilia promotes the embrace of the positive aspects of various religions and cultures, resulting in respectful dialogue between them. If non-Muslims and the West in particular are able to accept Muslims as a group with distinct customs and practises that do not constitute a threat to their own cultures, Muslims will experience less prejudice. Unfortunately, the current discourse has shifted away from this perspective and now carries a rather negative connotation, such that Islam is romanticised without a firm grasp of its beliefs and diversity (Middle East Forum, 2021). This perspective on Islamophilia stems from the perception that criticism of Islam is accorded a rather special status in academic literature and among the general public. British policymaker Douglas Murray applauds this viewpoint in his interview with Tom Bollard on ABC TV, in which he discusses how «different rules» apply to Islam and how this directly threatens the freedom of speech upheld in the UK (Sky News Australia, 2022). Prof. Richard Landes extends the negative connotations of Islamophilia to include the demonization of Christianity and Western cultures, asserting categorically that admiration for Islam will lead to the destruction of the Christian world, which is a position that is simply

false (Middle East Forum, 2021). According to Richard Landes (Middle East Forum, 2021) this «Islamophilia industry» threatens the Western tradition of free expression. It normalises Islamophobia and promotes the notion that the West cannot embrace Islam for its diversity and has the right to send Muslims away by force if necessary. This could bolster the perception that accepting Islamic values is a cowardly act and that the West must stand up to these divergent values. Such an approach would be Islamophobic in and of itself, as all religions have distinct cultures and traditions, but Islam is singled out in the normalisation of condemning racial and religious assaults on Muslims.

Although, in a sense, there is a trend of leaders, policymakers, and individuals arguing that freedom of expression is permitted but a distinct standard applies to Islam, clinging to this definition is problematic because it undermines the past literature against Islamophobia. Additionally, it must be acknowledged that, just as different rules govern criticism of Islam, different rules govern discrimination against Islam. Islam is portrayed negatively more than any other religion, making its adherents much more susceptible to social prejudice and racial attacks; brown Muslim refugees are less likely to be accepted than white European refugees; and anti-Semitism is a much bigger taboo than anti-Islam issues, making Islamophobia a complex issue that must be addressed as explained in the following section (Home Office UK, 2019).

It must be made clear that it is not the definition of the term Islamophilia that is harmful, but how it is used in future literature, due to the enormous influence it has on the discourse of Islamophobia. It is of the utmost importance that the general public understands these various definitions as well as the growing «Islamophilia industry» that can be weaponized to discredit previous literature, as it can drastically alter the global reaction and interaction with Islam and its adherents. Accepting that Islamophilia is and will be increasingly associated with this negative connotation, the academic literature will face the following threats and challenges.

5. Challenges/threats in tackling the issues

Complication of Issue

As previously discussed, Islamophobia is a very complex issue that involves a broad variety of parties and has profound roots in historical events and the interaction between Islam and other religions over time. Years-long efforts to surmount Islamophobia have resulted in enormous

investments in forum discussions, bilateral relations between various countries, and publications defending the position of Islam in the West. House of Commons reports indicate that Islam and Jews have been the primary targets of hate crimes since 2016 (Allen and Zayed, 2022). Muslims in England and Wales experienced a 42% increase in hate crimes, which is disproportionately high given the small percentage of Muslims living there (Allen and Zayed, 2021). However, this trend is not exclusive to Muslims; antisemitic assaults are also on the rise, as evidenced by the steady increase of total hate crimes over time (Allen and Zayed, 2022). Anti-Muslim rhetoric has not only stagnated but also grown steadily, despite the fact that liberal movements have led to an increase in policy change and public outcry for inclusiveness. This coincides with Europe›s swiftly expanding right-wing movements. Ultranationalist far-right movements, such as those in Poland, Italy, and Ukraine, pose a threat to past efforts to combat Islamophobia as the narrative of white supremacy and defending Christianity in the West assumes centre stage (VICE, 2021; Strickland, 2018). Therefore, it is fair to say that Islamophobia cannot be resolved by simply preaching the «true» message of Islam; it will require a significantly more in-depth strategy that addresses the fundamental causes of the problem.

Attitudinal vs. Systemic Islamophobia

Previously, we discussed the various forms of Islamophobia and recognised that its origins are deeply rooted in bigotry and centuries of inculcated animosity. Prof. Dr. Nazia Kazi›s (TEDx Talks, 2016c) categorization of the two levels at which it occurs—attitude and systemic—requires that we address both. In her research, she sought to comprehend the Muslim perspective on Islamophobia beyond the simplistic defence that Islam is a religion of peace. She defines attitudinal Islamophobia as negative perceptions of Islam or Muslims participating in social interactions, such as the belief that women are oppressed and inherently extremist (TED Talks, 2016c). American Muslims have adopted a rather defensive stance towards Islamophobia, refuting that they are the same as terrorists and seeking to conform to this new American-appropriate Islam, also known as «good Muslim politics» (TEDx Talks, 2016c; Kazi, 2017). Despite their negative views on Islam, American politicians reinforce the notion that Muslims play a significant role and must continue to do so. This Islamophobia can be traced to the indoctrination of Islamic practises and the behaviour of individuals from non-Western civilisations, particularly Arabs. In Reel Bad Arabs, Jack Shaheen captures and compares Hollywood films, and he concludes that fewer than ten films have portrayed Arabs negatively since the 1930s (Shaheen, 2003). Such negative depictions include the sexualization of

Arab women›s exoticism, which has now shifted towards the burqa as a symbol of oppression and Arab men as barbaric and stupid (Shaheen, 2003). As depicted in films such as the Disney classic Aladdin, where the introductory tune, «Arabian Nights,» asserts that barbaric practises are prevalent and native to the Middle East, such prejudice is also present in children›s programming (Shaheen, 2003). The documentary illustrates how people all over the world, including Arabs, are fed this rather prejudiced presumption and normalises the demonization of Muslims and their practises. In response, Muslim spokespeople have been very active in their efforts to combat Islamophobia, which persists in the West. This politics of respectability proves to be perilous because Muslims are oblivious that, in an effort to demonstrate their contribution to the United States, they shift away from addressing the conditions that have led to inequality (Kazi, 2017).

As a result of Kazi›s study interviewing Muslims, she has discovered that, when questioned about their frustration with the West, the majority of Muslims express a desire for better policies in conflicts occurring in the Middle East, rather than a simple desire for social acceptance (TEDx Talks, 2016c). Here, attempts to overcome Islamophobic assaults based on attitudes cannot solve the problem; instead, the «systemic» level of Islamophobia must be addressed (TEDx Talks, 2016c). When Muslims are asked why they do not advocate for such political change to address the root causes of Islamophobia, the fear of receiving backlash from the local government and community due to their precarious position as migrants in the West is cited (TEDx Talks, 2016c). It is possible to incorporate oneself into a strong government, but never challenge it. Unfortunately, due to the complexity of these imperialist systems, a speedy resolution to the Islamophobia problem is unlikely without strong critiques of the discriminatory framework adopted by Western governments. Continuously engaging in respectability politics is the ideal tactic for racism because it distracts the populace, rendering anti-Islamophobic efforts ineffective (TED Talks, 2016c). As a result, as long as Muslims continue to be subjected to racial attacks, it will continue to pose a significant security risk as it fosters animosity among extremists, who will conduct additional attacks out of frustration.

Media and Misinformation

The dissemination of information has long been central to shaping the public narrative and has proven effective in manipulating people›s opinions over the years. Governments are able to maintain social stability by controlling and regulating public opinion and indoctrinating their citizens to support a particular policy or belief. To avoid social unrest

and the possibility of revolution, the majority of nations, particularly autocracies, exert tight control over the media and news outlets. Although the West is known for its free press, this does not guarantee the media›s objectivity, as there will always be pro-left, pro-right, and centrist mass media with devoted audiences. Islamophobia and Islamophilia have been and will continue to be the subject of media propaganda to advance a particular narrative. Throughout the past several decades, Western media have portrayed Islam and Muslims in a predominantly negative light (Al-Azami, 2021). This is due to the almost assured media sensationalism that results from the use of Islamophobic terms, such as the imminent threat of the expanding Muslim population in the West and hijab, which captivate the attention of the majority of Western readers (Al-Azami, 2021). This supports and reinforces a Eurocentric perspective on the issue of Islamophobia, which is a significant issue.

However, not every publication portrays Muslims negatively. In recent years, there has been a rise in the visibility of decent Muslims who contribute positively to society, such as patriotic American Muslims or Muslims who have achieved success in education or their professions (Alsultany, 2013). Although on the surface this appears to be a positive shift away from the indoctrination of Muslims as bad and oppressed, as depicted in Reel Bad Arabs, when combined with the majority of negative representation in various media, it creates a confusing perception of Islamophobia (Alsultany, 2013). A belief that Islamophobia may not be a significant issue, which in actuality parallels the argument of respective and decent Muslim politics discussed in the preceding section (TEDx Talks, 2016c; Kazi, 2017).

The extensive definitions of the terms Islamophobia and Islamophilia are a significant issue, as there will be a conflict between the intended use of the terms by publishers and consumers› preconceived notions of these issues. Misrepresenting Islamophobia as a critique of its values would result in the unnecessary spread of animosity when such discussions of fundamental beliefs can be conducted for the exchange of knowledge. By accurately reporting Islamophobia as a form of racial-based assault and a consequence of incited animosity, users will be able to empathise with the unjust treatment of Muslims, which constitutes a violation of fundamental human rights. Using Islamophilia in a manner that minimises anti-Islamophobic statements and literature would only exacerbate the Islamophobia denial condition (Zia-Ebrahimi, 2020). This denial is problematic because it minimises the severity of mistreatment encountered by Muslims, making it more difficult to advance efforts to combat it, particularly at the systemic level, where public support is low (Zia-Ebrahimi, 2020).

Further complicating the use of Islamophilia in public discourse is the extent to which it will be subject to social and mass media propaganda. In the current era, the public›s narrative is no longer dominated by academic publications, but rather by discussions on social media platforms like Twitter and opinion articles on news websites. Today, anyone can publish their views and opinions online and present them as news or facts. Now, with social media platforms such as Twitter and Tik Tok, news and general opinion on matters related to Islamophobia are disseminated much more quickly and easily, making it nearly impossible to monitor such instances as millions of data points are processed every second (Hunt, Agarwal, and Zhuang, 2020). Islamophobes will be quick to use Islamophilia and this new negative narrative to rationalise racist statements and criticisms of Islam. As a result, it will be much more difficult to combat Islamophilia, as the concept will enter a somewhat ambiguous area where it will be difficult to classify criticism as either Islamophobic or Islamophilic. In addition, many reports of terrorism or extremism will be heavily influenced by misinformation and disinformation due to the fact that there are few requirements for publishing information to the public (Hunt, Agarwal, and Zhuang, 2020). Due to the need for swift information, a study demonstrates that consumers do not actually cross-check the information they obtain from media publications, particularly during disaster outbreaks (Hunt, Agarwal, and Zhuang, 2020). Such a result will only encourage the dissemination of inaccurate information, as unique and negative reports are more likely to acquire momentum among users, thereby advancing the publisher›s desired agenda.

The Clash of Ignorance

In this final section of the article, I would like to emphasise one of, if not the sole, most significant barriers to addressing Islamophobia: the general public›s ignorance. Thus far, we have discussed in depth the history of Islamophobia and Islamophilia, as well as their relationship. However, this is not the only publication on these issues; numerous academics and security analysts have attempted to raise awareness of the complexities of Islamophobia, but awareness, particularly in the West, remains extremely low. Marc Scarcelli and other security analysts have identified pervasive misconceptions about Islamophobia, such as its origins and the inherent threat that Islam poses to the West (TEDx Talks, 2016a). Due to their small population in the West and the false allegation that «normal Muslims» do nothing to combat terrorism, a large number of people are unaware of Islam›s actual attack capability, which is actually quite low. In reality, the majority of terrorist attacks occur in the Middle East, where the majority of fatalities are Muslims, and Muslims are the most active in combating these threats (TEDx

Talks, 2016a). The risk of clinging to these misconceptions is that it will encourage more terrorist attacks and extremism, as their aim is to create the perception that the West cannot embrace Islam, thus justifying the need to combat them (TEDx Talks, 2016a). Dr Shafique Virani echoed the extent of this misconception amongst Americans and Europeans based on the negative reports on Muslims in news publications and the information gap on the Muslim world in the West (TEDx Talks, 2016c).

The denial of Islamophobia, which is pervasive in the West and, according to some, has its foundations in France (Zia-Ebrahimi, 2020), poses a growing threat to public education initiatives. Islamophobia denial is the position held by those who believe that Islamophobia is false and that it is a plot by Muslims to diminish or illegitimately critique Islam, thereby undermining the foundations of French or Western culture regarding freedom of expression (Zia-Ebrahimi, 2020). Although these groups haven›t always used the term «Islamophilia,» they have made efforts to reduce anti-Islamophobia campaigns over the past decade. Evidently, academic literature plays a significant role in shaping the narrative surrounding Islamophobia; thus, the introduction and use of this negative Islamophilia threaten to alter the narrative in favour of these extremist far-right groups. By upholding this new term, assaults against Islam and Muslims can be justified because they are deemed necessary for protecting the national and cultural integrity of their nation. Additionally, since it is not used with a solution in mind, the pejorative use of this term will only serve to further confound the discourse on this topic. Instead, it will result in a game of pointing fingers because no one is willing to accept responsibility for Islamophobia›s origin. Such denials are heavily entrenched in racism denial and «white man guilt,» which view the accusation of racism as a grave moral offence and an absurd accusation. Not only is this a form of denial, but it is also a form of reverse racism, as they believe they are the victims of an agenda to vilify them, despite the fact that this is contrary to the reality of the situation (Zia-Ebrahimi, 2020).

Such actions not only undermine activists› efforts to educate and bring about change, but also endanger their safety, as media outlets and the general public criticise and abandon their efforts (Alsultany, 2013). Due to the normalisation of Islamophobic assaults, Muslims and non-Muslims who actively participate in the battle against Islamophobia experience exhaustion and dread of public rejection (TEDx Talks, 2016b). Connoting that supporting Islam will automatically result in the decline of Western culture will only lead to further conflict between Islam and the West, as it leads back to the issue of respectability and good Muslim politics, where their efforts to combat discrimination fail (Kazi, 2017).

This will increase the number of echo chambers, as dialogue between the two parties will be rare. Both Muslims and Christians will remain in their respective communities, fostering further animosity and leaving the problem of Islamophobia unresolved. Social ignorance will reach unprecedented levels. Therefore, the contested boundaries between freedom of expression, religious separation, and religious freedom are central to the problem of Islamophobia. This necessitates clearer, more inclusive laws defining what constitutes free speech and what constitutes hate speech.

6. Islamophobia and Islamophilia: A Way Forward

So far, we have drawn upon the historical connotations of Islamophobia and Islamophilia and examined how the relationships between Islam and Christianity have impacted neo-Islamophobia. The conception of Islamophobia›s origins from the September 11 attacks or terrorist attacks was debunked by drawing on how resistance towards Islam existed from the moment of its formation and was actually a natural process faced by any new faith at the time. The existence of anti-Muslim bigotry outside of war was also discussed in the cases of the Kingdom of Al-Andalus and the Kingdom of Castile, showing discrimination existed even in periods of "peace" and how the extent of discrimination was dependent on the stability of a society at a single time. Although the association of Islamophobia with terrorism was the result of the relatively new War on Terror, it proves to be a focal point in modern day discourse on the issue. Then, the origins of Islamophilia were presented through a historical lens and how it has resulted in positive interactions between Muslims, Christians, and Jews throughout time, drawing on their relationships during the Golden Age of Islam. The admiration of Islam and its culture during this time resulted in inter-faith understanding and the exchange of knowledge, maintaining order and peace. The rising interpretation of Islamophilia as excessive love for Islam will pose a threat to future literature as it can undermine anti-Islamophobic efforts. Understanding the wide interpretations of these two conceptions is important as it can help to address the information gap, consequently addressing the issues that were presented in the last section of this article. Understanding that Islamophobia is a problem of racial abuse and not simply the challenge of its practices changes the conception that Islam is incompatible with the West and that it is a result of a discriminatory system. Islamophobia is not getting "special" treatment and is not threatening Western freedom of speech, but it is crucial to be addressed due to the fact that Muslims do face the worst levels of discrimination and are the most susceptible to attacks.

By misrepresenting Islamophilia negatively, it will only add to the complexity of the issue at hand and extend the already large information gap that exists, which is why I argue that holding such views is only forwarding an anti-Muslim agenda. The problem of misinformation in news publications, filmographies, and mass media must also be acknowledged, as it is an important weapon used to control the public narrative in favour of a particular group. Simplified complex representation, an increasingly common practice on these platforms, must be addressed as it is dangerous for screening the severity of inequality that exists in reality. Wrapping up the discussion of Islamophobia's complexity, the severity of ignorance amongst Muslims and non-Muslims alike is of utmost importance, as in the end, it is the people who bring about change. Turning a blind eye to such discriminatory practices only encourages more hatred in society, increasing the dangers of extremism and terrorist attacks. Islamophobia denial is an enemy to this effort to increase awareness, as it not only refutes the existence of this racism but also encourages the normalisation of doing so, reducing the threats faced by Muslims to mere hoaxes or myths.

Again, I emphasise that this article does not go in depth, drawing on specific case studies or the conceptions behind some theories presented, such as representability politics and the threats of growing right-wing ultranationalist movements. The goal of this article is to present the reader with inclusive writing that addresses the main issues surrounding Islamophobia. What I must reiterate is that Islamophobia is very real and that, as complex as it is, it does not necessarily entail complex solutions, and something as simple as education can be the answer. This education must cover areas such as the history behind Islamophobia, the need to address it at systemic levels, and anti-Muslim propaganda that threatens their efforts. Through this reading, readers should be able to understand the issue better as well as where the main misconception lies, suggesting the need for more involvement amongst Muslims and non-Muslims to combat this issue. By abolishing the "us vs. them" attitude that most ignorant Islamophobes hold on to, society as a whole, no matter their background, can come together and accept that this is not a discussion of the compatibility of Islam in the West but a question of combating discrimination and the desire to uphold humane values.

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Advancing Peace, Inclusiveness, and Co-existence through Religious Based CVE Narratives: A Case Study of the Amman Message (2004), Marrakesh Declaration (2016) and Paigham-e-Pakistan (2018)

Prof. Dr. Muhammad Zia-Ul Haq[1] & Ms. Malaika Umer[2]

Abstract

The study will proceed with description of a CVE narrative and its importance. It will be followed by discussion on the significance of Religious based Peace building. The third part of the will discuss the need for contesting the ideology of hate that is promoted by extremists. It will state that the powerful wave of extremist and terrorist discourse needs to be contested with more powerful, authentic and carefully prepared Islamic worldview. The forth part of the study consists upon discussion on narrative of peace that have been emerged in Muslim Societies post 9/11. This section highlights the Amman Message (2004), Marrakesh Declaration (2016, and Paigham-e-Pakistan (2018). The discussion not only evaluate the background and framework of these narratives but also makes discourse analysis of the contents of these documents. The impacts of these narratives on countering violent extremist in Muslims societies is also part of this study. The way forward will be suggested in the conclusion. A variety of the comparative research methods from classical Islamic research methodology and contemporary socio legal methods have been used to complete various component of this study. The Western ideas of peace and conflict resolution have been explored through social sciences methods such as descriptive methods, historical methods, and philosophical methods. The legal aspects of social, economic or political problem have been dealt through socio legal

1- Director General Islamic Research Institute. International Islamic University, Islamabad.

2- Research associate Islamic Research Institute. International Islamic University, Islamabad.

methods. Pure legal methods are used to explain, discover, examine, analyze and present in a systematic way the concepts, doctrines, and theories of conflict resolution and peace building in domestic and international legislation.

1- Concept and Importance of National Narrative

Throughout history, different nations ruled the world on the basis of various achievements. During the eighteenth and nineteenth centuries, the industrial revolution enabled the European nations to dominate the world. In the last century, achievements in digitalization became important. However, the twenty-first century is the century of narratives. Narratives reflect the achievements of a country or a nation. Due to the invention and extensive use of social media platforms, narratives have gained more importance. Nations are now not only developing their narratives but also propagating them to protect their strategic interests and advance peace and peaceful coexistence in their societies.

According to Alex Schmidt, a narrative is a "coherent system of interrelated and sequentially organized stories that share a common rhetorical desire to resolve a conflict by establishing audience expectations according to the known trajectories of its literary and rhetorical form."[3] Not all conflicts are resolved, but the desire to do so drives the trajectory of the story form, much as a goal drives a course of action. Narratives are related to the resolution of conflict. There is a useful structural relationship among three types of accounts: stories, narratives, and master narratives. Narratives and stories are important because without them language is just a sequence of sounds. Human ability to make language meaningful is the work of storytelling, an ability that allows us to recognize and make meaningful patterns of words, phrases, and inflections; to make and recognize common story forms and archetypes; and to be responsive to those patterns when they are communicated to us in fragments through various narratives. The narratives are divided into various types and kinds such as master narrative, Meta narrative, ethical narrative, and sectarian narrative.

2- Significance of Religious based Peace building

Religions have developed doctrines, dogmas, teachings and laws that offer commitments to the values that are critical for peace building.

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3- Alex P. Schmidt, *Al-Qaeda's 'Single Narrative' and Attempts to Develop Counter-Narratives: The State of Knowledge* (The Hague: International Center for Counter Terrorism (ICCT), 2014), 3.

The presence of these religious based values such as empathy, openness for others, love and respect for strangers, destruction of uncontrolled ego, protection of rights, virtues of forgiveness, display of humility and repentance and the realization of errors is a big source of national integration, tranquility and stability. The promotion of these values is also serving as the methodology of peace, reconciliation, reconstruction and conflict resolution. Faith based ways for peace building in the religious communities depends on the narrative that is adopted by a particular community in a particular timeline. The adopted narrative not only describes the primary language that is essential for realization of that community's potential for peace building but it also discloses the depth and length of its experience. This narrative also indicates the moral authorizations for resilience against injustice which resulted into the creation of the conflict. It suggests normative symbols of the religious traditions related to peace and duty of human being towards. Moreover, it is to be noted that religious guidelines developed on peace and conflict resolution offer more appeal to the faithful than universal declarations. They encourage communities to work for promotion of peace in accordance with the guidelines.

3- Need to Contest the Terrorist Ideology through a Faith based Narratives

In Muslim societies extremists tried to build their discourse on the religious tradition of Islam through radicalizing its teachings to achieving their motives. They took material for their ideology from the Holy Scriptures and the early history of Islam and transformed its key elements for their ideological purposes through destructive interpretations.[4] With re-appropriation of the holy texts, they built their worldview for justifying their extremist and violent actions and generated appeal for recruiting activists to carry out their unlawful activities. Along with that, the use of Islamic slogans also gave them a degree of invulnerability, through which they portrayed any attack on them as an attack on Islam itself. For the purpose of exploitation in the name of religion, their ideological leaders carry out eclectic patchwork of elements from sacred sources.[5] They also

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4- Zeyno Baran, "Countering Ideological Support for Terrorism in Europe: Muslim Brotherhood and Hizb ut-Tahrir – Allies or Enemies?", *Connections* 5, No. 3 (Winter 2006), p. 10.

5- David Cook, "The Role of Islam as a Motivating Factor in Osama bin Laden's Appeal within the Muslim World", in David G. Kamien, *The McGraw-Hill Homeland Security Handbook* (New York: McGraw-Hill 2006), pp. 37-51; Sudhanshu Sarangi and David Canter, "The Rhetorical Foundations of Militant Jihad", in David Canter (Ed.), *The Faces of Terrorism: Multidisciplinary Perspectives* (Chi Chester: Wiley-Blackwell 2009), p. 35.

use the ancient art of rhetoric as an instrument besides the myths and religious symbolism.[6] In accordance with philosophy of Aristotle, they use intertwined techniques of rhetoric such as (a) *logos* (using rational argumentation) (b) *ethos* (creating a trustworthy, authentic image) and (c) *pathos* (manipulating the emotions of the addressed audience).

The terrorist ideology revolves around a single narrative through which they blame foreign powers for all the failures of Muslims. Thus, terrorist outfits have merged several grievances that exist in Muslim societies into a consolidated body of arguments. This 'single narrative' is rooted in the political reaction to the failure of Muslim governments to serve their nations. This narrative is also used for energetic propagation through advancing literal, conservative and reactionary interpretations of Islamic tradition.[7] This single narrative employs a framework of explanations and provides its followers with emotionally satisfying portrayals. This framework is also used to offer them a sense of identity and give meaning to their lives.[8] The glimpses of this narrative can be found in the ideological writings and propaganda statements of these groups. Many of their written and verbal statements are either religious explanations to motivate and instruct Muslims or propagandist speeches to demoralize their enemies and inciting Muslims to react against them.[9]

This powerful wave of extremist and terrorist discourse needs to be contested with more powerful, authentic and carefully prepared Islamic worldview. Such a Reconstructionist effort must be rooted in the Qur'an and Sunnah of the Holy Prophet (peace be upon him). The life of the Holy Prophet Muhammad (peace be upon him) in Mecca, his migration to Medina, introduction of Meesaq-e-Medina as social contract and constitution, treaty of Hudaybiyyah, and dispatch of envoys and ambassadors to various rulers of the world are some examples of how the Prophet adopted various approaches for the reconstruction of first Islamic society. All these approaches should be used in the articulation of a narrative for an inclusive society in Pakistan. The Holy Prophet Muhammad (peace be upon him) demanded doing justice and good to kith and kin. He forbad all shameful deeds, injustice and rebellion.

6- Bouchra Oualla, "Strategies of Argumentation in the Propaganda of Jihad: The Analysis of a Jihadi YouTube Video", pp. 121-140, in Rüdiger Lohlker (Ed.), *Jihadism: Online Discourses and Representation* (Vienna: University Press, 2013), pp. 123-124.

7- Paul Thomas, *Responding to the Threat of Violent Extremism: Failing to Prevent* (London: Bloomsbury Academic, 2012), p. 136.

8- A.P. Schmidt, "The Importance of Countering al Qaeda's 'Single Narrative'", in E.J.A.M. Kassel (Ed.), *Countering Violent Extremist Narratives* (The Hague: National Coordinator for Counterterrorism, 2010), p. 47.

9- Raymond Ibrahim, *The al Qaeda Reader* (2007), pp. xii, 2 and 5-6.

Equal status of the women and the rights of the underprivileged groups were reflected and protected through the conduct of the Holy Prophet (peace be upon him). All these elements need to be inculcated in our efforts towards inclusiveness.

Unfortunately for last three centuries Muslims have been experiencing decline which adversely affected their societies. Muslims need reason and argument to make sense of the Islamic passion. To overcome this serious situation various Muslim scholars proposed to revisit Islamic traditions. Reformist and revisionist Muslim thinkers consider the sociological, economic and political transformations that have occurred in Muslim societies. This empirical reality is then brought into dialogue with the tradition in a bid to reinterpret it for newer contexts. The enlightened Muslims in the subcontinent having love and respect for Islam started a freedom movement to create a separate Muslim homeland in the subcontinent for reconstruction of a model Muslim society. They hoped that through this new homeland they will be able to demonstrate that Islam was still valid and viable solution to challenges faced by Muslims in particular and humanity in general. These views were more properly articulated by Allama Muhammad Iqbal, who suggested the revival of Muslim societies in the subcontinent through the process of reconstruction. This process of reconstruction needed to be regenerated based on a new discourse to counter violent tendencies in religious and political spheres. This process needed to drew its principles from the Holy Qur'an, the Sunnah of the Holy Prophet (peace be upon him), Meesaq-e-Medina, the Constitution of Islamic Republic of Pakistan 1973 and general principles of good moral character that transcend religious, social, cultural, ethnic and regional boundaries. This is an integrated effort to build a discourse to counter violence, extremism and terrorism from an Islamic perspective, to protect rights of weak segments of society by advancing inclusive values such as peace, reconciliation, tolerance, coexistence, respect for others, social justice, equity and equality in the society.

4- Emergence of Narrative of Peace in Muslim Societies

The Amman Message (2004), Marrakesh Declaration (2016), and Paigham-e-Pakistan (2018) emerged at a time when the Muslim states, its institutions and its people desperately needed a unanimous national voices to explain the position of the state on matters related to peace, social cohesion, and peaceful coexistence. The states were also in need of demonstration of doctrinal understanding about various national issues from a perspective of faith. Various extremist groups which targeted Muslim societies and its people manifested their religious understanding for the purpose of propaganda, declared themselves the

true representatives of faith, and accused the state and its institutions of infidelity. These groups under the pretext of religious slogans started challenging the writ of the state. As per Islamic law, *jihad* is collective responsibility and has to be carried out by the state. However, these groups named their terrorist activities as *jihad* for recruiting innocent Muslims and giving legitimacy to their acts. Moreover, they disseminated their ideological disparities through multiple distorted interpretations. They created confusion that was threatening the national integrity and harmony by spreading extremism and radicalization in Muslim societies such as Pakistan.[10] Contesting them ideologically was the need of the hour which was fulfilled by The Amman Message, Marrakesh Declaration, and Paigham-e-Pakistan. In an effort to address the current discourse of radicalization and counter violent tendencies, Kingdom of Jordan, Kingdom of Morocco and Islamic Republic of Pakistan came up with faith based narratives to contest the radical ideologies and ideas.[11]

4.1 The Amman Message (2004)

The Amman Message is a global declaration of Muslims leadership calling for unity of Muslims and tolerance. It was promulgated November 9, 2004 (27th of Ramadan 1425 AH) by King Abdullah II bin Al-Hussein of Jordan. It consist upon three part rulings which were endorsed 300 Muslim scholars from 50 nationalities. This message is focusing on issues of defining who is a Muslim, exclusion from Islam (*takfir*), and methodology of religious opinions (fatwa). It was announced in Amman, Jordan, as a Ramadan sermon by Chief Justice Sheikh Iz-al-Din al-Tamimi in the presence of King Abdullah II and a number of Muslim scholars. A report of the International Crisis Group states regarding the significance of the message:

> "The sermon stressed the need to re-emphasize Islam's core values of compassion, mutual respect, tolerance, acceptance and freedom of religion."

