

Outcome Document of the

**MIDDLE EAST AND NORTH AFRICA (MENA)
CIVIL SOCIETY CONSULTATION ON THE
IMPACT OF COUNTER-TERRORISM MEASURES
ON CIVIL SOCIETY AND CIVIC SPACE**

Acknowledgements

This regional consultation was co-convened by MENA Rights Group. The following civil society organizations participated in the consultation.¹ Their inclusion does not constitute their endorsement of all of the views expressed in the document. The list is not exhaustive as some organizations declined to be named or asked not to be named due to security concerns.

- ALQST for Human Rights
- Cairo Institute for Human Rights Studies (CIHRS)
- Committee for Justice (CFJ)
- Emirates Detainees Advocacy Center (EDAC)
- International Commission of Jurists (ICJ)
- International Service for Human Rights (ISHR)
- MENA Rights Group
- Syrian Legal Development Programme (SLDP)

Introduction

On 31 March 2023, 15 participants (representing 12 countries) from the MENA region convened for hybrid consultations to elaborate on the impact of counter-terrorism measures on civil society and civic space. Participants discussed the trends of counter-terrorism laws and policies in the region and how such measures restrict civic space, affecting vulnerable groups such as human rights defenders (hereinafter HRDs), activists, media, peaceful protesters, and women activists.

Throughout the consultation, participants commented on the problematic vagueness and overbreadth of the counter-terrorism (CT) legislative and regulatory frameworks in their home countries. Participants observed that such measures allowed for the shrinking of civil society and reported violations of due process and fair trial guarantees; absence

of judicial oversight; enforced disappearance; torture, cruel, inhuman and degrading treatment; restriction of the rights to freedom of assembly and opinion and expression, and arbitrary citizenship stripping.

This outcome document summarizes the key findings of the online regional civil society consultation and concludes with specific recommendations tailored to Member States, the United Nations and other regional and international organizations, the private sector, and civil society. The findings contributed to the **Global Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space** by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Key Findings

KEY FINDING #1

States use CT legislation that provides a broad and vague definition of terrorism as an instrument to restrict civic space and human rights and fundamental freedoms.

Participants observed how Governments in the region misuse CT, including Counter-Terrorist Financing (CFT) legislation to target civil society organizations, HRDs, media, and peaceful protesters. Participants from Egypt, Syria, Palestine, and Morocco stressed how legislation in the region provides for vague and broad definitions of terrorism, which facilitates arbitrary use by the Government.

For example, in Egypt, CT law no.94 of 2015 was raised by participants as a key example of this challenge of definition. It was highlighted that the law

¹ In alphabetical order.

includes broad definitions of terrorism, terrorist acts and terrorist organisations, and imposes heavy sentences of up to life imprisonment for convicted persons. The amendments introduced in February 2020 further included crimes of terrorism financing in ambiguous terms adversely affecting CSOs' access to funding. Under the banner of CT legislation, persons suspected of terrorism could be held up to 7 days in custodial detention and during custodial detention, individuals are not allowed to communicate with the outside world, including contacting their families or lawyers (article 38 of the CT Law no. 94 of 2015). Furthermore, participants highlighted that despite the end of the state of emergency, in October 2021, in practice law enforcement continues to have excessive powers of arrest without judicial orders, which has been primarily used to arrest and detain CSO actors. Trial has become the ultimate punishment for HRDs, facing charges of leading or joining a terrorist organization.

Participants highlighted similar situations in the Occupied Palestinian Territories and the 2016 CT legislation in Israel that used to charge individuals and organizations under the guise of CT for carrying out protected activities, including providing legal services. Participants further stressed that such legislation is used by the Israel to shrink civic space and pointed out that Israel must observe its international human rights and humanitarian law obligations in action taken towards or regulation of Palestinian NGOs. They highlighted the connection between the current status quo specifically with respect to the use of military force in the Occupied Palestinian Territory and the overarching connection to British mandate-related emergency security regulations, which too provide a vague and broad definition of terrorism. The participants identified the designation of 6 leading Palestinian organizations as terrorist organizations as a form of reprisal against their work in defending the rights of Palestinians, providing legal assistance to detainees, and documenting human rights violations committed by Israeli security forces. Participants outlined the impact of the designations on the work of designated organizations given the subsequent restrictions imposed by

some Member States and financial institutions. Participants highlighted the impact of pressure placed on international donors to these organizations by the Israeli Government that aim to further restrict their operations and ability to carry out protected work. Participants further stressed the unique repression of civil society and civic space in this context requiring international action to stop the use of such broadly repressive laws, policies, and actions against Palestinians and Palestinian civil society, including human rights defenders charged under CFT legislation (i.e., residency revocations, and more). They also underlined how travel restrictions and bans imposed on individuals engaged in advocacy work create an atmosphere of intimidation and limit their ability to engage with international partners and seek support.

