

# Securitisation and Solidarity in Singapore after 9-11

---

Li-ann Thio

2022-03-31T11:14:32

## The pre 9-11 Securitised approach towards law and order

The aftermath of 9-11 ushered in a shockwave of global terrorism which [did not leave Singapore untouched](#). However, it was not the impetus for heightened securitisation; rather, it validated the pre-existing securitised approach towards public order, running parallel to the criminal justice framework.<sup>1)</sup> The “executive measures” paradigm: Clive Walker, “The Treatment of Foreign Terrorist Suspects” (2007) 70 Modern Law Review 427 at 430. [Article 149](#) of the Constitution authorises the passage of anti-subversion legislation which bypasses the ordinary processes of law and due process through a notwithstanding clause, immunising the validity of that legislation where it violates stipulated fundamental liberties.

The primary security law is the [Internet Security Act](#) (ISA), whose roots are in the colonial era [1948 Emergency Regulations](#) and other antecedents, where the primary concern was to ensure communist terrorists failed “to make Singapore a Cuba.”<sup>2)</sup> Prime Minister Lee Kuan Yew, Internal Security Council’s Decision and Statement on Communist Conspiracy’ 20 Singapore Parliament Reports 9 April 1963 – available at <https://sprs.parl.gov.sg> It authorises the extraordinary power of detention without trial of persons acting in a manner prejudicial to security.

Akin to anti-terrorist legislation which carves exceptions to the [rule of law](#) and erodes civil liberties, the ISA places the state above law in the name of existential necessity. A 1989 constitutional amendment truncated judicial review to procedural matters, although article 151 provides various procedural rights to ISA detainees, such as being told the grounds and factual allegations for detention, and rights of representation before an Advisory Board (AB) headed by a Supreme Court Justice. If the AB advises against continued detention, the government needs to secure the President’s independent decision to concur. This is a weaker form of protection than that associated with an open criminal trial.

Such laws consolidate the powers of a strong executive, which in Singapore operates within the context of a dominant party parliamentary system and may facilitate authoritarian modalities of control. The parliamentary executive, as the sovereign who determines the exception in this case, controls 83 of 93 elected seats. Thus, the ruling People’s Action Party government, which has been in power since Independence in 1965, can easily secure the two-thirds parliamentary majority needed for constitutional amendments under [article 5\(2\)](#).

The ISA regime originally allowed the government to take swift, prophylactic action against instigators of [ethnic unrest, communist propaganda and espionage](#). 9-11 signaled the inauguration of a distinct security threat in the form of religiously motivated terrorism, specifically violent Islamic extremism. This has been identified as the [dominant terror threat](#) today, by the Internal Security Department (ISD), operating under the Ministry of Home Affairs (MHA).

## **Religious Terrorism to the Fore: Preventive Detention as a necessary but insufficient response**

In December 2001, 15 persons, all members of Singapore's Malay-Muslim community, were arrested under the ISA for involvement in a bomb plot, targeting sites in Singapore like the [US and British Embassies and Yishun MRT Station](#). 13 of the detained belonged to a Singapore cell of the radical Jemaah Islamiyah (JI) terrorist group, which had close links with Al-Qaeda and seeks to establish an Islamic Caliphate (*Daulah Islamiyah*) in Southeast Asia. While the physical threat of violence was intercepted, the government treated as an imperative the need to address the psychological and pneumatic harm this discovery inflicted upon social cohesion in the world's [most religiously diverse](#), multi-racial secular democratic polity.

