Securitisation and Its Discontents Rethinking Our Approach to Community Safety

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1. Executive Summary

The Australian Federation of Islamic Councils (AFIC) presents this report in response to the recent counter-terrorism raids on minors, highlighting systemic issues within Australia's national security regime that affect community safety and the experiences of the Muslim community. These incidents, marked by excessive force, have not only directly impacted the individuals involved but have also resonated negatively across broader community dynamics, especially among young people and their families.

This report seeks to critically evaluate Australia's approach to national security, focusing on the overextension of counterterrorism laws, the subjective assessments of terrorism, and the problematic use of risk assessment tools. It emphasises the need for a balanced strategy that respects both public safety and civil liberties without disproportionately targeting any single community. We note that when the 'terrorism' categorisation is applied little, or no, consideration is then given to any other approach which may more appropriately consider the holistic circumstances of the incident and the alleged perpetrator and a consequent application of far more severe judicial outcomes than would otherwise be applied.

Key findings in the report include:

- **Overextension of Counterterrorism Laws** - Australia's counterterrorism framework has expanded significantly post-9/11, leading to concerns about the erosion of civil liberties and the effectiveness of these measures in enhancing public safety.

- **Subjective Assessments of Terrorism** - There is a notable inconsistency in the classification of acts as terrorism, influenced heavily by the religious or ideological identities involved. This disparity raises concerns about bias and the potential for certain communities to be unfairly targeted.

- **Problematic Use of Risk Assessment Tools** - The tools used to assess the risk of radicalization, such as VERA-2R and Radar, lack robust empirical validation, leading to potential misjudgements that could affect individuals' rights and freedoms.

AFIC advocates for:

- **Revision of Terrorism Definition** - The removal of 'religious cause' from the definition of terrorism, in accordance with clear and objective research, to prevent the stigmatisation of specific religious groups and to ensure a more neutral and unbiased approach to law enforcement.

- **Review of Enforcement Processes** - Calling for a thorough review of the processes used by law enforcement in conducting raids, to ensure they adhere to legal standards and respect human rights.

- **Reform and Better Oversight**- Implementing rigorous oversight and accountability mechanisms to ensure that security measures are fair, transparent, and effective.

- **Engagement and Community Trust**- Enhancing community engagement to rebuild trust between law enforcement and communities, particularly the Muslim community, which has been disproportionately affected by security measures.

- **Holistic Security Approach**- Encouraging a move away from a security-only approach to include preventive measures that address the root causes of radicalization through community support and integration initiatives.

In conclusion, while the intent behind Australia's national security measures is to protect the public, the way these measures are implemented often leads to negative outcomes that can undermine the very goals they aim to achieve. AFIC is committed to working constructively with government bodies to ensure that future security measures foster an environment of trust and safety for all communities, aligning with democratic values and the principles of justice and equity. This report serves as a call to action for policymakers to consider these recommendations seriously and integrate them into a reformed national security strategy.

2. Context

In light of the recent raids conducted by counter-terrorism units on minors in April 2024, it is imperative to address broader concerns surrounding the national security regime currently in place in Australia. While it is not appropriate to comment specifically on the ongoing cases, these incidents have cast a spotlight on systemic issues that warrant a comprehensive discussion, particularly concerning the impact on community safety and the experiences of the Muslim community.

The manner in which these raids were executed has raised significant alarm. Conducted with a level of force that many found disproportionate, these actions have not only caused distress among the individuals and families directly affected but have also reverberated through the wider Muslim community. Such operations, while intended to secure public safety, often inadvertently foster a climate of fear and mistrust. This is particularly true when they target younger members of the community, exacerbating feelings of alienation and underrepresentation.

AFIC is deeply concerned with the overarching framework of Australia's national security policies, as these raids vividly illustrate broader systemic issues. There is a pressing need to scrutinise and reassess how these policies are implemented, ensuring they do not disproportionately impact any single community or undermine the very fabric of trust and cooperation that is essential for genuine security.

AFIC believes that while the stated intent behind such security measures is to protect the public, the execution and lack of transparency often observed can lead to a deterioration of public trust in law enforcement agencies. This is counterproductive and can undermine the effectiveness of law enforcement efforts by alienating the communities they serve. Moreover, the apparent lack of sufficient checks and balances within these operations points to a need for more rigorous oversight and accountability mechanisms within the national security framework.

In addressing these concerns, it is crucial to consider the broader implications of such security measures on community relations and public trust. The implementation of national security measures must be balanced, transparent, and uphold the principles of justice and equity to truly enhance community safety. AFIC is committed to engaging constructively with both the commonwealth and state governments to advocate for reforms that protect both public safety and civil liberties. This includes working towards a national security regime that not only addresses the threats of terrorism but also strengthens the bonds of trust between the government and the diverse communities that make up the Australian public.

This context sets the stage for a deeper exploration into the specific issues and recommendations that AFIC wishes to bring forward, reflecting a holistic approach to national security that aligns with democratic values and the rights of all Australians.

3. Challenging Misconceptions on the Role Religion (Islam) Plays as a Cause of Violent Extremism

In contemporary discourse, the assumption that Islam inherently fosters violent extremism is widespread yet deeply flawed. Over two decades ago, the foundation for challenging the simplistic linkage between religion and terrorism was laid during an international expert meeting on terrorism held in Oslo.

This meeting, as highlighted in the 2001 literature review The Psychology of Terrorism[1], brought together leading experts to dissect the multifaceted roots of terrorist behaviour. The findings from this meeting made it clear that terrorism is not a monolithic entity springing from religious fervour but is influenced by a complex interplay of socio-political, economic, and psychological factors.

