

# Deradicalisation Regulations and Violation of Human Rights: A Few Instances from China and Sri Lanka

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**Abstract:** *Given the gravity of crimes of violent extremism and the heightened securitisation associated with it, preventive or counter-terrorism measures have often led to the abuse of power, infringement of justice, and polarisation in the society. As part of countering terrorism, 'deradicalisation' regulations and practices need to affirm the protection and promotion of human rights. Unfortunately, though this was a consistent proposition by the United Nations (UN), several nations have failed to observe human rights monitoring in their designated 'deradicalisation' regulations. This paper, relying on the secondary scholarships and reports of media, the UN and other human rights organisations, has reviewed how states may violate the human rights of the members of targeted communities under the disguise of 'deradicalisation'. In this regard, the paper has used a few instances from China and Sri Lanka to illustrate the matter more precisely. The objective of the article is to highlight how a lack of theorisation of human rights in deradicalisation may lead countries to end up with politically motivated 'deradicalisation' frameworks that contradict UN mandate and other national and international human rights safeguards.*

**Keywords:** Counter-terrorism, Radicalisation, Deradicalisation, Human rights violation, Violent extremism.

## 1. Introduction

Terrorism is being studied by historians, social scientists, lawmakers and psychologists for many years.<sup>1</sup> The juggernauts of the post-9/11 world, however, have forced the legal domains to put increasing emphasis on both terrorism and counter terrorism (CT) issues. Critical legal studies on the concepts like criminal

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<sup>1</sup> Walter Laqueur and Christopher Wall, *The Future of Terrorism : ISIS, Al-Qaeda, and the Alt-Right* (Thomas Dunne Books 2018).

justice and human rights relating to terrorism and CT has grown rapidly in recent years. Discourses of Preventing Violent Extremism (PVE) and Countering Violent Extremism (CVE) are developed at the root of extensive high level legal and policy decisions and practices.<sup>2</sup> In addition, according to the report of the Fortieth Session of the UN General Assembly, the post-9/11 period has seen as “the emergence of new entities intrinsic to the global counter-terrorism architecture, whose relationship to traditional regulatory bodies and oversight remain opaque and underregulated”<sup>3</sup>.

It is observed in 2020 by Fionnuala Ní Aoláin, the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms that, -

“Prevention is an important and necessary tool but it will only be effective when it is practiced in a way that protects and affirms rights of people. ...Current approaches to prevent terrorism seems to lead to lack of a consistent rule of law or human rights grounding. ...Large-scale violations of the rights of religious and ethnic minorities are being enabled by “deradicalisation’ policies and practices”<sup>4</sup>

Further, according to a report by the UN Human Rights Council, contemporary PVE and CVE measures often have significant effects on human rights issues and the rule of law<sup>5</sup>. The report asserts that good practices in national plans (i.e. Switzerland, Austria, Canada, Finland) for the prevention and countering of violent extremism largely depends on a strong and meaningful incorporation of a human rights framework.<sup>6</sup> Unfortunately, deradicalisation programs, which are essentially developed in the CT realm towards peacefully moving the radicals away from violent extremism, are now widely questioned legally for the targeted usage of PVE and violation of human rights by the authorities especially in China and Sri Lanka.<sup>7</sup>

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<sup>2</sup> UN Human Rights Council. *Human rights impact of policies and practices aimed at preventing and countering violent extremism* (Report of the Special Rapporteur, A/HRC/43/46, 2020) para 2.

<sup>3</sup> UN Human Rights Council. *Impact of Measures to Address Terrorism and Violent Extremism on Civic Space and the Rights of Civil Society Actors and Human Rights Defenders* (Report of the Special Rapporteur, A/HRC/40/52, 2019) p 2.

<sup>4</sup> UN News, ‘Violent extremism prevention ‘only effective’ if human rights are enshrined’ (*UN News*, 4 March 2020) <<https://news.un.org/en/story/2020/03/1058681>> accessed 19 March 2022.

<sup>5</sup> UN Human Rights Council. (n2).

<sup>6</sup> *ibid* 18.

<sup>7</sup> International Commission of Jurists, ‘Sri Lanka: ‘De-radicalization’ regulations should be immediately withdrawn’ (*ICJ*, 18 March 2021) <<https://www.icj.org/sri-lank-de-radicalization-regulations-should-be-immediately-withdrawn/>> accessed 19 March 2022.