10- Muhammad Usman Asghar, "Critical Discourse Analysis of Paigham-e-Pakistan (Unanimous Fatwa): Counter-Narrative to Religious Extremism In Pakistan," 2020, 32.subservient to their vested interests. These religious interpretations and their subsequent discursive manifestation in extremist narratives have always been a challenge for the governments in Pakistan's religiopolitical history. This article critically analyses the significance of Paigham-ePakistan (meaning literally as 'message of Pakistan'

11- Asghar, 33.subservient to their vested interests. These religious interpretations and their subsequent discursive manifestation in extremist narratives have always been a challenge for the governments in Pakistan's religiopolitical history. This article critically analyses the significance of Paigham-ePakistan (meaning literally as 'message of Pakistan'

The Amman message came at a critical moment of the history when after 9/11 terrorists tried to grab the authority to speak on the behalf of Islam. This document is extensively mentioned by globally as the evidence of tolerant and peaceful dimension of Islam. This declaration paved the way for the moderate Islamic forces to contest the idea of 'clash of civilizations'. The content analysis of the document shows that it provides an extra communicative action. It is a proactive but strategic narrative which has the capacity to serve as the counter narrative for CVE purpose. Michelle Brower's highlight the significance of the Amman declaration and sates:

> "It is quite clear that the 'Amman Message' is being actively and effectively wielded as evidence that the call for leaders bearing a true, moderate and peaceful Islam has been heeded. What is less clear is the extent to which political and religious elites are promoting the principles of the Amman Message - that is, it is unclear that steps are being taken to promote toleration of those Muslims whose inclusion is widely deemed problem foster mutual understanding and peaceful coexistence in the face of sectarian strife, to deter or censure those who stoke the flames of sectarianism or deed. The Message works better as a justification of the war and an identification of which side the 'good guys' are on than as a propagator of moderate Islamic values."[12]

4.2 Marrakesh Declaration 2016

The Marrakesh Declaration was promulgated on January 2016 by around 250 Muslim heads of state, religious leaders, and scholars. It is aimed at "defending the rights of religious minorities in predominantly Muslim countries." The document was revealed in Morocco in presence of "representatives of persecuted religious communities — including Chaldean Catholics from Christians and Yazidis from Iraq. On this event the King Mohammed VI of Morocco stated:

"We in the kingdom of Morocco will not tolerate the violation of the rights of religious minorities in the name of Islam...I am enabling Christians and Jews to practice their faith and not just as minorities. They even serve in the government."

12- MICHAELLE BROWERS, "Official Islam and the Limits of Communicative Action: The Paradox of the Amman Message," *Third World Quarterly* 32, no. 5 (2011): 954-955.

In January 2016, Muslim scholars, politicians, activists, and interfaith clergy from around the world gathered in Marrakesh, Morocco, over two days to address the rights of minorities living in Muslim-majority areas of the world. The gathering was a long time in the making, advanced via scholarly and political dialogue and motivated by growing alarm over the brutalization of minorities by violent extremist groups claiming Islamic legitimation. The Marrakesh Declaration emerged as a call to action grounded in the Charter of Medina, which was promulgated by Prophet Muhammad (peace be upon him). The declaration affirmed that as contractual citizenship non-Muslims have the right of equal treatment in a multicultural society. The signatory of the declaration affirmed that:

"Minority rights have a precedent in, and are essential to, Islamic law and tradition in accordance with international legal standards. They further called on politicians, scholars, artists, and others in Muslim-majority societies to advance the protection of minority rights based on equal citizenship through legal, political, and social processes, to ensure that minority communities—indigenous for centuries in the present-day Muslim world—can continue to flourish there."[13]

The Marrakesh Declaration is addressing the challenge of human rights in Muslim societies. In presence of representatives of forty-two governments, Sheikh Abdullah bin Bayyah affirmed that this document will sets a new religious precedent for minority rights. The content analysis of the document shows that "the Declaration is grounded in scholarship and encapsulates a sophisticated and cogent conversation between (religious) tradition and modernity, it has received little attention in the Muslim world, and has been viewed largely as an elite, idealistic initiative."[14]

4.3 Paigham-e-Pakistan (2018)

Paigham-e-Pakistan is a national narrative of Islamic Republic of Pakistan. It was launched by the President of Islamic Republic of Pakistan on January 16, 2018 in Aiwan-e-Sadr. This agreed upon national narrative was coordinated by Islamic Research Institute, International Islamic University, and Islamabad in collaboration with Higher Education Commission of Pakistan and other institutions of religious education. This unanimously agreed-upon document is titled as "Paigham-e-Pakistan." Paigham in Urdu language is used in the meaning of message. Paigham is also used in the meaning in of "circularization." There

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13- Susan Hayward, "Understanding and Extending the Marrakesh Declaration in Policy and Practice," n.d., 01.

14- Hayward, 02.

are many English words which are used in the meaning of paigham. Circularization is one of these meanings. In the literal sense, this word is also used in the meaning of "messaging."[15] Technically, "Paigham-e-Pakistan" is a national narrative of Pakistan. It was issued by the President of Islamic Republic of Pakistan. It is comprised of an introduction, joint declaration, and unanimous fatwa. This fatwa was issued by the leading ulama of all schools of thought. It was prepared in accordance with the injunctions of the Holy Qur'an, the Sunnah of the Prophet (peace be upon him), and the constitution of the Islamic Republic of Pakistan 1973. It reflects the collective thinking of the state of Pakistan. The message identifies the problems faced by Pakistani society and establishes the foundation of devising a strategy to achieve the goals of the creation of Pakistan. Through this message, Pakistan is being projected as a strong, united, developed, cultured, and modern nation in the international community.[16]

15- https://www.darsaal.com/dictionary/urdu-to English/%D9%BE%DB%8C%D8%BA%D8%A7%D9%85.html accessed on July,19,2021

16- Paigham-e-Pakistan,(Islamabad: Islamic research institute,2018)'ix-x; https://www.iiu.edu.pk/?p=28435; http://www.paighamepakistan.com/background-2/;Dawn.com (2018-01-16). "Govt unveils 'Paigham-i-Pakistan' fatwa against terrorism". *DAWN. COM*. Retrieved 2018-01-16; https://www.bbc.com/urdu/pakistan-42702303; https://tribune.com.pk/story/1610044/1-1800-pakistani-religious-scholars-declare-suicide-bombings-haram-new-fatwa,retrived on July 17,2021.

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Gaps in religious understanding as a cause for violent islamist radicalization

Ibrahim Abaddi[1]

Abstract

The literature on Violent Extremism suggests a gap that is often referred to but never tackled. It is the assumption (shared among the majority in the canon) that radicalization is in all its aspects an active process brought about either by the grievances (environmental or psychological) of the radicalized with religion being either a licensing mechanism or by religion itself as the direct cause. In other words, Religion is either viewed as THE cause, or as a peripheral element to the phenomenon of violent radicalization. These two approaches, we argue, constitute a false dichotomy. What we advance in this thesis is that perhaps the religious element acts as a predisposing element that pushes potential radicals along the process of radicalization. We identify two causes for this false dichotomy, firstly a general lack of empirical studies conducted in the field, and secondly a disproportionate focus on large-scale causes for radicalization which translates into a neglect of the individual, psychological and interpretative causes thereof. This thesis contributes to solving this issue through the medium of a substantive/empirical research question that clarifies the linkage between lacunas in religious interpretation/understanding and violent Islamist radicalization.

Key words

Radicalization, Deradicalization, Terrorism, Active/ Macro-level causes, Passive/Micro level causes, Predisposition, Lacunas.

1- Graduate student at Al Akhawayn University in Ifrane. Morocco.

Introduction

Islamic terrorism, violent Islamic radicalization, violent Islamic extremism, are but a few of the labels used in reference to one of the most pressing issues plaguing the modern polity. This has been an issue of central importance for close to 4 decades now (generally timestamped at 1979) (Fine, 2008, p. 58), but it is the events of 9/11 that were THE inflection point that started off global engagement with the issue (in terms of news coverage, and in terms of military, institutional, and scholarly engagement with the issue). Notwithstanding that the past two decades of global efforts have resulted in substantial development in approaches and response mechanisms -both offensive and defensive, direct and indirect- the issue remains largely unsolved, if not even more entrenched and urgent. A general description of the situation is that you have slow-moving, hyper-complex, bureaucratic entities (be it military, supra-national, or state/governmental agencies), engaged in an asymmetric fight with dynamic, loosely organized, and ideologically driven entities (terrorist groups). This unique setup has made it so that attempts to eradicate, counter, and/or prevent **violent radicalization[2]** have yielded unpredictable, and otherwise adverse, results.

The fact that the global community has failed to foresee, and appropriately respond to these issues just goes to show the depth of our lacking understanding of the nature, causes, and mechanisms of violent radicalization. This is not to say that there have not been studies conducted to uncover these causes. In fact, the topic of Islamist violent radicalization specifically, and terrorism generally, has been a hot topic for research, with substantial financial and human capital being funneled towards it (Heydemann, 2014, p. 3). However, the study has yet to coalesce into a solid academic structure where schools of thought could easily be distinguished from each other (Veldhuis, 2019, p. 9). There isn't much that a meta-analysis of the literary corpus yields, except that the only consensus is that radicalization is a process (Schmid, 2013, p. 19), and that there isn't much substantive, empirical research conducted in

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2- The field of radicalization studies is spanned by many definitions, each tackling the phenomenon from a different angle and highlighting different characteristics. There are about 13 most cited definitions developed by the most important authors in the field to mention John Horgan, Michael Taarnby, or Joshua Sinai amongst others (Schmid, 2013, p. 16). However a working definition according to Gunaratna is: «The process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect societal change.» (Gunaratna, 2012, p. 147)
This definition works best for our thesis as it accounts for the relevant variables such as **a) legitimization of violence**, and **b) the change driven agenda and motivation for radicalization.**

the field (Veldhuis, 2019, p. 9). This means that studies uncovering the causes for violent Islamist radicalization have stayed at the theoretical macro levels, and have largely steered clear of the testable, micro level. The writings of Tore Bjorgo, and Wagdy Loza are widely seen as some of the foundational writings on the topic of radicalization. However, neither Bjorgo nor Loza place enough emphasis on micro-level factors when looking into what brings about violent Islamist radicalization, and instead stick to macro-level causes. Bjorgo for instance, in "*Root Causes of Terrorism: Myths, reality and ways forward*" identifies the adoption of extremist/radical ideologies "as a consequence of more fundamental political or personal reasons" (p. 258) and names "Rapid modernization" (Bjorgo, 2004, p. 258) or "The experience of social injustice" (Bjorgo, 2004, p. 258) as causes and not micro-level, individual concerns such as education, or the psychological predispositions of those radicalized (Bjorgo, 2004, p. 258). Similarly, Loza in his article "Psychology of Extremism/Terrorism: a middle eastern perspective" also showcases a focus on the theoretical macro-level by focusing on grievances based on historical decline, corruption/political impotence of regimes, inequality of social structures, and loose psychological factors such as feelings and emotions of frustration (pp. 145-147).

Of the very few instances in which such substantive research has been conducted in the field, we can cite the research conducted in prison deradicalization programs. These programs provide direct access to consenting individuals with the promise of sentence reduction, or even freedom (Speckhard, 2011, p. 6).

These prison deradicalization programs each have different avenues to take towards, as well as different standards and criteria to assess, the deradicalization of violently radicalized individuals (Mastroe et al., 2016, p. 7) However one common denominator suggested by a comparative analysis of two of these programs (Saudi Arabia & Singapore), is that many of these violently radicalized youths have significant gaps and lacunas in their understanding of fundamental principles of the Islamic faith (Parker, 2013, p. 48). The amalgamation between a). the recurrence of this observation, b). the absence of substantive/empirical studies in the field, and c). the asymmetric focus on macro-level causes for radicalization, hence, warrants the pursuit of the following question:

What is the correlation between these observed lacunas in religious knowledge and the violent radicalization of Muslim youths?

Given the already existing literature, we hypothesize the following:

Lacunas in understanding fundamental principles of the Islamic faith (namely those related to the concept of Jihad) are a passive/micro-level that predispose Muslim youth for violent Islamist radicalization.

For the purposes of substantiating the hypothesis, and to answer the research question, we have chosen to employ a host of research strategies that consist mainly of qualitative approaches. Our focus is concentrated on a case study of the Moroccan prison deradicalization program (Mousalaha). We also cross reference the analogous programs in France (AMAL program) (Marret & Suquet, 2021, pp. 6-7) and Singapore (Rosili, 2016, p. 158), in order to establish the transferability of our conclusion and account for externalities and the impact of potentially overlooked variables (i.e culture, dominant religion, language etc…)

We have thus targeted for our interviews a total of six people one of which is a program manager, one of which is the assistant to the other, and three of which are participants in the Mousalaha program and finally is the wife of another program participant. This is to provide a complete and comprehensive view on the development of radicalization from the angle of personal experience, the angle of external observer, and of an angle that combines both.

I. Review of Literature

As established above, a close inspection of the relevant literature yields that beyond a few points of convergence, trying to find some sort of consistency or juxtaposable element in the field is like comparing apples to oranges. This even applies to the main literature that tackles the same, or roughly the same issue as this thesis to mention the very few empirical inquiries carried out by leading scholars such as Broadbent, Bjorgo as mentioned, and John Horgan (Mastroe et al., 2016, p. 7).

To situate ourselves within the academic canon, we have done a critical analysis on some of the most notable works of seminal authors in the field. The criteria for the selection of works were essentially two (**1**)**.** recognition in the field and references, **2**)**.** how analogous the topic tackled is to our research question). This screening process yielded the following set of authors, to name Robert Pape, Hector Avalos, Mark Juergensmeyer, Brian Michael Jenkins, Nesser Petter, Randy Borum.

In the absence of pre-prescribed schools of thought and categories, we have imposed our own nomenclature on the relevant topical literature. The standard along which we have divided the literature lies in the main approach used to deal with the issue. As such, we have grouped the literature into the following nomenclature of **1)** Narrative Approach, **2)** Theological Approach, and **3)** Pragmatic Approach.

<u>The Narrative Approach</u>: Robert Pape, Juergensmeyer, Jenkins

The narrative approach has as the nexus of its argument, a discussion on the construction of narratives as the main cause for radicalization, thus portraying the issues as an essentially ideological matter. This approach marks the majority of the works released in the field, especially in relation to causal inquiries into violent radicalization. This approach runs the risk of staying in generalities.

Chief writings for this approach would be Robert Pape in his article "Dying to Win The Strategic Logic of Suicide Terrorism", Mark Juergensmeyer in his chapter "Religion as a Cause of Terrorism." in the book "The roots of terrorism", and Brian Michael Jenkins in "Building an Army of Believers: Jihadist Radicalization and Recruitment". Pape's argumentation applied to our thesis would yield the conclusion that the fundamentals of the faith of Islam play next to no role in bringing about the violent radicalization (Pape, 2006, pp. 33, 36). Our concern over Pape's views lies in that he pays too much attention to the **Macro-level Active[3]** causes (strategic motivations) and not enough attention to the **Micro-level Passive[4]** factors (the cognition, psychology, and level of acquaintance with Islamic fundamentals) for predisposing to Islamist violent radicalization. Juergensmeyer's argument, applied to this thesis, suggests that there is no such thing as lacunas in religious understanding, as it is subjective and

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3- We are using **Active/Macro-level causes** here in reference to a specific category of causes for violent radicalization as identified by the relevant literary corpus. This term is loosely based on the Micro-Meso-Macro model of analysis, in that it refers to theoretical causes such as large scale societal, economic, political concerns and the dissatisfaction (academics also use "humiliation" and host of other terms) resulting thereof and that push individuals and groups to <u>actively</u> mobilize and adopt violent radical ideologies (Schmid, 2013, p. 4). This category constitutes the large majority of the causes identified by the scholars in the field and are mostly impossible to substantiate through empirical research (Veldhuis, 2019, p. 9).

4- We are using **Passive/ Micro-level causes** to similarly refer to a specific category of causes relating more to the small-scale individual, cognitive, psychological, and educational causes that <u>rather than push</u> for the active adoption of violent radical ideologies, <u>enable for the conditions</u> for its adoptions. This is to say that these causes are passive inasmuch as they enable the predisposition for violent radicalization. This idea is very much in alignment with John Horgan's idea of vulnerabilities, or more specifically what he calls the "predisposing risk factors" (Horgan, 2008, p. 84) and which he defines (functionally) as the following: "They highlight why, given two people who are exposed to the same conditions (and even come from the same family), one may step toward involvement in terrorism" (Horgan, 2008, p. 85) As such, we are categorizing lacunas in the fundamentals of Islamic religious knowledge under this category because instead of contributing to mobilizing individuals towards radicalization, these lacunas make an individual susceptible to fall for the predatory, skewed, and politically motivated narratives of belligerent institutions that claim the banner of Islam.

can be twisted in whichever way that suits the narrative (Juergensmeyer, 2006, p. 139). Our concerns with this view lie in two main regards. Firstly, it does not accord any real causal value to the individual as the main subject in relation to violent radicalization. Secondly, is his generalization of religion and attributing it with a characteristic of fluidity and interpretative malleability. The essence of Jenkin's argument lies in that the religious element only acts as a licensing mechanism, that justifies the use of violence and fills the gaps in what **is otherwise an argument based on socio-economic-political critique** (Jenkins, 2007, p. 2).

<u>The Theological Approach</u>: Avalos & Petter.

The theological approach, has as the nexus of its argument a discussion of the nature of the faith, and on the arguments used therein, to identify a link of causation, or the absence thereof, between religion and violent radicalization. This approach is also heavily represented in the literature, and generally runs the risk of confirmation biases.

Chief writings for this approach would be Hector Avalos' book "Fighting Words: The Origins of Religious Violence", and Nesser Petter's "JIHAD IN EUROPE - A survey of the motivations for Sunni Islamist terrorism in post-millennium Europe". Avalos argues that the fundamentals of all religion are inherently violent and that Islam is no exception to this rule (Wessinger, 2008, p. 135). Meaning that lacunas understanding fundamentals of Islam do not contribute in the least to causing violent radicalization. Our grievance with this argument, aside from its essentialist claim, is that it does not take into consideration the agency of the individual and the epistemological element in radicalization.

Nesser Petter argues that there are doctrines conducive for violent radicalization and there are others that are not, naming Salafi Islam as the extremist doctrine *par-excellence* (Petter, 2004, p. 21). Petter further breaks this down and attributes the radical element to the "Takfiri" tenets espoused by Salafism, which is in other words the strategy of excommunicating any and all that oppose the extremist tenets of this doctrine (Petter, 2004, p. 21). This analysis correctly takes into account the active elements in the narrative but not what enables their adoption (passive element: i.e. missing information, lacking understanding…) even when belonging to a supposedly more "moderate" (i.e mainstream) Islamic tradition.

The Pragmatic Approach: Borum

The Pragmatic approach, has as the nexus of its argument a discussion of the psychological and environmental mechanisms enabling radicalization. This approach is the least represented in the academia, and it is closest to the approach operationalized in this thesis, it, however, runs the risk of omitting, or glossing over essential causal factors.

Randy Borum, is one of the authors who have written extensively on topics surrounding the causal elements of terrorism. Borum's writings constitute an oasis of lucidity in the field of radicalization, as he turns the attention away from the general, macro-level scale to the individual, micro-level, by focusing on the radicalized themselves (Borum, 2014, pp. 286-305). In his article "Psychological Vulnerabilities and Propensities for Involvement in Violent Extremism" turns the inquiry lens onto the "attitudes, **dispositions, inclinations**, and intentions, {*which*} might affect a person's **propensity for involvement** with violent extremist groups and actions" (Borum, 2014, p. 1). This concept of **predisposition** developed here by Borum is what constitutes the ideational cornerstone of our thesis. Borum (2007) in his book "Psychology of Terrorism" correctly identifies the progressive, incremental nature of radicalization (p. 28), and discusses core causal elements of **a).** psychopathology (pp. 30-34), **b).** personality and character (pp. 35-37), **c).** past experiences (pp. 38-40). However, when it comes to the ideological element, Borum only considers it in its capacity as a causal element only to the extent that it is a licensing mechanism that could be best described as "a form of rule following behavior" (Borum, 2007, p. 47).

II. The Staircase Model

In the literature regarding violent extremism & radicalization, there are many explanatory models that have been developed to explain these phenomena. There are 3 major, most heavily cited models in the field of radicalization, and they are firstly Borum's 4 stage pathway model, Sageman's four prongs and finally Moghaddam's stairway.

We have opted to situate this thesis within Moghaddam's staircase model, due to the reasons outlined below:

The Theoretical Framework: Moghaddam's terrorism staircase

1 What Is Moghaddam's staircase

Moghaddam's model for the process of radicalization operationalizes a well-acknowledged psychological explanatory model (Moghaddam, 2005, p. 161). This model portrays radicalization as being a multistep process, whereby a potential radical moves incrementally through 5 floors starting with a rejection of the conditions and ending with actualization of the radical ideals and perpetration of violence (Moghaddam, 2005, p. 162). This model is the model that most aligns with my thesis. The model presented by Moghaddam is analogous to some of the seminal developmental psychology models to mention Piaget's developmental stage model, and Kohlberg's theory of moral reasoning (Lygre et al., 2011, p. 2). The model is a six step model

Fifth Floor
The Terrorist Act and Sidestepping Inhibitory Mechanisms

Fourth Floor
Solidification of Categorical Thinking and the Perceived Legitimacy of the Terrorist Organization

Third Floor
Moral Engagement

Second Floor
Displacement of Aggression

First Floor
Perceived Options to Fight Unfair Treatment

Ground Floor
Psychological Interpretation of Material Conditions

Figure 1- Moghaddam's staircase model (Torok, 2015, p. 67)

2 Why Moghaddam's staircase

Moghaddam's terrorism staircase most suits the purposes of this thesis due to 2 reasons. Firstly**,** the staircase to terrorism model transcends the false dichotomy of Macro-level causes and Micro-level causes, this is inasmuch as it encapsulates the understanding that radicalization is the result of both Macrolevel causes AND microlevel causes. This is portrayed by the fact that steps 1 & 2 are external grievances arising

from some sort of societal, economic or otherwise dysfunction in the context (MACROLEVEL), while steps 3 to 5 are related to the process of moral integration and the alignment of beliefs as well as the reframing of worldviews and frames of reference (MICROLEVEL) (Moghaddam, 2005, pp. 162-166).

The second reason why this model suits the purposes of my thesis as the core theoretical framework is seeing as to how Moghaddam successfully identifies the element of **predisposition** for potential radicals, this is through the portrayal of the staircase as a narrowing staircase whereby people only reach the advanced stages if they have a set of preconditions such as the propensity for violence etc… (Moghaddam, 2005, pp. 165). This makes it so that the Lacuna theory developed in this thesis fits perfectly within the staircase model particularly as a precondition for moving from step 3 (second floor) to step 4 (third floor).

To conclude, what my focus for this thesis will be is rather the "**predisposing**" elements that Moghaddam alludes to but does not substantiate. As in the push factors that condition the climber to move further up the narrowing staircase. This provides, as mentioned before, avenues for cumulative empirical research (between each of the 6 steps). However here we assess lacunas in religious understanding as a predisposing element between steps three and four. In other words we assess lacunas in religious understanding as an enabling element to the integration of categorical thinking and the legitimization of terrorist organizations. Religion in general has long been classified in the field as an element for the justification of violence. What this thesis does is pay closer attention to the granularity of that role.

III. The Moroccan Experience with Violent Islamist Radicalization

VE Locally And Internationally

The phenomenon of Violent Islamist Radicalization has undergone three mutations concomitantly both globally and in the context of Morocco. These are shifts in **1)** The nature, **2)** the means (of the terrorist operations fuelled by Islamist radical ideas), and **3)** the scale of violent Islamist radicalization, the inflection point of which is the event of 9/11.

1 Shift in Nature

Firstly, for the nature, we notice after the 9/11 both on a global scale and in the context of Morocco a shift in the nature of Islamist

radicalization. Here we take "nature" to mean the focus, ideology and narratives of belligerent organizations. This shift manifests in the re-channelling of the focus away from the "Far-enemy" agendas advanced by Bin-Laden, pursuant to the heavy American campaigns against Al Qaeda in reaction to 9/11 (Byman, 2016, pp. 153-154). This is to say that there was a return to the focus on the "near enemy" of the late 1970s and early 1980s Egypt, as espoused by the likes of Zarqawi and Mohammed Abdelsalam Faraj, who qualified the Arab regimes themselves as "Dar al Kufr" (house of apostasy) (Brooke, 2008, p. 205). This is reflected in what otherwise came to be known as neo-takfirism, represented globally in the decline of al Qaeda and the rise of ISIS, and more specifically in the context of Morocco is represented both in the increase of attacks perpetrated within the nation and in the takfiri character the proselytizing progressively took on throughout the years following 9/11.

The Moroccan experience further mirrors the global experience in that the changes in Al Qaeda narrative and its developments constitute much of the inspiration behind the uptick in attacks within Morocco. This is most pronounced in the Bin Laden's categorization of Morocco as a target "Apostate" regime in 2003 (Rogelio & Rey, 2007, p. 572).

2 Shift in the means

Secondly, for the means, (*see figure 3*) we see after 2001 a sharp increase in more radical terrorist measures represented in the rise of suicide bombings. In fact, nowhere else is the impact of 9/11 more pronounced than in the sharp increase of terrorist use of suicide bombings (Horowitz, 2015, p. 3). It is important to note that suicide bombings have been used before most notably by the Tamil tigers of Sri-Lanka, to whom the invention of the suicide belt is attributed (Ward, 2018, p. 91). However, although suicide bombing is not a total novelty, the scale to which it became used after 9/11 is totally unprecedented (Horowitz, 2015, p. 4).

This trend is seen both globally as well as in the context of Morocco as testified by the fact that a feature of terrorist attacks motivated by Islamist violent radicalization is that they use suicide bombings (Rogelio & Rey, 2007, p. 572). What makes the Moroccan experience even more directly reflective of the global experience aside from the rising popularity in Chechnya and Iraq, is that the suicide bombings of Casablanca in 2003 came only a few days after a similar attack in Saudi Arabia (Horowitz, 2015, p. 4).
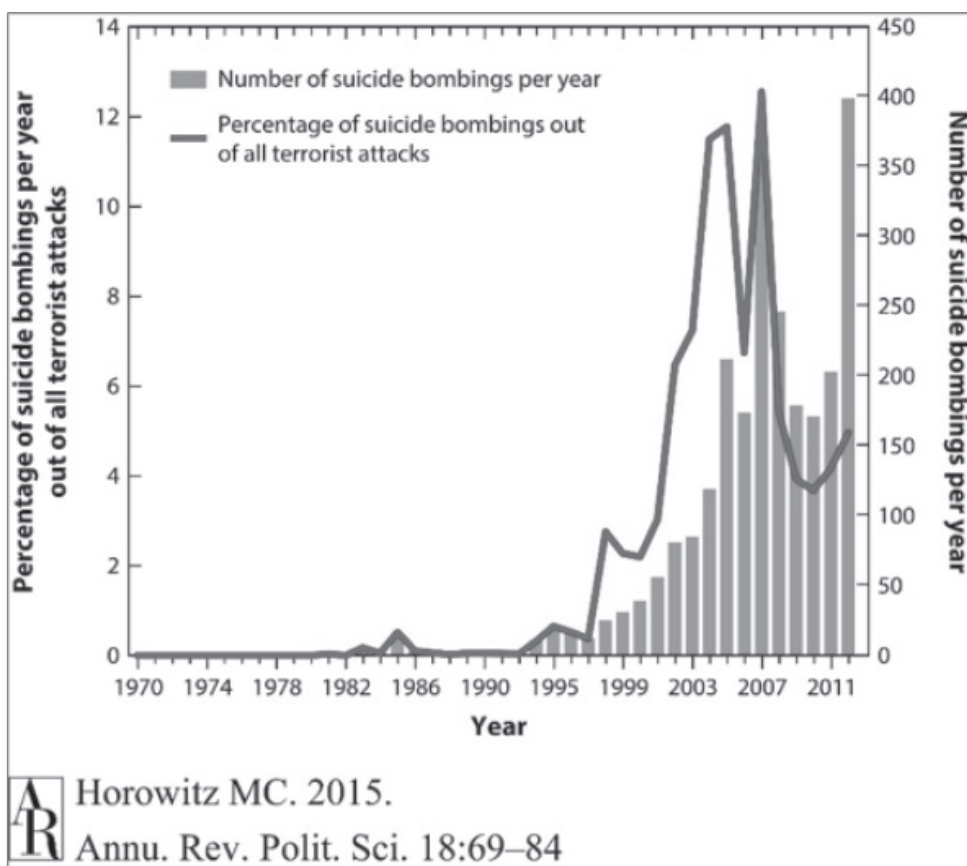
Horowitz MC. 2015.
Annu. Rev. Polit. Sci. 18:69–84

Figure 3 - Change in number of suicide bombings throughout the years
(Horowitz, 2015, p. 6)

3 Shift in the scale

Thirdly for the scale, this manifests in two ways, the scale of operations (in terms of frequency and size of casualties), and the scale of attention given Islamist Violent Radicalization and Terrorism. 9/11 was an inflection point globally for terrorist operations; According to a study conducted by the Rand Corporation looking at the aggregate of all attacks since 1968, it was established that most (about 80%) have occurred in the few years following the September 11 attacks, with Islamist violent radical organizations comprising 31 out of the 35 belligerent groups in question (Atran, 2006, p. 127). This increase in the scale of Islamist violent radicalization as a challenge is present globally -as seen above- as well as in Morocco. This is testified by the fact that whereas pre 9/11 we saw single target assassinations and some coordinated attacks with very few casualties, post 9/11 spelled more frequent, more organized, and deadlier attacks as testified by the casblanca and Argana attacks

(Rezrazi, 2018a, p. 113). This challenge is further supplemented by the fact that Morocco is facing the issue of highly radicalized returnees. This is especially considering that, until 2017, the country has had no less than 1500 citizens join Jihadist movements in Iraq and Syria according to the Directorate General of Studies and Documentation (DGED) (Khalid et al., 2020, p. 4).