The key conclusions drawn from the Oslo meeting underscored several critical points including the weak correlation between poverty and terrorism; the utilization rather than creation of terrorist groups by state sponsors; the rationality of terrorists as strategic actors, not psychopathological figures and importantly for our purposes the diversity of motivations behind suicide terrorism, which are often political rather than religious.

Crucially, the panel concluded that religion, specifically Islam, is not a root cause of suicide terrorism. It notes that suicide terrorists have diverse backgrounds and are often motivated by political goals, such as ending foreign occupation or resisting domestic domination by different ethnic groups. Religion is often used to legitimize or glorify their actions, but it is not the primary motivator. By underlining the diversity of motivations and backgrounds of terrorists, the panel suggested that focusing solely on religious factors is misguided and overlooks the complex socio-political contexts within which terrorism often develops.

These conclusions advocated for a nuanced understanding of terrorism that goes beyond simplistic explanations. They call for addressing the underlying political, social, and historical factors that contribute to terrorism, rather than attributing it primarily to religious extremism. Despite these views being articulated over 20 years ago western governments, including Australia, have persisted on a course that focuses disproportionately on the role religion plays in violent extremism and terrorism and embarking on policies of securitisation that have targeted Muslim communities.

These misconceptions regarding the role of religion, particularly Islam, in fostering violent extremism have been recently critically examined in C. A. J. Coady's book, The Meaning of Terrorism.[2] Here we draw on Coady's comprehensive analysis to challenge and clarify the widespread but often misguided beliefs that directly associate Islamic teachings with terrorism.

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[1] https://www.ojp.gov/pdffiles1/nij/grants/208551.pdf
[2] The Meaning of Terrorism C. A. J. Coady, May 2021 · Oxford University Press

Misconception 1: Islam is Uniquely Prone to Violence

One prevailing misconception is that Islam is uniquely prone to violence. Historical and empirical evidence, however, strongly contests this assumption. Studies of global terrorism incidents show that violent extremism has no religion and is often a product of complex socio-political and economic factors rather than religious doctrine. For instance, Robert Pape's comprehensive study on suicide bombings across the world from 1980 to 2003 reveals that the motivations behind these acts are predominantly secular and strategic rather than religious. Pape found that the leading perpetrators of suicide attacks were not Islamic radicals but the Tamil Tigers in Sri Lanka—a group with Marxist-Leninist roots and no religious affiliations (Pape, 2003).[3] Pape more recently upgraded his database and has now examined over 2,000 cases of suicide bombing with similar conclusions.

As Pape summed up his initial findings:

> *"The data shows that there is little connection between suicide terrorism and Islamic fundamentalism, or any one of the world's religions. In fact, the leading instigators of suicide attacks are the Tamil Tigers in Sri Lanka, a Marxist-Leninist group whose members are from Hindu families but who are adamantly opposed to religion. This group committed 76 of the 315 incidents, more suicide attacks than Hamas.*
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> *Rather, what nearly all suicide terrorist attacks have in common is a specific secular and strategic goal: to compel modern democracies to withdraw military forces from territory that the terrorists consider to be their homeland. Religion is rarely the root cause, although it is often used as a tool by terrorist organizations in recruiting and in other efforts in service of the broader strategic objective."[4]*

Misconception 2: Violent Extremism as a Manifestation of Islamic Teachings

Another misconception is that violent extremism is a direct manifestation of Islamic teachings. Scholars like William T. Cavanaugh challenge this by arguing that what is often considered religious violence is actually influenced by a myriad of other intertwined factors, including politics, culture, and social grievances. Cavanaugh's analysis suggests that the label "religious violence" simplistically attributes complex socio-political conflicts to religion, thereby obscuring the real roots of conflict.[5]

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[3] Robert A. Pape, Dying to Win: The Strategic Logic of Suicide Terrorism (New York: Random House, 2005).
[4] Pape, Dying to Win, p.4
[5] William T. Cavanaugh, The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict (New York: Oxford University Press. 2000).

Misconception 3: Religion as the Primary Driver of Terrorism

The view that religion is the primary driver of terrorism oversimplifies the motivations of terrorists, who often pursue clearly defined political objectives. Scott Atran, in his field studies and interviews with radicals, observes that religious ideology is not the principal cause of suicide bombings and terror. Instead, factors like kinship, friendship, and perceived political oppression play a more significant role.[6] This aligns with findings from other researchers who note that the personal commitment to group goals and identities frequently overshadows religious motivations in the radicalization process.

The Australian Context

In Australia, the discourse around Islam and terrorism has often been coloured by political rhetoric that oversimplifies and misrepresents the relationship between Muslim communities and terrorism. Former Australian Prime Minister Tony Abbott's comments on Islam exemplify how political figures can perpetuate stereotypes by questioning the sincerity of Muslim leaders in denouncing terrorism.[7] Such statements not only misrepresent the nature of religious teachings in Islam but also alienate and stigmatize entire communities.

Role of Media and Cultural Narratives

The media plays a pivotal role in shaping public perception of Islam and terrorism. Sensationalist reporting and the frequent portrayal of Muslims in the context of terror-related news contribute to the entrenchment of stereotypes. It is crucial for the media to adopt a more responsible approach by differentiating between the actions of a minority of extremists and the peaceful practices of millions of Muslims worldwide.