Against this background, this paper aims to discuss that irrespective of the General Assembly Resolution on the prevention of terrorism in compliance with international human rights frameworks and international humanitarian law, many states apply deradicalisation regulations which often are politically instrumentalised, and consequently are violating fundamental human rights of the participants and families of the detained people. The paper has a special focus on some examples using China and Sri Lanka as case studies. The paper relies mostly on secondary sources of literature which is its major limitation as well, hence this study would pave the path to develop further studies on the issues of protecting and promoting human rights in the deradicalisation strategies in the context of international and national law as there is insufficiency of literature on deradicalisation programs in different national contexts. The article is organised into seven parts: after this introduction, in the second part we briefly reviewed the scholarships around the concepts radicalisation and deradicalisation. To provide a succinct map of different deradicalisation measures, we also have attempted to outline different deradicalisation intervention tools and approaches by juxtaposing different relevant literature. Part three summarised the UN perspectives on how states may violate human rights in the name of various deradicalisation programs. Part four and five demonstrated our prior arguments by quoting country specific examples from China and Sri Lanka, respectively. In the last part we conclude by discussing the theoretical vacuum in this field and suggesting the way forwards in this regard.

## 2. Radicalisation and Deradicalisation: An Overview

Radicalisation is a complex and multi-layered term<sup>8</sup> which is now mainly perceived as a process by which people adopt the path to extremism<sup>9</sup>. Though previously policy makers, researchers and academics meant it as the ‘root’ causes’ of terrorism<sup>10</sup>, today, the concept of radicalisation is mainly understood as the staircases to violence and destruction. For example, the European Commission defines it as a way of accepting views and ideas that might ultimately pave the way to acts of extremism. It is undeniable that ‘radicalisation’ is still widely used with conceptual unclarity in the terrorism discourses, but as a heuristic tool it immensely helpsto capture the processes through which individuals move from a primary stage of becoming an extremist to eventually engaging in terrorism and

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<sup>8</sup> Tahir Abbas, *Countering Violent Extremism: The International Deradicalization Agenda* (I.B. TAURIS 2021) 30.

<sup>9</sup> Daniel Koehler, ‘Terminology and Definitions’ in Stig Jarle Hansen and Stian Lid (eds), *Routledge Handbook of Deradicalisation and Disengagement* (Routledge 2020).

<sup>10</sup> Peter Neumann (n 12).

political ‘violence’.<sup>11</sup>

By the same token, the term ‘deradicalisation’ remains contested and unclear in existing researches and inconsistently used with other terms<sup>12</sup>:

**Table 1: Terminologies of deradicalisation used by different researchers**

Synonymous terminology	Listed by
i. Rehabilitation ii. Reconciliation iii. Amnesty iv. Reform v. Demobilisation vi. Counseling vii. Deprogramming viii. Disbandment ix. Dialogue	John Horgan and Max Taylor (2011) <sup>13</sup>
i. Reintegration ii. Re-education iii. Disaffiliation iv. Debiasing v. Desistance (primary, secondary and tertiary)	Daniel Koehler (2016) <sup>14</sup>

*Source: Adapted from John Horgan and Max Taylor (2011) ; Daniel Koehler (2020)*

As radicalisation can take many forms, all the interchangeable terms related to deradicalisation commonly describe “interventions that aim to increase the resilience and reduce the vulnerabilities of radicalised subjects through a diverse range of measures”<sup>15</sup>. Most importantly, the question is how this deradicalisation function may be implemented in reality. Theories of deradicalisation have

<sup>11</sup> Tahir Abbas (n 8) 30.

<sup>12</sup> Mary Beth Altier, Christian N Thoroughgood and John G Horgan, ‘Turning away from terrorism: Lessons from psychology, sociology, and criminology’ (2014) 51(5) *Journal of Peace Research* < DOI: 10.1177/0022343314535946> accessed 23 March 2012.

<sup>13</sup> John Horgan and Max Taylor, ‘Disengagement, deradicalisation, and the arc of terrorism: Future directions for research’ in R. Coolsaet (ed), *Jihadi Terrorism and the Radicalisation Challenge: European and American Experiences* (Farnham 2011).

<sup>14</sup> Daniel Koehler, *Understanding Deradicalization. Methods, Tools and Programs for Countering Violent Extremism* (Routledge 2017).

<sup>15</sup> Tahir Abbas (n 8) 120.

suggested a wide spectrum of intervening activities, methods, approaches and tools to change extremist behavior.<sup>16</sup> The deradicalisation regulations and practices are differed from country to country in approach and objectives. Though many government officials of different countries often claim that their programs aimed at PVE and CVE are successful, but they are generally unsuccessful to provide concrete evidence pressed against their claims.<sup>17</sup>

Based on the work of Leiden University Professor Tahir Abbas<sup>18</sup> and founding director of the GIRDS<sup>19</sup> Daniel Koehler<sup>20</sup> nine deradicalisation intervention tools and approaches are outlined below.