Participants from Syria highlighted the Counter-Terrorism Law 19 of 2012 as sharing similar characteristics to those above, including the use of broad and vague language regarding "terrorist act, terrorist organisation, financing of terrorism and promotion of terrorist acts", without elaborating upon the acts or constituent elements of these offences. For example, a terrorist act is defined as "every act that aims to create a state of panic among people, disturb public security or damage the infrastructure of the state and is committed by using weapons, munitions, explosives, inflammable materials, toxic or incendiary products, epidemiological or bacteriological factors whatever the type of these means or using any method that serves the same purpose." Furthermore, participants noted that the criterion of disrupting public security in Syria is not defined, and any act contrary to the political orientation of the state could be considered as such. Also, the reference to "any method" in the legislation opens the door to broad accusations and vague criminal charges often used against human rights defenders. Likewise, articles 4 and 8 of the Counter-Terrorism Law concerning promoting terrorist acts have been used to target human rights defenders and political opponents for merely expressing their political views on social media platforms or anyone who has brought food or medical aid to areas out-

side the government's control areas.

In countries such as Algeria, Syria and Morocco, participants noted a common trend that civil society actors are charged with broad and vague offenses such as "disturbing public security" or "weakening the national sentiment", respectively. Participants from Morocco observed that several pieces of legislation, including CT legislation, have been used to silence dissidents. On 16 May 2003, Morocco suffered a terrorist attack in Casablanca, after which the Government engaged in mass arrests, enforced disappearances and torture in secret detention sites including of Islamic and Sahraouis activists (some of these violations reportedly took place in the Temara secret prison, where Guantánamo detainees were transferred around the same period). This terrorist threat led to the enactment of the Counterterrorism law in Morocco, in 2003. The law was further expanded in 2015 using vague notions such as "apology of terrorism" allowing for its misuse to criminalize political dissent and human rights defenders. Furthermore, the Legislative Decree No. 22, adopted on 9 June 2014, proclaims amnesty for several charges against peaceful activists, including "weakening national sentiment", as well as for certain offenses under the anti-terrorism law. However, it has been reported that many people were arrested on terrorism-related grounds on the basis of retroactivity, thus for actions that occurred prior to law being passed. Participants have also stressed the proximity between Morocco and European countries in relation that turned a blind eye to the violations taking place in the country. In particular, the crime of "apology for terrorism" was first codified in France and subsequently also adopted in Morocco. Participants have also alleged that, in 2014, after the Ministry of Interior accused human rights NGOs of intervening in the Government's counter-terrorism activities, authorities launched a new wave of repression against civil society.

A pattern of repression was also identified in countries like Algeria, Bahrain, Kuwait, Libya, Saudi Arabia and the United Arab Emirates. For example, in 2021, in Algeria, several members of human rights

organizations were accused of engaging in terrorism-related activities under Article 87 of the Penal Code, including to prosecute of several members of the now-dissolved Ligue Algérienne pour la Défense des Droits de l'Homme. The participants noted that the above referred provision has been amended in the context of the pro-democracy movement. The participants noted that terrorism charges are increasingly used to prosecute peaceful dissidents and human rights defenders in the context of the repression that followed the 2019-2021 Algerian protests. Also known as the Hirak movement, the protests aimed at the withdrawal of Abdelaziz Bouteflika's fifth presidential candidacy and called for democracy, liberty, and the rule of law. Participants have reported allegations of repression of freedom of expression and association (i.e., free press), as well as of terrorism-related accusations directly affecting the right to freedom of assembly of trade unions. Participants expressed concerns with regard to the powers provided to law enforcement in charge of counter-terrorism operations in Libya. They have also observed an intersection between state violence and paramilitary groups, as the state is subcontracting the enforcement of CT legislation to these groups. Furthermore, participants from Tunisia observed that the CT legislation (adopted in 2015 after terrorist attacks) also provides for overly broad and vague offences and is applied in a flawed manner by law enforcement in a context of continued state of emergency since 2015. Since February 2023, the CT legislation has increasingly been used to prosecute dozens of political opponents, journalists, businessmen and lawyers.