Educational and Community Initiatives

To effectively challenge misconceptions about Islam and violence, educational efforts are necessary. These should aim to foster a deeper understanding of Islamic teachings and the diversity within Muslim communities. Furthermore, community engagement initiatives that promote dialogue and collaboration between Muslim and non-Muslim communities can help dismantle stereotypes and build mutual respect and understanding.

The misconception that Islam is inherently linked to violent extremism is not only incorrect but also harmful. It detracts from the real socio-political causes of terrorism and undermines efforts to address these issues constructively. By promoting a balanced understanding of how violent extremism arises and recognizing the minimal role religion plays, we can better tackle the root causes of conflict and support peace-building efforts globally. Understanding and cooperation, rather than suspicion and alienation, will lead to more effective counter-terrorism strategies and a more harmonious society.

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[6] Scott Atran, Talking to the Enemy: Violent Extremism, Sacred Values, and What It Means to Be Human (London: Penguin Books, 2010), 425.
[7] As reported in The Guardian (February 23, 2015).

4. A Critique of the Australian Legislative Approach

Following the discussion on the role of religion in terrorism, it is essential to critique the legislative approach to national security that has been predominant since the events of 9/11. This critique examines how the Australian legislative framework, aimed at countering terrorism, has unfolded over the years and the implications it has had on civil liberties and societal cohesion.

Overextension of Counterterrorism Laws

Australia's response to terrorism has been characterised by a significant expansion of counterterrorism laws. With more legislation on this front than any other Western nation, Australia's approach can be described as proactive and precautionary.

A study by the University of Queensland noted:

> "Before 9/11 Australia had zero national counter-terrorism laws. Now, we have _92 of them_, amounting to more than 5,000 pages of rules, powers and offences."[8]

However, the University of Queensland's analysis suggests that this accumulation of laws may not have substantially improved national security but has rather compromised fundamental human rights. This "pre-crime" approach to criminal justice, which involves taking measures before crimes are committed, raises serious ethical and legal concerns. The authors argue that the aggressive legislative approach may have inadvertently fuelled the issues it aimed to mitigate, such as radicalisation, due to the erosion of community trust and cohesion.

Australia's counter-terrorism laws, particularly stringent when compared to those of its "Five Eyes" allies—the United States, the United Kingdom, Canada, and New Zealand—have raised significant concerns about the balance between national security and individual freedoms. Originally drawing inspiration from the UK's prior legislation, which was influenced by emergency powers used in Northern Ireland, Australia has progressively tightened its laws beyond what is permissible in many other democracies.

The University of Queensland article highlights one critical aspect of these laws being the mandatory retention of all Australians' telecommunications metadata for two years, a practice that has been scrutinised and criticised internationally. The European Court of Human Rights, for instance, has ruled that such blanket retention infringes on the basic right to privacy. This stark contrast underscores the unique position Australia occupies regarding surveillance and data retention, made possible in part because unlike its allies, Australia does not have a formal bill of rights.

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[8] https://law.uq.edu.au/article/2021/09/australian-counter-terror-laws-are-we-safer

Furthermore, Australia's provisions for preventative detention orders and sweeping espionage laws, updated in 2018, are notably severe. Preventative detention allows for the detention of individuals without charge, a measure that has been likened to tactics used by "discredited totalitarian regimes." These laws extend to the point where even discussing the use of certain counter-terrorism powers, or acknowledging their use, is criminalised.

The secrecy enforced by these laws has led international observers, including prominent media outlets like The New York Times, to label Australia as "the world's most secretive democracy." The implications for journalism and whistleblowing are profound. Sweeping espionage laws criminalise the possession or receipt of national security information, broadly defined to include anything about Australia's political and economic relations with other countries. These laws pose a substantial risk to journalists and whistle-blowers, potentially stifling the public interest reporting essential for a transparent and accountable democracy. These legislative measures also include provisions that allow for criminal trials concerning national security to be conducted in secret, undermining principles of open justice and the right to a fair trial. Such settings raise critical questions about the erosion of civil liberties in the name of national security and the potential overreach of government powers.

Overall, Australia's aggressive counter-terrorism laws highlight a critical debate about the need to protect national security while ensuring the protection of fundamental human rights and maintaining the democratic openness that is vital for a healthy society. The challenge lies in finding a balance that safeguards both public safety and the democratic values that underpin the rule of law and individual freedoms. We note that all the matters noted above, as well as a general rise in Islamophobia, have a created an environment that is hostile to genuine and robust engagement on these issues having the effect of disenfranchising the community.

Efficacy of Specific Counter-Terrorism Measures

The efficacy of Australia's stringent counter-terrorism laws raises the question, "But are we any safer?"

Despite the broad and robust suite of laws that have been implemented since 9/11, the effectiveness of these measures in enhancing national security remains a contentious issue.

Former Independent National Security Legislation Monitor, Bret Walker SC, critically assessed the use of control orders and found them to be:

> *"...not effective, not appropriate, and not necessary."*[9]

This assessment was based on classified submissions from police and security agencies, suggesting a significant disconnect between the perceived utility of these laws and their actual operational effectiveness. Despite these findings, in response to the threat posed by Islamic State, the Australian government not only retained control orders but expanded their applicability, including lowering the age at which they could be imposed to just 14 years old.