**Table 2: Different approaches of deradicalisation**

Tool/Approach	Description of interventions
Ideational	<ul style="list-style-type: none"> <li>• Targets the ideas and values of participants.</li> <li>• Involves theological refutation of ideas and slegitimation of other ideas within a religious framework.</li> <li>• Activities include counter-theology, counter-ideology and debate.</li> <li>• Involves violent extremist leaders, mentors, imams, caseworkers and religious leaders.</li> </ul>
Material	<ul style="list-style-type: none"> <li>• Provides material support to detainees i.e. of finding them a home or employment.</li> <li>• Dissolves the material reliance of individuals on VE networks.</li> </ul>
Pastoral	<ul style="list-style-type: none"> <li>• Takes the form of mentoring in the pre-crime space.</li> <li>• In the prison context, detainees receive pastoral care through caseworkers and imams.</li> </ul>
Vocational	<ul style="list-style-type: none"> <li>• Prepares offenders to reintegrate into society with skills development and educational attainment.</li> </ul>

<sup>16</sup> *ibid* 127.

<sup>17</sup> UN Human Rights Council. (A/HRC/40/52) 6.

<sup>18</sup> Tahir Abbas (n 10) 127.

<sup>19</sup> Stands for ‘German Institute on Radicalization and De-Radicalization Studies’.

<sup>20</sup> Daniel Koehler (n 14) 227-228.

Psychology	<ul style="list-style-type: none"> <li>• Involves psycho-profiling and assessment of individuals.</li> <li>• Provides participants or detainees with support, for example, counselling and therapy.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Aids the family of the captured terrorist</li> <li>• Gets family and friends increasingly involved in the disengagement process.</li> </ul>
Sanctioning	<ul style="list-style-type: none"> <li>• Sanctions about the reintegration of offenders back into society which is contingent on mandatory participation in various interventions.</li> <li>• Takes the form of threats, removal of privileges or the threat of punitive responses in some non-democratic regimes.</li> </ul>
Victimological	<ul style="list-style-type: none"> <li>• Involves Victim-Perpetrator Dialogue (VPD) by bringing program participants into contact with victims of their own actions or of those acts of violence perpetrated by former comrades.</li> <li>• Provides new perspectives and understanding for other human beings, cultures, worldviews, and lifestyles.</li> </ul>
Sports	<ul style="list-style-type: none"> <li>• Help the participants to regain structure in their life and daily routine by involvement in sports that can help one to find new positive energy, release pressure, aggression, and frustration, gain new perspectives, and find renewed self-confidence.</li> </ul>

*Source: Adapted from Daniel Koehler (2020) ; Tahir Abbas (2021)*

### **3. Human Rights Violation though Deradicalisation Programs: From an UN Lens**

As mentioned in section two, the term ‘radicalisation’ so as ‘deradicalisation’ is still widely used with conceptual unclarity. The deradicalisation framework largely depends on the individual country’s willingness to soft approaches of prevention of extremism while complying with principles of human rights and its local resources. Many countries as mentioned earlier initiated good practices of deradicalisation in national context. For instance, In Bangladesh, the law enforcements work for disengagement so that the person does not meet or communicate with his/her associates and develop rehabilitation strategies, i.e.

assisting with financial support or job.<sup>21</sup> The militants are also provided with psychological counselling and group meetings with guardians are organised by the officials to expediate the process of social integration.

Hence, the lack of definitional clarity often increases the chances of targeted human rights violation in the name of PVE and/or CVE. In absence of such legal framework, in many instances, ethnic minorities are being often subject to maltreatment which are evident in the concerns of human rights defenders. The Human Rights Watch (HRW), being profoundly concerned, rightfully declared it as follows:

...the lack of definitional clarity around concepts such as ‘extremism’ and ‘deradicalisation’ is often used as a cloak for sweeping rights violations. Restrictive policies and programs are often based more on stereotypes than science. In numerous jurisdictions, these restrictions are not subject to legal oversight or challenge before independent tribunals. ‘Prevention’ is often used as an excuse to target those who have committed no crime. Many laws and programs abuse those who lack any intent to commit any act of violence. This overreach can violate the rights of entire communities based on nothing other than their identity, language, culture or religion..<sup>22</sup>