In terms of scale of attention, here we cite as an indicator the research efforts funneled towards understanding violent Islamist radicalization (and by correlation terrorism). The surge in these research efforts following 9/11 Is clear to anyone conducting a meta-analysis of the literary corpus (Young, 2019, p. 325). This is testified by the fact that it grew as a field of study from a sub-field of security studies to its own self-contained research field with specialized research institutions and scholarly journals (Jackson, 2007, p. 4). The overall trend is exemplified by the research quantifying the effects of terrorism, wherein the growth curve is especially steep following the September 11 attacks. (*see figure 4*).
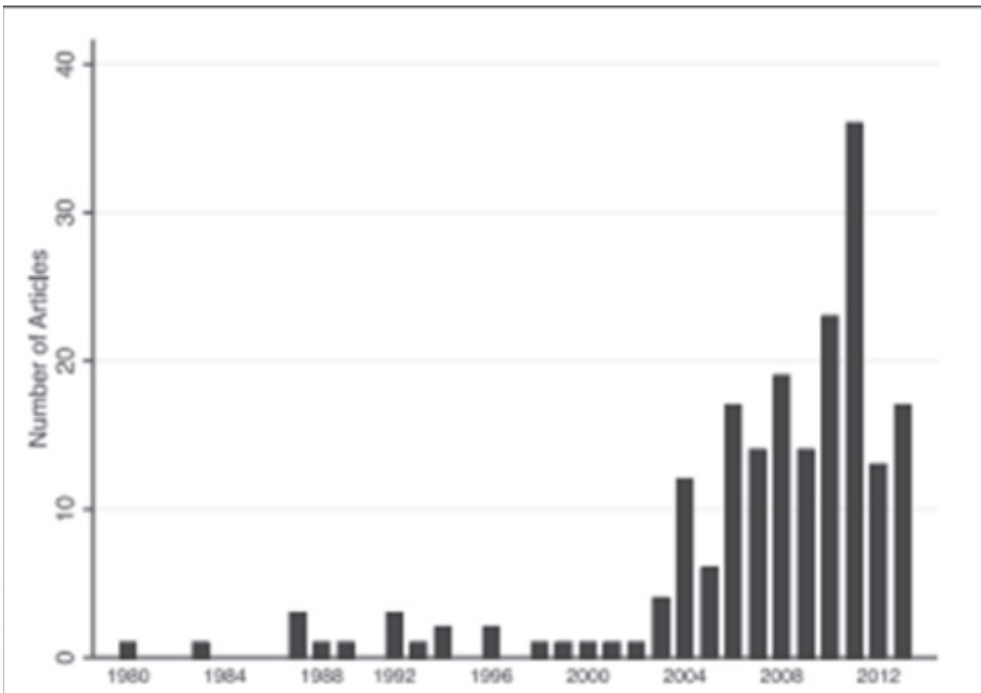

Figure 4 - Number of quantitative terrorism articles per year in a 21 journal sample (Young, 2019, p. 325)

IV. Morocco's Approach

In this optic, Morocco as well reflects the global struggle against Violent Islamist Radicalization in that it has spared no effort to palliate

to these concerns imposed by the aforementioned shifts in its **1)** nature, **2)** means, and **3)** scale.[5] This quote from a study conducted by CONNEKT (Contexts of Violent Extremism in MENA and Balkan Societies) on the Moroccan approaches to extremism makes salient the scope of efforts invested by the country to tackle the issue:

"Morocco is leader in the fight against terrorism, with more than 200 jihadists returning to Morocco, detained and brought to justice by 2018. Between 2002 and 2018, 183 terrorist cells were dismantled by elite Central Bureau of Judicial Investigation (BCIJ) units, preventing 361 planned attacks, said Abdelhak Khiame, Director of the BCIJ, and 62 of the 183 cells dismantled were directly linked to ISIS" (Khalid et al., 2020, p. 4)

To this extent Morocco has been conducting its fight against Violent Islamist Radicalization and terrorism in congruence with the principles of DDR (Disarmament, Demobilisation, and Rehabilitation) (Rezrazi, 2018b, p. 82). The Moroccan approach has thus been categorised into two main prongs of firstly **1).** Eradication and secondly of **2)** De-radicalization (Rezrazi, 2018b, p. 82).

1 Eradication Measures

These measures are specifically geared towards terrorist operations, communications, funding, equipment, and recruitment (Rezrazi, 2018b, p. 83). To this extent, eradication measures are used here in reference to communications disruption, policing, legal follow up, and intelligence gathering. The Moroccan security apparatus, to fulfil these functions, has constructed a complex web of classical-security, legal, Cyber security, and intelligence institutions. Amongst these, we can mention, respectively, the "HADAR" multi-agency security forces, the Central Bureau for Judicial Investigations (BCIJ), The General Directorate of Security of Information Systems (GDSIS), The Strategic Committee of Information Security Systems (SCISS), and The Financial Information Processing Unit (UTRF) (Rezrazi, 2018b, p. 85). The formulation of these institution has as a backdrop an intricate legal basis of amendments to the penal and criminal codes. This framework serves as jurisprudential justification for their operation and procedures, which has as its core the Law 03.03 issued by royal charter two weeks following the attacks of May 16, 2003 (Jamal, 2008, p. 149). In the following years between 2003 and 2007 alone, Morocco had successfully dismantled 30 Violent Islamist Radical cells (Masbah, 2015, p. 4).

5- See **page 11**.

2 De-Radicalization Measures

De-Radicalization[6] is used here in reference to measures directly targeting the Active Macro-level causes that push individuals and groups to <u>actively</u> mobilize and adopt violent radical ideologies (Schmid, 2013, p. 4). In other words, these are measures by which Morocco seeks to replace "misunderstandings or extremist ideology" (Gunaratna, 2012, p. 147) with the "the principles of moderation, toleration and coexistence" (Gunaratna, 2012, p. 147) by targeting the socio-economic and religious factors that push towards and accentuate radicalization (Khalid et al., 2020, p. 14).

i. Socio-economic De-radicalization Measures

These are measures targeting specifically the precarious socio-economic conditions that actively push youths towards radicalization. To this extent Morocco, in 2005, launched the national initiative for human development (INDH) aiming at the reduction of regional inequalities, the optimization and updating of job infrastructure, as well as at the provision of better work opportunities (Jamal, 2008, p. 150). In its 4 years of operation (ending in 2008) (Khalid et al., 2020, p. 12), the services of the INDH are shown to have reached about 4 million Moroccans, contributing to the country's 40% reduction in poverty amongst the population by 2010 (Rezrazi, 2018b, p. 86).

ii. Religious/Institutional De-Radicalization measures

Morocco attributes its success in tackling the challenge of Violent Islamist radicalization to the implementation of religious oversight

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6- This concept of deradicalization is a fairly new topic of research, with academic interest only peaking in the past 15 years (Horgan & Taylor, 2011, p. 173). This makes it so that the field is dynamic without any stable, agreed-upon definitions. But <u>a working definition that goes in accordance with the purposes of this inquiry is that as provided by Rohan Gunaratna in his analysis of different definitions provided by John Horgan and Omar Ashour.</u> Gunaratna's definition goes as follows: "De-radicalization is a comprehensive process by which a terrorist's **misunderstanding or extremist ideology** is replaced with the **principles of moderation, toleration and coexistence**. Only a small percentage of the population has extremist views that require de-radicalization. **De-radicalization involves religious engagements that seek to dissuade violence and extremism.** Cognitive skills (sometimes called life skills) training is also employed. Such skills are used to inform terrorists that there are peaceful alternatives to violence. Changing the views and ideologies of terrorists and extremists is difficult and may take more time than education and vocational training." (Gunaratna, 2012, p. 147). This definition most suits the purposes of the essay as it accounts for the cognitive micro-level variables, as well as accounts for the strategies employed in prison deradicalization programs.

measures (having only had 2 attacks since their implementation) (Rezrazi, 2018b, p. 86). These measures took the form of institutional reforms and setting up new institutions. Morocco has applied reforms at the level of the ministry of Habous/ religious affairs, the Dar Al hadith al Hassania (being one of the central religious education institutions in the country), and the high council of Ulemas. Morocco has as well, subsequently to the events of 2003, began setting up new institutions such as the Rabita Muhammadia of Ulemas in 2006 and the Mohammed VI Institute for the Training of Imams, Morshidin (male religious counsellors) and Morshidat (female religious counsellors) in 2014 (Khalid et al., 2020, pp. 11-12). Most notably Morocco has sought to regulate the religious education through a reform in 2008 that recognizes authentic teaching and closing qur'anic schools that go against the values of moderation and tolerance (Khalid et al., 2020, pp. 11-12).

3 Mousalaha: A Lens into The Mechanisms of Radicalization

Foreign terrorist fighters (FTF) present a very real threat to their countries of origin upon returning from terrorist conflict areas (Malet & Hayes, 2020, p. 7). These returnees present potential for conventional criminal or domestic terrorist recidivism (Malet & Hayes, 2020, p. 7). The year 2013 specifically marked the zenith of the recruitment of Moroccan foreign fighters, in which a period of six months between June and December was enough for more than 900 to join the fold of the conflict (Malet & Hayes, 2020, p. 5). Morocco however, has since 2015 gone through a shift in which, no longer has it had any foreign fighter departures to middle east, but instead is now presented with the challenge of the 500 combatants that have returned from these conflict areas since (Lounnas, 2018, p.11). To palliate to this concern Morocco has developed an approach that combines both prongs of its fight against Violent Islamist Radicalization.

This is essentially a prison de-radicalization program that targets inmates/detainees of terrorism related crimes (be they FTFs or domestic terrorists) in an effort to deradicalize and reintegrate them back into society. To this extent this program has been conducted in congruity between both the eradication and deradicalization approach as it is a collaborative effort between religious, classical security, and human rights institutions. The result was a multistage program aiming at the reconciliation of the inmates 1) with themselves (psychological element) 2) with the religion (theological element) and 3) with their society (social element) (Rezrazi, 2018b, p. 92).

This program has been initiated in 2017 by the penitentiary Administration (DGAPR), with the collaboration of the Rabita Mohammadia of Ulemas, and the national council for Human rights, with further partnerships with the ministry of justice, the Public ministry, the supreme council of justice, the ministry of Habous and Islamic Affairs, the Mohammed VI foundation for prisoners reinsertion, and experts in charge of socio-economic reinsertion, and in psychological counceling (Iraqi, 2019). The main goal the program seeks is the De-Radicalization of previous radicals through a holistic approach that consists of seminars and workshops for the theological deconstruction of extremist narratives, social and professional rehabilitation, and human rights and legal counseling.

V. Theory and Practice

The alignment of both the Global and the Moroccan 1) history with Violent Islamist Radicalization and 2) its developments suggests that this phenomenon is well and truly a global challenge with common characteristics. Establishing the Moroccan experience with violent radicalization as an epiphenomenon is sufficient grounds to begin assessing the validity and universality of our hypothesis based on a Moroccan case study. To pursue this hypothesis our case study has thus been concentrated on the Mousalaha program as it provides an extraordinary lens into causal inquiries about radicalization and the mechanisms thereof. This is owing to the fact that Mousalaha is uniquely conducive for 1) empirical work as testified by the readiness of the participation of the program's graduates and 2) for an indepth look into the micro-level causes as testified by the presence of a host of experts in theology and psychology.

To this extent we went through a round of six total interviews three of which are with graduates of the program, two of which are with supervisors for the female and male inmates (Dr. Farida Zomorod, and Dr. Mohamed El Mentar who works in proximity to Dr. Ahmed Abaddi responsible for the theological guidance of the male inmates -*and who has good knowledge of the Rabita's intervention in the program even though he was not directly participating within it*-), and one interview with the wife of one of the program beneficiaries. The questions we asked were loosely based on the Moghaddam staircase model laid out in chapter 1 (TFA chapter pages 18 to 22). Below are the interview questions and the logic behind them:

1 Interview questions

Question 1: Which of the following two assumptions do you agree with the most?

- Violent religious extremism is not gradual, it is something that comes complete and fast

- Violent religious extremism is a gradual process, meaning that violent extremism has stages

Question 2: Based on your experience with and outside the program, what makes violent extremism gradual and what are its stages?

Question 3: What do you think causes violent extremism?

Question 4: Based on your experience with the program, what are the most common gaps in religious understanding among program participants?

Question 5: Based on your experience with the programme, do you think that gaps in religious understanding contribute to extremism?

- yes
- no

Question 6: Based on your experience with the program, which of the following assumptions do you agree with the most?

- Gaps in religious understanding have a direct role in causing violent religious extremism

- Gaps in religious understanding play a facilitating role in causing violent religious extremism

Question 7: Based on your experience with the program, how and to what extent might these lacunas contribute to radicalization?

2 Guiding logic of the interview questions:

i. Question 1:

The purpose of this question is to assess the respondents' knowledge of the topic

ii. Question 2:

The purpose of this question is to assess the compatibility of Moghaddam's theoretical model I am using with the experiences/ observations of the interviewee with radicalization.

iii. Question 3:

This question has two purposes. The first is to evaluate the respondent's ideas in a way that is not affected by how the following questions are shaped. The second purpose is to elicit more information based on their experiences inside and outside the program, which may fill in some of the gaps their subsequent answers may have left.

iv. Question 4:

The objective of this question is to first substantiate the correlation before ascertaining whether the relationship between the dependent variable (violent religious extremism) and the independent variable (gaps in the fundamentals of understanding religion) is causal.

v. Question 5:

The point of this question is to start ascertaining the nature of this correlation and whether indeed there is a causal relationship between lacunas in the fundamentals of religious understanding and violent Islamist extremism

vi. Question 6:

The purpose of this question is to establish stronger causal links and to assess their nature

vii. Question 7:

The purpose of this question is to assess the extent and reach of this relationship

Floor 0 to floor 2:

1 Theoretically According to the Staircase Model

Floor zero, or what Moghaddam refers to as the "foundational floor", is qualified in terms of dissatisfaction with social and economic conditions, wherein the potential radical perceives their conditions as being unfair, inadequate and needing change. These are individuals who are dissatisfied and see that they are subjected to unfair/unjust treatment in terms of portrayal in the media and in terms of precarious material condition, yet they remain far from aligning with the violent ideals and world views of belligerent institutions. What matters most here however, beyond the **actual** precarity and unfairness of their conditions, is the **perceived** precarity and unfairness of their conditions (Moghaddam, 2005, p. 163). Moghaddam elaborates that a person could be living in absolute poverty yet remain satisfied, while someone else could be living in relative comfort and be dissatisfied (Moghaddam, 2005, p. 163).

Some of these individuals then move on to the next floor (floor 1) in an attempt to find ways of improving these material and social conditions with which they find fault (Moghaddam, 2009, p. 375). What guides these potential radicals' paths along their pursuit of alternative (and perhaps radical) means to palliate to their concern is whether or not they encounter difficulty in this pursuit (Moghaddam, 2005, p. 164).

The causal elements in bringing about radicalization here for potential radicals could be categorized into two based on Moghaddam's model. We could typify these two categories as being 1) the Macro/active causes and 2) the Micro/passive causes. The active causes are used here in reference to the elements that push the potential radicals along the staircase, in this case they would be the bidirectional interaction of poor social and material circumstance and the reactive consequence of dissatisfaction. The passive causes on the other-hand would be what Moghaddam refers to as Relative deprivation (<u>perceptions</u> of unfairness and injustice), existential anxiety, rational choice (considering that terrorism is a viable rational means for the betterment of conditions), and self-efficacy (self-trust and confidence in one's abilities to better one's own conditions) (Lygre et al., 2011, p. 2).

It is those amongst this class of potential radicals that encounter difficulties in making their voices heard and in their endeavors for social mobility that move further along the path of radicalization (Lygre et al., 2011, p. 2). They begin to displace their aggression and seek an "Other" to blame for all their troubles.

2 Empirically as Applied to Mousalaha

The causal elements as prescribed by Moghaddam go in alignment with the feedback given on some of our interviews specifically in response to questions 2 and 3 about what brings about the nature of radicalization and what brings it about. We can cite Dr. Farida Zomorod, the theological guidance supervisor for the female inmates participating in Mousalaha and director of the center for women's studies in Islam, who outlines the initial impact of the social conditions a potential radical finds themselves in, and the feelings of unfairness, inferiority, and injustice they might rouse within them. These, according to Dr. Zomorod constitute a potential entrance point to further entrench radicalization.

In the same wavelength Dr. Mohamed El Mentar Director of the center for Coranic studies at the Rabita Mohammadia of Oulemas, states that the starting point that places potential radicals in a position to be receptive of radical narratives is feelings of dissatisfaction, and

perceptions of unfairness towards skewed portrayal of Muslims, double standards, and poor conditions.

There are also two other program participants and the wife of another (all of whom shall remain unnamed for their privacy) who have mentioned specifically 1) precarious socio-economic conditions, 2) negative interaction with society, 3) the social and political conditions Muslims are facing in "Arabic and Muslim states" in response to question two and three (see chapter 4).

Floor 2 to floor 5: Where Lacunas Come Into Play.

3 Theoretically According to the Staircase Model

The second floor of the staircase consists mainly of the displacement of aggression. This is to say the potential radical begins to identify a specific target to displace their pent-up aggression, frustration, and anger towards. This "other" is then identified as the cause for the perceived injustice, unfairness, and grievance causing precarious social and material circumstances (Lygre et al., 2011, p. 2). This displacement of aggression onto an identified "other" is facilitated, according to Moghaddam, to the contribution of institutions and organizations that foster radical ideas, attitudes, and behavior. These are institutions that advance binary systems of morality, and fundamentalist ideas that draw a clear distinction between an Us and a Them (Lygre et al., 2011, p. 2).

Individuals that successfully integrate these ideas and showcase a preparedness to put these ideals into action are those that move on to the next floor and begin to solidify this prescribed world view adopting it as their own (Moghaddam, 2005, p. 165). This is where the potential radical becomes a fully-fledged radical as they begin to align with the morality of the belligerent group and disengage from the conventional morality of their social milieu. Moghaddam argues that in this phase the radicalized individual fully integrates categorical thinking and vilifies the "other" prescribed by the group (Moghaddam, 2005, p. 165). Moghaddam does allude to an interpretative element mentioning that these groups adopt interpretations of Islam that encourage terrorism, and recruits are kept engaged to this morality through a host of manipulation mechanisms of isolation, secrecy and fear (Moghaddam, 2005, p. 165).

The causal elements to make this step from floor 2 to floor 3, according to Moghaddam, fall mostly under the category of Micro-passive causes as we are dealing with moral engagement which lies in the realms of cognition and psychology. The causes identified by Moghaddam are the 1). displacement of aggression, 2) dehumanization, and 3) social

categorization which refer to the identification and vilification of the "other" as the cause of grievances and hence as a target for aggression (Moghaddam, 2005, p. 165). Although Moghaddam does mention that these are all attributes of the morality adopted by the radical groups, he fails to address the step that precedes this integration, as in what predisposes the adoption of this morality in the first place.

2 Empirically as Applied to Mousalaha

This same concern is substantiated by the interviewees in that all of them outline the existence of an element that precedes and enables the integration of radical narratives. A predisposing element that facilitates this move from vilifying an "other", to adopting supportive narratives that license violence against this other.

The wife of the program graduate that has participated in the interview, in response to question 2 points out psychological processes that are very much analogous to those of 1). displacement of aggression, 2) dehumanization, and 3) social categorization layed out by Moghaddam. She does this by laying out phases that she has observed her husband go through, from being amicable and easy going, to irritable and lashing out violently in response to some circumstances that he deemed in conflict with the faith. She also mentions a degree of rigidity in moral judgement and the skewed interpretation of religious text, aligning with a single opinion in a question of morality, when in fact there are multiple (she says "50 or more") sayings of erudites on the matter clarifying all of its nuances.

Doctor Farida Zomorod elaborates further in these observations by laying down this process in response to questions 2 and 3.[7] Dr. Farida Zomorod clarifies that this process of violent radicalization begins by first isolation and the othering, this, once in conjunction with a radical religious justification, mutates into passing of judgement on this other, and then vilification (as a "Fasiq" depraved, or even "Kafir" apostate and rescinding their Islamness), then finally they move onto acts of "licensed" violence. This explanation as well bears much similarity with Moghaddam's enunciation, but has an additional active element of the acquisition of radical religious justification. Dr. Zomorod, in response to questions 4 and 7, clarifies that this adoption of radical ideals is facilitated by "superficial understandings" of the tenets of sharia law, explaining that most of these radicals in question (female as well as male) do not have high degrees of religious education.

7- Refer to Chapter 5 for questions and guiding logic

This same idea is built upon by Doctor Mohamed El Mentar and two of the participating previous Radicals in response to questions 3, 4, and 7. They state that these "superficial understandings" of Islamic Jurisprudence are specifically concerning the concept of Hakimyyah (governership of Allah) presented by Sayyid Qutb and Abu Al A'la Almaoudoudi, the concept of Hukm Addiyar "حكم الديار" (categorization of house of apostasy or house of Islam), the concept of Al Wala Wa Lbara, passing by concepts of the Khilafah but **most specifically as related to the concept of Jihad.**

This, as clarified by Dr. El Mentar and some of these previous radicals, is all based on very few writings such as the "المقاومة الإسلامية العالمية" of Abu Masa'ab Al Suri, and the writings of Al Maqdissi, Omar Abd Al Rahman, and Abu Qatadah Al Filistini amongst others.

This is supplemented according to Dr. El Mentar by a lack of understanding of the Maqassid Asharia or the Purposes of Jurisprudence which guide the understanding of ayat usually cited by Violent Radicals to justify their beliefs and actions such as **Ayat 191 and 216 of Surat Al-Baqarah** both of which relate to the concept of Jihad:

2:191: "Kill them wherever you come upon them and drive them out of the places from which they have driven you out. For persecution is far worse than killing. And do not fight them at the Sacred Mosque unless they attack you there. If they do so, then fight them—that is the reward of the disbelievers." (Quran, Surah Al-Baqarah, 1-286)

&

2:216: "Fighting has been made obligatory upon you "believers", though you dislike it. Perhaps you dislike something which is good for you and like something which is bad for you. Allah knows and you do not know."

This concept of Jihad, as advanced by Dr. Ahmed Abaddi in his book "*Mafhum Assilm Fi Al Islam- The Concept of Peace in Islam"*, is highly contextual, as it takes different manifestations according to the context wherein it is placed. However, the common denominator for Jihad, considering the totality of its mentions is the pursuit of self-obligation even if the ego dislikes it. Outside of this, only the institution of the Imamah (taken to mean state leadership in the modern context) has the capacity to issue or prescribe the time/context appropriate for fighting. As such, Jihad is a struggle against self to illuminate the mind and the being, and to withhold one's passions (Abaddi, 2019, p. 168). Specifically as pertaining the verse 191, the concept here is

geared towards the protection of the weak and innocent as well as the protection of life (Abaddi, 2019, p. 168). This becomes especially salient considering the verses before and after (2:190-192)

"And fight in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits" (Religious Rehabilitation Group)

…

"But if they desist, then surely Allah is Forgiving, Merciful." (Religious Rehabilitation Group)

Another example would be the concept of Hukm Addiyar (Dar Al Islam, and Dar al kufr) found in the following :

"But once the Sacred Months have passed, kill the polytheists 'who violated their treaties' wherever you find them,[1] capture them, besiege them, and lie in wait for them on every way. But if they repent, perform prayers, and pay alms-tax, then set them free. Indeed, Allah is All-Forgiving, Most Merciful." (Quran, Surah at-Tawbah, 1-129)

Violent Islamist Radicals use this verse, which they refer to as ayat Assayf (verse of the sword) as reference for the connection between war and the ruling of whether a nation is a house of apostacy or a house of Islam (إقبال, 2021, p. 88). However, they do this while ignoring the fact that this ruling concerned specifically the Arab polytheists who had repeatedly broken agreements and conspired to do harm (إقبال, 2021, p. 88). This is further supported by the very verse that precedes it and which clarifies:

"As for the polytheists who have honoured every term of their treaty with you and have not supported an enemy against you, honour your treaty with them until the end of its term. Surely Allah loves those who are mindful 'of Him'." (Quran, Surah at-Tawbah, 1-128)

This, as per Dr. El Mentar, ties into the core necessary finalities or Maqasid Asharia, which lie in that of preservation of 1) Life (النفس), of 2) Religion (Faith, Laws, Morality, and Ethics/ الدين), 3) (الكرامة و النسل /عرض) Dignity and continuity of the species, of 4) Mind and Reason (العقل), and 5) of Property(المال), which in turn harbor within them the value of mercy and work towards the assurance of Happiness in both lives.

This thus positions lacunas in the fundamentals of religious understanding, specifically those as related to the concept of Jihad, firmly as predisposing elements for the adoption of systems of "morality" that according to Moghaddam nurture the 1). displacement of aggression,

2) dehumanization, and 3) social categorization and push towards the integration within belligerent terrorist institutions. In other words, **Lacunas in the fundamentals of religious understanding are Micro level Passive causes for the radicalization of Muslim Youths.**

It is at this step that radicals finally make the shift from an Islamist al in thought and beliefs to a Violent Islamist radical in floors 4 and 5, or in other words, a terrorist who has completed the solidification of their categorical thinking. This is to say that at this point, the radical has fully integrated the bureaucratic structure of the belligerent organization, has fully demonized the "other", and has undergone training to become fully equipped and fully capacitated to carry out terrorist operations.

VI. from Active to Passive and from Macro to Micro

Assessment of Transferability

Beyond establishing that the Moroccan experience with Violent Islamist Radicalization is reflective of the phenomenon on a global scale, our conclusion necessitates an extra-layer of substantiation to fully establish the universality of it. This is so as to make sure that no externality or potentially overlooked variables such as the cultural character specific to Morocco, or the dominant religion, or even dominant language have skewed our observations so far as to falsely assume causation between lacking understanding of the fundamentals of Islam, and Violent Islamist Radicalization. To this extent we have taken into account 2 other of the most cited programs in France (AMAL program) (Parker, 2013, p. 48), and Singapore (Rosili, 2016, p. 158).

Firstly, The Amal Program in France, which concluded in 2016, was a pilot program designed for the deradicalization of violent Islamist radicals in two prison centers. This program was set up by the French Directorate of Prison Administration. the below included quote underlines the presence of the same observed lacunas:

"This observation underlines, among many other examples not described here, how much knowledge of Islam was partial, even incomplete, oriented towards justifying purposes of jihad and involvement in the Syrian crisis (confirmation bias), among the beneficiaries. detainees, in particular the youngest

[…] *A posteriori*, we consider that certain results are rather consolidated and deserve a recommendation of implementation: the use of the Islamic theological corpus to legitimize the use, in a second step, of tools likely if not to be rejected, makes sense. and proves to be

particularly «deployable» on a population of beneficiaries who often have only an *ultra-* applicative knowledge of Islam (justification of violence and moral management of daily facts between *halal* and *haram* , the pure and the impure), and the Arabic language - an incomplete practice even limited to a few well-felt, but poorly pronounced formulas." (Marret & Suquet, 2021, p. 6)

Beyond simply observing the presence of superficial understanding of the fundamentals of the Islamic faith however, the program does not go too deeply into their bearing on bringing about radicalization. It is however acknowledged, as presented in the above quote, that such linkages should be explored, and the religious element should be brought in for a more complete De-Radicalization approach.