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[9] https://law.uq.edu.au/article/2021/09/australian-counter-terror-laws-are-we-safer

Similarly, the preventative detention orders, designed to allow the detention of individuals without charge to prevent a potential terrorist act, have been underutilised and deemed unnecessary by law enforcement. Both the independent monitor and the 2013 Council of Australian Governments (COAG) review recommended their repeal, highlighting that police found normal arrest powers to be more practical and useful. The lack of use of these orders by police underscores the argument that existing law enforcement tools are often sufficient for managing threats without the need for additional, more draconian measures.
Impact on Community Trust and National Security

The aggressive expansion of counter-terrorism laws, particularly those that impinge on civil liberties, has broader implications for societal trust and cohesion. The imposition of severe laws can alienate communities, particularly those from Muslim backgrounds, exacerbating feelings of being targeted or marginalised. This alienation can undermine the community cooperation that is crucial for effective law enforcement, potentially reducing the efficacy of counter-terrorism efforts.

Moreover, the secrecy surrounding the use of counter-terrorism measures, as highlighted by the 2019 federal police raid on ABC headquarters and the ensuing criticisms of Australia as a "secretive democracy," further complicates the public's ability to evaluate the effectiveness of these laws. When actions taken under these laws are shrouded in secrecy, it is challenging for the public and oversight bodies to assess whether these measures are justified or successful in enhancing safety.

While certain aspects of Australia's counter-terrorism laws may have contributed to national security, the overall effectiveness of this legislative regime remains questionable. The lack of clear evidence supporting the efficacy of many of these measures, combined with their significant impact on civil liberties and community relations, suggests that a re-evaluation of the strategy is necessary. A more balanced approach that respects fundamental rights while effectively addressing security concerns might not only align better with democratic values but also enhance the long-term effectiveness of counter-terrorism efforts.

Subjective Assessments of Terrorism

In analysing the application of Australia's definition of terrorism, a striking inconsistency emerges when comparing two recent incidents – the stabbing of Bishop Mar Mari Emmanuel and the placing of an explosive device by a Zionist in Botany. These cases highlight concerns about the subjective nature of how acts are classified as terrorism, particularly regarding the influence of religious or ideological motivations in this determination.

The definition of terrorism, according to Australian law, hinges on acts or threats intended to coerce or influence the public or government for political, religious, or ideological purposes, coupled with actions that cause serious harm or danger.[10] This definition, while seemingly straightforward, leaves room for subjective interpretation, which can lead to significant disparities in how incidents are treated under the law.

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[10] https://www.ag.gov.au/national-security/australias-counter-terrorism-laws

In the case of Bishop Mar Mari Emmanuel, who was stabbed during a church service, the act was quickly labelled as terrorism. The swift classification likely stemmed from the perception that the attack was aimed at intimidating a religious group or the public and was motivated by a religious clause. This incident was widely covered in the media and promptly addressed by law enforcement as an act of terrorism, aligning with the public and government's understanding of such acts.

Conversely, the incident involving the placement of a fake bomb outside a home adorned with a Palestinian flag in Botany has not been classified as terrorism. Despite the act clearly aiming to coerce or influence public opinion or government policy regarding the Israeli-Palestinian conflict, initial responses by law enforcement did not label it as terrorism. In fact, it has been reported that:

> "The man has been charged with two counts of stalk/intimidate with intent to cause fear of physical harm, send article to cause alarm, use carriage service to menace/harass/offend and entering enclosed land."

Given the apparent political motive behind this incident it is hard to fathom the divergent assessment of these two cases.

These contrasting responses bring to light potential biases in the classification process, where the religious or ideological backgrounds of the perpetrators or victims might influence whether an act is considered terrorism. This inconsistency highlights a broader issue within the national security framework – the risk that 'religion' and 'ideology' are misused or disproportionately weighed in determining what constitutes an act of terrorism. Such subjective assessments can lead to unequal justice and may undermine public trust in the fairness and impartiality of law enforcement and the legal system.

AFIC is deeply concerned about these apparent discrepancies and advocates for a more consistent and unbiased approach in the classification of terrorism. Ensuring that acts are judged impartially, regardless of the religious or ideological backgrounds involved, is crucial for maintaining public confidence in the justice system and for upholding the principles of fairness and equality under the law. This critique urges a re-evaluation of the criteria and processes used to classify acts of terrorism, emphasising the need for transparency, consistency, and adherence to the rule of law.

Other Critiques

The Impact on Civil Liberties and Community Trust

The broad powers granted to law enforcement and intelligence agencies have been criticised for encroaching on individual freedoms and privacy. Surveillance measures, detention without trial, and control orders impinge on personal liberty and the right to privacy. Such measures, which effectively punish individuals without the normal application of due process, can alienate communities and reduce the likelihood of cooperation with law enforcement authorities, ultimately affecting the overall efficacy of counterterrorism efforts.

Erosion of Democratic Values

The enhancement of state powers often leads to an erosion of checks and balances that are fundamental to good governance within a liberal democracy. This not only undermines the protection against state overreach but also diminishes the public's trust in democratic institutions. As the state's power increases, so does the potential for abuse, which can destabilize the democratic foundations essential for long-term security.

Constitutional and Rights-Based Challenges

The counterterrorism laws often challenge constitutional rights such as due process, freedom of expression, and privacy. This has led to a scenario where the government's duty to protect its citizens clashes with its obligation to uphold individual rights and freedoms. The approach has sparked significant legal and ethical debates about the balance between security and liberty, with many arguing that security should not come at the cost of fundamental democratic principles.

Long-Term Strategic Failures

Strategically, the focus on expansive legislative measures neglects the underlying conditions that foster terrorism. Policies that target specific communities or that are perceived as unjust can exacerbate feelings of marginalisation and discrimination. This can contribute to rather than diminish the threat of terrorism, creating a cyclical problem where heavy-handed security measures feed the very radicalization they aim to prevent.