While resort to the ISA was seen as necessary, it was an insufficient response to the aggravated security threat posed to social cohesion, threatening to erode the "[high trust society](#)", integral to Singapore's evolving model of communitarian constitutionalism. This moderates statist values through a greater commitment to participatory democracy and promoting "[dialogue, tolerance, compromise and placing the community above self](#)"<sup>3)</sup>Sundaresh Menon, Chief Justice, 'The Rule of Law: The Path to Exceptionalism' (2016) 28 SAclJ 413 at [24]. pursuant to sustaining what might be considered the [constitutional civil religion](#) of racial and religious harmony.<sup>4)</sup>This is one of 5 shared values: white paper, Shared Values (Cmd 1 of 1991). Its importance is reflected in the 1990 Maintenance of Religious Harmony Act, amended in 2019 and the threat of race riots to social harmony has been judicially recognised: *Vijaya Kumar v AG* [2015] SGHC 244 at [33], [44].

In addition to detention orders or restriction orders issued under the ISA which may be renewed after an initial two year period, the government has [adopted a rehabilitative approach](#) in seeking to deradicalise persons detained for religious extremism related reasons, and to reintegrate them into society. As the Law Minister stated: "[We give them religious rehabilitation, we don't throw away the keys](#)."<sup>5)</sup>Minister for Law and Home Affairs K Shanmugam, Second Reading, Foreign Interference (Countermeasures) Bill, 4 Oct 2021 at [344]. Security is not simply bare survivability and stability, but related to sustaining the on-going Singapore project and imperative of maintaining racial and religious harmony. This resonates with Singapore's commitment to relational constitutionalism, whose goal is to secure "the relational well-being of individuals and groups and to preserve sustainable relationships", allowing citizens "to maintain their distinct identities, while being

unified by a national identity and a shared commitment to the common good.”<sup>6)</sup> Li-ann Thio, *Relational Constitutionalism and the Management of Religious Disputes: The Singapore ‘Secularism with a Soul’ Model*, (2012) 1 *Oxford Journal of Law & Religion*, 446.

While terror breeds fear, distrust and alienation, inimical to social solidarity, a rehabilitation-oriented approach towards religious terrorism is an exercise in hope. Rather than demonising the terrorist as an ‘outlaw’ or inveterate enemy of state and society, rehabilitation views the terrorist as a misguided prodigal son of sorts, but one who might possibly return to the fold and be reinstated as a responsible full member of society.

The securitisation of law and normalisation of exceptions to due process which diminish human rights observance and qualifies the rule of law may certainly impair human dignity, in its liberal-humanistic conception as an individual-oriented norm predicated on the intrinsic worth of individuals with autonomist dispositions. However, there are variable conceptions of human dignity beyond rights discourse.<sup>7)</sup> Li-ann Thio, ‘Human Dignity and Relational Constitutionalism in Singapore’ in *Human Dignity in Asia: Dialogue between Law and Culture*, Jimmy Hsu ed (Cambridge University Press, 2022 forthcoming) 187-219. This essay reflects upon how the human dignity of individuals who would be shunned for their anti-social beliefs and conduct may be vindicated by the Singapore process of “[detention, rehabilitate and release](#).” This involves using a mix of hard and ‘soft’ law methods and public-private partnerships in a comprehensive approach towards rehabilitation.

To strengthen social resilience, concerted efforts have been directed at building friendly relations between different ethnic and religious groups through dialogical processes and interactive projects,<sup>8)</sup>

See the work of the Inter-Racial and Religious Confidence Circle (IRCC) which operates at constituency level to build networks and trust between religious, ethnic and community groups: <https://www.ircc.sg/>. Religious leaders under the supervision of a junior minister even adopted a Declaration on Religious Harmony in 2003 as a united exercise in shared values: see Li-ann Thio, ‘Constitutional ‘Soft’ Law and the Management of Religious Liberty and Order: The 2003 Declaration on Religious Harmony, [2004] *Singapore Journal of Legal Studies*, 414-443. in a city-state where the Chinese compose 76% of the population of 5.7 million and where the Malay minority, 99% of whom are Muslims,<sup>9)</sup> Para 2, Singapore National Report, Universal Periodic Review, A/HRC/WG.6/38/SGP/1 (11 Feb 2021) at [G2103144.pdf \(un.org\)](#) are recognised by article 152 as having indigenous status, accompanied by a government duty to care for their interests. The delicacy of religious sensitivities and inter-group relations is compounded not only by the historical trauma of the 1960s race riots, but also the geo-political vulnerabilities of being a ‘[red dot in a sea of green](#)’, a secular multicultural democracy in a Malay archipelago, as a former Indonesian president disparagingly coined.