The Jemaah Islamiyah, a violent radical groups with militant Al Qaeda aligned ideals infiltrated Singapore in early 2001 with the purpose of establishing an Islamic state. Thy had made plans to conduct terrorist attacks within Singapore but was intercepted by the security services. Recognizing the threat the Ministry of Home affairs contacted the Islamic religious council of Singapore and other members of the community to help construct an ideological approach against Violent Islamist Radicalization. In 2003 the Religious Rehabilitation Group Program was constructed, which targets prisoners held on charges of violent islamist radicalization (Parker, 2013, pp. 34-35). Within this program, many of the same observation as in the Amal program were made as is clear in the below quote;

"To assist all members of the RRG in their counselling work, the RRG has written two manuals as a guide to rehabilitation work […] The first manual addresses JI's key ideas that have misinterpreted Islamic concepts. The second "goes beyond addressing misinterpretations of Islamic concepts to deal with broader issues, like how one becomes radicalised and what could induce feelings of hatred towards others. The guide aims to better help the Muslim scholars convince hardcore detainees and self-radicalised individuals that their extreme beliefs are not part of Islamic teachings" (Hassan et al., 2011, P. 27)

This quote underlines that this observation is mirrored by the experts conducting the de-radicalization programs in Singapore, who recognize that **the presence of lacunas in fundamental religious understanding is a relevant causal element in bringing about and entrenching violent Islamist Radicalization**. This is further testified by the fact that essential to their deradicalization program is the clarification of the concepts of **Jihad**, of Wala & Bara, and of Khilafa as detailed by the program's online portal, similarly to our findings in this study (Religious Rehabilitation Group).

Conclusion

The study of Violent radicalization is rife with equivocation, politicization and overgeneralizations, but most specifically the field is suffering from two main issues in particular. Firstly, there is not much consensus except on the procedural nature of radicalization itself (Schmid, 2013, p. 19). Secondly the field of radicalization still finds itself in a general lack of empirical research, making for a disproportionate focus on large scale Macro-level explanations for violent radicalization (Veldhuis, 2019, p. 9). The combination of these two factors when considered in conjunction with the recurrence of the observation that there is a prevalence of lacking religious understanding among violent incarcerated Islamist radicals, presents us with a need to pursue the question of:**What is the correlation between these observed lacunas in religious knowledge and the violent radicalization of Muslim youths?**

To this extent we have conducted an empirical study on a prison de-radicalization in Morocco called Mousalaha in which we interview six people, three of which were previously radicalized program graduates, one of which was the wife of one of the program graduates, one of which was Dr. Farida Zomorod responsible for the theological supervision and counseling for the radicalized women, and one of which was Dr. Mohammed El Mentar.

The Logic of our study essentially goes through three basic steps, first is establishing that the Moroccan experience is sufficiently reflective of the Global experience with radicalization to be able to make extrapolations with a sufficient degree of validity. Secondly, we juxtapose our study's observations with Moghaddam's theoretical model to situate them in the process of radicalization and clarify the nature of the processes we are referring to. Thirdly we establish the transferability of our conclusion based on the shared observations in programs in France and Singapore to account for variables that might have slipped our attention.

Based on this logical process we have come to establish that **Lacunas in the fundamentals of religious understanding are Micro level Passive causes for the radicalization of Muslim Youths.**

However, the depth and the nature of this causal relation has yet to be substantiated. All this study does is show the need that there is indeed a lack of understanding in relation to the causes of Violent Islamist Radicalization, specifically those related to the more Micro level elements, be they psychological, or cognitive, but most particularly interpretational.

This work is hence an attempt at perhaps carving a path towards more avenues for substantive research that go more in-depth into the role of "predisposing" or as we call them "Passive/Micro-level" causes in bringing about this phenomenon of Violent Islamist Radicalization, and maybe ultimately make way for more comprehensive more effectual measures and approaches that seek to inoculate against this virus. More similar studies need to be conducted within and outside of similar prison de-radicalization programs to be able to further clarify these linkages.

Aside from this, the study remains limited in that we have encountered a few methodological difficulties in our efforts to conduct the empirical part of our research. First is that there were conflict of interest (familial ties) concerns that have limited the scope of people we could interview in order to maintain academic integrity, and second is that the Covid-19 pandemic had restricted some of our interviews to be written interviews thus limiting the amount and quality of information that could be gathered.

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Duel et concurrence entre étatiques et non étatiques dans leur rapport au droit international humanitaire.

Harouna Moussa Abdoul Wahab[1], Niger

Résumé

Dans cette étude l'attention est portée sur les acteurs non étatiques et leurs rapports face aux Etats. Dans un premier temps il y a la confusion à éviter entre les acteurs non étatiques qui est celle de la définition mais aussi de leur leur personnalité juridique. Il est clair que les Etats ont participé et participent à la formation des normes du droit international humanitaire. Mais en ce qui concerne les entités non étatiques une grande polémique se pose. Pour des entités comme le CICR disposant de la personnalité juridique internationale, leur participation à la formation des normes cousinières du DIH est avérée. Mais en ce qui concerne les entités non étatiques dépourvues de personnalité juridique internationale leur participation à la formation des normes coutumières du DIH est sujet de beaucoup de controverses.

L'Etat reste le principal centre de gravité de la vie internationale ce qui fait qu'au moindre petit soupçon d'atteinte à sa souveraineté il n'hésite pas à s'élever contre ses entités non étatiques. D'autant plus que certaines de ces dernières n'hésitent pas à outrepasser leurs droits en ce qui concerne la mission humanitaire pour se transformer en outil d'espionnage ou de politique au profit d'un autre État. Il existe beaucoup de points de discorde entre Etats et acteurs non étatiques et lorsque leurs relations tournent au duel c'est le droit international humanitaire qui en paye le prix et donc ce sont les victimes sur le terrain qui en souffrent. Voilà pourquoi Etats et acteurs non étatiques doivent mettre leurs différends et travailler ensemble car c'est à travers cette union que le droit international humanitaire pourra réaliser ce pourquoi il a été conçu.

1- Graduate student, Université Mohammed V. Faculté des Sciences Juridiques. Souissi. Rabat.

Les bouleversements actuels sur le plan politique, économique et social dans le monde, montrent que les conflits armés et leurs conséquences n'ont pas changé. «Les souffrances humaines, la mort, le défigurement, la destruction et la perte d'espoir en l'avenir continuent, comme toujours, à constituer les effets immédiats et à plus long terme de la guerre sur les sociétés et sur les individus qui les composent»[2]. A ceci on ajoute la possibilité d'une guerre nucléaire vers laquelle on avance petit à petit. L'avenir sanglant imaginé par Henri Dunant est près de se réaliser. Même les nations unies dont l'une des principales missions est de stopper le recours à la force se sont réduit à réglementer la guerre.

Il est important de se rappeler que le terme droit international humanitaire est relativement récent car dans la pratique on parlait de ''droit de la guerre'' dans le temps. Proposé par Jean Picket[3] et adopté par le comité international de la croix rouge, le droit international humanitaire est l'ensemble des règles internationales d'origine conventionnelle ou coutumière, qui sont spécialement destinées à régler les problèmes humanitaires découlant directement des conflits armés, internationaux ou non internationaux, et qui restreignent, pour des raisons humanitaires, le droit des parties au conflit d'utiliser les méthodes et moyens de guerre de leur choix ou protègent les personnes et les biens affectés, ou pouvant être affectés, par le conflit[4].

Dans cette étude l'attention sera portée sur les Etats et les acteurs non étatiques dans ce domaine du droit. Avant de passer à l'intérêt de ce travail, il est primordial de se pencher sur la définition de la notion d'acteurs non étatiques. Cette définition est à prendre avec des pincettes car même les définitions officielles recensées n'échappent pas à des critiques. Selon la commission européenne, les acteurs non étatiques sont une catégorie d'organisation qui rassemble les principales structures existantes ou nouvelles, de la société en dehors du gouvernement et de l'administration publique. Les acteurs non étatiques naissent de la volonté des citoyens, leur objectif étant de promouvoir une question ou de défendre un intérêt, général ou particulier. Ils sont indépendants de l'État et peuvent prendre la forme d'organisation à but lucratif ou non lucratif. Il s'agit, par exemple, d'organisations non gouvernementales ou de base (ONG/OdB) et leurs plates-formes représentatives dans différents secteurs, des partenaires sociaux (syndicats, associations d'employeurs),

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2- «Le droit international humanitaire et les défis posés par les conflits armés contemporains» dans Rapport préparé par le Comité International de la Croix-Rouge pour la XXVIIIe Conférence internationale de la Croix-Rouge et du Croissant–Rouge tenue du 2 au 6 décembre 2003, Genève, R.I.C.R., 2003. à la p. 4,

3- Jean Pictet, «Le droit international humanitaire : définition» dans Les dimensions internationales du droit humanitaire, supra note 2 à la p. 13.

4- Ibid.

d'associations du secteur privé et d'organisations économiques, d'associations, d'églises et de mouvements confessionnels, d'université, d'associations culturelles ou de médias[5].

Le conseil de sécurité de l'ONU quant à lui, dans sa résolution 1530[6] du 28 avril 2004 relative à la lutte contre la prolifération des armes de destruction massive et aux risques liés à l'acquisition de telles armes entend par acteurs non étatiques les parties aux conflits armés internes qui s'opposent aux forces armées gouvernementales ou luttent contre des entités de même nature et qui remplissent les conditions prévues à l'article 3 commun aux Conventions de Genève de 1949 pour la protection des victimes de la guerre ou à l'article premier du Protocole de 1977 additionnel aux Conventions de Genève relatif à la protection des victimes des conflits armés non internationaux (Protocole II)[7].

Aux termes de ces deux définitions, il est possible de faire face à une confusion la première définition consiste à distinguer les acteurs non étatiques en deux catégories selon qu'ils sont soit supra étatiques ou infra étatiques[8]. Cette distinction étant faite, on comprendra que les organisations internationales sont classées dans la catégorie des acteurs non étatiques supra étatiques et les groupes armés non étatiques dans la catégorie des acteurs non étatiques infra étatiques. Même avec cet éclaircissement le débat ne reste pas clos. En effet la nature supra étatique de certains acteurs non étatiques est discutable. Les organisations internationales sont créées par les Etats en vue d'accomplir les tâches que ces derniers ont bien voulu leur confier. La cour internationale de justice

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5- CE, Commission, Communication de la Commission au Conseil, au Parlement européen et au Comité économique et social sur la participation des acteurs non étatiques à la politique communautaire de développement, Bruxelles, CE, 2002.

6- Résolution 1540 sur la non-prolifération des armes de destruction massive, Rés. CS 1540, Doc. Off. CS NU, 4956e séance, Doc. NU S/RES/1540 (2004) [Résolution 1540].

7- Institut de droit international, «Résolution de Berlin : L'application du droit international humanitaire et des droits fondamentaux de l'homme dans les conflits armés auxquels prennent part des entités non étatiques», (1999) Annuaire de l'Institut de droit international au para. I [Institut de droit international, «Résolution de Berlin»].

8- Anne Petitpierre, «Avant-propos : Discours d'ouverture» dans Actes du Colloque de Bruges : La pertinence du droit international humanitaires pour les acteurs non-étatiques (Colleguim n° 27), Bruxelles, Comité international de la Croix-Rouge, 2003, 11 à la p. 12 [Colloque de Bruges]; Heykel Ben Mahfoudh, «Acteurs non étatiques et conflits armés non internationaux» dans Rafaâ Ben Achour et Salim Laghmani, dir., Acteurs non étatiques et droit international : VIIe Rencontre internationale de la Faculté des sciences juridiques, politiques et sociales de Tunis, Paris, A. Pedone, 2007, 215 à la p. 216 [Rafaâ Ben Achour et Laghmani, Acteurs non étatiques].

l'a d'ailleurs si bien rappelé en des termes bien explicites : La Cour a à peine besoin de rappeler que les organisations internationales sont des sujets de droit international qui ne jouissent pas, à l'instar des États, de compétences générales. Les organisations internationales sont régies par le «principe de spécialité», c'est-à-dire dotées par les États qui les créent, de compétences d'attribution dont les limites sont fonction des intérêts communs que ceux-ci leur donnent pour mission de promouvoir[9].

Voilà pourquoi il est souvent inacceptable pour les Etats de se résoudre à accepter que des institutions dont ils sont à l'origine de la naissance soient situées au-dessus d'eux. Cette remarque est valable même pour l'ONU en dépit de son caractère universel. Les Etats ne sont pas prêts à donner une certaine supra nationalité à l'ONU, tout au plus ils voient les organisations internationales comme leur prolongement ou leur émanation[10].

Ceci étant dit, on peut avancer que le terme d'acteur non étatique varie considérablement en fonction de celui qui le définit. Même si elle est claire dans son noyau central, elle demeure imprécise dans ses contours. Voilà pourquoi s'aventurer à la définir, c'est accepter de se soumettre à un ''test de Rorschach juridique''[11]. Dans cette logique, toute tentative pour définir les acteurs non étatiques ne peut être que descriptive tout en essayant de se rapprocher au contexte dans lequel on veut l'employer.

9- Licéité de l'utilisation des armes nucléaires par un État dans un conflit armé, Résumé de l'avis consultatif, [1996] C.I.J. rec. 226 à la p. 78.

10- Slim Laghmani est de cet avis. Aussi lit-on sous sa plume enlevée que «[a] u titre des acteurs étatiques, il faut compter les États, bien sûr, mais également les démembrements d'États, les organisations internationales ou d'intégration, les gouvernements en exil ou les institutions quasi-étatiques comme l'autorité palestinienne [nos italiques]», «Rapport introduction» dans Rafaâ Ben Achour et Laghmani, Acteurs non étatiques, supra note 16 à la p. 10. Charles Rousseau affirmait d'ailleurs que «[l]e caractère commun des Organisations internationales est d'être des institutions interétatiques», Droit international public, t. 2, Paris, Sirey, 1974, à la p. 462. Voir aussi Patrick Dailler Alain Pellet et Quoc Dinh Nguyen, Droit international public, 6e éd., Paris, Librairie générale de droit et de jurisprudence, 1999 à la p. 571. La même remarque est formulée par Prosper Weil pour qui «[e]n dépit et par-delà leur personnalité juridique distincte, les organisations internationales demeurent en effet fondamentalement l'émanation des États [nos italiques]», Prosper Weil, Le droit international en quête de son identité : cours général de droit international public, Recueil des cours de l'Académie de droit international de La Haye, t. 237, 1992 à la p. 104.

11- Alexandre-Charles Kiss, «Les entités non-étatiques et le droit international» dans Rapport de synthèse du Colloque A.A.A. ayant pour thème : Entités non-étatiques et droit international, La Haye, 1989, 242 à la p. 242.

L'autre approche de la définition à laquelle nous marquons notre adhésion, distingue les acteurs armés non étatiques selon s'ils disposent d'une personnalité internationale ou non. Ainsi pour ce qui est des organisations internationales, il sera plus facile de les classifier. On pourra donc mettre les organisations internationales dans la case des acteurs non étatiques dotés d'une personnalité internationale. Les ONG et les autres groupements quant à eux seraient identifiés dans la case des acteurs non étatiques dépourvus de personnalité internationale[12]. Cette approche peut faire l'objet de mauvaises interprétations dans le sens ou certaines entités qui normalement seraient dépourvues de la personnalité internationale se verront reconnues comme telles. Mais quoi qu'il en soit cela n'aurait aucune importance dans le sens ou la personnalité desdites entités serait limitée et ne modifierait en rien leur leur statut au regard du droit international public. Il en va de même pour les associations et entreprises transnationales dont les dimensions et modes opérationnels sont tels qu'on puisse leur concéder une certaine personnalité fonctionnelle.

L'intérêt de ce sujet possède plusieurs considérations dont nous mettrons deux axes qui méritent une attention particulière. Le premier réside dans les mutations de l'ordre mondial. Ce dernier qui autrefois centré sur les Etats voit l'arrivée de nouveaux acteurs dont-ils n'étaient pas habitués auparavant. Le deuxième axe vise à examiner la part prise par les acteurs non étatiques dans les combats armés de par le monde. En effet l'histoire de la guerre est celle de sa transformation en passant de son caractère Étatique à sa désétatisation. Considérée par la formule de Clausewitz comme la continuation de la politique par d'autres moyens, la guerre a été pendant longtemps une affaire entre Etats. Mais, au lendemain de la seconde guerre mondiale, elle va changer de visage au nom de l'idéologie et se disséminer un peu partout sous la houlette

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12- Le cas du CICR est assez particulier car il dispose des trois facultés fondamentales inhérentes à la qualité de sujet de droit international: conclure des traités, entretenir des relations diplomatiques, faire valoir directement ses prétentions dans les relations internationales. Christian Dominicé, «La personnalité juridique internationale du CICR», dans Christophe Swinarski, dir., Études et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge en l'honneur de Jean Pictet, Genève, Comité international de la Croix-Rouge, 1984, 663; Paul Reuter, «La personnalité internationale du Comité international de la Croix-Rouge», dans Christophe Swinarski, dir., Études et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge en l'honneur de Jean Pictet, Genève, Comité international de la Croix-Rouge, 1984, 783 [Swinarski, Études et essais]; Alejandro Lorite Escorihuela, «Le Comité International de la Croix-Rouge comme organisation sui generis? Remarques sur la personnalité internationale du CICR» (2001) 105 R.G.D.I.P. 581.

des deux superpuissances (USA, Russie). car chacune de ces dernières pour étendre son influence, n'hésitera pas à recourir à des opérations militaires interposées en fomentant des rébellions ou des insurrections pour provoquer la chute des régimes considérés comme étant à la solde de l'adversaire. Dans les cas où l'initiative des conflits armés [leur] échappait, les parties en conflit ne manquaient généralement pas, à brève échéance, d'opter pour une idéologie de l'une d'entre elles afin de s'assurer ses faveurs[13].

Avec la chute du mur de berlin et donc l'effondrement du communisme, on a l'illusion d'une uniformisation idéologique autour du modèle libéral avec au moins un avantage la fin des guerres par procuration[14]. Mais même avec cela la guerre reste et demeure au centre des activités humaines et s'affirme de plus en plus par sa désétatisation qui se traduit par la montée en puissance des acteurs non étatiques dans les conflits armés. Les guerres sont dorénavant d'origine ethnique ou religieuse. Aucune partie de ce monde n'échappe à ce phénomène et tout porte à croire que les conflits armés de ce siècle restent des conflits géographiquement circonscrit, internes ou internationalisés et souvent à caractère régional[15].

De ce qui précède on voit tout l'intérêt du sujet mais surtout la question fondamentale qui en découle et porte sur la nature des relations entre les Etats et les acteurs non étatiques en droit international humanitaire. Cette question relève d'ailleurs de l'évidence, ce n'est pas le temps face aux conflits armés de dissocier les Etats des acteurs non étatiques. Ce qui est important c'est d'envisager l'ensemble des acteurs concernés dans leurs relations réciproques afin de mieux ressortir leur rapport au DIH. En vérité, si la dualité entre les Etats et les acteurs non étatiques ne fait aucun doute, il est cependant vrai que les deux ne sont nullement à l'abri de tout duel.

13- Djamchid Momtaz, Le droit international humanitaire applicable aux conflits armés non internationaux, Recueil des cours de l'Académie de droit international de La Haye, t. 292, 2001 à la p. 21 [Momtaz, Droit international humanitaire].

14- Antonio Cassese, «La guerre civile et le droit international» (1986) 90 R.G.D.I.P. 553 à la p. 557.

15- Maurice Kamto, «Le rôle des "accords et organismes régionaux" en matière de maintien de la paix et de la sécurité internationales à la lumière de la Charte des Nations Unies et de la pratique internationale» (2007) 111 R.G.D.I.P. 771 à la p. 771.

La participation des entités non étatiques à formation de la norme coutumière du droit international humanitaire

«Peu importent la nature et la qualification juridiques et politiques des conflits : ce sont toujours les hommes qui souffrent»[16]. Voilà pourquoi il est loin d'être l'affaire des seuls Etats. En effet on peut relever une certaine dualité entre les Etats et les acteurs non étatiques mais on peut aussi relever une certaine conjugaison d'efforts amenant parfois à des fins communes.

Il est vrai que depuis que le monde est monde la guerre a toujours fait rage et les conséquences de cette dernière sont désastreuses. Néanmoins on peut remarquer que dans presque toutes sociétés et à toutes époques les peuples on essayer de trouver des moyens d'atténuer les souffrances des combattants. Comme le dit Picket «des velléités d'atténuer les horreurs du combat. La préhistoire nous enseigne que les blessés des grandes batailles de l'époque néolithique furent soignés : de nombreux squelettes révèlent des réductions de fractures et même des trépanations»[17].

Avec l'avènement de l'Etat et l'institutionnalisation de la guerre, la finalité est dorénavant la destruction de l'Etat adverse mais comme le dit rousseau de tuer les défenseurs de l'Etat ennemi tant qu'ils ont les armes à la main, ils cessent d'être des ennemis ou ses instruments sitôt qu'ils déposent les armes et se rendent. Quelques fois on peut tuer l'Etat sans tuer un seul de ses membres.

On a tendance à affirmer aujourd'hui que le droit international humanitaire a connu une avancée fulgurante en référence aux aspects de la guerre qu'il couvre et du large éventail de personnes qu'il essaye de protéger. Néanmoins il ne faut pas perdre de vue que ce développement n'est qu'une reprise par le biais de la codification des usages et pratiques qui ont régi les conflits armés depuis des siècles. L'exemple le plus marquant est celui du Protocol additionnel aux conventions de Genève du 12 août 1949 relatif à la protection des victimes des conflits internationaux (protocol 1)[18]. En son sein on remarque que la plupart des dispositions dudit protocole I notamment les articles 35 à 42 et 48 à 58 relèvent du droit international humanitaire coutumier lui-même inspiré fortement du règlement de la Haye de 1907 sur les droits et les coutumes

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16- Rousseau et Virally, «Nouveau DIH», supra note 11.

17- Pictet, Développement et principes, supra note 3 à la p. 13.

18- Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à la protection des victimes des conflits armés internationaux (Protocole I), 8 juin 1977,1125 R.T.N.U. 272 (entrée en vigueur : 7 décembre 1978) [Protocole I].

de la guerre[19], lequel affiche aussi une étonnante ressemblance avec l'ancien droit Hindou des conflits armés.

Tout ceci affirme la participation effective des Etats à la formation de la norme coutumière en droit international humanitaire mais la participation des entités non étatiques fait objet de beaucoup de controverses.

Parmi les entités non étatiques il existe celles dont la participation à la formation des normes du DIH peut être facilement avérée, c'est le cas des organisations internationales dotées de la personnalité internationale et le CICR par exemple. L'organisation internationale qui retient ici notre attention est l'ONU avec son caractère d'universalité. La première résolution de l'ONU qui fait référence au droit humanitaire ne date que 1967 mais c'est en 1990 que son activisme s'est fait ressentir en raison des circonstances internationales mais aussi avec la chute du mur de Berlin. Les résolutions de l'ONU en matière de droit international humanitaire constituent aujourd'hui une référence incontestée dans l'identification des règles du droit international humanitaire[20] autrement dit une source de droit international humanitaire[21].

La participation à la formation coutumière des normes de droit humanitaire du CICR ne fait aussi l'ombre d'aucun doute. La seule évocation de son nom fait penser au droit international humanitaire. En effet, «loin d'être la création du DIH, le CICR est tout au contraire, à l'origine de ce dernier»[22].

En ce qui concerne les entités non étatiques dépourvues de personnalité internationale, leur participation à la formation du droit humanitaire coutumier fait l'objet de plusieurs controverses. Les Etats ont montré une attitude hostile à l'idée de la contribution des entités non

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19- Convention (IV) concernant les lois et coutumes de la guerre sur terre et son Annexe : Règlement concernant les lois et les coutumes de la guerre sur terre, 18 octobre 1907, Deuxième Conférence internationale de la Paix, La Haye 15 juin – 18 octobre 1907, Actes et Documents, La Haye, 1907, vol. I aux pp. 626-37.

20- Momtaz, supra note 26 à la p. 41.

21- Laurence Boisson de Chazournes, «Les résolutions des organes des Nations Unies, et en particulier celles du Conseil de sécurité, en tant que source de droit international», dans Condorelli, La Rosa et Scherrer, supra note 42 aux pp. 150-73 [Boisson de Chazournes].

22- Ariane Sand-Trigo, «Le rôle du CICR dans la mise en œuvre du droit international humanitaire» Études internationales 23:4 (1992) 745 à la p. 745.

étatiques à la formation du droit international coutumier. Aux yeux des Etats soutenir une telle thèse revient à reconnaître une certaine légitimité aux mouvements insurrectionnels et autres bandes armées. Ce qui par la suite limitera la liberté des Etats sur la manière dont ils vont mater les insurrections. Cette peur des États s'intensifie fortement, ce qui impacte significativement les négociations de traités en droit humanitaire. Par conséquent, lors de la conférence diplomatique à l'initiative suisse en 1949 pour réviser et améliorer le droit international humanitaire tirant les leçons de la Seconde Guerre mondiale, la question des conflits armés non internationaux sont les plus intenses et provoquent de nombreuses tensions si Bien qu'au final les participants n'aient réussi qu'une seule La règle minimale contenue dans la fameuse clause 3 est commune aux quatre Convention issue de la conférence[23]. La même crainte s'est avérée en 1977, lors de l'adoption d'un deuxième protocole additionnel relatif aux conflits armés non internationaux[24].

Malgré cela dans la réalité on parle de ''parties au conflit'' et ce terme concerne le Etats mais aussi les insurgés[25]. Parmi les critères de définition des conflits non internationaux il y a aussi le fait que les insurgés exercent un contrôle sur une partie du territoire d'un Etat. Les nations unies de leurs côtés n'admettent pas à chaque fois qu'un conflit éclate de rappeler aux insurgés qu'ils sont tenus de respecter le DIH. En plus que par le passé certains mouvements de lutte n'ont pas attendu que l'ONU se prononce pour faire part de leur engagement à respecter le DIH[26]. Donc il n'y a pas de raison que les pratiques de tous ces insurgés ne soient pas pris en considération dans la formation du droit international coutumier[27]. C'est d'ailleurs en tenant compte de ces pratiques qu'on pourra déterminer ce qui fait partie du droit international coutumier et ce qui ne l'ai pas.

23- Conventions de Genève, supra note 24.

24- Protocole II, supra note 25.

25- Jean Siotis, Le droit de la guerre et les conflits armés de caractère non international, Paris, Librairie générale de droit er de jurisprudence, 1958 aux pp. 136 et s.; G.I.A.D Draper. The Geneva Conventions of 1949, Académie de droit international, 1965 à la p. 96.

26- Denise Plattner, «La portée juridique des déclarations de respect du droit international humanitaire qui émanent des mouvements en lutte dans un conflit armé» [1984-85] R.B.D.I. 298.

27- Dans le même sens : Bugnion «DIH coutumier», supra note 1 aux pp. 30-31; Marco Sassòli, «La première décision de la Chambre d'appel du Tribunal pénal international pour l'ex-Yougoslavie : Tadic (compétence)» (1996) 100 R.G.D.I.P. 101 à la p. 128.

Duel entre Etats et entités non étatiques

L'Etat reste «le principal centre de gravité de la vie internationale»[28] et au moindre petit soupçon d'atteinte à sa souveraineté il s'élève contre ces entités non étatiques. De plus, certaines exagérations de l'aide humanitaire soulèvent certaines tensions entre ces différents acteurs. D'après certains politologues ou certains juristes qui s'intéressent à l'étude des relations internationales, l'Etat est désormais affaibli. Ils n'ont pas totalement tort. L'Etat est attaqué sur tous les fronts, d'un côté il y a les forces en son sein qui lui reprochent d'être coupé de l'intérêt général et de l'autre côté sur la scène internationale il fait face à la concurrence des entités non étatiques qui lui reproche de s'accaparer les affaires internationales dont-il n'est pas le seul représentant.

Même le DIH, malgré le mérite qu'il présente de toucher un domaine sensible où il est admis depuis longtemps qu'il ne saurait relever du domaine réservé de l'Etat ne saurait nier la souveraineté de l'Etat d'autant plus que c'est elle qui conditionne encore aujourd'hui pour une large part l'action humanitaire. L'action humanitaire implique souvent la présence physique des secouristes étrangers pour soulager les souffrances ou sauver des vies. il est vrai que l'action humanitaire a besoin de l'aval de l'Etat pour s'établir mais même avec l'accord dudit Etat, il se réserve un droit de regard car accepter de telles opérations sur son territoire c'est comme ouvrir son arrière-boutique et donc «risquer la contagion que peut engendrer une confrontation avec des hommes et femmes venus d'une autre civilisation, de pays relevant d'autres mœurs politiques»[29] surtout que certaines ONG ne se limitent pas seulement à soigner, mais aussi à dénoncer les horreurs auxquelles elles ont pris connaissance sur le terrain avec preuves à l'appui.

L'assistance humanitaire imposée, apparue en 1980 avance l'idée selon laquelle le pouvoir de l'Etat doit se plier devant les nécessités d'une protection minimale des droits de la personne humaine. Dans cette perspective l'assistance humanitaire doit pouvoir être mise en œuvre au-delà des frontières étatiques. Mais vouloir procéder de la sorte, c'est oublier que l'ingérence, même humanitaire, est illégale en droit international. C'est dans cet esprit et dans l'optique d'éviter les conflits entre Etat et autres entités que la résolution 43/131 sur l'assistance humanitaire[30] assujettie cette dernière au principe de la subsidiarité. Ce

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28- Raymond Ranjeva, Les organisations non gouvernementales et la mise en œuvre du droit international, Recueil des cours de l'Académie de droit international de La Haye, t. 270, 1997 à la p. 67.

29- Domestici-Met, «Aspects juridiques», supra note 73 à la p. 124.