Considering these observations, there is a pressing need to reassess the counterterrorism strategy in Australia. A more balanced approach would not only focus on legal measures but also on addressing the socio-economic and political conditions that contribute to terrorism. Enhancing community engagement, protecting civil liberties, and maintaining the democratic ethos are essential for a genuinely secure society. This approach advocates for a re-evaluation of the current legislative framework, ensuring that it aligns with the democratic values and human rights that it seeks to protect. This critique underscores the importance of a policy shift that moves away from a predominantly legalistic approach to one that is more holistic and grounded in the principles of justice and human dignity.

5. Problematic Use of Risk Assessment Tools

It is important to note that the application of these tools lies at the very heart of the entire national security regime – these assessments are used across the full spectrum of the framework from an initial assessment of level of 'radicalisation' of an individual, to the application of control orders right through to formal trials. The use of risk assessment tools in the pre-emptive approach to national security, particularly in the context of radicalisation, raises profound concerns regarding their validity, efficacy, and ethical implications. Concerns, if found to have merit, call into question the whole regime.

 In this section we consider the findings of two reports commissioned by the Australian Government into these tools. The first is the 2020 Corner Report[11] and then, what we presume is a follow-up report by the Australian Institute of Criminology in 2022.[12]

Before delving into the findings of the Australian Institute of Criminology, it is crucial to consider the critical analysis provided in the 2020 Corner Report regarding the use of terrorism risk assessment tools in Australia. This report, commissioned by the government, highlights significant concerns about the theoretical and empirical foundations of tools such as VERA-2R and Radar, which are employed to assess the risk of terrorism.

The Corner Report underscores a fundamental lack of robust theoretical and empirical backing for these tools, raising serious questions about their validity and effectiveness. The manuals for these tools are criticised for depending on poor quality evidence and an overreliance on secondary sources, which does not instil confidence in their practical application. The specific risks that each tool is supposed to assess remain unclear, further complicating their use in real-world settings. This ambiguity is problematic as it muddles the precise nature of what the tools are measuring and whether they are truly predictive of terrorist behaviour.

Moreover, the report points out significant issues with inter-rater reliability. This finding indicates that different assessors using the same tools may produce inconsistent results, which could lead to disparate and potentially unjust outcomes in the assessment of individuals' risk levels. Such inconsistency is a critical flaw, as it questions the reliability of these tools in making life-changing decisions about individuals' liberties and freedoms.

In terms of predictive validity, while Radar showed some promise, VERA-2R does not demonstrate sufficient effectiveness. This discrepancy between the tools further complicates the landscape of risk assessment, suggesting that while some tools may offer a glimpse of potential risks, others may not provide a reliable measure of future terrorist activities. The Corner Report concludes with recommendations for substantial revisions to these assessment tools. It calls for more rigorous evaluations, including field assessments, to understand how these tools perform in real-world conditions outside of controlled environments. The need to refine these tools is emphasised so that they can more effectively integrate and assess the broad range of variables associated with radicalisation and terrorism.

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[11] https://www.homeaffairs.gov.au/foi/files/2023/fa-230400097-document-released-part-1.PDF
[12] https://www.aic.gov.au/sites/default/files/2023-05/sr14.pdf

This analysis sets a critical backdrop for understanding the challenges and limitations inherent in the current tools used for terrorism risk assessment in Australia. It highlights the necessity for a grounded and empirically validated approach in developing and deploying these instruments, ensuring they are both effective and equitable in assessing terrorism risks.

The deployment of such tools is a critical element in Australia's counter-terrorism strategy, as highlighted in the report by the Australian Institute of Criminology. This report also challenged the effectiveness and reliability of these tools placing them under significant scrutiny due to the lack of empirical evidence supporting their use.

Theoretical Foundations and Practical Applications

Risk assessment tools such as VERA-2R, TRAP-18, Radar, and ERG 22+ are designed to evaluate the potential for individuals to engage in violent extremism. These tools are used within a framework known as Structured Professional Judgement, which combines the tools' results with professional discretion. Despite their widespread use, these tools face criticism for their scientific underpinnings, which are often not robustly validated through empirical research. The reliance on such tools without solid empirical backing raises questions about the accuracy of the assessments and the potential for misidentifying individuals as threats, which could lead to severe consequences for those individuals' rights and freedoms.

Validity and Reliability Concerns

One of the primary concerns is the validity and reliability of these assessment tools. Validity refers to whether the tool accurately measures what it claims to measure, while reliability refers to the consistency of the tool's results across different situations and evaluators. The Australian Institute of Criminology's report itself highlights the absence of comprehensive validation studies, which would establish these tools' credibility and justify their use in high-stakes environments. Without rigorous validation, there's a risk that these tools could lead to false positives—wrongly identifying individuals as potential terrorists—or false negatives—failing to identify actual threats.

Ethical and Legal Implications

The ethical implications of using unvalidated tools are significant. If the tools are unreliable, individuals could be unjustly subjected to surveillance, restrictions, or even detention based on flawed assessments. This not only undermines individual rights but also damages community trust in law enforcement and security agencies. Legally, the use of such tools could be challenged on the grounds that they do not meet the necessary standards of evidence required for such invasive measures, potentially leading to legal repercussions for the agencies involved.

Comparisons with International Standards

When compared to international standards, particularly those of Australia's "Five Eyes" allies, it becomes evident that the aggressive use of these tools sets Australia apart. For instance, in jurisdictions with strong protections for civil liberties, such as those with a Bill of Rights, the use of similar tools is often more restricted and subject to higher scrutiny. The European Court of Human Rights, for instance, has ruled against practices like indiscriminate data retention, which parallels the concerns around the broad application of risk assessment tools.