## Differing Treatment: Political Opponents and Religious Extremists

Political constitutionalism emphasizes resort to political processes and public avenues to secure government accountability. This is a key feature of the public law landscape but its limits were manifest when in 1987, 16 people were arrested under the ISA for an alleged Marxist conspiracy “to subvert the existing social order with a view to establishing a socialist state.”<sup>10)</sup> *Teo Soh Lung v Minister for Home Affairs* [1989] 1 SLR(R) 461 at [20]. Only one opposition politician spoke for the detainees in Parliament, calling them “[innocent young idealists](#)”, but this did nothing to change the harsh treatment they received.

The European Parliament and US Congressmen were among international protesters who called for their release. Many doubted the existence of an internal Communist threat and saw this as an exercise in curbing political dissent and the welfare activism of the alleged conspirators, including some church workers who had apparently infiltrated the Catholic church, law society and theatre groups. 9 of the detained later recanted confessions that they acted under the instructions of a former student leader exiled in the UK to destabilise Singapore. The detainees’ homes and offices were raided but no incriminating literature nor weapons were found. This remains an [unhappy episode](#) in Singapore’s history.

A markedly different approach was adopted towards the JI detainees,<sup>11)</sup> A total of 36 people were arrested in December 2001 and August 2002, most of whom were JI members. where the Malay community suffered suspicious distrust after the exposed bomb plots. Notably, former critics of the ISA regime from the liberal West now lauded Singapore’s efforts to combat religious terrorism, where they too had adopted approaches against terrorist threats that circumvented due process concerns e.g. the Guantanamo Bay detention camp, to address heightened security concerns.

First, the government took pains to consult Malay community leaders, informing them about the JI arrests before this was made public.

Second, to promote transparency and to alleviate concerns, a white paper entitled [The Jemaah Islamiyah Arrests and the Threat of Terrorism \(Cmd 2 of 2003\)](#)

was issued and extensively debated in Parliament.<sup>12)</sup> Wong Kan Seng, Threat of Terrorism (Motion), 75 Singapore Parliament Reports, 20 Jan 2003 at col. 2036 [Search \(parl.gov.sg\)](#) This contained evidence of the bomb plots and cast the Singaporeans involved as a “small and isolated group” manipulated by foreign Muslim terrorists exploiting ties of Islamic brotherhood and the deferential respect the community accords its religious teachers. It emphasised that most local Muslims were “moderate, tolerant and law-abiding”. The government has consistently urged the broader community to reject Islamophobia and to “[covenant to ourselves](#)” never to allow xenophobia to undermine minority protection and religious freedom. The consistent messaging has been that this is a Singaporean rather than Malay/Muslim problem. Social cohesion and religious harmony is a public good and citizens were

encouraged to notify the authorities if they came across extremist religious teachings or clandestine activities.

Third, in seeking to neutralize radical teachers and foreign terrorist operatives, the government underscored the importance of safeguarding the legitimate religious practices and peaceful activities of Singaporean Muslims. The community was urged to take the lead in self-regulating religious education. Subsequently, an [asatizah recognition scheme](#) and code of conduct was adopted for all Muslim religious teachers, administered by the Islamic Religious Council of Singapore, created under the Administration of Muslim Law Act.