After reviewing several key reports of UN Human Rights Council, this paper briefly outlined the nature of human right violations that may take place due to a widespread and indiscriminate use of deradicalisation and CT laws, policies and practice on the targeted ethnic groups:

- Firstly, due to the active and passive effects of CT regulations and practice, women and girls are bearing the heavy and unseen burdens<sup>23</sup>PVE and CVE programs often propagate the cultures of misogyny, discrimination, and gender biases. The justification of the use of force, ‘masculine’ traits and behaviors are entertained which altogether perpetuate gender inequality.<sup>24</sup>
- Further, issues like disruptive arrests, inappropriate treatments and behavior, exposure of bodies and vilification of beliefs and clothing are causing psychological trauma and stigma for women and children in their homes<sup>25</sup>.

<sup>21</sup> Mohammad Jamil Khan, ‘Deradicalisation to eliminate militancy’ *The Daily Star* (Online version, 28 December 2020) <<https://www.thedailystar.net/city/news/deradicalisation-eliminate-militancy-2018365>> accessed 19 March 2022.

<sup>22</sup> Human Rights Watch. ‘UN rights body should reject misuse of “deradicalization” agenda as pretext for violations’ (*HRM*, 4 March 2020) <<https://www.hrw.org/news/2020/03/05/un-rights-body-should-reject-misuse-deradicalization-agenda-pretext-violations>> accessed 19 March 2022.

<sup>23</sup> UN Human Rights Council. *Human Rights Impact of Counter-Terrorism and Countering (Violent) Extremism Policies and Practices on The Rights of Women, Girls and The Family* (Report of the Special Rapporteur, A/HRC/46/36, 2021) 4.

<sup>24</sup> *ibid* 6.

<sup>25</sup> *ibid* 12.

- Fortunately, Human rights defenders who are challenging the root causes of terrorism within the narratives of (regional) conflict, corruption, and inadequate access to resources are targeted at alarming rates.<sup>26</sup> The PVE and CVE programs are increasingly functioning as the device to silence and shrinking the scope of the society ‘actors’.<sup>27</sup>
- However, in several parts of the world, civic space is shrinking<sup>28</sup>; negative labeling<sup>29</sup> and stigmatisation of civil society is used as a tool in elimination of civic space<sup>30</sup>.
- Expansive CT regulations, on the other hand, are resulting in displacement, alteration and changes in the lives of (targeted) communities.<sup>31</sup>
- Surveillance, particularly mass surveillance used for CT purposes, is severely disrupting the right to privacy. New technologies and data collection methods for deradicalisation programs severely impact minorities.<sup>32</sup>
- For instance, unlawful use of CT measures shows patterns of targeting whole families and disordered the stability of the family unit.<sup>33</sup>
- Furthermore, due to the provisional detention related sentences and increasing administrative measures after the criminal sentences, familial interaction and human rights are significantly impacted.<sup>34</sup> CT regulations are distorting the very construction of the family.<sup>35</sup>
- Owing to the stigma of being identified as a suspect “extremist” or a terrorist or an accomplice, many people and their family members are bearing extraordinary fears and costs in society.<sup>36</sup>
- At its extreme, cumulative administrative measures may even affect people’s rights to residence, impose restraints on the right to movement, and restrictions on worship.<sup>37</sup>

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<sup>26</sup> *ibid* 7.

<sup>27</sup> *ibid* 16.

<sup>28</sup> *ibid*.

<sup>29</sup> Such as (supporters of) “terrorists” & “violent extremists”, “threats to national security” and “enemies of the State”. And these labeling legitimizes the adoption of further restrictive measures.

<sup>30</sup> UN Human Rights Council. (A/HRC/40/52) 61.

<sup>31</sup> UN Human Rights Council. (A/HRC/46/36) 10.

<sup>32</sup> *ibid* 11.

<sup>33</sup> *ibid*.

<sup>34</sup> *ibid*.

<sup>35</sup> *ibid* 22.

<sup>36</sup> *ibid* 20.

<sup>37</sup> *ibid* 25.