Assessment Tools & Religion

The use of risk assessment tools in counterterrorism, especially within the framework that may overemphasise the role of religion—particularly Islam—as a causative factor, presents a problematic scenario. These tools, often lacking solid empirical validation, might inadvertently reinforce misconceptions about the link between religious beliefs and tendencies towards violent extremism.

For example, if a tool is designed with the presupposition that certain religious practices or expressions are indicators of a higher risk of terrorism, it could lead to biased outcomes. This bias not only perpetuates stereotypes but also risks targeting innocent individuals based solely on their religious affiliations rather than any concrete evidence of radical behaviour. This misalignment can exacerbate community tensions and undermine the trust between communities and law enforcement, essential for effective policing and security. Such misuse of assessment tools, driven by flawed assumptions about the role of religion in terrorism, underscores the urgent need for a re-evaluation of these instruments to ensure they are fair, evidence-based, and free of cultural or religious biases.

Real Life Impacts

The troubling revelations about the use of the VERA-2R risk assessment tool in Australia, as reported in recent news articles[13], underscores the significant concerns about the reliability and ethical application of such tools in counterterrorism and post-sentence management. These reports raise critical questions about transparency, accountability, and the potential misuse of power in the name of national security.

The non-disclosure of the Corner report to defence lawyers and relevant state authorities, as detailed in the Guardian articles, further complicates the ethical landscape. Such withholding of crucial information undermines the principles of open justice and fair trial, cornerstones of the legal system.

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[13] https://www.theguardian.com/australia-news/2023/jun/24/home-affairs-withheld-serious-concerns-about-prediction-tool-during-benbrika-case-court-hears and https://www.theguardian.com/australia-news/2023/may/01/legal-aid-lawyers-kept-in-the-dark-over-damning-report-on-terror-risk-assessment-tool

The Guardian articles highlight several significant implications for the individuals involved in the court cases concerning the use of the VERA-2R tool. These include:

1. **Lack of Transparency and Fair** Trial- The articles emphasise that Legal Aid lawyers and the defendants themselves were kept in the dark about a critical report that questioned the reliability of the VERA-2R tool. This lack of disclosure undermines the principles of a fair trial, as it deprives the defence of essential information that could influence the outcomes of cases significantly.

2. **Impact on Liberty and Justice**- Individuals were subject to continuing detention orders (CDOs) or extended supervision orders (ESOs) based on assessments made by a tool now known to have questionable validity. This situation likely led to restrictions on their freedom based on potentially unreliable or inaccurate predictions of their risk of committing future offenses.

3. **Questionable Legal Practices**- The non-disclosure of the damning report not only questions the transparency of the legal process but also raises concerns about the ethical standards adhered to by government and legal bodies involved. This situation could lead to a lack of trust in the justice system and its ability to uphold the rights of individuals.

4. **Potential for Wrongful Detention or Control**- By relying on a flawed assessment tool to justify the continued detention or monitoring of individuals, there is a significant risk of wrongful detention. This means that individuals could be unjustly deprived of their liberty based on inaccurate assessments, which is a grave injustice.

5. **Legal and Ethical Implications for Government and Legal Institutions**- The withholding of crucial information and the continued use of a discredited tool could have broader implications for the credibility and accountability of government and legal institutions. It suggests a potential disregard for the principles of justice and the rights of the accused, which could have long-term consequences for public confidence in these institutions.

These implications highlight the serious consequences for the individuals involved and underscore the broader concerns about justice and fairness in the application of counter-terrorism measures. The situation calls for a thorough review and reform of the practices surrounding the use of risk assessment tools in legal proceedings.

The continued use of VERA-2R, despite its questionable efficacy, highlights a broader issue within counter-terrorism practices—where the desire for security may lead to measures that disproportionately impact individuals and communities. Such actions can erode trust between the community and law enforcement, crucial for effective policing and community safety.

Need for Reform and Better Oversight

The situation calls for urgent reform and better oversight mechanisms. The Independent National Security Legislation Monitor (INSLM)'s recommendations to abolish CDOs and overhaul ESOs reflect a critical need to reassess current practices. Implementing these recommendations could help restore confidence in the system's ability to fairly and effectively manage terrorism-related risks. To address these issues, several recommendations emerge from the critique of the current use of radicalisation assessment tools.

First, there should be an investment in empirical research to validate these tools thoroughly. Such studies should assess not only the tools' predictive accuracy but also their fairness and impact on different demographic groups to ensure they do not perpetuate biases or inequalities.

Second, there should be greater transparency in how these tools are used and the criteria they employ. This transparency would help build public trust and allow for better oversight and accountability.

Third, policymakers should consider the development of alternative approaches that rely less on potentially flawed tools and more on community engagement and other non-coercive measures. These approaches could help address the root causes of radicalization without infringing on individual rights.

In conclusion, while risk assessment tools have a role in national security frameworks, their current use without sufficient empirical validation poses significant risks. The lack of solid evidence supporting their effectiveness and concerns about their impact on civil liberties necessitate a critical re-evaluation of their use. By investing in research, enhancing transparency, and developing more holistic approaches to security, policymakers can better balance the needs of national security with the imperative to protect individual rights and maintain public trust.

6. Critique of the Security-Only Approach

The security-only approach the follows on from the above, characterised by an over-reliance on surveillance, raids, and policing, has become a predominant strategy in national security operations concerning radicalisation and terrorism. This method, though often justified by the urgency to counter immediate threats, brings with it significant limitations and adverse consequences, particularly in how it impacts community trust and cohesion.