Furthermore, participants raised issues faced in Bahrain related to overly broad and vague CT legislation and its use against politicians and human rights activists to suppress political dissent and peaceful protests. More than 12,000 people are reportedly currently in jail for merely expressing their views about the situation in Bahrain, and 400 individuals, including HRDs, religious scholars, journalists and political activists, were stripped of their citizenship on the basis of the CT law leaving some of them de facto stateless. Participants from Bah-

rain stressed that on 23 August 2016, the Government initiated a trial against 138 people, including 52 in absentia, and the court mostly relied on the “confessions” obtained under extreme torture; the Court sentenced 53 defendants to life imprisonment, three to 15 years in prison, one to 10 years, 15 to seven years, 37 to five years, six to three years and acquitted 23 other defendants. Furthermore, participants have reported changes in the national legislation on counter-terrorism, money laundering, and fundraising for CSOs. It has also been alleged that for the past 12 years, the Government of Bahrain has increasingly repressed NGOs: a) the Government has closed hundreds of NGOs and associations and their members have been subjected to restrictions (i.e., ban to joining sports clubs); b) organizations faced undue restrictions to get funding; and c) forming a grass-root and local organizations in villages has become extremely difficult.

Participants further highlighted the situations in Kuwait and Libya. In Kuwait, HRDs and CSOs representatives can be arrested and detained for any action considered contrary to national security, including for using social media, e.g., Twitter. It was noted that acts of “insulting Islam/religion” and “insulting friendly countries to Kuwait” has been criminalised. It has been reported that since 2015, 682 people have been detained on the grounds of insulting Islam/religion. Furthermore, as part of a general pardon in 2022, it has been reported that 60 individuals were allowed to come back to Kuwait but did not retrieve their political rights (i.e., no right to vote). In addition, the Government also employs the Law no.63 for 2015, on Cybercrime to repress civil society representatives. In Libya, CT legislation is used to repress CSO representatives. Participants have raised concerns in relation to: a) article 14 of the CT legislation, which imposes a sentence of life imprisonment on anyone who committed an act of aggression that “harms national unity”; b) article 15 of the CT legislation, which prescribes a prison term of up to 15 years for anyone who “advocates, promotes or misinforms for the commission of a terrorist act, whether orally, in writing, or by any means of dissemination, publication or messages on web-

sites that others may read”; c) article 2 of the CT legislation which provides an overly broad definition of “terrorist acts”, encompassing acts that impede public authorities from carrying out their duties or where an individual “gravely undermines the public order” by obstructing “the implementation of any provisions of the constitution, laws or regulations, which has been used by the authorities to repress the right to peaceful assembly. Participants also raised concern that the government engages paramilitary groups in implementation of counter-terrorism legislation. In addition, they drew attention to recent illustrative cases of the misuse of the counter-terrorism measures against civil society, including the arrest of 11 people while peacefully demonstrating and the sentencing of a journalist to 3 years imprisonment, who was reportedly held incommunicado and denied access to a lawyer.

Finally, participants also raised common concerns related to CT misuse in Saudi Arabi and the United Arab Emirates. In Saudi Arabia, participants highlighted the strong stigma attached to the accusations of terrorism charges, which would affect them in their private sphere, including in their pursuit of employment. The Saudi law of 2017 on Combating Crimes of Terrorism and its Financing has been used to criminalize actions that fall under the rights to freedom of opinion and freedom of association. Such proceedings are marked by violations of due process and fair trial guarantees. Article 20 of the law allows for incommunicado detention for up to 90 days, which increases the risk of enforced disappearance and torture. Participants have also reported several recent cases. Participants also denounced several recent cases, including those of women human rights or environmental activists sentenced to long sentences under the counter-terrorism or national security legislation. They also denounced the sentencing of six Howeitat tribe members under the counter-terrorism legislation to extremely severe sentences (over 30 years in prison), including the death penalty, for expressing their opposition to the forced eviction of the tribe due to the NEOM mega-city project. In 2014, the UAE implemented a new law on counter-terrorism