## **Comprehensive Rehabilitation and Rebuilding Solidarity: A Public-Private Partnership**

As correcting misguided religious beliefs involves theological questions, beyond the competence of a secular government, the ISD partnered with the Religious Rehabilitation Group (RRG), a group of volunteer religious scholars, launched in April 2003. These volunteers regularly engage with Muslim detainees to understand their mindset, to build trust and so to [correct their misinterpretation of key Islamic concepts](#). The goal is to help them appreciate the possibility of living as good Muslims in a secular democracy like Singapore. Over time, they have earned the trust of many of the detainees and the Muslim community at large,<sup>13)</sup> The RRG has a helpline and mobile app and relatives of schoolboys who were beguiled by ISIS propaganda have voluntarily alerted the RRG to obtain religious counselling for their relatives: 'Religious counsellors save two secondary schoolboys from further radicalization', *Today*, 24 June 2017. as they receive no government funding and work with but not for the MHA. Their work has extended to community outreach programmes. The RRG has engaged eschatological understandings, challenging jihad as armed conflict, in relation to matters like views that [the Syrian conflict](#) was the precursor to endtime prophecy (*Yaumul Qiyamah*). They urged Muslims not to be "emotionally manipulated by religious rhetoric" which distorts the "genuine message of Islam." They have also [produced manuals](#) to debunk false ISIS narratives.

To counter extremism, the MHA in tandem with religious rehabilitation also arranges for detainees to receive psychological counselling; social rehabilitation to facilitate reintegration into society upon release is promoted, such as through regular family visits. ISD officers have worked to facilitate job placements for released detainees, and arranged for teenaged detainees to continue their education, and indeed, [improve their academic performance](#), so they can be gainfully employed and have a future. The Inter-Agency Aftercare Group (ACG), an informal network of Muslim associations, also provides emotional and financial support to the families of detainees. Family members also receive religious counselling to ensure they are not radicalized to prevent a second generation of terrorists from being formed and to keep recidivist rates low. Thoughtful gestures like providing pocket-money for detainees' children motivates the detainee to rehabilitate, knowing that their families' welfare is taken care of.

In a Report commemorating the [20th Anniversary of ISD's Operations Against Jemaah Islamiyah in Singapore](#), a JI detainee reportedly expressed sentiments consistent with the statement at page 23 that all detainees were treated with “dignity and respect,” such as having regular doctor visits and being provided with halal food to meet religious dietary requirements.

Realistically speaking, rehabilitation only works if there is voluntary cooperation, to enable the state to conclude a detainee will not reoffend. It is fair to say that the ISD's rehabilitation approach has achieved some success, insofar as only 4 of the 56 JI members detained since 2002 [remain in detention](#).

With more teenagers being detained for picking up terrorist ideology via the internet and planning terrorist related activities, [the ISD has taken to assigning them mentors to help them develop social skills as part of the rehabilitation process](#), paying especial attention to their identity, mental resilience and critical thinking skills, to help them discern radical rhetoric online. After release, mentors remain in touch and operate as a positive influence in the lives of those formerly detained. As the nature of the terrorist threat evolves, the ISD has adjusted its rehabilitation approach. The RRG now has female counsellors to advise female detainees, after a woman was arrested for terrorist-related activities in 2017. When an adolescent Indian Protestant male was detained in 2021 for planning knife attacks at a mosque, the first instance of what has been dubbed ‘far right extremism’, the ISD worked with the National Council of Churches of Singapore to identify a suitable Christian counsellor for him.

Where detainees are not Singaporean nationals, they are deported, as in the case of 27 Bangladeshi workers in 2016. Where Singaporeans are concerned, the government adopts a proactive, holistic approach in seeking to preserve national security, unity and solidarity through rehabilitation, emphasising the [responsibilities of all citizens](#) to be vigilant and to actively preserve racial and religious harmony through social interaction and building relationships, as part of the communitarian compact. Remaining a united people would thwart the terrorist goal of driving a sharp wedge between ‘us’ and ‘them.’