- As a part of the process of familialisation of terrorism<sup>38</sup>, the capacity of the targeted households in accessing rights to education, freedom of work, health, religion and other social entitlements may also be curtailed.<sup>39</sup>
- Last but not least, violation of customary international law is commonly seen because of arbitrary deprivation of citizenship and widespread use of citizenship stripping.<sup>40</sup>

#### 4. Case of China: Acts of Repression against ‘Xinjiang’s Muslims under the Disguise of Deradicalisation

The Muslim ‘Uyghurs’ an indigenous group and ethnic majority of the Xinjiang region of China is often subject to violence in the name of deradicalisation programs. Initially ethnic group Han Chinese pursued to control its natural resources in Xinjiang and this economically motivated influx stirred up resentment among the local Uyghurs.<sup>41</sup> After the 2009 ethnic violence between the Uyghurs and the Han Chinese, China has found their (terrorist) enemy--subsequently, counter-terrorism strategies became a dominant discourse in the Chinese political milieu.<sup>42</sup>

To ‘control and demonise the ‘Uyghurs’<sup>43</sup>, China had imported the concept ‘deradicalisation’ and through the sanction of various national and local laws they are using it as a vital organ of their counter-terrorism efforts.<sup>44</sup> Zhang Chunxian, Chinese Communist Party (CCP) Secretary of the Xinjiang Region, for the first time, used the term ‘deradicalisation’ in January 2012.<sup>45</sup> Later on, in May 2013, Xinjiang’s CCP Committee issued the strategy of deradicalisation as ‘policy document’ named “Several Guiding Opinions on Further Suppressing Illegal Religious Activities and Combating the Infiltration of Religious Extremism in Accordance with Law”.<sup>46</sup> As a part of the furthering deradicalisation process,

<sup>38</sup> *ibid* 26.

<sup>39</sup> *ibid*.

<sup>40</sup> *ibid* 23.

<sup>41</sup> Tania Branigan, ‘Ethnic violence in China leaves 140 dead’ *The Guardian* (London, 6 July 2009).

<sup>42</sup> Pinelopi Apostolou, “Dance your way out of Islam’- China covers atrocities under ‘preventive, educational measures” (*leidenlawblog*, 11 Nov 2020) <<https://leidenlawblog.nl/articles/dance-your-way-out-of-islam-china-covers-atrocities-under-preventive-educational-measures>> accessed 19 March 2022.

<sup>43</sup> Sheena C. Greitens, Myunghee Lee and Emir Yazici, ‘Counterterrorism and Preventive Repression: China’s Changing Strategy in Xinjiang’ (2020) 44(3) *International Security* <[https://doi.org/10.1162/ISEC\\_a\\_00368](https://doi.org/10.1162/ISEC_a_00368)> accessed 23 March 2022.

<sup>44</sup> Zunyou Zhou, ‘Chinese Strategy for De-radicalization’ (2017) 31(6) *Terrorism and Political Violence* <<https://doi.org/10.1080/09546553.2017.1330199>> accessed 22 March 2012.

<sup>45</sup> *ibid*.

<sup>46</sup> *ibid*.

in 2014, the policy document was supplemented by another policy guideline entitled “Several Opinions on Further Strengthening and Improving the Work with regard to Islam”. However, both of the policy documents can be termed as classified party regulations in its nature and not open and accessible to the general public.<sup>47</sup> The “Strike Hard Campaign against Violent Terrorism” was launched against Uyghurs and Turkic Muslims in the Xinjiang in May of 2014.<sup>48</sup> To call a spade a spade, through these regulations, President Xi Jinping promulgated a so-called “People’s War on Terror”, which has deeply fragmented the society and transformed Xinjiang into a digital police state.<sup>49</sup>

It is now widely addressed and condemned that in the name of deradicalisation programs, the Chinese government is operating surveillance, systematic detention, and limitations on the right to movement against the Uyghur, Kazakh, and Kyrgyz minorities.<sup>50</sup> For the ideological transformation of the suspected would-be terrorists, the government has established a network of ‘re-education’ camps where 1 to 3 minorities—have been detained<sup>51</sup>, constituting the ‘largest mass-scale incarceration of ethno-religious minorities’ since Second World War<sup>52</sup>. It is pointed out that around 5 to 10 percent of China’s Uyghur population (1.5 million people) are imprisoned and forced into deradicalisation Programs.<sup>53</sup> Report by HRW shows that although people in Xinjiang consist only 1.5 percent of the total Chinese population, in the year 2017 alone, detainment of Uyghurs accounted for nearly 21 percent of all detentions in China.<sup>54</sup> There are few evidences that revealed the signs/stages of genocide and a widespread process of classification is going on against the detainees and their families to fragment the society. The leaked database – termed as the ‘Karakax list’ portrays that arrested individuals as well as their families are traced and classified by binary groupings—such as “trustworthy” or “not trustworthy,” and; their attitudes

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<sup>47</sup> *ibid.*

<sup>48</sup> Human Rights Watch. ‘Eradicating Ideological Viruses’ (*HRW*, 9 Sep 2018) <<https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>> accessed 19 March 2022.