which has been used to counter peaceful activism and activities of HRDs. The national CT legislation also allows detaining persons charged with terrorism indefinitely on “rehabilitation needs”. The participants pointed out that several Special Procedures mandate holders have previously raised concerns about the use of CT measures to justify long-term arbitrary detention of human rights defenders and activists. Participants from UAE also reported many cases of prisoners of conscience and denounced that in 2014 individuals were arrested and charged with “founding, organizing and administering an organization aimed at overthrowing the government”; it has been estimated that 56 prisoners are still detained despite having completed their prison sentence on the basis of the Federal Law no.7 of 2014 on Combatting Terrorism Offences CT law and the Federal Law no.28 of 2019 establishing the National Counselling (Munasaha) Centre. This latter allows for the continued detention after release for rehabilitation purposes.

KEY FINDING #2

The practice of citizenship stripping is justified under the use of CT legislation.

Participants from Bahrain observed that the Bahraini Citizenship Act (1963) in conjunction with Law No (58) of 2006 with Respect to Protecting the Society from Terrorist Acts have been used to revoke citizenship – a practice seen in other States in the region as well. According to the participants, such a pattern is due to political motives, rather than genuine terrorism-related concerns. On 6 November 2012, the Ministry of Interior issued the first list of persons who would have their citizenship revoked. The list included 31 Bahrainis and it did not disclose the conditions and under which such a decision was taken. The stripping of citizenship was also adopted under a royal decree which denied those whose nationality had been revoked the right to an effective remedy. Participants noted that citizen-

ship stripping has been carried out under article 10 of the Bahrain Citizenship Law. They stressed that the amendments made to such an article allowed the revocation of citizenship if a person: engages in the military service of a foreign country; helps or engages in an armed conflict in the service of an enemy country; causes “harm to state security”. Participants also highlighted the breadth and vagueness of article 10 as the terms used do not allow to clearly define which actions constitute “harm to state security”. The implementation of article 10 has led to the suppression of the legitimate and peaceful exercise of the rights to freedom of expression and to form a political association, also rendering many individuals stateless, in clear violation of the Bahraini Constitution, the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (which have been signed and ratified by Bahrain). The vast majority of those stripped of their citizenship are political and human rights activists, media personalities, and opposition figures living abroad who had emigrated from Bahrain due to the continuous threats from the Government for participating in activities in support of democratic change.

Participants from Bahrain have also reported that: a) in 2015 more than 72 Bahraini nationals were stripped of their citizenship, in absentia; b) in 2017 the number of individuals deprived of their citizenship rose to 227; and c) since the Government started revoking nationality, participants estimated that a total of 733 persons are currently stateless. Participants raised further concern around distinct practices in Israel, noting the revocation of the permanent residency of non-Jewish Palestinian residents of Jerusalem. They raised the case of a prominent lawyer and human rights defender deported to France in December 2022 after 8 months in administrative detention based on secret information that he is associated with a terrorist organization. This HRD was subjected to long-term harassment, administrative detention and restrictions on his freedom of movement. His wife was also deported.

KEY FINDING #3

There is a growing pattern of designating or listing individuals as terrorists without adequate safeguards and compliance with international human rights, international humanitarian and international refugee law that is enabling the misuse of such measures against human rights defenders and civil society.

Participants have raised concerns in relation to the terrorism listing process conducted by some countries in the MENA region. Participants from Algeria stressed that the public authorities are resorting more and more to the listing and designation procedures. In May 2021, the Algerian High Council for National Security, a body that has no judicial powers, listed MAK and Rachad as terrorist organisations. In June 2021, the Penal Code was amended so as to broaden the definition of terrorism and establish a national list of terrorist persons and entities. Subsequently, on 7 October 2021, following the adoption of Executive Decree No. 21-384, which sets out the procedures for inclusion in and removal from the national list of terrorist persons and entities, an increasing number of individuals have been added to the Government's terrorism watch list. This decree allows for travel bans and asset freezes against listed individuals. They expressed concern that such process has impacted civil society representatives, including journalists and HRDs from participating in international advocacy activities. Participants expressed concern that the classification of terrorist persons is based on a broad definition of terrorist acts and can be issued in the absence of a final judgment or legal procedures to contest such listing.