30- Résolution sur l'assistance humanitaire aux victimes des catastrophes humanitaires et situations d'urgence du même ordre, Rés. AG 43/131, Doc. Off. AG NU, 43e sess., Doc. NU A/RES/43/131 (1988).

principe introduit au deuxième paragraphe de la résolution, réaffirme sans équivoque la souveraineté de l'Etat, lui reconnaît le rôle central dans l'organisation, la coordination, et la mise en œuvre de l'assistance humanitaire, «[e]n d'autres termes, les organisations humanitaires et les autres États n'interviennent que dans la mesure où l'État territorialement compétent n'est pas en mesure d'organiser l'aide, en raison même de la catastrophe»[31]. C'est aussi dans ce sens que s'annonce la responsabilité de protéger. Dans une formule savamment orchestrée, la responsabilité de protéger met en avant des thèmes mobilisateurs impliquant trois principales obligations : d'abord, la responsabilité de prévenir par l'élimination des causes profondes et directes des situations de violence, de conflits internes et internationaux et d'autres crises générées par les hommes et qui mettent en danger les populations; ensuite, la responsabilité de réagir devant les situations où la protection des êtres humains s'impose et nécessite l'adoption des mesures coercitives et dans les cas extrêmes, l'intervention armée; enfin la responsabilité de reconstruire, en fournissant, après une intervention, une assistance à tous les niveaux afin de faciliter la reconstruction et la réconciliation.

Comme on peut le remarquer, le tableau est saisissant. Est-ce pour autant dire que le concept de responsabilité de protéger[32] innove? La réponse ne semble pas être positive. Au regard de ce qui précède, on perçoit aisément que les relations entre les États et les acteurs non étatiques ne sont pas toujours cordiales. Elles peuvent donc tourner au duel, pour peu que l'État se sente attaqué dans ce qu'il considère comme le plus précieux à savoir sa souveraineté. Est révélatrice à cet égard, la déclaration du Sommet du groupe des 77 réunis à la Havane du 10 au 14 avril 2000 : Nous rejetons le soi-disant "droit d'intervention humanitaire" qui n'a aucun fondement juridique […] Nous confirmons que l'assistance humanitaire doit être entreprise dans le strict respect de la souveraineté […], et qu'elle ne peut être déclenchée qu'en réponse à une demande et qu'avec l'approbation des États concernés[33]. Il va de soi dans une pareille atmosphère, que les dérives de l'aide humanitaire ne sauraient être tolérées.

L'aide humanitaire si elle est mal utilisée peut s'avérer être un moyen de discorde entre les acteurs non étatiques et les Etats. Cela arrive lorsque l'aide humanitaire voile les desseins interventionnistes ou lorsqu'elle est utilisée à des fins politico-militaires. Selon l'article 1

31- Bettati, «Un droit d'ingérence?», supra note 73 à la p. 656.

32- Société française pour le droit international, Colloque de Nanterre : La responsabilité de protéger, Paris, A. Pedone, 2008.

33- «Déclaration du Sommet du Sud» dans Groupe des 77 : Sommet du Sud de La Havane, 10 au 14 avril 2000, au para. 55.

des «principes et bonnes pratiques pour l'aide humanitaire»[34]. Le but de l'action humanitaire est de sauver des vies, d'atténuer des souffrances, ou de sauver des vies pendant les conflits armés. Malgré la pertinence de cette norme, l'aide humanitaire reste parfois un lieu où se rencontrent plusieurs intérêts contradictoires. Si elle est un lieu où peuvent se rencontrer plusieurs acteurs pour conjuguer leurs efforts, elle peut également être un lieu où peuvent naître des conflits. Car l'aide sous le couvert de l'humanitaire peut en effet servir de prétexte aux uns pour ressusciter les démons impérialistes et réaliser des desseins interventionnistes, en clair un moyen ingénieux d'entamer peu à peu l'indépendance d'un Etat pour l'incliner progressivement vers la mi-souveraineté.

Le danger est encore plus grand que l'aspect interventionniste de certaines organisations humanitaires transparaît clairement dans leurs ambitions. Le caractère spectaculaire de certaines actions organisées est saisissant. Ainsi, pendant le conflit en ex-yougoslavie, l'ONG Médecins du monde est allée jusqu'à une juxtaposition d'images dans une campagne d'affichage en faveur des victimes[35](le portrait du Führer et celui du président Milosevic, dans les camps bosniaques et les camps de concentration dans l'Allemagne nazie). le fait de prendre parti dans les conflits par exemple soigner ou de nourrir les membres de telle partie que telle autre est un acte plein de conséquences; c'est redonner espoir et de la force à la partie qu'on soigne, lui redonner une chance. En même temps c'est une ingérence que n'importe quel souverain ou Etat ne puisse tolérer. On comprend alors pourquoi certaines organisations sont regardées d'un mauvais œil par le sujet territorial concerné et que leurs relations sont conflictuelles. Pour éviter ce genre de conflit que la cour internationale de justice soutient que pour ne pas avoir le caractère d'une intervention condamnable dans les affaires intérieures d'un autre État, non seulement l'"assistance humanitaire" doit se limiter aux fins consacrées par la pratique de la Croix-Rouge, à savoir "prévenir et alléger les souffrances des hommes" et "protéger la vie et la santé [et] faire respecter la personne humaine"; elle doit aussi, et surtout, être prodiguée sans discrimination à toute personne dans le besoin au Nicaragua, et pas seulement aux contras et à leurs proches[36].

34- «Principes et bonnes pratiques pour l'aide humanitaire», document adopté suite à la première réunion de l'initiative Good Humanitarian Donorship, 17 juin 2003, Stockholm. Ces principes ont été approuvés par les pays suivants : Allemagne, Australie, Belgique, Canada, Danemark, Etats-Unis, Finlande, France, Irlande, Japon, Luxembourg, Norvège, Pays-Bas, Royaume-Uni, Suède et Suisse. La Commission européenne a également approuvé ce texte.

35- François Piguet, «Ingérence utile et manipulée» dans Perrot, supra note 118 à la p. 88.

36- Activités militaires et paramilitaires au Nicaragua, supra note 96 à la p. 125.

Une autre dérive de l'aide humanitaire réside dans sa militarisation et sa politisation. Parfois l'aide militaire devient le prolongement de la politique ou se transforme carrément en stratégie militaire. L'aide humanitaire est par nature un fait politique mais une fois déployée sur le terrain elle doit éviter d'être captive des enjeux qui opposent les parties au conflit. Comme l'a si bien démontré l'auteur Cornelio Sommaruga, l'action humanitaire n'est pas hors de la politique mais au-delà d'elle: elle la prolonge[37]. Ce système de date pas d'aujourd'hui, on peut se rappeler par exemple en 1921, le régime bolchevique avait exigé que pour accepter l'aide des occidentaux au peuple russe, d'en contrôler la distribution afin d'obtenir de facto la reconnaissance internationale qui lui était refusée jusqu'alors. Du temps ou le monde était divisé en deux blocs idéologiques et que les deux superpuissances à défaut de s'affronter en face, avaient choisis de lutter par Etats interposés, l'aide était systématiquement tributaire de l'idéologie. Les principes de neutralité, d'impartialité et d'indépendance sur lesquels elle devrait reposer s'effaçaient carrément au profit d'une aide ciblée et surtout orientée en fonction des visées politiques et stratégiques de leurs promoteurs.

Aujourd'hui, la même situation prévaut à la différence qu'elle n'est plus alimentée par le conflit idéologique. Même les ONG dont on aurait pu parier un tant soit peu sur leur stricte neutralité, n'échappent pas à la contagion du politique. Beaucoup d'entre elles diffusent désormais les idées de démocratisation et la bonne gouvernance, prônent la réforme de l'État et de la gestion des services publics»[38], prennent position sur le processus électoral.

En plus du fait d'être la proie des manipulations politiques l'aide humanitaire s'expose aussi au risque de militarisation. Bernard Kouchner soutient cette thèse et affirme aussi que c'est sur terrain de Bosnie, au Kosovo, en Somalie et en Afghanistan que les humanitaires et militaires ont appris à travailler ensemble et à collaborer. L'idée de faire accompagner l'aide humanitaire, outre les questions d'éthique qu'elle pose, amène à s'interroger légitimement si en la mettant sous la protection de l'armée, elle ne risque pas d'être orientée en fonction des appétences stratégiques et de transformer les organisations non gouvernementales en «prestataires de services, éléments complémentaires des stratégies militaires»[39]. La pratique confirme largement ces craintes, y compris en Afghanistan où Kouchner a cru s'appuyer pour exposer sa pseudo théorie. Après l'invasion de ce pays par les Américains, l'Agence des

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37- Jean-Christophe Rufin, Le piège : quand l'aide humanitaire remplace la guerre, Paris, Lattès, 1986, à la p. 17.

38- Crouzatier, supra note 126 à la p. 27.

39- Crouzatier, supra note 126 à la p. 26.

États-Unis pour le développement international148 a exigé de la part des ONG, l'adhésion explicite à ses principes politiques de lutte contre le terrorisme pour avoir accès à son financement et très peu ont refusé (exception faite de Handicap International, AICF, Oxfam) de satisfaire cette exigence. Il en est résulté sur le terrain la transformation de l'aide en un «outil de marchandage»[40], subordonnée à l'obtention des renseignements auprès de la population civile.

Lors de la guerre du Kosovo, une ONG s'est prêtée à une coalition militaro-humanitaire contre le terrorisme au nom de la démocratie. Il s'agit en l'occurrence de la branche canadienne de CARE qui a passé avec le gouvernement de son pays, un contrat au terme duquel elle s'engageait à recruter des «volontaires» chargés de collecter des renseignements sur le terrain, sous le couvert d'actions humanitaires. La qualité de ces soi-disant volontaires en disait davantage sur leurs tâches: il s'agissait d'anciens militaires qui devaient accomplir des missions d'espionnage[41].

Si les Etats et les acteurs non étatiques en arrivent à un duel, forcément les conséquences qui en découlent ne seront pas bonnes. Ceci entraîne un déclin du respect du droit international humanitaire. La seule solution possible est de trouver les points de désaccord et de les neutraliser afin d'éviter le manque de communication entre les différents intervenants de la chaîne humanitaire. Il est donc important d'éviter certaines actions unilatérales, qui malgré les bonnes intentions qui sont derrière peuvent ne pas atteindre l'objectif escompté et même produire l'effet contraire. Derrière cette coexistence affichée entre Etats et acteurs non étatiques se cache un combat de coque sans précédent. Voilà pourquoi il est important que chaque partie fasse taire ses divergences pour concourir à l'efficacité du droit. Cela est d'autant plus vrai que lorsque leurs relations sont conflictuelles, le droit international humanitaire en pâtit. Face à ce constat peu flatteur, on en est réduit à «se demander si la célèbre clause de Martens, lorsqu'elle renvoie aux "exigences de la conscience publique", dans une formule qui semble suggérer l'universalisme, n'est pas une simple manifestation d'utopie», la réalité étant que, là où le droit international humanitaire n'est pas respecté, la souffrance humaine devient aiguë et ses conséquences difficiles à surmonter.

40- «Humanitaire et militaire», supra note 144 à la p. 68.

41- Rony Brauman, «Des mots magiques aux cruelles désillusions» Le Monde (22 novembre 2001) à la p. II.

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Preventing Juvenile Delinquency – Lessons from Japan –

Shoji Matsumoto, El Mostafa Rezrazi, Kei Nakagawa, Noureddine Jalal, Abdelaziz Zidani, Salma Abirou & Mohammed Latoubi

1. Introduction

Juvenile delinquencies have seriously challenged society, internally and externally. For delinquency, normally the society as a whole, particularly adults, would assume responsibility, instead of its juvenile perpetrator in fact. As such, the problem of juvenile delinquency cannot be and should not be settled by self-responsibility. However, we do not yet have a cure-all remedy. Besides, challenges change So, we have to see the largest possible picture in terms of the problem with a view to finding a better solution. In this vein, the implementation of a comprehensive and comparative study on the problem is a part of our social responsibility for delinquency.

With over 600,000 copies sold, *Juvenile Delinquents Who Cannot Cut a Cake* is one of the best sellers now in Japan (Japan NEWS, 2020).[1] It discusses juvenile delinquents with developmental disabilities, intellectual disabilities, and borderline intellectual functioning[2] in

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1- K. Miyaguchi, *Keiki no Kirenai Hikou Shounentachi*, Shinchousha, 2019 (in Japanese).

2- Developmental disabilities are a group of conditions due to an impairment in physical, learning, language, or behavior areas. These conditions begin during the developmental period, may impact day-to-day functioning, and usually last throughout a person's lifetime. As for intellectual disability, it refers to when there are limits to a person's ability to learn at an expected level and function in daily life. For many children, the cause of their intellectual disability is not known. See: "Facts About Developmental Disabilities", *Centers for Disease Control and Prevention*. Available at: https://www.cdc.gov/ncbddd/developmentaldisabilities/facts.html.
Borderline intellectual functioning is not a psychiatric disorder, but rather a description of people who function between average cognitive levels and intellectual disability. Although persons with borderline intellectual functioning may function at a high-enough level not to be diagnosed with an intellectual disability. See: "Borderline Intellectual Functioning", *American Bar Association*, available at: https://www.capitalclemency.org/mental-health-fact-sheets/borderline-intellectual-functioning/.

juvenile classification homes and juvenile training schools. The title represents their cognitive dysfunction as unable to cut a cake even into three equal pieces. Everything looks distorted for them. The book is written by Dr. Koji Miyaguchi, who has been conducting research on the "comprehensive support for [delinquents] with developmental disabilities/intellectual disabilities."[3] The impressive success of Miyaguchi's work reflects, in a way, how pervasive of an issue is juvenile delinquency in the Japanese society. Indeed, and despite a significant decrease in the number of juvenile delinquents since 2005 (The Japan Times, 2015), recent studies show that the public tends to assume otherwise (The International, 2020). Incidents such as the Kobe Child Murders of 1997,[4] or else the Sasebo Slashing of 2004,[5] took the whole country by storm and marked what is seemingly a lasting shift in how crimes committed by juveniles are perceived and, by implication, dealt with.

The increase in crimes committed by Japanese juveniles from the 1980s onwards is often attributed to the rapid modernization of the country in the 1970s (Yamamiya, 2003). The latter was accompanied by what has been described as a "dramatic transformation" of the Japanese way of life, marked by individualism and consumerism (*Ibid.*: 28-29). While the economic success that took place in the subsequent years was celebrated, modernization has also been associated with the rise of a "youth subculture" characterized by, *inter alia*, apathy, egocentrism, and violence (*Ibid.*). Furthermore, instances of other, yet equally sophisticated, social phenomena such as school-refusal/phobia (*tokokyohi*) or self-confinement (*hikikomori*), as well as bullying were rapidly increasing (Ferrari, O'Donnell, 2003: 40). *Tokokyohi*, for instance, refers to a condition in which a student, intentionally or otherwise, refuses to attend classes (Yoneyama, 2000: 77). It is usually

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3- "K. Miyaguchi *et al,* "Cognitive Training for Delinquents within a Residential Service in Japan", *Youth Children and Youth Services Review*, Vol. 34, 2012, pp. 1762-1768.

4- The Kobe Child Murders (*Kōbe renzoku jidō sasshō jiken*, in Japanese) refers to a string of homicides that took place in Kobe, Japan in the beginning of 1997. 10-year-old Ayaka Yamashita and Jun Hase, age 10, were brutally killed by 14-year-old boy Shinichiro Azuma. The latter was provisionally released on March 11, 2004, which sparked severe criticism. In the aftermath of the Sasebo Slashing (see fn. 5), the criticism further intensified and calls for the minimal age of criminal responsibility to be lowered increased.

5- The Sasebo slashing refers to the murder, in June 2004, of 12-year-old Japanese schoolgirl Satomi Mitarai by her 11-year-old female classmate. Satomi died from loss of blood, as the perpetrator reportedly slit her throat with a knife during lunchbreak. See: Reuters, 2004. *Japanese girl, 11, cuts friend's throat.* [Online] Available at: https://www.theage.com.au/world/japanese-girl-11-cuts-friends-throat-20040603-gdxytq.html.

accompanied by a complete withdrawal from the society, and *tokokyohi* students often display a tendency to commit violent crimes as well (Yamamiya, 2003).

In a word, juvenile delinquency can be defined as the act of engaging in unlawful behavior by an individual younger than "the age of majority."[6] The latter refers to the age at which the individual is regarded as an adult (Shoemaker, 2009: 3). In most countries, the age of majority is established at 18 (*Ibid.*), and any person under such age limit is considered juvenile and shall therefore be subject to special procedures. Under Japanese law, the age of majority, established at twenty years of age, "may be higher than in any other country."[7] Furthermore, Juvenile delinquency in Japan does not only include offenses and/or crimes punishable by law, by also acts considered unsavory and behaviors that are not criminal *prima facie*. These may include "stay[ing] away from [sic] home without good reason," and frequenting "places of evil reputation."[8] Juvenile delinquency in Japan is regulated by two major pieces of legislation: the Child Welfare Law of 1947 (*Jido-Fukushi-Ho*), and the Juvenile Law of 1949 (*Shonen-ho*). The latter is considered as the backbone of the juvenile justice system, while *Jido-Fukushi-Ho* plays a rather secondary role (Yoshinaka, 1997: 302).

For those juvenile delinquents who cannot reflect on his/her past behavior at all, or do not understand the true meaning of apology, and cannot even undergo a mental conflict, it is suggested in the book, it is not only useless but harmful for them to force apology in a conventional manner to the victims and their families. Likewise, compulsory study would lead those juvenile delinquents who cannot distinguish the differences of different things to a distress to withdraw them into themselves. In such cases, conventional education would not help them to prevent recidivism. To treat the dysfunction, the author has developed his original succinct worksheets, different from those in Europe, instead of dosage.

6- Shoemaker, D. J., 2009. *Juvenile Delinquency*. New York: Rowman & Littlefield Publishers., p. 3.

7- Murai, 1998: (The age of majority in Japan was lowered from 20 to 18 in 2022. In accordance with the amendment to the Juvenile Law, in principle, Japan will no longer treat offenders aged 18 and 19 as minors. However, in some cases, according to the severity of the delinquency, those offenders may still be subjected to rulings by family court, such as: incarceration in a secured juvenile facility for up to three years; or probation for six months or two years under supervision of the court. This Research Report was completed before the amendment. See Magdalena Osumi, "Japan's Revised Juvenile Law Takes Effect as Age of Adulthood Lowered to 18," Japan Times, 2022, https://www.japantimes.co.jp/news/2022/03/31/national/crime-legal/juvenile-law-changes/.)

8- Murai, 1998: 2.

In relation to recidivism, the Ministerial Meeting Concerning Measures Against Crime in July 2012 has established the Comprehensive Measures for the Prevention of Repeat Offenses stipulating the mid- to long-term government efforts toward preventing re-offending. In the Comprehensive Measures, the Japanese Government has announced a numerical target of lowering the rate of recidivism within one year after release, for the first time, as the government efforts for re-offending prevention, by more than 20% in ten years .

The comprehensive measures focus on the following three points of view:

1- The first is the implementation of efforts according to the characteristics of each target person. In order to effectively prevent the repetition of criminal offences , it is necessary to select among them the appropriate factors and to work on them effectively and intensively.

2- The second is the priority implementation of measures based on the analysis of factors of recidivism. To make the most of the human and material resources invested in preventing recidivism, it is necessary to choose effective measures and concentrate social resources on them.

3- The third is to set a goal as specific as possible and to create a mechanism to achieve it. Therefore, for the first time as a government plan, quantified targets have been set for reducing the number of repeat offenders.

The Re-offending Prevention Promotion Plan, which sets basic countermeasures and stipulates the comprehensive and systematic promotion of measures to prevent re-offending from creating a society where citizens can live in safety and peace, was announced, and took effect in December 2017. the Review Committee for the Re-offending Prevention Promotion Plan, chaired by the Minister of Justice, was established in February 2018 to discuss the matters listed in the Re-offending Prevention Promotion Plan Draft created by the Minister of Justice. Then, the Re-offending Prevention Promotion Act was enacted in December 2018.

Furthermore, it is declared that "an ensuring favorable public security is not only prerequisite for the success of the Tokyo 2020 Olympic and Paralympic Games, but also an important basis to enable women and the young to live comfortably and with assurance in the community. It is also an important issue that can be the 'foundation' for development of the localities".

2. Juvenile Act in Brief

The Juvenile Act was enacted in 1948.[9] It came to replace the old law of 1922 which was originally called 'the Law of Love' in view of its epoch-making or forward-looking character.[10] The Juvenile Act emphasizes the educative function as a way of addressing serious problems of juvenile delinquency. It seeks "to subject delinquent juveniles to protective measures to correct their personality traits and modify their environment, and to implement special measures for juvenile criminal cases, for the purpose of Juvenile's' sound development."[11] To achieve this objective, the Juvenile Act provides for a hearing and decision of the family court, to which Juveniles shall be referred.[12] Thus, the family court was established as a judicial body to hear and decide on juvenile as well as domestic delinquency cases. All cases for juveniles under 20 are sent to the family court. It's rare that juveniles spend time in jail, and those under 16 cannot be sentenced to prison. Additionally, the unique system of 'volunteer probation officers' in Japan has been highly appreciated for its rehabilitative philosophy, which is "reflected by the presence of nearly 50,000 probation officers who assist professional officers."[13] However, the Juvenile Act has been under constant review for revision, especially since the late 1990s,[14] leading to the increasingly punitive rhetoric, policy, and legislation for juveniles in Japan; despite the fact that there is no evidence that more juvenile offenders are being committed to the adult courts.[15]

Japan's low crime rate is usually attributed to the informal social control by the family, school, neighborhood, and workplace, and consequently to the closely woven net of social control, interdependence, and rules to counteract delinquency and prevent its recidivism.[16] But

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9- Act No. 168 of 1948. Japan Government, *Japan Juvenile Code, 2018 Edition, Bilingual*, 2019.

10- N. Yoshinaka, "Historical Analysis of the Juvenile Justice System in Japan", *Hiroshima Hogaku*, Vol. 20, 1997, p. 296.

11- *Juvenile Act*, Article 1.

12- In the *Juvenile Act*, the term "Juvenile" refers to a person under 20 years of age; the term "adult" refers to a person of 20 years of age or older in Article 2 (1).

13- E. Fairchild and H.R. Dammer, *Comparative Criminal Justice Systems*, Wadsworth/ Thomson Learning, 2006, p. 349.

14- "Tougher Juvenile Law Proves Divisive", *Japan Times*, March 29, 2014.

15- T. Ellis and A. Kyo, "Reassessing Juvenile Justice in Japan: Net widening or diversion?", *Asia pacific Journal, Japan Focus,* Vol. 15, 2017, p. 1.

16- G. Foljanty-Jost (ed.), *Juvenile Delinquency in Japan: Reconsidering the 'Crisis'*, BRILL, 2003, pp. 221-222.

the prevention of juvenile delinquency is not that there is no problem. Instead, whenever a brutal juvenile crime occurs, the debate among citizens boils. In this regard, it is highly recommended by the researchers working on this issue to appoint that the discussion and debates on Juvenile delinquency cannot be conducted without considering the specificities of Japanese society and tracking of its socioeconomic transformations over History (Yamamiya, 2008). Thus, at the Ministerial Meeting Concerning Measures Against Crime, in December 2013, "Strategy to Make Japan the Safest Country in the World" was approved, confirming that "the question of how we should prevent the repetition of crimes and delinquencies is a major challenge for reducing the number of crimes, as well as for the construction of a society where people can live safely and in peace."[17]

3. Proceedings for Juvenile Delinquents: A Flow

Figure 1 below indicates the procedure for dealing with cases of juvenile delinquency in Japan. When juvenile suspects are arrested by the police, the cases are transferred to public prosecutors. If the latter suspects the juveniles of committing a crime or has good reasons to leave them to the decision of family court on pre-delinquency,[18] the cases are transferred to the family court. Then, the family court would order investigators to conduct inquiries on the juveniles, including their dispositions and family backgrounds,[19] and/or send them to a juvenile classification home. A juvenile classification home implements assessments of juveniles and submits the results to the family court. When a family court considers that a juvenile has no reason to undergo adjudication procedures or that it is not suitable to put through adjudication procedures, it elects dismissal without hearing. When the family court finds it reasonable to take adjudication procedures, it employs the process for adjudication. If deemed unnecessary to place the juvenile in protective custody, the court declares the juvenile not to be discharged. However, if deemed reasonable to place in protective custody, it decides to place the juvenile on probation or send to a juvenile

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17- *Ministry of Justice 2016*.

18- Pre-delinquency signifies a state in which juvenile delinquents have behavioral problems which may lead to crimes yet stopping short of committing crimes, but highly necessary to be taken into custody.

19- The majority of cases are dismissed, and the juvenile is immediately reintegrated into society, J. Hardung, "Japan's Juvenile Law: If Punishment is their Answer, They are Asking the Wrong Question", *Pacific Rim Law & Policy Journal Association*, Vol. 9, 2000, p. 144.

training school. If the family court finds it reasonable to impose criminal punishment on those who have committed a crime deserving the death penalty, penal servitude or imprisonment, it sends the case to public prosecutors. When those accused of killing the victims intentionally are 16 or older, the cases are sent to public prosecutors, who must indict them.

In a juvenile training school, rehabilitation is sought through receiving correctional education and rehabilitation support to reform themselves. Those who are decided by a family court to be placed on probation, or those who are provisionally permitted to be released from a juvenile training school are to receive guidance and assistance from probation officers and volunteer probation officers.
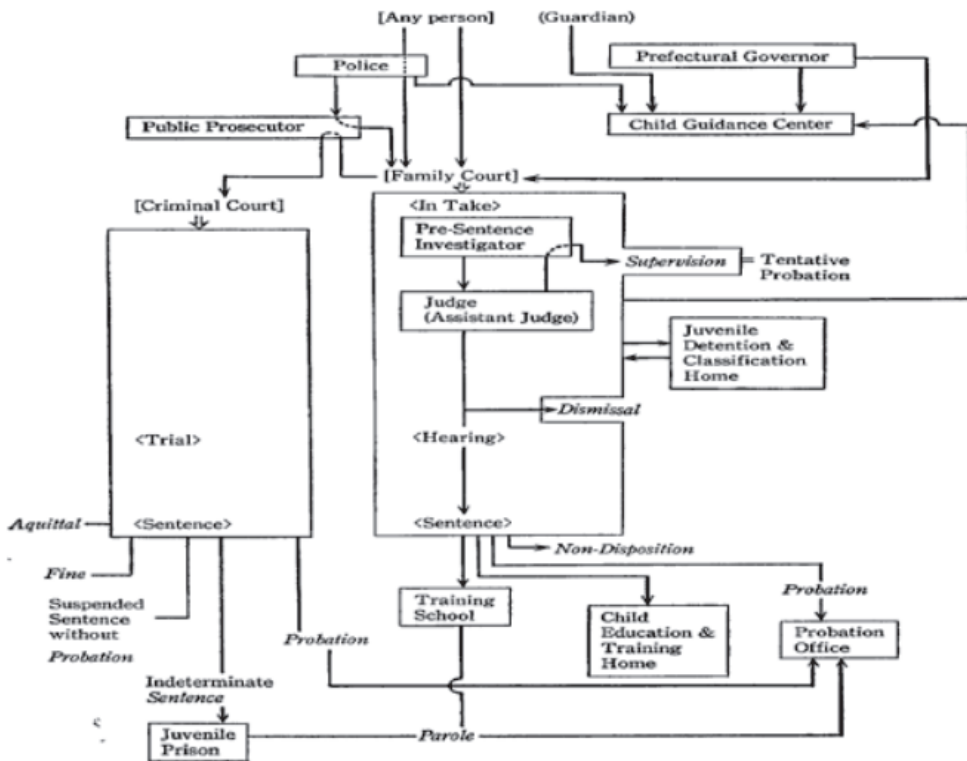

Figure 1: Flow of Juvenile Justice Procedure
Source: Murai, 1998: 4

The Moroccan experience has shown a real dedication and an example to follow when it comes to dealing with Juvenile delinquency, starting from the principle of guaranteed protection to children regardless

of their criminal History, it gave a special attention to minors all along the process. From the pre-trial, trial, to post-trial procedures. Giving reasonable guarantees to the respect of the child right. The pre-trial step is so sensitive and important in the Juvenile offense case it is meant to prevent taking the juvenile offenders to trial without the presence of clear evidence on the criminal offense. For instance, according to the Moroccan civil criminal law, special units are taking the task of investigating Juvenile offences they control areas that might constitute an epicenter of delinquency for minors (article 19 of the Moroccan civil criminal law) these special units have received special trainings to deal with minors, it should be noted that in spite of the existence of these special units this does not prevent normal units from reporting crimes conducted by Juvenile delinquents. the initial investigation is marked with certain caution. It has special provisions in respect of the Juvenile vulnerability, first, it the prohibition of placing delinquent's juvenile under investigatory detention (hirassa nadaria) for more than 48H (for adults it might get extended for 24 more hours by an order of the prosecutor). However, this stipulation based on the positive discrimination gets aborted when the authorities are unable to get the minor back to his family or if the safety of the minor requires a prolonged detention. the specificity of minors pushed the Moroccan legislator to change the term "hirassa nadaria" by "muraqaba nadaria" if the investigation is relative to minors. Additionally, minors are detained in isolated facilities. Secondly, there is always the possibility of subjecting the delinquent juvenile to a temporary guard system during the preliminary investigation period, in the same line The Moroccan legislator explicitly allowed the Public Prosecutor by the text of the Article 460 of the CCL to exceptionally order the of the detention juvenile during the preliminary examination period to the temporary guard system stipulated in Article 471 civil criminal law, if the necessity of the juvenile or his safety requires that, with the condition of not exceeding a period of fifteen days. Last, the authorities are under the obligation of notifying the juvenile's guardians, sponsors, person, or institution entrusted with his care of the action taken against him in line with the operative of the fourth paragraph of Article 460 of the civil criminal law.