<sup>49</sup> The Guardian, ‘China detains Uighurs for growing beards or visiting foreign websites, leak reveals’ *The Guardian* (London, 18 Feb 2020).

<sup>50</sup> Greitens, Lee and Yazici (n 43) 10.

<sup>51</sup> *ibid.*

<sup>52</sup> Ben Mauk, ‘Inside Xinjiang’s Prison State: Survivors of China’s campaign of persecution reveal the scope of the devastation’ (*The New Yorker*, 26 Feb 2021) <<https://www.newyorker.com/news/a-reporter-at-large/china-xinjiang-prison-state-uighur-detention-camps-prisoner-testimony>> accessed 23 March 2022.

<sup>53</sup> Adrian Zenz and Rian Thum 2019 quoted in Greitens, Lee and Yazici (n 43)18.

<sup>54</sup> Human Rights Watch (n 48).

are categorised as “ordinary” or “good”; and even the households are graded as “light” or “heavy” religious atmospheres.<sup>55</sup>

Uyghur communities are seen as subjects of being criminalised through hate propaganda and depersonalised language such as eradicating tumors or spraying chemicals on crops to kill the weeds are portrayed in different reports.<sup>56</sup> Observing the symptoms and elevation of the stages many states such as the USA, and Canada have marked China’s conduct against the Uyghur people as ‘genocide’ in the international law.<sup>57</sup> The Human Rights Watch (HR) though not clear in its position, they confirmed appalling evidence of the established use of detention and torture. HRW and others have reported that in the re-education camps, the detainees are suffering from cruel, inhuman, and degrading treatments--such as forcibly deprived of sleep, prolonged shackling, hung from ceilings, strapped to metal chairs by the authorities including beating to death<sup>58</sup>.

From other grounds, journalists, academics and UN experts have accused China of instrumentalising concentration and deradicalisation camps in severe violations of fundamental human rights against the Uighurs by means of forced labor, sexual violence, population control methods and sweeping surveillance.<sup>59</sup> Against all the evidence and allegations that the CCP government is implementing a structured system of abolishing Uyghur identity by applying torture and political indoctrination, the Chinese government is claiming that these are “lies and absurd allegations”, rather their ‘deradicalisation’ program is the surgical process through which the ‘tumor of terrorism’ is successfully removed<sup>60</sup>. Withering away all the allegations and concerns of international community, in a seminar on “Counter-Terrorism, De-radicalization, and Human Rights Protection” held in 2020, the Chinese government objected against the accusations and claimed this as a part of its deradicalisation programs.

As outlined in previous section that due to dearth of definitional clarity of radicalisation and deradicalisation, the ‘deradicalisation’ policy in China is often

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<sup>55</sup> The Guardian (n 49).

<sup>56</sup> Rian Thum, ‘What Really Happens in China’s ‘Re-education’ Camps’ *The New York Times* (New York, 15 May 2018).

<sup>57</sup> Human Rights Watch, ‘Break Their Lineage, Break Their Roots: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims’ (*HRW*, 19 April 2021) <[https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting#\\_ftn69](https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting#_ftn69)> accessed 18 March 2022.

<sup>58</sup> *ibid*.

<sup>59</sup> Ryan P. Jones, ‘MPs vote to label China’s persecution of Uighurs a genocide’ *CBC News* (Toronto, 22 Feb 2021).

<sup>60</sup> Pinelopi Apostolou (n 42).

discriminatory against the ethnic minority Uighurs . There has also been no gender-specific aspects of disengagement, deradicalisation and reintegration efforts. Despite of governmental claims to rationalise its deradicalisation programs against the muslim minority, it is evident that mass surveillance and restriction of their movement through keeping them in the detention centers and applying deradicalisation strategies for the prisoners abruptly affect their right to privacy and other social, economic and political rights. This is an absolute violation of the international customary law and International Bill of Rights especially Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (1966). Again because of deradicalisation is an imported idea and there exists lack of transparency maintained in the development and implementation of deradicalisation mechanism, it can be still considered as an experimental undertaking in context of China. Hence, it aims to implement a systematic humiliation of the ethnic minority rather than conducting an effective program to counter terrorism or to secure behavioural changes of militants convicted in the court of law.