Similarly, it has been alleged that HRDs organisations and HRDs have been placed on Egypt's terrorism list, thus subjected to travel bans and asset freezes for 5 years. This listing in many cases has

been renewed without justification or possibility for appeal. Finally, in Bahrain, anyone who receives WhatsApp messages or joins Facebook groups concerning the situation within the country could be placed on a terrorism watch list. The listing results in travel bans and asset freezing, as well as in the impossibility of accessing the labor market. Besides, participation in any of the designated groups may lead to imprisonment for up to 5 years. In the United Arab Emirates, participants recalled that 4 members of the UAE94 living in exile were included in the UAE's national terrorism list in 2021.

KEY FINDING #4

National judicial systems are often unable to exercise independence and ensure adequate fair trial standards in the context of CT.

Participants have stressed the lack of an independent judiciary as well as the violation of due process and fair trial rights and standards. For example, as regards the situation in Egypt, participants have observed the lack of fair trial safeguards, as well as the denial of access to a legal counsel and of the right to communicate with legal counsels in full confidentiality. This is notwithstanding the risk of reprisals, and even imprisonment, against lawyers defending activists or political opponents. Furthermore, participants from Bahrain reported the lack of an independent judiciary which, by sentencing human rights activists on terrorism-related charges, is playing a supportive role in the implementation of the national CT agenda. Conviction leads to forfeiture of the nationality of designated terrorists and their expulsion from the country. Participants also highlighted the lack of free and fair trials: it has been alleged that, in most trials against politicians and human rights activists, charges are fabricated and based on false allegations of terrorism and related activities, or on forced confessions extracted through torture. Judges have systemati-

cally ignored allegations of torture in the course of criminal investigations, which were brought up by human rights activists and no independent and Istanbul Protocol-compliant investigation is being instructed. In addition, it has been noted that despite knowing the facts and having no substantial evidence, the Bahraini judiciary has continued to sentence innocent people to death sentence, life imprisonment and citizenship stripping based on false allegations.

Participants have also noted the trials of civilians accused of terrorism-related offenses before military courts, which undermines their right to a fair trial. In addition, in some countries, ad-hoc tribunals have been created to prosecute terrorism offenses in procedures usually marred with irregularities. For example, in Libya, military courts have jurisdiction over terrorism offences and trials have been allegedly lacking fair trial standards, and marked by long interrogations, and denial of access to legal counsel. Palestinian participants reported that, after being designated as terrorists, the six organizations tried to appeal the decision of the military commander. However, the participants pointed out that the military commander was the same body to hear the appeal, which was denied on the basis of “secret information that cannot be disclosed”. The participants indicated that after the denial of the appeal, the Israeli forces raided the offices of the organizations and destroyed and stole property. In addition, the Israeli authorities use of administrative detention against Palestinian human rights defenders, Palestinian political actors, and Palestinian individuals in order to arrest and detain them without any evidence to justify their deprivation of liberty, without trial or charge, and for extended periods. Participants from Saudi Arabia highlighted the existence of a Saudi Specialized Criminal Court having jurisdiction over terrorism offences and which has the power to allow for extended incommunicado detention of the defendants during investigations.

The participants from Syria highlighted the role played by Law No.19 of 2012, on counter-terrorism, in suppressing human rights defenders and political

opponents and the law no.22 of 2012, establishing the Counter-Terrorism Court, which has jurisdiction over terrorism crimes committed by both civilians and military actors. The participants expressed concerns about the composition of the Counter-Terrorism Court, which comprises three judges; the president of the court, and two members, one of whom is a military official. The law contains only one procedural rule, exempting the court from adhering to any rules stipulated in the prevailing legislation throughout all phases and procedures of prosecution and litigation. According to this article 7, the court merely guarantees the right to defense and does not abide by other principles of prosecution provided for in national legislation. In practice, defendants cannot meaningfully exercise their right to defense, due to the court’s reliance on security reports and torture-tainted confessions are not excluded as evidence from judicial proceedings. Additionally, they pointed out that the court can hold trials in absentia, and such judgments can only be reconsidered if the convicted person voluntarily surrenders to the authorities. Illustrative of the lack of independence of the judiciary and the lack of separation of powers, they recalled that all judges, investigative magistrates, and public prosecutors are appointed by presidential decree. The role of the Supreme Judicial Council, which is similarly controlled by the President, is restricted to suggesting candidates.