In line with the requirements of Article 40 of the Convention on the Rights of the Child, the Moroccan legislator created seven judicial bodies in charge of juveniles, as Article 462 of the BC stipulates that: "Considering the powers conferred upon some courts by virtue of special provisions, the bodies in charge of juveniles in the Court of First Instance are : Juvenile judge, Juvenile chamber. As for the Court of Appeal, The advisor in charge of Juveniles, Juvenile delinquency chamber, Juvenile Misdemeanor Appeals, Juvenile Criminal chamber.

4. Revisions of Juvenile Act

The Juvenile Act and related laws have been revised. In particular, the maximum age of juvenile has been lowered (generally speaking). However, the definition of the age limit of a "juvenile" in Japan is neither clear nor consistent in the relevant laws. For purposes of smoking tobacco, drinking alcohol, driving a car, signing contracts, marriage, agreement on medical treatment, and the right to vote, for example, it varies from 18 to 20 years of age[20].

"Yamagata Mat Bullying Death Case" of January 1993[21] and other cases highlighted the difficulties associated with determining facts when accused juvenile offenders deny alleged acts of delinquency[22]. Then, a proposal for the lowering of the age limit for referral to the public prosecutor from 16 to 14 was submitted. Finally, in 2000, the Juvenile Act was revised to change the age for prosecution by public prosecutor from 16 to 14[23].

Meanwhile, It has been suggested to consider whether it is better to deprive a certain segment of juvenile delinquents of the opportunity to receive education aimed at rehabilitation as provided by the Juvenile Act by lowering the maximum age of juveniles[24]. Its proponents appear to think that "such an amendment would serve as a deterrent against

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20- Ministry of Foreign Affairs of Japan, "Age Limitation Applied to Legal Competency in Japan", *The Second Report of Japan under Article 44, Paragraph 1 of the Convention on the Rights of the Child (November 2001)*, https://www.mofa.go.jp/policy/human/child/report2/definition.html#B.

21- T. Watanabe, "Bullying Brings Despair, Death to Japanese Pupils", *Los Angels Times*, April 7, 1993.

22- This prompted the Minister of Justice to refer the feasibility of an amendment of the *Juvenile Law* aimed at rationalizing the fact finding procedure in juvenile proceedings. A bill proposed the introduction of an examination by a panel of judges for the determination of facts in juvenile proceedings, an extension of the maximum duration of the detention of juvenile suspects at a juvenile classification center for protective observation, attendance of a prosecutor at juvenile proceedings subject to a court decision, involvement of a court-appointed counsel in the event of a court decision to involve a prosecutor, and granting of a right to appeal to the prosecutor in the event of a no-action decision. S. Nawa, "Postwar Fourth Wave of Juvenile Delinquency and Tasks of Juvenile Police", *Journal of Police Science*, Vol. 58, 2006, p. 8.

23- Act No. 168 of 1948 as amended by Act No. 153 of 2000. On the revision, see Police Policy Research Center, *Current Juvenile Police Policy in Japan*, Research Foundation for Safe Society, 2006, pp. 8-9. "Japanese Juvenile Justice", *BBC World Service*, Februrary 24, 2001, http://www.bbc.co.uk/worldservice/people/highlights/010223_japan.shtml. Cf. T. Ryan, "Creating 'Problem Kids': Juvenile Crime in Japan and Revisions to the Juvenile Act", *ZJAPANR / J.JAPAN.L*, No. 19, 2005, https://pdfs.semanticscholar.org/2d2f/673815dcb50f04bca4be0033fdfba280c68e.pdf.

24- "Juvenile Crime and Punishment", *Japan Times*, May 28, 2015.

youth crime". In fact, T. Oka has statistically demonstrated that changes to the Juvenile Act acted as a deterrent for juvenile delinquency[25]. It is also pointed, "[t]here is a belief that some minors commit offenses fully aware that they won't be held criminally responsible and instead will be protected by the Juvenile Law"[26]. In cases of juvenile's intentional criminal act that caused death to the victim, moreover, new morbidly hideous motives for murder are deposed: "I wanted to kill someone, it didn't matter who"; and "there are lots of people I want to kill"[27].

Then, in 2007, a bill to lower again the maximum age of juveniles from 14 down to "approximately" 12 was proposed. The bill was first introduced in 2005 after a 12-year-old boy killed a boy in 2003 and an 11-year-old girl killed a female classmate in 2004[28]. It led to revise the Juvenile Act in 2007[29].

But it is not necessarily clear which types of crimes would come under this revision. Thus, it is pointed out that "there is a fair bit of 'gray area' where the police and the public prosecutor can decide which way to handle each individual case"[30].

In this respect, "[d]espite a plethora of discourses upon youth justice among legal practitioners and academics in Japan", it is noted, "very few attempts have been made thus far at giving observers in other jurisdictions a better understanding of Japan's system of dealing with children and youths that are in conflict with the law"[31].

Under Article 3 of the Juvenile Act, the juveniles over whom the family court shall have jurisdiction are categorized into a juvenile offender, law-breaking juvenile and pre-delinquents. While a juvenile

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25- T. Oka, "Juvenile Crime and Punishment: Evidence from Japan", *Applied Economics*, Vol. 41, 2009, p. 3115.

26- "Changing the Juvenile Law", *Japan Times*, September 2, 2017.

27- M. Schreiber, "The Changing Motives behind Juvenile Crime in Japan", *Japan Times*, January 31, 2015.

28- "Juvenile Law Revision", *Japan Times*, May 25, 2007. As for the number of arrested Juveniles, it has decreased from 103,224 in 2007 to 48,361 in 2014, *i.e.*, to 47% of the number in 2007, S. Steele and Y. Ohmachi, "Japan's Declining Youth Crime?", *Asian Studies Association of Australia*, 2016, http://asaa.asn.au/japans-youth-crime-wave-subsides-to-a-ripple/.

29- Act No. 68 of 2007.

30- "Help for Parents Whose Children Run into Trouble for Use of Banned Substances in Japan", *Japan with Kids Forum*, 2008, http://www.tokyowithkids.com/discussions/messages/8/369.html?1200982189.

31- N. Yoshinaka, "Recent Changes in Youth Justice in Japan", *Hiroshima Hongaku*, Vol. 33, 2010, p. 27.

offender is a juvenile who has committed a crime, a law-breaking juvenile is a child under 14 who has violated only laws and regulations of criminal nature. Cases of children under 14 are, however, sent to the child welfare agencies in conformity with the Child Welfare Act[32]. Only when child welfare agencies refer cases to the family court for protective measures may the family court deal with them. The concept of pre-delinquent is prescribed as juveniles who are likely to commit an offense or violate a law or a regulation of criminal nature in the future in light of their personalities or living environment and their tendency not to submit to legitimate supervision of the custodian[33].

The 2007 amendment of the Juvenile Act provides for the expansion of the police powers to investigate juvenile cases, the lowering of the age at which the juvenile may be placed in a juvenile reformatory, the reinforcement of protective dispositions and the appointment of attendants for juveniles[34].

After the revision of the Juvenile Act in 2008 to allow observation of hearing by the victims and their families, in 2014, the maximum prison term was raised from 15 to 20 years for minors who commit a serious crime before they turn 18[35]. Furthermore, the supplementary provision of the revised Public Offices Election Act in 2015 to lower the voting age from 20 to 18 stipulates that consideration should be given to the age issue in the Civil Code and the Juvenile Act as well and that necessary legal measures should be taken[36].

The Moroccan legislator was concerned with juvenile justice and dealt with juvenile in a special way so as their trial, and the procedure applied to them in Articles 458 to 517 of the new law on the criminal procedure. This law was enshrined following the principles of juvenile protection and care approved in the provisions of international conventions and treaties ratified by the Kingdom of Morocco, such as the Child Rights Agreements and the Beijing Rules, considering the

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32- Act No. 164 of 1947.

33- In the *Juvenile Act*, the term "custodian" refers to a person with a statutory obligation to have custody of and provide education to a Juvenile, or a person who has actual custody of a Juvenile in Article 2 (2).

34- "Japan: Juvenile Law Amended Again", Asia-Pacific Human Rights Information Center, 2007, https://www.hurights.or.jp/archives/newsinbrief-en/section2/2007/06/japan-juvenile-law-amended-again.html.

35- M. Ito, "Shifting the Scales of Juvenile Justice", *Japan Times*, May 23, 2015.

36- "Justice Ministry Mulls Lowering Juvenile Act Application Age to 17", *Mainichi*, December 20, 2016.

French experience in this regard, especially about the method of work and measures. Concerning the age of criminal responsibility and puts two different rules in respect to the age of the juvenile which is related it to the criminal responsibility following a gradual logic, that to say, there is a differentiation between the Juveniles bellow 12-year-old and the Juvenile 12-18 ; the first are not held accountable for their actions (no criminal responsibility) while the latter category is considered partly responsible.

The Moroccan legislator has placed in its priorities the protection of the juvenile from delinquency as a preventive and rehabilitative method and its reintegration if it is subjected to the deviation, considering the best interest of the juvenile represented in ensuring the healthy growth of the juvenile in society to be a valid member in it.

To achieve this, a set of measures was stipulated, whether within the framework of the temporary guard system (Article 471) or within the framework of protection and discipline (Article 481). This does not mean that the legislator has completely excluded the penal theory of juveniles, because given the penalty an effective role in reducing crime and protecting society, especially when the juvenile reaches a certain age (12 years), during which he becomes able to distinguish and realizes the importance and role of punishment, but this punishment is exceptional and reduced to suit the seriousness of the crime and the personal circumstances of the juvenile

5. Controversies

The recent governmental policies on the revision of the laws relevant to juvenile delinquency seem largely to be in the direction of toughening the laws, by means of lowering the maximum age of juvenile, for example, in accordance with public opinion on cruel murder by juveniles[37], in spite of criticism from experts. Nonetheless, it may be true that "[j]uvenile crime in Japan has not captured public attention except for isolated cases of brutal murders, political assassinations, or similar "sensational" crimes"[38].

37- On the high-profile juvenile crime cases from 1997 to 2015, see D. Kikuchi, "High-Profile Juvenile Crime Cases over the Past Two Decades", *the Japan Times*, May 23, 2015. In respect of public opinion on lowering the age of adulthood from 20 to 18, in response to the revision of the *Public Offices Election Act* (Act No. 100 of 1950), see "60% of Young People in Japan Back Plan to Lower Age of Adulthood to 18", *Japan Times*, October 19, 2018. As regards public opinion on juvenile delinquency in wider perspectives, see "Japanese Juvenile delinquency", *What Japan Thinks*, 2011, https://whatjapanthinks.com/2011/02/09/japanese-juvenile-delinquency/.

38- H. Fujiki, "Recent Trends of Juvenile Crime in Japan", *Journal of Criminal Law and Criminology*, Vol. 53, 1962, p. 221.

J. Hardung critically comments that "[t]he juvenile justice system in Japan has successfully dealt with crime by focusing on the rehabilitation, not the punishment, of juveniles. The problem of juvenile crime in Japan did not arise overnight, nor can it be solved quickly. Rather than change the formal system in ways that disregard rehabilitation"[39]. In the same vein, it is noted by T. Ryan that "in an age in which diversification and structural change are unavoidable realities, rehabilitation and reintegration are more important than ever to maintain social cohesion"[40].

Although it is often argued overseas that Japanese juveniles should be celebrated for their low level of offending, the Japanese media increasingly holds juveniles individually responsible for their acts and they are characterized as imprudent, irrational and violent[41]. While indeed brutality of juvenile delinquency gets temporarily a lot of social attention, the number of juvenile delinquents is steadily declining. In Japan, "the number of juveniles subject to police action in 2017 fell 4,719 from a year earlier to 26,797, the lowest number of cases seen in postwar years. The number of juveniles subject to law enforcement also fell to a record-low of 3.8 per 1,000 people within the same age bracket, largely reflecting a drop in theft cases"[42].

According to the media, moreover, juvenile delinquents should be punished more severely, largely ignoring their psychological and other characteristics[43]. As a result, the traditional concern with the welfare of juvenile delinquents has been mixed with an accent on punishment[44], while the get-tough movement has been criticized to have "an adverse effect on the practice of diversion because it would deteriorate social casework based on the educational function". Moreover, it is noted that in spite of several provisions for special treatment of juveniles such as restrictions on arrest and detention and safeguards concerning police

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39- J. Hardung, "Japan's Juvenile Law: If Punishment is their Answer, They are Asking the Wrong Question", *Pacific Rim Law & Policy Journal Association*, Vol. 9, 2000, p. 163.

40- T. Ryan, "Creating 'Problem Kids': Juvenile Crime in Japan and Revisions to the Juvenile Act", *ZJAPANR / J.JAPAN.L*, No. 19, 2005, p. 186.

41- S. Steele and Y. Ohmachi, "Japan's Declining Youth Crime?", *Asian Studies Association of Australia*, 2016, http://asaa.asn.au/japans-youth-crime-wave-subsides-to-a-ripple/.

42- M. Ito, "Japan's Juvenile Crime at Postwar Record Low, But Rising Marijuana Use Concerns Police Agency", *Japan Times*, March 8, 2018. Cf. "Juvenile Crime and Punishment", *Japan Times*, May 28, 2015.

43- "psychological and other characteristics" are referred to in Articles 6-2 (3) and 9 of the *Juvenile Act*. Article 25-7 of the *Child Welfare Act*.

44- M. Fenwick, "From Child Protection to Penal Populism", in J. Muncie and B. Goldson (eds.), *Comparative Youth Justice: Critical Issues*, Sage, 2006, p. 146.

interviews under the Juvenile Law and the Police Rules on Investigation, "there is a strong doubt as to whether these are functioning effectively in practice to protect juveniles"[45].

Meanwhile, Article 61 of the Juvenile Act, which prescribes prohibition on the publication of personal information, has been intensively discussed. "No newspaper or other publication may carry any article or photograph from which a person subject to a hearing and decision of a family court, or against whom public prosecution has been instituted for a crime committed while a Juvenile, could be identified based on name, age, occupation, residence, appearance, etc.", it articulates. When weekly magazine Shukan Shincho published, in the March 5, 2015 issue, the name and photo of an 18-year-old juvenile suspected of murdering a 13-year-old boy in Kawasaki, Kanagawa Prefecture in February 2015[46], the Japan Federation of Bar Associations proclaimed the publication of his name was "deplorable", criticizing that it could affect the juvenile's rehabilitation and integration into society. While on the other hand, an executive member of the National Association of Crime Victims and Surviving Families, believes the names should be revealed in cases where the crimes committed are serious, holding that harsh penalties are needed in order for the juveniles to understand the serious consequence of the crimes they committed. "We believe there is no difference between a crime committed by an adult and that of a minor", the executive member asserts. "The damage caused is the same. There is no way these minors can be reformed without reflecting on the seriousness of the crimes they committed". M. Takahashi, a lawyer who specializes in crime victims' rights[47]. It is reported, "[t]hirteen-year-old Uemura Ryōta was killed in the early morning of February 20, 2015, in Kawasaki by three older boys, reigniting calls for revision of the Juvenile Act. The cruelty and brutality of the murder also prompted calls for publication of the 18-year-old group leader's name and photo, now prohibited under the Juvenile Act. Such a move may be related to the bill now being debated to lower the voting age in Japan from 20 to 18"[48].

M. Takahashi continues that the fundamental spirit of the Juvenile Law does not match the gravity of some of the crimes committed today,

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45- H. Kuzuno, "Juvenile Diversion and the Get-Tough Movement in Japan", *Ritsumeikan Law Review*, No. 22, 2005, pp. 1-21.

46- "Magazine Publishes Name, Photo of Kawasaki Murder Suspect", *Japan Today*, March 6, 2015.

47- M. Ito, "Shifting the Scales of Juvenile Justice", *Japan Times*, May 23, 2015.

48- "Will Tougher Laws Halt Violent Juvenile Crimes?", *nippon.com*, April 13, 2015, https://www.nippon.com/en/features/h00105/will-tougher-laws-halt-violent-juvenile-crimes.html.

commenting on the clause "[h]earings shall be conducted cordially and amicably" in Article 22 of the Juvenile Act that "[h]ow do you prevent crime with a law that wants to resolve murder cases amicably?"[49]. It's true that the objective of the Juvenile Law is not to punish delinquent juveniles but to correct their personality and modify their environment for their sound development[50].

The disagreements may be caused partly by the difference of side as the victims and their families or the advocates of the rights of juvenile delinquents. According to H. Goto, "[t]he government and society, however, are responsible for both sides because we created an environment that turned them into victims and offenders". Thus, she suggests that the focus should not be on the revision of the Juvenile Act to apply harsher penalties on offenders, but on the social environment that has caused the juveniles to commit delinquency.

As regards compensation, after the family court ruling, R. Take, a victim's mother, filed for damages in a civil court against the juvenile offender and his parents. Take's 16-year-old son was killed by a group of six boys in November 1996. Authorities refused to give her any details of the case, including the names of the offenders. It was only then that the victim's mother, Take, was given access to the written testimonies and documents of her son's case. The family court ordered the offender and his family to pay ¥80 million in damages, money she used to set up a fund in her son's name, Takakazu, to support other victims of juvenile delinquency. Since then, ¥70,000 has been monthly paid into the bank account. That is the only connection Take can have with the offender, because she cannot know his whereabouts at all. "I hope by making the payment once a month he remembers what he did — he took a person's life", Take thinks. "There is no way I can ever forgive him, and I don't want him to ever forget"[51].

The problem is how can be the occurrence of juvenile delinquency decreased. From the standpoint, the following indications should not be underestimated. "Juvenile offenders have often been abandoned by their families and society, and they don't care about consequences". "These minors don't care about other people, including themselves", she says. "They are prepared to die and are not afraid to take the lives of others. There is no way that imposing harsher penalties (on these teens) would prevent them from committing a crime"[52].

49- M. Ito, "Shifting the Scales of Juvenile Justice", *Japan Times*, May 23, 2015.

50- *Juvenile Act*, Article 1.

51- M. Ito, "Shifting the Scales of Juvenile Justice", *Japan Times*, May 23, 2015.

52- *Ibid*.

6. Procedure Before the Referral to Family Courts

Juvenile Offenders

When the judicial police official cleared a juvenile offender, who committed an offense which is punishable only with a fine or less severe penalty, the official shall refer the case to a family court under Article 20 of the Juvenile Act. In respect of an offense which is punishable by a more severe penalty such as death penalty or imprisonment with or without work, the judicial police official shall refer the case to a public prosecutor, unless the case was a violation of the Road Traffic Act and the administrative fine was paid in accordance with the traffic infraction notification system. A public prosecutor investigates the case and then refers it to a family court if there is probable cause to suspect that an offense has been committed or any other reason to subject the case to a family court hearing.

Juvenile offenders under 14 and pre-delinquents

A person who discovers such 'aid-requiring child' as a child without custodian or a child for whom the custody of his/her custodian is found inappropriate, other than a juvenile offender, must notify a Welfare Office or child consultation center established by the municipal or prefectural government, under Article 25 of the Child Welfare Act.

As regards juvenile offenders and pre-delinquents under 14, measures prescribed in the Child Welfare Act are applied in preference to direct referral or notification to the family court, which may subject the juvenile to a hearing only when a prefectural governor or the child consultation center's director refers the juvenile to the family court. Police officers may investigate a case when there is probable cause to suspect that a juvenile under 14 has committed an offense. The police shall refer the case to the child consultation center's director if, as a result of the investigation, they consider that the act of the juvenile involved a specific serious offense under Article 6-2 of the Juvenile Act. The prefectural governor or child consultation center's director refers the juvenile to a family court, under Article 18 of the Juvenile Act, if they deem it appropriate to subject the juvenile to a family court hearing. However, when juvenile offenders under 14 violate laws or regulations involving specific serious offenses, the prefectural governor or child consultation center's director is required, in principle, to refer the case to a family court.

A person who discovers a pre-delinquent aged 14 or older must notify a family court of the discovery under Article 25 of the Child Welfare Act. However, a police officer or the custodian of the pre-delinquent may directly notify a child consultation center if the pre-delinquent is under 18 and it is deemed appropriate to subject the juvenile to the measures under the Child Welfare Act rather than directly referring or notifying the family court on the pre-delinquent.

It is suggested to revise the provisions concerning the pre-delinquent juvenile to diminish its ambiguity and respond to the needs of the time, and to enhance "educative and protective functions of community, school, and family for misbehaving juveniles"[53].

7. Procedure in Family Courts

Investigation by Family Courts

A person who discovers a juvenile who should be subject to hearing of the family court shall notify the family court of the discovery, based on Article 6 (1) of the Juvenile Act. A family court is required to investigate any case referred to it. It can order a family court probation officer to investigate the case under Article 7 of the Juvenile Code. When dealing with an investigation, hearing and decision or other treatment of a juvenile protection case, constant effort must be made to protect the juvenile's emotional stability with consideration and good will, while endeavoring to earn the trust from the juvenile and the custodian, etc. through the course of these actions, in conformity with the Rules on Juvenile Hearing and Decision[54].

53- T. Konishi, "On the Concept of the Pre-Delinquent Juvenile in Japan: Its Construction and the Impact", *Waseda Bulletin of Comparative Law*, Vol. 25, 2014, p. 18.

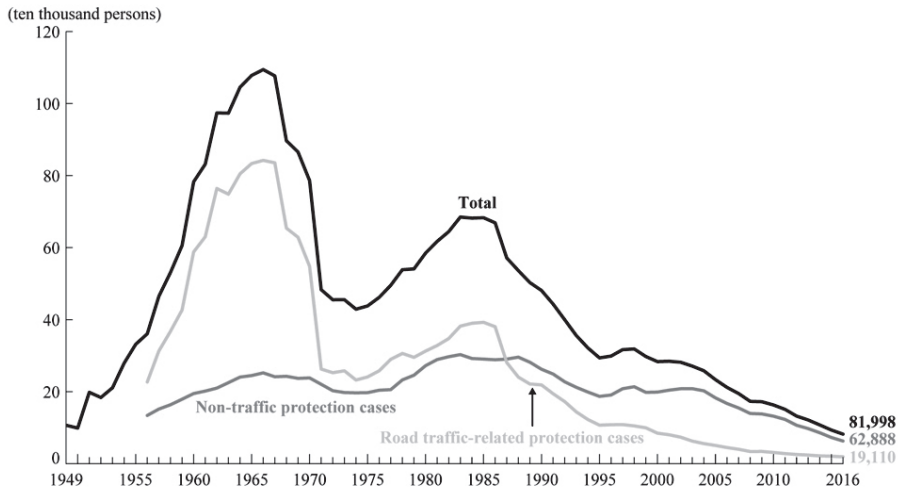54- *Rules of the Supreme Court* No. 33 of 1948, Article 1 (2).

(1949-2016)

Figure 2: Juvenile protection cases: Juveniles received by family courts
(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_2_2.html)
Source: Annual report of judicial statistics

Assessment by Juvenile Classification Homes

A family court may implement measures for observation and protection of a juvenile within 24 hours from the time of the arrival, putting the juvenile under the observation and protection of a family court probation officer or referring the juvenile to a juvenile classification home, by a ruling if they are needed for the hearing of the family court, in accordance with Article 17 of the Juvenile Act.

Juvenile classification homes work to enhance their ability of assessment on juveniles for re-offending prevention by developing and introducing a new assessment method, "Ministry of Justice Case Assessment Tool" in order to grasp the possibility of re-offending and educational needs of each juvenile, based on the knowledge and techniques it has with medicine, psychology, pedagogy, sociology, and other expertise in order to contribute to the hearing at the family court[55].

Hearings at Family Courts

When the family court considers that a juvenile should be subject to hearing, it shall investigate the case involving juvenile. And when it is found appropriate as a result of the investigation, the family court should give a ruling for commencement of a hearing.

55- As of May 9, 2016, there are 53 juvenile classification homes. See "List of Juvenile Classification Homes in Japan", *Hatena Blog*, 2016, http://nbakki.hatenablog.com/entry/List_of_Juvenile_Classification_Homes_in_Japan

The juvenile or the custodians can appoint an attendant, but they need permission of the family court to appoint someone other than an attorney at law as the attendant. The presiding judge may permit a relative or a teacher of the juvenile or other person whom the presiding judge finds to be appropriate to be present at the hearing[56]. The family court may examine witnesses, or order to give expert opinion, or to make interpretation or translation under Article 14 of Juvenile Act, and may also inspect, seize or search. On the other hand, the family court may make a ruling of non-commencement of hearing as a result of the investigation.

Hearings should be conducted cordially and amicably, and encourage the juvenile to introspect about the juvenile's own delinquency. In principle, hearings should be closed to the public.

As regards the victims and their families, furthermore, they challenged the careful protection of juvenile offenders while the victims and their families were neglected under the Juvenile Act. The result was a demand for harsher criminal sanctions and a revision of the juvenile justice process. "We are not demanding harsher penalties", Ruriko Take, representing a group for victims' families of juvenile crime, says. "We are just asking for a punishment that is appropriate for the crime that has been committed". "For a long time, people only focused on protecting a juvenile offender's rights," she continues. "I am not dismissing the importance of educating these minors but other factors should also be taken into consideration. Back then, the victims and their families lacked support"[57]. In fact, revisions to the Juvenile Law have gradually improved the situation for victims and their families. In 2008, the law was amended to allow them to attend family court hearings and to make statements during hearings and be informed of the details of any ruling, including statements made by the accused and his or her parents[58].

Now, a family court may allow the victims of certain serious cases to observe the hearing upon their request if the court finds it appropriate and unlikely to hinder sound development of the juvenile in light of the age of the juvenile, emotional state, the nature of the case, status of the hearing and other circumstances under Article 22-4 of the Juvenile Code. Prior to permitting observation of the hearing, the family court shall hear opinions from the attendant who is an attorney at law.

56- *Rules on Juvenile Hearing and Decision*, Article 29.

57- M. Ito, "The Other Side of Crime: 'Victims Left Behind'", *Japan Times*, March 17.

58- *Idem*., "*Shifting the Scales of Juvenile Justice*", *Japan Times*, May 23, 2015.

The family court may, by a ruling after hearing the opinion of a public prosecutor, have a public prosecutor participate in a hearing for a case involving a juvenile offender concerning a designated serious crime including an intentional criminal act caused death to a victim when the court finds that the participation of a public prosecutor in the hearing of the family court is necessary to find the facts of the delinquency. The public prosecutor may inspect, and copy records and articles of evidence, attend the hearing, ask questions of the juvenile, witnesses and other concerned persons, and give opinions to the extent needed to contribute to finding the facts of the delinquency. In this procedure, if the juvenile has no attendant who is an attorney at law, the court shall appoint an attorney at law as an attendant. The extent of attendance of both public prosecutors and lawyers was extended by the 2014 revision of the Juvenile Act[59].

When it is found impossible or unnecessary to subject the juvenile under protective measures as a result of the hearing, the family court shall render a ruling not to subject the juvenile to educational and supervisory measures. On the contrary, when it is found appropriate to take measures prescribed in the Child Welfare Act, the family court shall refer the case to a prefectural governor or child consultation center's director. The family court shall, by a ruling, refer a case punishable by the death penalty or imprisonment to a public prosecutor of the public prosecutors' office that corresponds to the district court with the jurisdiction of the case. If the juvenile is 16 or older and committed an intentional criminal act that caused death to a victim, the family court needs to rule to refer the case to a public prosecutor. The family court shall, by a ruling, subject the juvenile to protective measures, which include placing the juvenile under probation by the probation office, referring to a children's self-reliance support facility or a foster home (limited to juveniles younger than 18), or a juvenile training school (generally limited to juveniles aged 12 or older) under Article 24 of the Juvenile Act.

The juvenile or the legal representative or attendant of the juvenile may lodge an appeal against a ruling imposing protective measures. In the case where a public prosecutor participated in the hearing by the ruling of the family court, the public prosecutor may file a request to a high court for acceptance of a case as the court of second instance. Next, the juvenile or the legal representative or attendant of the juvenile may appeal against a ruling made by the court of second instance to the Supreme Court under Article 35 of the Juvenile Act.

59- T. Kawade, *Juvenile Law,* Yuhikaku, 2015 (in Japanese), p. 374.

8. Juvenile Classification Homes

Before 2014, there was no independent law concerning operation and management of the juvenile classification home or treatments of juvenile inmates thereof, except for a few provisions in the former Juvenile Training Schools Act. In 2014, the Juvenile Classification Homes Act was enacted and the above matters have been conducted under this new law since then[60].
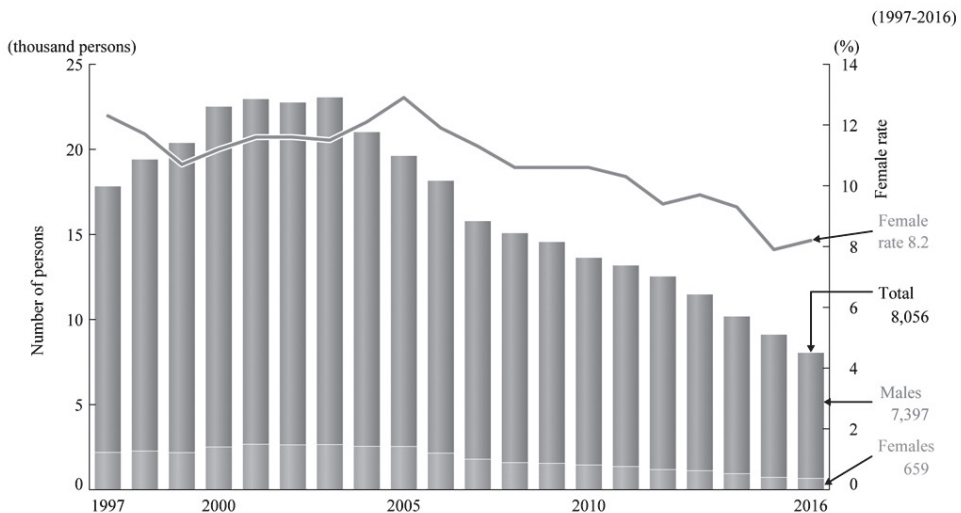
Note: "Juveniles newly committed to juvenile classification homes" excludes those juveniles taken back from an escape or being transferred from another institution.