Firstly, the security-only approach tends to be reactionary. It focuses on mitigating threats after they have been identified rather than preventing their emergence. This method can lead to a cycle where the symptoms of problems are addressed while the underlying causes, such as social alienation, personal vulnerability, or political disenfranchisement, remain unattended. By not addressing these root causes, the strategy may only serve to delay the manifestation of these issues rather than eliminate them.

Furthermore, this approach often results in the stigmatisation of entire communities. When security measures are disproportionately directed at specific groups, it can lead to a perception of collective suspicion. This is particularly evident in the treatment of the Muslim community, where raids and public arrests not only create fear of surveillance but also engender a stigma that all members of the community are potential threats. Such perceptions can exacerbate the sense of alienation and exclusion among these communities, which in turn can fuel the very radicalisation processes that such security measures aim to prevent.

It can be argued that a security-centric approach engenders distrust, as community members feel they are seen not as partners in the fight against crime but as subjects of scrutiny. This mistrust is detrimental not only to community morale but also to the effectiveness of law enforcement itself, as it relies significantly on community cooperation and intelligence-sharing to prevent threats.

Moreover, the use of broad and often ambiguous terms like "violent extremism" without clear definitions can lead to overbroad and arbitrary enforcement. This lack of specificity not only confuses what constitutes a threat but also leaves room for interpretation that may be influenced by bias or insufficient understanding of cultural nuances. Such ambiguity can result in enforcement actions that are seen as unjust or discriminatory, further distancing the communities that law enforcement seeks to protect.

Critically, this approach also overlooks the potential for community-led initiatives that may offer more sustainable solutions to radicalisation. Communities are often best placed to identify early signs of radicalisation and to offer support and redirection to at-risk individuals. By not engaging these community resources, the government misses opportunities for prevention that might be more culturally appropriate and effective than top-down security measures.

Considering these issues, AFIC advocates for a shift towards more inclusive strategies that integrate community engagement and support alongside necessary security measures. Such a balanced approach would not only aim to mitigate immediate threats but also work to build resilience within communities against radicalisation. This would involve more investment in community services, education, and programs that foster social inclusion and economic opportunities, thereby addressing some of the socio-economic factors that can lead to radicalisation.

While security measures are undoubtedly a necessary component of national safety, their effectiveness is limited when they operate in isolation from the communities they intend to protect. A more holistic approach that combines security with strong community engagement and preventive measures is essential for creating a safer and more cohesive society.

7. The Impact of Community Securitisation

The securitisation of the Australian Muslim community since 9/11 has had profound and lasting impacts on its members, particularly the youth. This approach, primarily involving heightened surveillance, policing, and public scrutiny, has significantly influenced their social identity, mental health, and sense of belonging within Australian society. The broad implications of these policies extend far beyond individual security checks, embedding a subtle yet pervasive form of discrimination that fuels Islamophobia and alienates a significant portion of the community.

Since the terrorist attacks of September 11, 2001, and subsequent global events linked to Islamist terrorism, Australian Muslims have often found themselves at the crossroads of national security concerns and public misperceptions of Islam. The heightened security measures, while aimed at safeguarding the public, have inadvertently placed a disproportionate burden on Muslim Australians, casting them in the role of perpetual suspects based on religious affiliation rather than any concrete evidence of wrongdoing. This stigmatization is manifest not just in physical security checks but also through the lens of media portrayal and societal attitudes, which skew towards suspicion and fear.

Recent studies, such as the 2022 report on Islamophobia in Australia[14], provide empirical evidence highlighting the escalation of anti-Muslim sentiments. This report reveals an increase in both verbal and physical assaults against Muslims, with visible Muslim women (those wearing hijabs) being the most frequent targets. These findings underscore the direct correlation between national securitization policies and the rise in Islamophobic incidents, suggesting that such policies not only fail to protect but actively harm the community. The rhetoric used in political and media discourse plays a critical role in shaping public perceptions. Terms like "radical Islam" or "Islamic extremism" are often used without sufficient explanation or context, contributing to a generalized fear of all Muslims. This fear is not abstract; it manifests in everyday interactions, where Muslims might face discrimination in the job market, in educational settings, or in their interactions with law enforcement. The cumulative effect of these experiences is a community feeling under siege, not just from external threats of terrorism but from the very society they are a part of.

Moreover, the impact on youth is particularly concerning. Young Muslims growing up in a post-9/11 world find themselves having to navigate these complex identities and prejudices from a very young age. The constant pressure to prove their loyalty to Australia, coupled with the internal conflict between their Australian and Muslim identities, can lead to significant psychological stress and isolation. This environment not only hinders their personal and social development but also prevents them from fully participating in and contributing to Australian society.

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[14] https://researchoutput.csu.edu.au/ws/portalfiles/portal/208330970/Islamophobia_Report_3_2022_LR_Spreads_RA.pdf

Considering these challenges, it is crucial for government and security agencies to reconsider their approach towards community securitization. Rather than blanket surveillance and profiling, a more nuanced strategy that involves community engagement and trust-building is essential. Effective counter-terrorism measures must be balanced with policies that promote inclusion, respect, and understanding. This includes educational initiatives to dismantle stereotypes, legal protections against discrimination, and platforms for Muslims to voice their experiences and concerns.

The ongoing experience of Australian Muslims demonstrates the urgent need for a shift in both policy and public discourse. Moving forward, it is imperative to cultivate an environment where security does not come at the expense of civil liberties and where being Muslim in Australia does not inherently equate to being treated as a security threat. By fostering a more inclusive approach, we can hope to not only reduce Islamophobia but also enhance the social fabric of Australian society.