Finally, participants from Tunisia reported that since February 2022, the independence of the judiciary has been under attack, with the adoption of presidential Decree-Law 2022-11 under the state of exception, which dissolved the constitutional independent High Judicial Council and established a Temporary High Judicial Council, whose members are directly or indirectly appointed by the President of the Republic, to manage the career and discipline of judges while allowing the President to directly interfere in judges’ appointments, transfers and promotions. Moreover, a presidential amendment to this decree granted the President the power to summarily dismiss judges, thereby automatically triggering prosecutions against the judges concerned. According-

ly, 57 judges and prosecutors have been dismissed by the President without due process; some judges have obtained the suspension of their dismissal by the administrative court, but the Government has refused to reinstate them and has instead initiated criminal investigations against them. Among them, at least 13 judges are being prosecuted and investigated under the CT legislation. As described above, the executive's subjugation of the judiciary in 2022 has paved the ground for the wave of prosecution of peaceful dissidents in Tunisia in 2023, including under the CT legislation.

KEY FINDING #5

Spyware is increasingly being deployed against civil society actors by States in the region, impacting civil society and human rights defenders internationally, regionally, and nationally.

Participants have observed the use by public authorities of spyware technologies in Morocco, Bahrain, Saudi Arabia, and Palestine to monitor CSOs. For example, in Bahrain CSOs have been targeted by spyware, which has heavily impacted their work. One of the participants has reported that his own mobile phone was hacked and that there is every likelihood that the Government is behind it. It has also been alleged that the Bahrain Government has a contract with a company to "spy" on HRDs and that there is evidence that thousands of HRDs and CSO representatives have had their phones hacked in the last few years. In addition, participants from Palestine reported the use of Pegasus spyware by the Israeli Government to oppress Palestinian NGOs and CSOs, having full control over their devices, phones, and laptops.

KEY FINDING #6

Regional and inter-governmental cooperation structures are advancing the misuse and transnational repression in MENA countries under the guise of terrorism.

Over the course of the consultation, participants also raised regional and cooperational trends. In particular, participants underscored the role of the Arab Interior Ministers Council's (hereinafter AIMC) mission as to enable cooperation between Arab countries on security and prevention of transnational crime. Participants observed that the AIMC could be deemed as being similar to the INTERPOL, but the system as it currently operates does not make it possible to prevent the circulation of arrest warrants that are politically motivated or that could result in violations of the principle of non-refoulement. For example, participants underscored that the Council's basic laws do not refer to human rights standards (i.e., no fair trial guarantees, no principle of non-refoulement); and the normative framework on extraditions outlined in the Riyadh Arab Agreement on Judicial Cooperation and the Arab Convention for the Suppression of Terrorism adopt a broad definition of terrorism, which is subject to wide interpretation and abuses; and allow for the extradition of individuals for the mere exercise of their fundamental freedoms protected under international law. Participants questioned the impact of the purportedly established Legal Committee, made up of representatives from certain AIMC's member states, to review requests to issue arrest warrants and assess their conformity with the approved standards and mechanisms, as well as to consider objections to arrest warrants issued by countries, wanted persons or their legal agent. They noted that the accessibility of the Legal Committee, as well as its independence, remains a source of concern. In practice, there is no active mechanism allowing persons to appeal arrest warrants which,

according to the participants, can be politically motivated. The Council has a general secretariat, which is currently headed by Saudi Arabia. The mandate is renewed every 3 years and participants have alleged that Saudi Arabia is exercising influence on the institution. Participants have reported a recent case whereby a Saudi national, member of the Shia, was arrested in Morocco and extradited to Saudi Arabia, based on a request made by the Saudi Government of Saudi Arabia on terrorism related charges. Finally, participants have also noted that the AIMC and INTERPOL signed a Memorandum of Understanding in 1999, which includes provisions on non-nominal information sharing and technical cooperation.