Figure 3: Juveniles newly committed to juvenile classification homes (male/female) and female rate

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_3_2.html)

Source: Annual report of judicial statistics

A Juvenile classification home confines juveniles who are referred by the family court when the court orders protective measures and conducts assessments of these juveniles based on the home's expertise in medicine, psychology pedagogy, and more., in order to provide information relevant to the investigation and family court hearing. Juvenile offenders who committed serious and violent offenses or who need immediate protective interventions because of their deteriorated family or social environments usually enter juvenile classification homes[61]. Such assessments is conducted by interviews, psychological

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60- *Juvenile Classification Homes Act* (Act No. 59 of 2014) entered into force on June 1, 2015, except those provisions referring to on-site facility audit and filing of complaints against auditors which entered into force on July 1, 2015.

61- M. Takahashi, "Asssessment of Juvenile Offenders at Juvenile Classification Homes in Japan", *Resource Material Series*, No. 78, 2009, https://www.unafei.or.jp/publications/pdf/RS_No78/No78_18PA_Takahashi.pdf.

tests and behavioral observations as well as by psychiatric examinations if necessary; the treatment guidelines for rehabilitation are drawn up through examination and diagnosis of the mental and physical condition of the juvenile and through understanding of the causes of delinquency. The home also conducts assessments at the request of the juvenile training school superintendent or probation office director for the enforcement of protective measures. Furthermore, the home provides advice using their expertise and techniques in consultation with the general public and school teachers on delinquency, bullying, and domestic violence, as well as the necessary support, in order to prevent delinquency and crime in the local community[62].

The Act stipulates three duties of juvenile classification homes as below:

(i) to conduct assessment of juveniles based on professional knowledge and skills

(ii to conduct observation and protection of juvenile committed to the homes for their sound development

(iii) to provide support within the local community to prevent juvenile delinquency and crime

Also, in order for the homes to appropriately treat juveniles, the Juvenile Classification Homes Act has clarified the rights and obligations of juveniles and the authorities of the officials, and introduced complaint mechanisms such as filing a request for relief to the Minister of Justice. The Juvenile Classification Homes Act also aims to promote facility management that is open to society by establishing a visiting committee consisting of outside members corresponding to each juvenile classification home.

According to the Ministry of Justice, Juvenile classification homes are working to enhance their ability of assessment on juveniles for recidivism prevention by developing and introducing a new assessment method, "Ministry of Justice Case Assessment Tool" in order to grasp the possibility of recidivism and educational needs of each juvenile[63]. The homes are also working to enhance the treatment for recidivism prevention by conducting assessment of juveniles under protective measures in response to requests from juvenile training schools, probation offices, etc. Furthermore, the home provides counseling and consultation services to juveniles and their families on various youth problems (delinquency,

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62- *Ministry of Justice 2018*, p. 11.

63- Cf. M. Takahashi, "Assessment of Juvenile Offenders at Juvenile Classification Homes in Japan", *Resource Material Series*, No. 78, 2018, pp. 151-157.

misbehavior, family upbringing problems, troubles in a workplace or at school, problems with friends, etc.). Moreover, the staff of the home provides explanation about various topics such as delinquency, child-rearing, or educational and instructional methods for youth at workshops or lectures held at schools or youth related organizations[64]. And, it is declared in the Plan, with the cooperation of relevant organizations including schools and private volunteers, the Ministry of Justice will improve the knowledge and abilities of juveniles committed in juvenile classification homes that are necessary for the sound development of juveniles by giving them the opportunity of learning or being exposed to cultural activities, etc.[65].

However, It is critically argued by C. Schwarzengger that "this 'State as Parent' model as practiced in Japan has some negative consequences as well: The due process guarantees are not up to the international standard as laid down in the UN Child Convention. Though the presumption of innocence is upheld in theory, in practice, if a case proceeds to the Family Court, the culpability is normally taken for granted"[66].

In the Moroccan legal arsenal **The secondary investigation** (The set of investigations carried out by the juvenile judge (at the level of the court of first instance) or the councilor in charge of Juveniles (at the level of the court of appeal) in order to examine the evidence and arguments, complete the remainder of them, and decide whether that evidence is sufficient to bring the offender to trial) In line with Article 40 of the Convention on the Rights of the Child, especially paragraphs 3 and 5, the Code of Criminal Procedure gave the juvenile judge or counselor in charge of juveniles the authority vested in investigative judges and enables them to conduct research in the light of which measures can be taken to ensure the protection and rescue of the juvenile. Likewise, it is not possible for a juvenile who has not yet reached 12 full years of age to be placed in a prison institution, regardless of the type of crime. Furthermore, a juvenile whose age ranges between 12 and 18 years cannot be placed in a prison institution unless it appears that this detention is necessary or it is impossible to take any other measures, and in this case the juvenile is kept in a juvenile facility isolated from the places where adults are placed, and the juvenile remains alone during the night as possible (Article 473) The legal protection of minors

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64- Ministry of Justice, "Further Improvement of Juvenile Correction", http://www.moj.go.jp/ENGLISH/m_hisho06_00048.html.

65- Ministry of Justice, *White Paper on Crime 2018,* p. 38.

66- C. Schwarzengger, "The Debate About the Reform of the Juvenile Law in Japan", in G. Foljanty-Jost (ed.), *Juvenile Delinquency in Japan: Reconsidering the 'Crisis'*, BRILL, 2003, p. 180.

is evident at this stage in the fact that the juvenile advisor can, according to Article 486 of the criminal law to subject the delinquent juvenile to the temporary guard system stipulated in Article 471 or to one or more of the protection or disciplinary measures stipulated In Article 481 after conducting a social search on the juvenile.

9. Probation by Family Court Decision

The family court may, by a ruling, place a juvenile under probation officer when it is deemed necessary due to a ruling for protective measures. In combination with the observation, the family court may implement the following measures.

(i)   Establishment of compliance rules and giving an order to implement them

(ii) Determination of conditions and delivery to the custodian under the conditions

(iii) Correctional guidance through commission to an appropriate institution, organization or individual

If the family court decides to place a juvenile under probation, the court may recommend either short-term probation or short-term probation for traffic offenses as appropriate for a juvenile whose level of delinquency has not advanced and thus can be expected to be improved or rehabilitated within the short-term. Probation is then carried out based on such recommendation[67].

At the same time, the family court may take appropriate measures against the custodian in order to raise awareness of responsibility of the custodian for custody of the juvenile and to prevent the juvenile from committing delinquency. The measures include delivering an admonition and giving guidance.

Based on the Re-offending Prevention Promotion Plan adopted in December 2018 by the Cabinet[68], the Ministry of Justice will enhance encouragement for custodians by promoting their understanding and cooperation regarding the treatment of subject persons, giving guidance and advice to improve the custodial ability of the custodian, asking custodians to participate in custodian meetings or giving advice when the custodian needs welfare support, while enhancing guidance and support for improving the relations between juveniles subject to

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67- S. Kato, "Probation in Japan: Engaging the Community", *Irish Probation Journal*, Vol. 15, 2018, pp. 114-136.

68- Ministry of Justice, *Re-offending Prevention Promotion Plan*, 2018.

probation or juveniles committed in juvenile training schools and their custodians. In addition, when appropriate custody is unavailable from a custodian, the Ministry of Justice will give guidance and support for the juvenile's self-reliant life in society and use of the system of guardianship of a minor according to the situation of the juvenile[69].

10. Children's Self-Reliance Support Facilities or Foster Homes

Juveniles committed to children's self-reliance support facilities or foster homes are accommodated in these facilities or homes, which are open facilities for children requiring aid and are established in accordance with the Child Welfare Act. The term "children's self-reliant living assistance services" means services to provide daily life assistance and daily life guidance and employment supports[70]. And, "foster parent" means a person, as found appropriate by the prefectural governor, who desires to take care a child without guardian or a child for whom the custody of his/her guardian is found inappropriate, who is called an 'Aid-requiring Child'[71].

Under the 2009 revision of the Child Welfare Act, the 69 prefectural and municipal governments are required to publicly release information on abuse cases and their handling every year. However, since there were some local governments that did not release this information, the Mainichi Shimbun newspaper investigated. There were a total of 144 cases of abuse at child welfare institutions or foster homes in 2014 and 2015, according to the information gathered by the Mainichi Shimbun from 69 prefectural and municipal governments with child guidance centers. A child guidance center, established by a prefectural government, performs the services concerning welfare of children and shall have facilities of taking temporary custody of children where needed[72]. The revised law prescribes that if abuse by staff or foster guardians is found, they are required to report the case to the child guidance center or other related organizations. The Ministry of Health, Labor and Welfare had been releasing information like the number of reports from prefectural and municipal governments, but halted this practice after 2013. A representative from the ministry explained, "[t]his is because the clerical work is backed up"[73].

69- S. Kato, "Probation in Japan: Engaging the Community", *Irish Probation Journal*, Vol. 15, 2018, pp. 114-136.

70- *Child Welfare Act*, Article 6-2 (1).

71- *Ibid.*, Article 6-3.

72- *Child Welfare Act*, Articles 12-12-5.

73- "144 cases of abuse at public child welfare institutions in 2014 and 2015: investigation", *Mainichi*, August 19, 2017.

11. Juvenile Training Schools

The treatments of juveniles at juvenile training schools were based on the former Juvenile Training Schools Act which was enacted in 1948. In accordance with "A Proposal of the Expert Committee Considering Juvenile Corrections" in 2010, "Integrated Measures for Repeated Crime Prevention" in 2012 and "The Strategy to Make Japan the Safest Country in the World" in 2013, the new Juvenile Training Schools Act and the Juvenile Classification Homes Act were established in 2014[74]. The objective of Juvenile Training Schools Act is to achieve appropriate management and administration of juvenile training schools, and to achieve reformation and rehabilitation and smooth reintegration into society of inmates by conducting, in accordance with their characteristics, appropriate correctional education and other treatment instrumental to their sound development, while respecting their human rights[75].

It is pointed that the recidivism rate of former residents of juvenile training schools in Japan is amazingly low compared to the facilities of other countries[76].
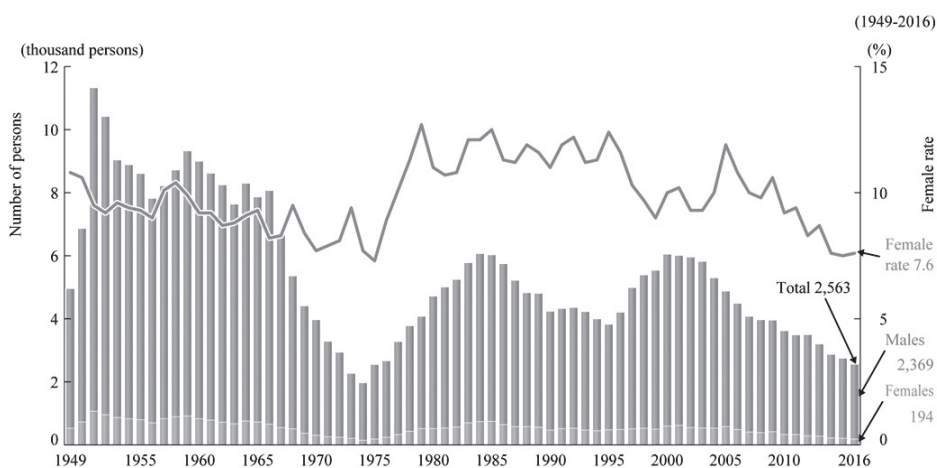

Figure 4: Juveniles newly committed to juvenile training schools (male/female) and female rate

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_4_1.html)

Source: Statistics on Juvenile correction and rehabilitation
Annual report of statistics on Juvenile correction
Annual report on statistics on correction

74- *Juvenile Training Schools Act*, Act No. 58 of 2014.

75- *Ibid.*, Article 1.

76- G. Foljanty-Jost (ed.), *Juvenile Delinquency in Japan: Reconsidering the "Crisis"*, Brill, 2003, p. 247.

Under the new Juvenile Training Schools Act, an 'Individual Plan for Correctional Education' is drawn up and implemented for each individual juvenile in detention. Based on the new Act, appropriate correctional education is conducted with the aim of achieving higher levels of recidivism prevention. The Individual Plan for Correctional Education determines the goals, content, implementation methods, and terms of correctional education to be implemented according to the juvenile's traits, such as age, physical and mental condition, and criminal tendencies, and provides lifestyle guidance, vocational guidance, school courses, physical education, and special activities according to the characteristics of each juvenile. In addition, in order to ensure smooth rehabilitation in society for juveniles who have difficulties leading independent lives after release, the school provides support for learning and working, securing of a place of residence, and continuous support in collaboration with medical/welfare institutions[77].

And the new Juvenile Classification Act makes it possible for juveniles in detention at Juvenile Training Schools to spend a certain amount of time at Juvenile Classification Homes in order to enable more detailed classification[78].
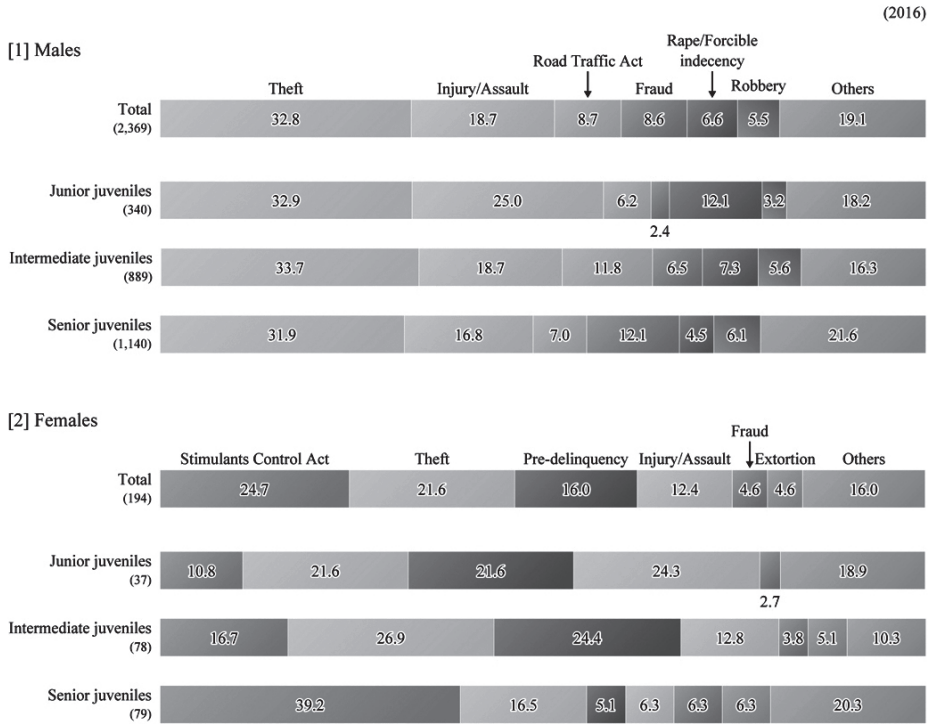
Types of juvenile training schools

Juveniles are categorized based on age, level of criminal tendency, mental and/or physical condition, etc., under Article 4 of the Juvenile Training School Act. The types of juvenile training schools are as follows:

(i) Type 1 - Juveniles under protective measures of the age group roughly from 12 to under 23 and without severe disability in their mental/physical condition (excluding those categorized as Type 2);

(ii) Type 2 - Juveniles under protective measures of the age group roughly from 16 to under 23 and without severe disability in their mental/physical condition, and with advanced criminal tendencies;

(iii) Type 3 - Juveniles under protective measures of the age group roughly from 12 to under 26 and with severe disability in their mental/physical condition; and

(iv) Type 4 - Juveniles who are committed to the juvenile training school for execution of punishment.

77- *Ministry of Justice 2018*, p. 11.

78- Ministry of Justice, *White Paper on Crime 2018*, p. 38.

(2016)

[1] Males

Rape/Forcible indecency

Road Traffic Act

	Theft	Injury/Assault	Road Traffic Act	Fraud	Rape/Forcible indecency	Robbery	Others
Total (2,369)	32.8	18.7	8.7	8.6	6.6	5.5	19.1
Junior juveniles (340)	32.9	25.0	6.2	12.1	3.2	2.4	18.2
Intermediate juveniles (889)	33.7	18.7	11.8	6.5	7.3	5.6	16.3
Senior juveniles (1,140)	31.9	16.8	7.0	12.1	4.5	6.1	21.6

[2] Females

Fraud

	Stimulants Control Act	Theft	Pre-delinquency	Injury/Assault	Fraud	Extortion	Others
Total (194)	24.7	21.6	16.0	12.4	4.6	4.6	16.0
Junior juveniles (37)	10.8	21.6	21.6	24.3		2.7	18.9
Intermediate juveniles (78)	16.7	26.9	24.4	12.8	3.8	5.1	10.3
Senior juveniles (79)	39.2	16.5	5.1	6.3	6.3	6.3	20.3

Notes: 1. The figures are based on the age at the time of commitment. "Junior juveniles" includes those younger than 14 years old and "Senior juveniles" includes those who have reached 20 years old at the time of commitment.

2. The figures in parentheses indicate the actual numbers of juveniles.

Figure 5: Juveniles newly committed to juvenile training schools, percentages by types of delinquency (male/female and by age groups)

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_4_1.html)

Source: Annual report of statistics on correction

In reality, it is reported, there were a few juveniles who would not change their delinquent behavior despite the correctional interventions on their behalf. "It is critically important to understand the root cause of such non-response in order to improve the application of the treatment technique or perhaps to change the type of the interventions and/or their implementations altogether"[79].

Correctional Education Programs

The type of juvenile training school is specified by the family court with the decision to refer the juvenile to a juvenile training school.

79- Y. Yoshizawa *et al.*, "Evaluating Relative Effectiveness of Training School Programs to Probation on Recidivism of Japanese Juvenile", *Discussion Paper Series,* University of Tsukuba, 2007, p. 25, file:///C:/Users/Matsumoto/Desktop/juvenile%20violence/effectineess%20of%20training%20school.pdf.

The superintendent of the juvenile classification home specifies the appropriate juvenile training school in consideration of the differences in correctional education programs assigned to different schools. Taking into account these opinions from the family court and the juvenile classification home, the director of the juvenile training school specifies which correctional education program the juvenile is to take. It is to be noted that if the family court, upon referring the juvenile to juvenile training school, and acknowledges the period of correctional education to be a short one and advised the school as such, the school is to assign either a short-term compulsory education program or a short-term social adaptation program for the juvenile.

Superintendents of juvenile training schools are to give inmates vocational guidance necessary to encourage them to work and help them acquire vocationally-useful knowledge and skills. Superintendents of juvenile training schools are to provide guidance in school courses for the inmate who has not completed compulsory education and who is deemed to be hindered from reformation and rehabilitation or from smooth re-integration into society due to a lack of academic background fundamental to social life. The Superintendents are also to provide inmates with necessary guidance related to implementation of social contribution activities, outdoor activities, athletics, music, theatrical activities and other activities, instrumental to enriching emotional stability, and fostering a spirit of independence, autonomy and cooperation[80].

Superintendents of juvenile training schools formulate a personalized correctional education program based on the results of investigation by interviewing with inmates or through other appropriate methods, while based on opinions of family courts or directors of juvenile classification homes if available, taking into consideration as much as possible preference of inmates, and their custodians or other persons deemed appropriate[81].

Superintendent of a juvenile training school is to conduct performance evaluation for each inmate, in an integrative manner, in order to understand the effect of the correctional education, and the superintendent is to notify the results to the inmates, and the guardians. The superintendent is also to notify the life and physical and mental condition of the inmates to the inmate's custodian[82].

80- *Juvenile Training School Act*, articles 26-28.

81- *Ibid.*, Article 34.

82- *Ibid.*, Article 35.

The superintendents are also to determine schedule of daily activities for inmates, such as schedule determining time slot for meals, sleeping, and other daily routine activities, time slot for correctional education and time slot set aside for leisure and have the inmates follow the schedule of daily activities. Correctional education is to be conducted by organizing inmates into appropriate groups, taking into consideration correctional education curriculum.

The superintendents may, when deemed necessary for smooth re-integration into society of inmates, and when deemed appropriate considering their condition of reformation and rehabilitation, have the inmate commute to places outside the juvenile training school and to receive guidance given by a "commissioned supervisor" who provides inmates with guidance without an escort of staff members of the juvenile training school. The guidance is called "out-of-school commissioned guidance". It is to be carried out in accordance with an arrangement with the commissioned supervisor with regard to the contents and hours of the out-of-school commissioned guidance which the inmates are to receive, necessary measures for ensuring safety and health of inmates, and other matters necessary for the implementation of the out-of-school commissioned guidance.

Correctional facilities are supported by community volunteers, such as volunteer visitors and chaplains. Volunteer visitors are those who help reformation and rehabilitation as well as smooth reentry into society of inmates by means of counseling and guidance sessions, and music instruction, etc[83].

It is stated on the basis of investigation of the juvenile training school in Tama, Tokyo that "[y]oung offenders are encouraged to acknowledge the crimes they have committed before learning how to survive in the outside world after their release"[84]. In the same vein, H. Katayama concludes, "[s]ocial conditions and public services for juveniles after release ... are not enough to prevent their recommitment of delinquency, considering the present situation of Japanese society. Only the juveniles and their parents are responsible for recommitting delinquency or not recommitting it"[85].


83- *Ministry of Justice 2016*, p. 33.

84- M. Ito, "Life Inside a Juvenile Correction Center", *Japan Times*, May 30, 2015.

85- H. Katayama, "Treatment in Juvenile training Schools for Girls in Japan", *Resource Material Series*, No. 90, p. 144.

12. Probation and Parole Supervision

Probation or parole supervision for juveniles subjects those juveniles placed on probation by a ruling of a family court (juvenile probationers) or those juveniles granted a discharge on parole from the juvenile training school (juvenile training school parolees).
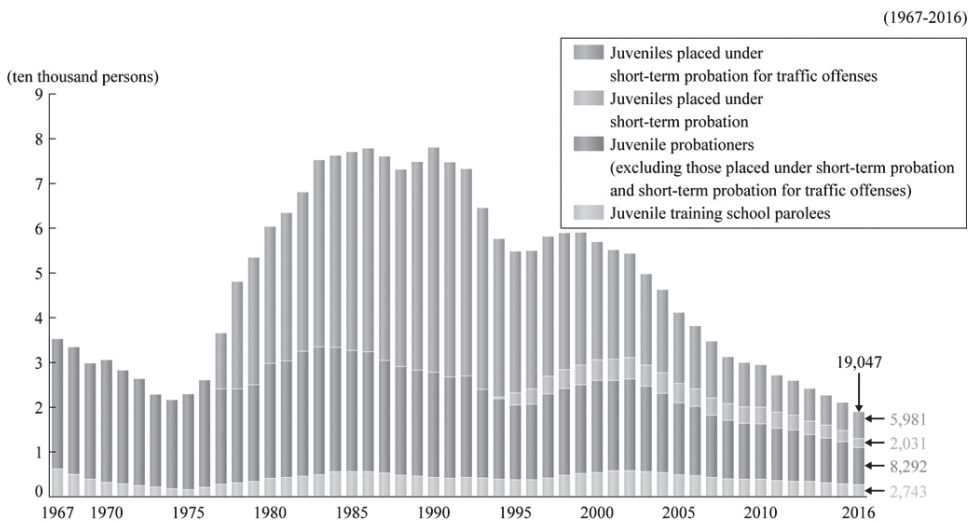
Figure 6: Juveniles placed under probation/parole supervision (http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_5_1.html)

Source: Annual report of statistics on rehabilitation

A juvenile in a juvenile training school is to be released upon completion of his or her period of commitment but in certain cases, a family court may decide to extend the commitment if requested by the superintendent of the juvenile training school, for a period not exceeding the date on which the juvenile turns 23. In addition, a family court may also decide to continue to commit the juvenile to a medical juvenile training school if requested by the superintendent of the juvenile training school, for a period not exceeding the date on which the juvenile turns 26.

Conversely, a juvenile in a juvenile training school may be released on parole before the completion of the period of commitment by a decision made by the Regional Parole Board. If released on parole, the juvenile is placed under parole supervision after the discharge until the period of commitment is complete or until the discharge is granted by the Board.

Parole officers will generally oversee all prisoners via written surveys or interviews to find out where they would like to return to and reside, and to what extent they are willing to work. The aim is to release prisoners on parole so they can make efforts to reintegrate themselves into society under probation, instead of waiting for them to complete full sentences, after which they are unlikely to receive government support. Prisoners who do not have relatives to rely on and are not willing to work will be encouraged to enter rehabilitation facilities or accommodation provided by nonprofit organizations that aim to prepare them for living independently. If they agree, parole officers will make arrangements for lodging and employment support with Probation Offices and other entities. Whether or not a person is permitted release on parole depends greatly on if they have a residence to return to. Other factors include their attitude while incarcerated and how much they are willing to join society again. Individuals who end up not being allowed to leave on parole will be encouraged to use the Urgent Aftercare of Discharged Offenders system, a support framework for people who do not have money or a place to return to. However, people often avoid using the system because they have to directly file a request with the Probation Offices[86].

At the Probation Office, Probation Officers provide specialised treatment programmes for offenders who have specific criminal issues and risks. There are four specialised treatment programmes: a sexual offender treatment programme, a drug relapse prevention programme, a violence prevention programme and a drink-driving prevention programme[87]

(as of December 31, 2016)

Category	Abusers of paint-thinner	Stimulant drug offenders	Problematic drinkers	Gang-related offenders	Motorcycle gangs	Sexual offenders	Mentally ill offenders	Junior high school students	School violence offenders	Unemployed offenders	Family violence offenders	Gambling or other addicts
Juvenile probationers	14 (0.1)	40 (0.4)	285 (2.5)	21 (0.2)	716 (6.3)	680 (6.0)	583 (5.1)	630 (5.5)	146 (1.3)	1,107 (9.7)	152 (1.3)	57 (0.5)
Juvenile training school parolees	13 (0.4)	86 (2.4)	127 (3.5)	10 (0.3)	381 (10.4)	259 (7.1)	439 (12.0)	48 (1.3)	40 (1.1)	1,001 (27.4)	94 (2.6)	110 (3.0)

Notes: 1. Juveniles may be assigned to multiple categories.
   2. The figures in parentheses indicate the percentages of juveniles in the respective treatment categories among the total numbers of juvenile probationers (excludes those placed on short-term probation for traffic offenses or short-term probation) or juvenile training school parolees as of December 31, 2016 (includes probationers/parolees yet to be categorized).

Figure 7: Juvenile probationers/juvenile training school parolees, by treatment categories

Source: annual report of statistics on rehabilitation the rehabilitation Bureau, Ministry of Justice

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_5_2.html)

86- T. Murakami, "Japan Justice Ministry to Assign Probation Officers to Prisons to Reduce Reoffending Rate", *the Mainichi*, October 3, 2019.

87- S. Kato, "Probation in Japan: Engaging the Community", *Irish Probation Journal*, Vol. 15, 2018, https://www.pbni.org.uk/wp-content/uploads/2018/11/Kato_Saki_IPJ.pdf.

There are 50 probation offices. Their major functions are to conduct probationary supervision over those juveniles placed on probation by decisions of the family courts, those released on parole from prisons or juvenile training schools and also those who are on probation with suspension of sentence[88]. The probation offices are also engaged in activities to promote community-based campaigns to prevent crime and delinquency. Probation officers are full-time government officials of the Ministry of Justice who are assigned to either the Secretariat of the Regional Parole Board or to the Probation Office. Having expert knowledge of psychology, pedagogy or sociology, they engage in the work of rehabilitating juvenile offenders or re-offenders, by giving them guidance and assistance in everyday life, in collaboration with volunteer probation officers. They also take charge of work relating to the prevention of crime and delinquency and providing support for crime victims.

Under the 2007 revision of the Juvenile Act, family court judges have the power to sentence youth in violation of their parole to serve their remaining time in a juvenile training school[89]. "This measure is to be taken for repeat offenders or those who have seriously broken the conditions of their parole. The first time parole is broken the juvenile will receive a warning, but should they breach the conditions of their parole a second time, the judge may send the youth to either a juvenile home for education and training or a juvenile reformatory"[90].

According to the Ministry of Justice, the activities of offender rehabilitation volunteers, such as the Women's Association for Rehabilitation Aid, the Big Brothers and Sisters Movement Association, and "Cooperative Employers" have been of a great help to rehabilitate offenders themselves and become law-abiding.