8. Government Obligations: Prevention and Support

The government's fundamental obligation in maintaining national security involves not only responding to immediate threats but also proactively preventing potential crises. This duty extends particularly to supporting at-risk individuals, notably youth, who may be vulnerable to radicalisation and other issues. The preventative approach should emphasise support and rehabilitation over punitive measures, which often only address the symptoms rather than the causes of radical behaviour.

Supportive measures are far more beneficial than purely punitive strategies. First, they help to build trust within communities, which is crucial for community safety as well as maintaining trust within communities and thereby creating a holistically supportive communal environment. When communities view the government's actions as fair and aimed at support rather than punishment, they are more likely to cooperate with law enforcement agencies. This cooperation can be critical in preventing radicalisation, as community members are often the first to recognise early warning signs.

Moreover, a supportive approach addresses the root causes of radicalisation, such as social isolation, economic disadvantage, and psychological issues. By providing at-risk individuals with social, economic, and mental health support, governments can reduce the appeal of extremist ideologies that prey on feelings of disenfranchisement and anger. For example, programs that offer job training, educational opportunities, and community integration can give young people a sense of purpose and belonging, steering them away from paths that lead to radicalisation.

The benefits of such an approach are not only humane but also practical. Rehabilitation and support can be more cost-effective in the long run than the cycle of arrest, incarceration, and surveillance. These supportive measures foster long-term community resilience and reduce the likelihood of future threats, ultimately saving resources that would otherwise be spent on managing and mitigating extremist activities.

Intelligence plays a pivotal role in shaping these supportive strategies. Rather than solely driving surveillance and punitive actions, intelligence can be leveraged to better understand the needs and vulnerabilities of at-risk populations. For instance, data on social media usage and community dynamics could be used to identify areas where intervention programs are most needed or to tailor education programs that address specific community concerns.

Furthermore, intelligence agencies could partner with social service providers to create integrated support frameworks. These partnerships could facilitate the sharing of information in a way that respects civil liberties while enabling social workers, educators, and community leaders to offer targeted support to individuals who are at risk. Such collaboration ensures that intelligence serves a constructive purpose, contributing to prevention efforts that are informed, nuanced, and respectful of community rights.

To operationalise these ideas, the government could consider several specific actions such as :

- **Developing Multi-Agency Support Units**: These units could combine expertise from social services, education, law enforcement, and mental health professionals to provide a holistic support system for at-risk youth.

- **Creating Community** : These boards would involve community leaders in the planning and implementation of preventive strategies, ensuring that actions are culturally sensitive and community focused.

- **Investing in Community Centres**: These centres could provide safe spaces where young people can engage in educational and recreational activities, receive mentorship, and access mental health services.

In summary, the government's obligation to prevent crises should prioritise supportive over punitive measures, utilising intelligence to enhance these efforts. By doing so, it not only mitigates the immediate threats but also addresses the broader societal issues that fuel radicalisation. This approach not only enhances national security but also strengthens the social fabric, creating a more cohesive and resilient society and which will, ultimately, be more cost effective.

9. Conclusion

As this report has meticulously explored, the challenges posed by Australia's current national security measures are multifaceted and deeply ingrained within the broader socio-political landscape.

The recent counter-terrorism raids, particularly those involving minors, have not only highlighted critical concerns about the implementation of these measures but also underscored the urgent need for a systematic reassessment of the underlying frameworks that govern national security and community relations.

The Australian Federation of Islamic Councils has brought to light the significant discrepancies and potential injustices arising from the existing national security strategies, which often disproportionately target the Muslim community. This has fostered a climate of mistrust and fear, which undermines the very fabric of a cohesive and safe society. The issues of overextended counter-terrorism laws, subjective assessments of terrorism, and the problematic use of risk assessment tools form a triad that challenges the principles of justice, equity, and transparency that should underpin any democratic society.

Moreover, the distinct cases of the Bishop's stabbing and the Botany incident have illustrated an inconsistent application of what constitutes terrorism, revealing a potential bias in how religious or ideological backgrounds influence legal classifications. This not only affects the individuals and communities involved but also impacts the broader public's perception of fairness and justice within the security apparatus.

In moving forward, AFIC advocates for several key reforms:

- A revision of the definition of terrorism to remove the bias of 'religious cause,' ensuring a neutral and objective framework that does not single out any community unfairly.

- A comprehensive review of the processes and criteria used by law enforcement during operations to ensure they adhere to the highest standards of legal integrity and human rights.

- The implementation of more robust oversight and accountability mechanisms to ensure transparency and justice in the application of national security measures.

- A holistic approach to security that incorporates preventive measures focusing on community support, engagement, and integration, rather than solely punitive or surveillance-based strategies.

The call to action for policymakers is clear - to seriously consider these recommendations and integrate them into a reformed national security strategy that aligns with the values of democracy and human dignity. Only through a balanced approach that respects both the

need for security and the imperative to uphold civil liberties can Australia hope to achieve true and lasting safety and harmony among its diverse communities.

This report serves as a foundational document urging a pivot from reactive measures to proactive strategies that emphasise prevention, support, and the building of trust between communities and the government. Such a shift is not only necessary for the security of all Australians but also essential for nurturing a society that values justice, respects diversity, and promotes inclusivity. The future of Australia's national security depends on the willingness of all stakeholders to engage in this transformative journey toward more equitable and effective approaches.