### **5. Case of Sri Lanka: The Politics of ‘Us vs Them’ through PTA Law**

After three decades of civil war in 2009, the erstwhile President of Sri Lanka Rajapaksa declared the end of “terrorism” and ensured a regime that would address the minority grievances<sup>61</sup>. Like Professor Samarasinghe, many others around the world anticipated and contended that ‘Sri Lanka would start afresh towards transitional justice, national reconciliation, peace building, accountability, and reconstruction’.<sup>62</sup> However the contemporary uprising of Sinhala Buddhist nationalism, ethnic conflict and religious violence, the new politics of ‘Us vs Them’ targeting the Muslims and other minorities have altogether fuelled up new political tensions in Sri Lanka. Historically, although, the CT rules in Sri Lanka mostly circled during the eradication of LTTE, after ‘2019 Easter bombings case’ the country has entered into new paradigms of PVE and CVE. Subsequently, the November 2019 election of President Gotabaya Rajapaksa’s government had strengthened the ‘State-Buddhist Clergy’ relationship and intensified the anti-Muslim rhetoric and action.<sup>63</sup> International Crisis Group reports that under

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<sup>61</sup> Amresh Gunasingham, ‘Countering violent extremism in Sri Lanka’ in Rohan Gunaratna and Sabariah Hussin (eds), *Terrorist Deradicalisation in Global Contexts: Success, Failure and Continuity* (Routledge 2020).

<sup>62</sup> Sam de A. Samarasinghe, ‘Sri Lanka: the challenge of postwar peacebuilding, state building, and nation building’ in J. Coakley (ed), *Pathways from Ethnic Conflict: Institutional Redesign in Divided Societies* (Routledge 2010) .

<sup>63</sup> Ambika Satkunanathan, ‘Deradicalisation regulations stoke more radicalisation in Sri Lanka’

draconian emergency and terrorism laws, police arrested more than two thousand Muslims even for merely having a Quran or other religious things at residence.<sup>64</sup> As a part of the previously failed religion-based populist politics, the electoral policy of seeking Sinhala vote-banks through vilification of Muslims gained additional and ugly momentum<sup>65</sup>.

In 2021, through a gazette notification<sup>66</sup>, President Gotabaya Rajapaksa unveiled and publicised “Prevention of Terrorism (Deradicalisation from holding violent extremist religious ideology), Regulations No. 01 of 2021”.<sup>67</sup> This gazette had reinforced the existing draconian provisions of the ‘Prevention of Terrorism Act (PTA)’. Likewise China, the regulations were designed in the name of ‘re-education’ to detain anyone accused of causing “acts of violence or religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups”<sup>68</sup> and to be in different centres i.e., for rehabilitation or reintegration for up to two years without trial.<sup>69</sup> This regulation allowing detention of people without trial is nothing but blatant violation of ‘international legal obligations and Sri Lanka’s own constitutional guarantees (under Article 13 of the national Constitution)’.<sup>70</sup> Worryingly, forgetting their long history of communal violence and civil war, Sri Lanka has embarked on a similar path of China leading to arbitrary enforcement against Muslims.

Human rights activists have raised deep concerns as the PTA law does not adhere to national and international human rights standards. Report reveals that the pattern of arrests is inhumane—individuals are detained from their residence, place of works, or during travelling, families are not served any arrest receipt or information of place of detention center, then family and lawyers are prohibited to contact for months after the detention’.<sup>71</sup> The findings of the Sri Lankan

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(*East Asia Forum*, 30 Nov 2021) <<https://www.eastasiaforum.org/2021/11/30/deradicalisation-regulations-stoke-more-radicalisation-in-sri-lanka/>> accessed 24 March 2022.

<sup>64</sup> Alan Keenan, “‘One Country, One Law’: The Sri Lankan State’s Hostility toward Muslims Grows Deeper” (*International Crisis Group*, 23 Dec 2021) <<https://www.crisisgroup.org/asia/south-asia/sri-lanka/%E2%80%9Cone-country-one-law%E2%80%9D-sri-lankan-states-hostility-toward-muslims-grows-deeper>> accessed 19 March 2022.

<sup>65</sup> *ibid.*

<sup>66</sup> It is alleged by the Human Rights Commission of Sri Lanka that the “regulations” were dictated by the executive without the engagement of Parliament.

<sup>67</sup> International Commission of Jurists (n 7).

<sup>68</sup> Alan Keenan (n 64).

<sup>69</sup> International Commission of Jurists (n 7).

<sup>70</sup> *ibid.*

<sup>71</sup> Ambika Satkunanathan (n 63).