88- In June 2013, laws were promulgated providing for suspension of part of a criminal's sentence in the *Act for Partial Revision of the Penal Code* and the *Act for Partial Suspension of Sentence for Criminals Convicted of Drug Use, Etc*. The system makes it possible for the courts to grant a suspension of part of a sentence. Its aim is to prevent recidivism and help in their rehabilitation by enabling a period of treatment in prison, followed by a longer period of treatment in the society. Under this system, during the period of suspended sentence the offender is put under probation on a discretional basis in the case of those who have no previous record of sentences heavier than imprisonment without work, and on a mandatory basis in the case of those convicted and sentence to prison for drug use. Ministry of Justice, *White Paper on Crime 2017,* p. 36.

89- *Juvenile Act*, Article 26 (4).

90- A. Schwertfeger, "'The Kid is a Criminal' v. 'The Criminal is a Kid': Cultural Impacts on Juvenile Justice in the United States and Japan", 2013, p. 21, https://legalstudies.berkeley.edu/wp-content/uploads/2013/07/Alexandra-Schwertfeger-Sp13.pdf.

Cooperative Employers

Cooperative employers are private-sector businesses that willingly offer employment to offenders or re-offenders regardless of their criminal record or history of crime, and cooperate in the offenders' rehabilitation[91]. In the Re-offending Prevention Promotion Act, the concept of cooperative employers means "employers that employ or intend to employ persons who have committed crimes, etc. for the purpose of cooperating with them in becoming self-reliant and re-integrating into society"[92].

There are about 19,000 such cooperating business owners across the country who cooperate in this field. Cooperative employers understand the feelings of offenders and provide them with stable jobs, which serves as a tremendous contribution to offenders rehabilitation in society[93].

The re-offending rate of unemployed person is about 4 times higher than that of employed person. The rate of employed person is 7.5%. On the other hand, that of the unemployed is 29.8% in 2008-2012[94].

Thus, when the State concludes a contract wherein the State is a party and is to pay consideration for the provision of services, including the completion or operations of construction, or the delivery of goods conducted by a party other than the State, the State is to pay attention to increasing opportunities for cooperative employers to receive orders, while giving consideration to the proper use of the budget[95].

In conformity with Article 23 of the Re-offending Prevention Promotion Act, the State is also to take necessary measures, including financial or tax measures, in order to promote activities for the prevention of re-offending, carried out by volunteer probation officers' associations and by cooperative employers and other private bodies or individuals.

91- As regards the process of finding employment, see P. Gerittsen, "Re-offending and Reintegration in Japan", 2013, p. 37, https://openaccess.leidenuniv.nl/bitstream/handle/1887/77291/Thesis%20Re-offending%20and%20Reintegration%20Gerritsen%2C%20P%201729780.pdf?sequence=1.

92- *Re-offending Prevention Promotion Act*, Article 14.

93- *Ministry of Justice 2018*, p. 38.

94- S. Imafuku,

95- *Re-offending Prevention Promotion Act*, Article 14.

Volunteer Probation Officers

Traditionally, Japan has a unique probation system which to prevent recidivism, by professional probation officers and volunteer probation officers[96].

Volunteer probation officers play effective and valuable roles in the Japanese offender rehabilitation system. As they are familiar with the situations and customs of their community, they are able to give effective guidance and assistance to juvenile offenders or re-offenders in the context of a normal social life in collaboration with probation officers. In addition, volunteer probation officials engage in crime prevention to promote prevention of crime and delinquency, and provide support for crime victims[97].

Volunteer probation officers are common people appointed by the Minister of Justice as part-time government officials in the reappointable term of 2 years. Age-limit for the first appointment is 66 and for reappointment is under 76. Their personal qualifications are[98]:

(i) Highly evaluated in terms of character and conduct in the community

(ii) Enthusiastic and has enough time available to accomplish the duties

(iii) Financially stable

(iv) Healthy and active

The main activities of volunteer probation officials consist of: supervision/assistance of probationers and parolees; coordination of inmate's social circumstances; and promotion activities of crime prevention.

This system is originated in Japan, started about 80 years ago, and has attracted global attention. Other countries have already adopted it. The Third World Congress on Probation was held in Japan in 2017, with government officials and experts from more than 30 countries[99]. In the


96- A. Watson and T. Yoshikai, "Prevention of Recidivism: Trends in Japanese Criminal Policy", *Daiwa Anglo-Japanese Foundation*, 2019, http://dajf.org.uk/event/prevention-of-recidivism-trends-in-japanese-criminal-policy.

97- Ministry of Justice, *White Paper on Crime 2017*.

98- *Volunteer Probation Officers Act,* Article 3.

99- The Third World Congress on Probation, September 13, 2017, "Opening Remarks", http://www.moj.go.jp/content/001240403.pdf.

Congress, attention was focused on the role played by volunteers and it was reiterated that the roles of the volunteer probation officers in the community is significant in the field of offenders rehabilitation. Because of the system, the re-offending rate among those on parole stands at less than 1%[100].
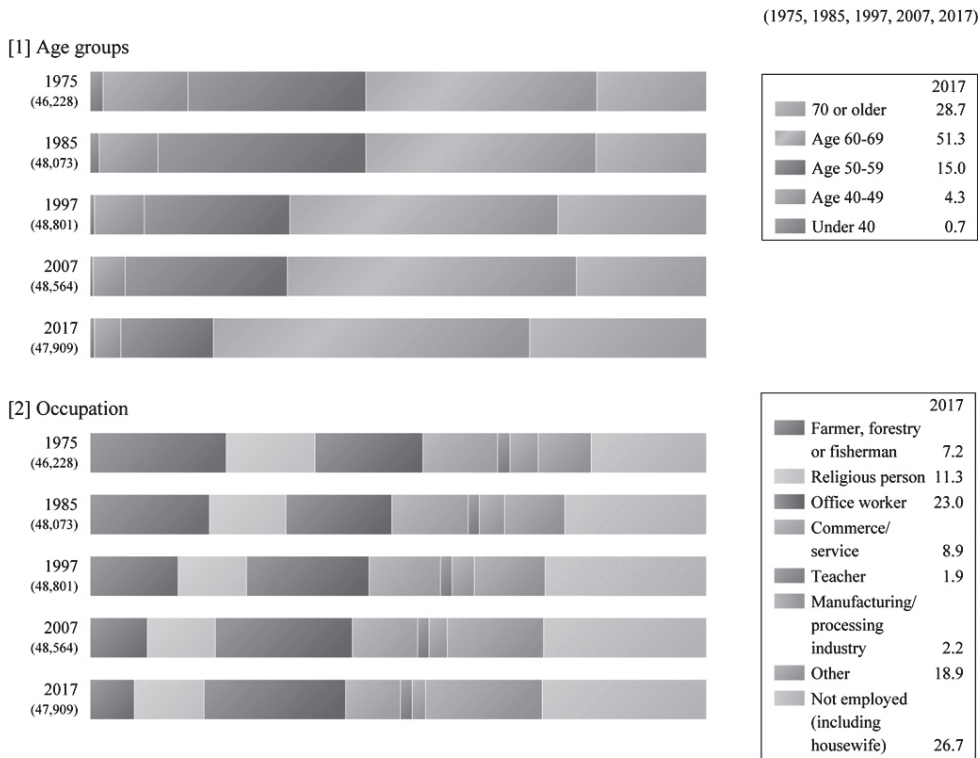
Figure 8: Volunteer probation officers, percentages by age groups and by occupations

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_2_5_3_1.html)

Source: the rehabilitation bureau, ministry of justice.

Now various efforts are made in Japan to get more people to serve as volunteer probation officers in conformity with the Re-offending Prevention Promotion Act, prescribing in Article 23 that "[i]n order to promote activities for the prevention of re-offending, etc. carried out by volunteer probation officers' associations and by cooperative employers

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100- T. Ellis and A. Kyo, "Reassessing Juvenile Justice in Japan: Net Widening or Diversion?", *Asia-Pacific Journal/Japan Focus*, Vol. 15, 2017, p. 8. G. Tamura, "The Role of Volunteers in Helping to Rehabilitate Criminals", *NHK World-Japan*, November 1, 2017, https://www3.nhk.or.jp/nhkworld/newsroomtokyo/features/20171101.html.

and other private bodies or individuals, the State is to take necessary measures, including financial or tax measures".

The number of volunteer probation officials is 47,914 as of January 2014. The maximum number fixed by law at 52,500. Their average age is 64.6, and the percentage of females is 26.0%[101].

For the purpose of reinforcing the system of volunteer probation officers, the 'Study Group on Improving the Volunteer Probation Officer System' was organized in 2011, consisting of volunteer probation officers and academic experts. The next year, the group submitted a report, which contains specific recommendations on how the volunteer probation officer system should be improved, from the following perspectives[102]:

(1 securing of candidates to become volunteer probation officers and fostering of volunteer probation officers

(2) improvement of the activity environment of volunteer probation officers

(3) strengthening collaboration with the community

(4) active roles for volunteer probation officer organizations

(5) reconstruction of the offender rehabilitation system in disaster-affected areas of the Great East Japan Earthquake

The Ministry of Justice has taken the recommendations of the study group as earnest voices from volunteer probation officers and therefore makes efforts to put them into practice. In 2012, for instance, the Ministry of Justice has launched a compensation system for property damage suffered by volunteer probation officers in the performance of their duties. In 2013, budget has been established to enable all local volunteer probation officers associations to hold Volunteer Probation Officer Candidate Information Meetings to secure appropriate candidates to become volunteer probation officers. As the base of activities for volunteer probation officers, there are 446 "Offenders Rehabilitation Support Centers" as of 2015[103].

101- S. Imafuku, "The Significant Contribution of Volunteer Probation Officers and Other Citizens towards the Rehabilitation of Offenders and a Crime-Free Society in Japan", *Workshop 4, The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice*, Doha, Qatar, 12-19 April 2015, https://www.unodc.org/documents/congress/workshops/workshop4/PDFs/Panel3/04_Imafuku.pdf.

102- Ministry of Justice, "Stable Securing of Volunteer Probation Officers", http://www.moj.go.jp/ENGLISH/m_hisho06_00049.html.

103- Ministry of Justice, *White Paper on Crime 2018, p. 36.*

The Re-offending Prevention Promotion Act[104], which, along with clarifying the responsibilities of the national and local governments, sets basic countermeasures and stipulates the comprehensive and systematic promotion of measures to prevent re-offending in order to create a society where citizens can live in safety and peace, was announced and took effect in December 2017. Moreover, the Review Committee for the Re-offending Prevention Promotion Plan, chaired by the Minister of Justice, was established in February 2018 to discuss the matters listed in the Re-offending Prevention Promotion Plan Draft created by the Minister of Justice, resulting in many meetings with relevant ministries and committees of private experts. A review committee was then held to compile a plan proposal, and after passing throw the public comment, the Cabinet decided on the Re-offending Prevention Promotion Plan[105].

In the Re-offending Prevention Promotion Plan, it is reported, the promotion of activities for the prevention of re-offending by the cooperative citizens is facing the following challenges:

(i)　it has become difficult to carry out the activities of private volunteers as in the past due to reasons such as the aging of volunteer probation officers, decrease of the number of private volunteers, including volunteer probation officers, and change in the social environment as a result of rarefied human relationships in local communities

(ii)　it has become difficult for private bodies to secure necessary systems even if they intend to conduct activities for the prevention of re-offending, etc.

(iii)　the collaboration between criminal justice authorities and cooperative citizens is still insufficient

Then, the Re-offending Prevention Promotion Plan proposes specific initiatives. In the Plan, the Ministry of Justice declares to further enhance guidance according to the problems of the subject persons, through implementation of streamlining the contents of guidance corresponding to recent modes of delinquency, such as particular types of fraud, at juvenile training schools[106].

104- Act No. 104 of 2016.

105- Ministry of Justice, "Toward Japan as 'the Safest Country in the World'", p. 18.

106- Ministry of Justice, "Re-offending Prevention Promotion Plan", 2019, Section 6, http://www.japaneselawtranslation.go.jp/common/data/notice/083006_2_checked_2019-03-28-10-32-00.html.

It is emphasized by S. Kato that the system of volunteer probation officers is "not only an effective measure but also a historically valuable part of Japanese culture. It is important that, as Japanese society develops and lifestyles become more demanding, we do not lose sight of this legacy – the value, contribution and importance of volunteers and communities in the supervision and rehabilitation of our brothers and sisters who have been in trouble with the law"[107].

13. Parole Supervision

As regards Parole, it shall be given to a juvenile sentenced to imprisonment after the passage of the prescribed period[108]. The organization that performs selective, specialized treatment in society in accord with the relevant specific problem is called National Center for Offenders Rehabilitation[109], while another organization that provides vocational training primarily in agriculture is called National Center for Offenders Job Training and Employment Support[110].

Parole collectively refers to the measures to release a person who is incarcerated for execution of the sentence or protective measure before the expiration of sentence or period of incarceration, based on the decision of the regional parole board. More specifically, parole include[111]:

(1) parole from penal institution

(2) release on parole from juvenile training school

(3) release on parole from women's guidance home

(4) provisional release from penal institution or workhouse

107- S. Kato, "Probation in Japan: Engaging the Community", *Irish Probation Journal*, Vol. 15, 2018, p. 136.

108- *Juvenile Act*, Articles 58-59.

109- Ministry of Justice, "National Centers for Offenders Rehabilitation" are established and operated in Kitakyushu and Fukushima City. p. 36.

110- "National Centers for Offenders Job Training" are established and operated in Hokkaido (Numata-cho) and Ibaraki (Hitachinaka City). Ibid.

111- Rehabilitation Bureau, Ministry of Justice, *Offenders Rehabilitation of Japan*, 2015, pp. 26-27.

Coordination of social circumstances is intended to help persons incarcerated in correctional institution to reintegrate into society smoothly through investigating into residences, employers and other circumstance for their rehabilitation and reintegration into society. Since social circumstances surrounding a person are major factors which led to them committing a crime or delinquency, it is significant to make their social circumstances more suitable. Methods for coordination of social circumstances are as described below[112]:

(i) When a person is incarcerated in the correctional institution, probation officers of the probation office where that inmate is willing to live after his/her release and volunteer probation officers will start coordination of social circumstances.

(ii) Probation officers or volunteer probation officers will conduct investigations / coordination into the prospect of living or social circumstances after release, based on the inmate's intentions, by visiting his/ her family or guarantor.

(iii) Based on results of investigations and coordination, document material will be sent to the regional parole board and correctional institution, with an opinion of the director of the probation office on whether the inmate will be permitted to return to where he/she plans to reside after being released.

(iv) The document material will be utilized for correctional treatment, and parole and other examination.

14. Criminal Procedure for Juveniles

Only when child welfare agencies refer cases to the Family Court for protective measures may the Family Court deal with them. Almost all the cases referred to the Family Court are those of juvenile offenders.[113]
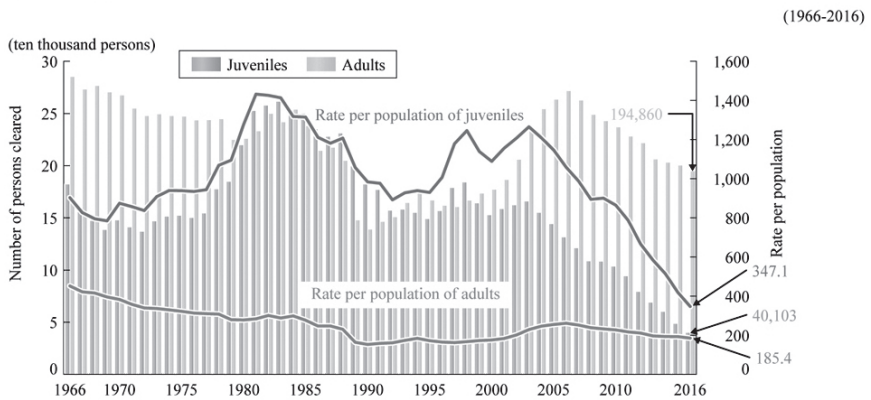

112- *Ibid.*, p. 28.

113- K. Hiroyuki, "Juvenile Diversion and the Get-Tough Movement in Japan".

[1] Penal Code Offenses, Dangerous driving causing death or injury and Negligent driving offenses causing death or injury

(1946-2016)
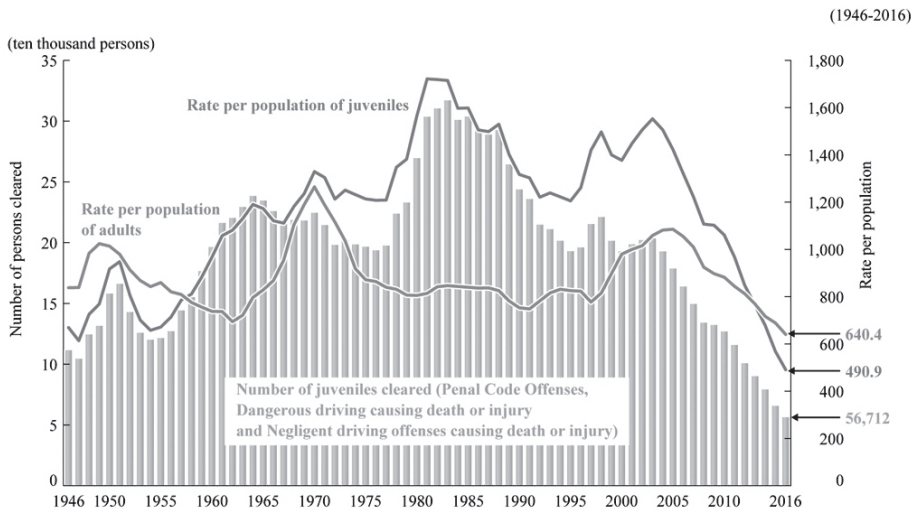
[2] Penal Code Offenses

(1966-2016)

Notes: 1. The figures are based on the age at the time of the offense. Those who were aged 20 or older at the time of clearance are counted as adults.
2. The figures include juvenile offenders under 14 who were guided by the police.
3. The numbers for years following 1970 in [1] do not include juvenile offenders of Negligent driving offenses causing death on injury.
4. "Rate per population of juveniles" and "Rate per population of adults" in [1] refers to the numbers of juveniles/adults cleared for Penal Code Offenses, Dangerous driving causing death or injury and Negligent driving offenses causing death or injury per 100,000 population of juveniles or adults respectively.
5. The numbers for years 2002-2014 in [2] include Dangerous driving causing death or injury.
6. "Rate per population of juveniles" and "Rate per population of adults" in [2] refers to the numbers of juveniles/adults cleared for Penal Code Offenses per 100,000 population of juveniles or adults respectively.

Figure 9: Penal Code Offenses, Dangerous driving causing death or injury, and Negligent driving offenses causing death or injury: juveniles cleared, rate per population
(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_1_1_0.html)

Source: Criminal statistics of the national police agency.
The statistics bureau, ministry of internal affairs and communications
(population data

A public prosecutor must institute prosecution regarding a case referred to the public prosecutor by a family court if the prosecutor considers that there is sufficient suspicion to institute prosecution. The criminal procedure for prosecuted juveniles is basically the same as for adults. A court shall, by a ruling, transfer a case to a family court if it is found appropriate to subject the juvenile defendant to protective measures as a result of the examination of the facts.
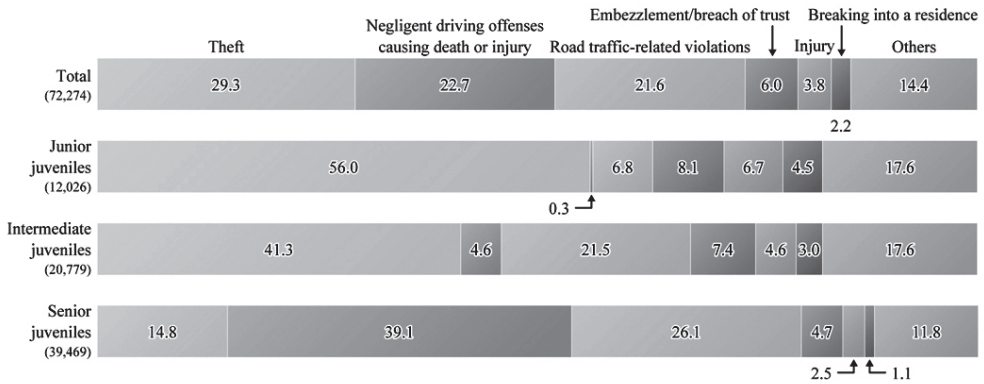
Notes: 1. The figures are based on the age at the time of reception.
2. "Embezzlement" includes embezzlement of lost property.

Figure 10 Juvenile offenders received by public prosecutors, percentages by types of offense and by age groups

(http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_3_2_2_1.html)

Source: Annual report on prosecution

If a juvenile is to be punished with imprisonment with or without work for a definite term, the juvenile must be given a sentence within the minimum and maximum imprisonment terms determined within the limit of said penalty (indeterminate sentence; the minimum and maximum terms cannot exceed 10 and 15 years, respectively) unless the execution of the sentence was suspended[114].

If a person who is under 18 at the time of commission of an offense is sentenced to death, life imprisonment shall be imposed. If a person who is under 18 at the time of the said commission is sentenced to life imprisonment, imprisonment for a definite term may be imposed. In this case, the term of imprisonment imposed shall be neither less than 10 nor more than 20 years.

114- *Juvenile Act*, Article 51.

Regarding a Juvenile sentenced to imprisonment, excluding a person subject to execution of punishment at a juvenile training school, the punishment shall be executed in a specially established penal institution or a specially partitioned area within a penal institution or detention facility. Even after the Juvenile reached 20, the execution may be continued until the juvenile reaches 26.

A controversy over the application of death penalty to juveniles aged 18 and 19 used to be widely made especially in face of a brutal juvenile crime. While Takahashi believes the death penalty should be sentenced to killers of all ages in consideration of the mental state of the victims' families in the future, Hiroko Goto, a professor at Chiba University and an expert on the Juvenile Act, takes a juvenile's immaturity in decision-making ability more seriously[115].

115- Quoted in M. Ito, "Shifting the Scales of Juvenile Justice", *Japan Times*, May 23, 2015.

Editorial Style and Conditions

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- All text should be double-spaced.
- Use one-inch margins on all sides.
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- Make sure that the title is centered on the page with your name and school/institution underneath.
- Use 12-point of Calibri Font.
- All pages should be numbered in the upper right-hand corner.
- We recommend using one space after most punctuation marks.

Word Limits:

- Research papers should be between 8000 and 13000 words, inclusive of references, endnotes.
- Research notes should be between 5000 to 8000 words, inclusive of references, endnotes.
- For Book review, it should be between 1000 and 1500 words.
- For Conference reporting and Review, articles should be between 2000 and 4000 words.

Citations & Quotations:

- To cite a direct quote in APA, you must include the author's last name, the year, and a page number, all separated by commas. If the quote appears on a single page, use "p."; if it spans a page range, use "pp.".

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- Punctuation marks such as periods and commas are placed after the citation, not within the quotation marks.

Example:

- Evolution is a gradual process that "can act only by very short and slow steps" (Darwin, 1859, p. 510).

- Darwin (1859) explains that evolution "can act only by very short and slow steps" (p. 510).

Shortening a quote:

- If some parts of a passage are redundant or irrelevant, you can shorten the quote by removing words, phrases, or sentences and replacing them with an ellipsis (…). Put a space before and after the ellipsis.

- Be careful that removing the words doesn't change the meaning. The ellipsis indicates that some text has been removed, but the shortened quote should still accurately represent the author's point.

Example:

- As Darwin (1859) puts it, "natural selection acts solely by accumulating slight, successive, favorable variations … it can act only by very short and slow steps" (p. 510).

Long quotations:

- If you quote more than a few lines from a source, you must set on a new line and indented to create a separate block of text. No quotation marks are used. You have to use a block quote when quoting more than around 40 words from a source.

- In APA styles, you indent block quotes 0.5 inches from the left, and add an in-text citation after the period. Some other citation styles have additional rules.

Example:

- Although Brontë lived an isolated life, she writes about human emotion with remarkable insight, as exemplified by Heathcliff's impassioned speech:

Catherine Earnshaw, may you not rest as long as I am living; you said I killed you – haunt me, then! The murdered DO haunt their murderers, I believe. I know that ghosts HAVE wandered on earth. Be with me always – take any form – drive me mad! only DO not leave me in this abyss, where I cannot find you! Oh, God! it is unutterable! I CANNOT live without my life! I CANNOT live without my soul! (Brontë, 1847, 268)

For more details, please read this article: McCombes, S. & Caulfield, J. (July 14, 2022). How to Quote | Citing Quotes in APA, MLA & Chicago. Scribbr. Retrieved October 21, 2022, from https://www.scribbr.com/working-with-sources/how-to-quote/

References: In order to cite references that you relied on in your article, the following forms must be followed, depending on the nature of the publication you relied on: a book, an article in a locality, a report, a letter, and so on. Below you will find examples for each type of reference, and how you can mention them in a peaceful manner and use the APA model:

Book:

- Provide the author, year of publication, title, and publisher of the book. Use the same format for both print books and electronic books.

- If the book includes a DOI, include the DOI in the reference after the publisher name.

- Do not include the publisher location.

- If the ebook without a DOI has a stable URL that will resolve for readers, include the URL of the book in the reference.

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- Jackson, L. M. (2019). The psychology of prejudice: From attitudes to social action (2nd ed.). American Psychological Association. https://doi.org/10.1037/0000168-000

- Sapolsky, R. M. (2017). Behave: The biology of humans at our best and worst. Penguin Books.

- Svendsen, S., & Løber, L. (2020). The big picture/Academic writing: The one-hour guide (3rd digital ed.). Hans Reitzel Forlag. https://thebigpicture-academicwriting.digi.hansreitzel.dk/

- Parenthetical citations: (Jackson, 2019; Sapolsky, 2017; Svendsen & Løber, 2020)
- Narrative citations: Jackson (2019), Sapolsky (2017), and Svendsen and Løber (2020)

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- Hygum, E., & Pedersen, P. M. (Eds.). (2010). Early childhood education: Values and practices in Denmark. Hans Reitzels Forlag. https://earlychildhoodeducation.digi.hansreitzel.dk/
- Kesharwani, P. (Ed.). (2020). Nanotechnology based approaches for tuberculosis treatment. Academic Press.
- Torino, G. C., Rivera, D. P., Capodilupo, C. M., Nadal, K. L., & Sue, D. W. (Eds.). (2019). Microaggression theory: Influence and implications. John Wiley & Sons. https://doi.org/10.1002/9781119466642
- Parenthetical citations: (Hygum & Pedersen, 2010; Kesharwani, 2020; Torino et al., 2019)
- Narrative citations: Hygum and Pedersen (2010), Kesharwani (2020), and Torino et al. (2019

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- Aron, L., Botella, M., & Lubart, T. (2019). Culinary arts: Talent and their development. In R. F. Subotnik, P. Olszewski-Kubilius, & F. C. Worrell (Eds.), The psychology of high performance: Developing human potential into domain-specific talent (pp. 345–359). American Psychological Association. https://doi.org/10.1037/0000120-016
- Dillard, J. P. (2020). Currents in the study of persuasion. In M. B. Oliver, A. A. Raney, & J. Bryant (Eds.), Media effects: Advances in theory and research (4th ed., pp. 115–129). Routledge.

- Thestrup, K. (2010). To transform, to communicate, to play—The experimenting community in action. In E. Hygum & P. M. Pedersen (Eds.), Early childhood education: Values and practices in Denmark. Hans Reitzels Forlag. https://earlychildhoodeducation. digi.hansreitzel.dk/?id=192
- Parenthetical citations: (Aron et al., 2019; Dillard, 2020; Thestrup, 2010)
- Narrative citations: Aron et al. (2019), Dillard (2020), and Thestrup (2010)

Journal article:

- Author's name. (Year of publication). Title of the article. Name of the Journal. Issue number, pages.. https://doi.org/XXXXX/XXXXXX
- If a journal article has a DOI, include the DOI in the reference.
- Always include the issue number for a journal article.
- If the journal article does not have a DOI and is from an academic research database, end the reference after the page range (for an explanation of why, see the database information page). The reference in this case is the same as for a print journal article.
- If the journal article does not have a DOI but does have a URL that will resolve for readers (e.g., it is from an online journal that is not part of a database), include the URL of the article at the end of the reference

Example:

- Grady, J. S., Her, M., Moreno, G., Perez, C., & Yelinek, J. (2019). Emotions in storybooks: A comparison of storybooks that represent ethnic and racial groups in the United States. Psychology of Popular Media Culture, 8(3), 207–217. https://doi.org/10.1037/ ppm0000185
- Parenthetical citation: (Grady et al., 2019)
- Narrative citation: Grady et al. (2019)

Report by a Government Agency or Department:

Example:

- National Cancer Institute. (2019). Taking time: Support for people with cancer (NIH Publication No. 18-2059). U.S. Department of Health and Human Services, National Institutes of Health. https:// www.cancer.gov/publications/patient-education/takingtime.pdf
- Parenthetical citation: (National Cancer Institute, 2019)
- Narrative citation: National Cancer Institute (2019)

Newspaper article :

<u>Example:</u>

- Carey, B. (2019, March 22). Can we get better at forgetting? The New York Times. https://www.nytimes.com/2019/03/22/health/memory-forgetting-psychology.html
- Harlan, C. (2013, April 2). North Korea vows to restart shuttered nuclear reactor that can make bomb-grade plutonium. The Washington Post, A1, A4.
- Stobbe, M. (2020, January 8). Cancer death rate in U.S. sees largest one-year drop ever. Chicago Tribune.
- Parenthetical citations: (Carey, 2019; Harlan, 2013; Stobbe, 2020)
- Narrative citations: Carey (2019), Harlan (2013), and Stobbe (2020)