## **A worthwhile trade-off: Liberty versus second chances?**

While extensive preventive security powers may damage respect for rights and human dignity, particularly where accountability mechanisms are weak, human dignity can also be secured by redemptive projects to rehabilitate detainees, reintegrating them into society with prospects for a decent life. As the Law Minister put it, the first female detainee, a 22-year-old kindergarten teacher had planned to go into an ISIS warzone. Preventive detention laws are not meant to be primarily punitive; by permitting preemptive, early intervention, the prospects of correcting radical ideology are enhanced. The teacher was detained, rehabilitated, released, such that she was alive today and had [“the prospect of carrying on with her life, achieve her full potential.”](#)

Thus, rehabilitation and deradicalisation of individuals detained under the ISA may be seen to compensate for their loss of liberty “by addressing the roots of the detainee’s radical terrorist inclinations, thus helping them to move forwards in life and to reintegrate successfully into society.”<sup>14)</sup>Sundaresh Menon, *International Terrorism and Human Rights* (2014) *Asian Journal of Int’l Law* 1-33 at 31.

## References

- The “executive measures” paradigm: Clive Walker, “The Treatment of Foreign Terrorist Suspects” (2007) 70 *Modern Law Review* 427 at 430.
- Prime Minister Lee Kuan Yew, Internal Security Council’s Decision and Statement on Communist Conspiracy’ 20 Singapore Parliament Reports 9 April 1963 – available at <https://sprs.parl.gov.sg>
- Sundaresh Menon, Chief Justice, ‘The Rule of Law: The Path to Exceptionalism’ (2016) 28 *SAC LJ* 413 at [24].
- This is one of 5 shared values: white paper, Shared Values (Cmd 1 of 1991). Its importance is reflected in the 1990 Maintenance of Religious Harmony Act, amended in 2019 and the threat of race riots to social harmony has been judicially recognised: *Vijaya Kumar v AG* [2015] SGHC 244 at [33], [44].
- Minister for Law and Home Affairs K Shanmugam, Second Reading, Foreign Interference (Countermeasures) Bill, 4 Oct 2021 at [344].
- Li-ann Thio, Relational Constitutionalism and the Management of Religious Disputes: The Singapore ‘Secularism with a Soul’ Model, (2012) 1 *Oxford Journal of Law & Religion*, 446.
- Li-ann Thio, ‘Human Dignity and Relational Constitutionalism in Singapore’ in *Human Dignity in Asia: Dialogue between Law and Culture*, Jimmy Hsu ed (Cambridge University Press, 2022 forthcoming) 187-219.
- See the work of the Inter-Racial and Religious Confidence Circle (IRCC) which operates at constituency level to build networks and trust between religious, ethnic and community groups: <https://www.ircc.sg/> . Religious leaders under the supervision of a junior minister even adopted a Declaration on Religious Harmony in 2003 as a united exercise in shared values: see Li-ann Thio, ‘Constitutional ‘Soft’ Law and the Management of Religious Liberty and Order: The 2003 Declaration on Religious Harmony, [2004] *Singapore Journal of Legal Studies*, 414-443.
- Para 2, Singapore National Report, Universal Periodic Review, A/HRC/WG.6/38/SGP/1 (11 Feb 2021) at G2103144.pdf (un.org)
- *Teo Soh Lung v Minister for Home Affairs* [1989] 1 *SLR(R)* 461 at [20].
- A total of 36 people were arrested in December 2001 and August 2002, most of whom were JI members.
- Wong Kan Seng, Threat of Terrorism (Motion), 75 Singapore Parliament Reports, 20 Jan 2003 at col. 2036 Search (parl.gov.sg)
- The RRG has a helpline and mobile app and relatives of schoolboys who were beguiled by ISIS propaganda have voluntarily alerted the RRG to obtain religious counselling for their relatives: ‘Religious counsellors save two secondary schoolboys from further radicalization’, *Today*, 24 June 2017.
- Sundaresh Menon, *International Terrorism and Human Rights* (2014) *Asian Journal of Int’l Law* 1-33 at 31.