Human Rights Commission reveal the worrying figures that ‘overwhelming majority (83 per cent men, 100 per cent women) were tortured after their arrest and around 90 per cent male & 100 per cent female detainees were forced to sign confessions, and the content of the document which they were made to sign were unknown to them as they were written in Sinhala’.<sup>72</sup> Upon the backlash of human rights activists at home and abroad and legal petitions<sup>73</sup>; an interim order has been issued by Sri Lanka’s Apex Court suspending the operation of the regulations. The petitioners alleged that the deradicalisation regulations are not properly placed before parliament and detrimentally affecting to the major safeguards of human rights such as ‘national supreme law, international human rights paradigm, and justice of the people’<sup>74</sup>.

Thus looking upon in earlier sections, it can be clearly stated that like China, Sri Lanka has also to some extents failed to comply with its international obligations towards human rights framework and its own Constitutional protection that affirms procedural rights for an accused. The counter terrorism law allows for imprisonment for two years without trial for the radicalised accuseds as well as the PTA rules require people to surrender or are being arrested on suspicion of using words or signs of violence to be handed over to police station after a report submitted to the Defence Minister. This is a gross violation of Rights to fair trial and legal representation guaranteed by the International Covenant on Economic, Social and Cultural Rights (1966). Nonetheless Sri Lanka also overlooked the gender aspects of women detainees which should be one of the prior focuses in complying with human rights obligations. Thus the evidence comes to the forefront of the civil society how Sri Lanka failed to address the root causes of extremism and Muslims are often subject of hate propaganda and illegal detention.

## 6. Conclusion

Deradicalisation programs, popularly initiated in contemporary legal systems are geared toward peacefully moving militants from terrorism. Many western countries have been trying to set a standard to initiate deradicalisation programs whilst Bangladesh has also recently initiated positive motion for deradicalisation through disengagement from militant surroundings and psychological motivation.

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<sup>72</sup> *ibid.*

<sup>73</sup> Fundamental Rights petition filed by former commissioner of Human Rights Commission of Sri Lanka (HRCSL) Ambika Satkunanathan, challenging the legality of the Deradicalization Regulations .

<sup>74</sup> Daily Mirror, ‘SC suspends the operation of Deradicalization Regulations’ *Daily Mirror* (Colombo, 5 August 2021).

Regrettably, many countries are running deradicalisation programs in different names with vagueness of the laws, targeted ethno-religious stereotyping, and intentional vilification. In this paper we have taken a few instances from China and Srilanka to demonstrate this concern. In one or two instances, we have taken positive examples from Bangladesh to highlight the available alternate paths that, along with good practices in many other countries, can be considered to develop a global legal framework in this regard. However, still much works have to be done with a view to improving theories and practices of deradicalisation under a uniform framework.

This paper argues that due to lack of universal theorisation of deradicalisation and development of legal frameworks, states in their own interests initiate own deradicalisation practices that undermine the efficacy of the counter terrorism. Without objective assessment and adequate incorporation of human rights insurances deradicalisation regulations are merely seen as instruments of intensifying state security apparatus<sup>75</sup> like in China and Sri Lanka. While China has a secret deradicalisation program strategy, its sole application against the Uyghur people has been highly questioned. Similarly, Sri Lanka has been skepticised for inhumane arrests of Muslim individuals under the PTA law where they are subject to deprivation of rights and basic entitlement in detention centers.

The paper confirms that both the states though in the name of deradicalisation initiate various laws and policies to disengagement from extremism, still they should comply with their international obligation to protect and promote human rights in applying deradicalised programs. Even though these aim to address to reform the detained terrorists or potential radicalised persons, a holistic approach must be undertaken considering different attributes such as, gender, age, background of people involved in radicalisation.

This exploratory paper is solely dependent on the secondary scholarships and works of renowned human rights organisations and commentators on an issue with immense importance for global peace and justice. Though this dependency could be the prime limitation of this work, nevertheless, it can foster superior studies and new approaches towards theoretical development of ‘deradicalisation’ incorporating human rights agenda. Based on our discussion and analysis above, we suggest that states need to focus their efforts on the implementation of deradicalisation programs as holistic, effective and sustainable approach which could include the protection of human rights, transparency of

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<sup>75</sup> Ambika Satkunanathan (n 63).

CT laws and mitigating collective grievances of the community that is usually capitalised by the extremist outfits in the process of radicalisation. In light of state sovereignty, national interest and security, the state is obliged to prevent and combat terrorism while also respecting human rights of the people who are or have been engaged in militant activities.