Recommendations

To Member States:

- Review counter-terrorism legislation with a view to ensuring that any definition of “terrorism”, “terrorist act” or “terrorist organisation” is consistent with the model definition provided by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and UN Security Council Resolution 1566 and complies with the principles of legality, proportionality, necessity and non-discrimination established in international law.
- Allow human rights defenders and peaceful activists to carry out their protected work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort and operate freely without the threat of imprisonment or the dissolution of their organisations.
- Immediately release and dismiss charges against all human rights defenders and those targeted for exercising their fundamental rights and freedoms and end policies and practices that criminalise legitimate human rights work and restrict civic space.
- Initiate independent, transparent and impartial investigations into cases human rights defenders and civil society imprisoned or charged with terrorism-related charges, including in cases of extra-territorial persecution of journalists, human rights defenders and political asylum seekers, and ensure that victims of unlawful surveillance have access to remedy and redress.
- Take positive measures to prevent, punish, investigate and redress harm related to the misuse of counter-terrorism measures directed against civil society actors.
- Ensure robust legal and other safeguards are in place to ensure the independence of the judiciary by giving concrete form to the separation of powers, and guarantee that respect for the universal jus cogens norm that confessions extracted under torture are inadmissible under the law.
- Ensure that the rights of detainees accused of charges related to counter-terrorism are respected, including all rights inherent to a fair trial, the right to a defence, and the right to be free from torture or subjected to cruel, inhuman or degrading treatment.
- Ensure that counter-terrorism agencies are subjected to independent and impartial oversight, including judicial oversight.
- End the practice of administrative detention and ensure that all administrative detainees are charged in compliance with international law or released without delay.
- Refrain from trying civilians accused of terrorism in military or ad hoc tribunals, and ensure, when such courts are used ensure guaranteed due process of law, including effective rights of defence and access to file and evidence.

- With respect to travel bans and asset freezes for persons who have been charged with terrorism, be sure that these limitations meet the requirements of necessity and proportionality and that they were adopted in response to an actual, distinct and measurable act of terrorism or a demonstrated threat of a terrorist act.
- Ensure, during a designation procedure of an organisation or individual as a terrorist, that due process and fair trial guarantees are respected. Legislation should provide for independent, impartial, and transparent judicial review. Ensure that the inclusion of individuals on a terrorist list can be appealed or reviewed. Furthermore, ensure that a redress mechanism is available to wrongly designated individuals or organisations.
- Ensure that possible confiscations of NPO assets, business prevention orders and dissolutions are conducted in accordance with the FATF Recommendations, including Recommendation 8 on NPOs and its interpretative note, which states that measures focused on combating terrorist financing should “ensure that legitimate charitable activity continues to flourish” and “minimise the negative impact on innocent and legitimate beneficiaries of charitable activity”.
- Refrain from arbitrarily depriving its citizens of their nationality and reinstate the citizenship for those who were arbitrarily stripped of their citizenship. Furthermore, Member States should ensure that denaturalized persons and their unregistered children are able to access state services. Any deprivation of nationality must conform to the law, must serve a legitimate purpose consistent with international law, and must be proportionate to the interest the state seeks to protect and present sufficient safeguards and procedural safeguards.
- With regard to the use of new technologies, in particular spyware, in line with the report A/HRC/52/39 of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, States should guarantee the protection of the right to privacy of human rights defenders and ensure that such technology does not interfere in any way with the legitimate activities of human rights defenders or members of civil society. In addition, states should establish a legal and procedural framework with a clear process by which such surveillance is authorised and an oversight mechanism to monitor it. Any intrusive monitoring must comply with the principles of legality, necessity, proportionality and non-discrimination.
- Review cooperation arrangements between law enforcement organisations, including INTERPOL and ACDM, to ensure that they comply with the principle of non-refoulement and non-discrimination.

United Nations

- Encourage states in the region to comply with the various recommendations issued by the Human Rights Council and in the Universal Periodic Review and require United Nations entities to use such recommendations and findings to inform all UN work on CT and PCVE.
- Consistently advocate for states in the region to make restrictive use of the definition of terrorism, in line with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism model definition and Security Council Resolution 1566.

Regional Organisations

- Adopt and implement an effective vetting process as regards the AIMC to ensure that arrest warrants are not politically motivated. Furthermore, integrate the principles of non-discrimination and non-refoulement in the assessment of requests submitted by Member States to list individuals and/or issue red notices against them.
 - Ensure the application of an AIMC definition of terrorism in line with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism model definition and Security Council Resolution 1566.
 - Ensure that persons wanted under the “red notice” mechanism of Interpol for terrorism-related charges have access to legal and procedural safeguards when in detention pending extradition, including fair trial and due process guarantees, the right of access to a lawyer, the right to challenge the legality of detention and the right to be brought promptly before a judicial authority.
- Civil society organisations should actively work on raising awareness and educating the public about the adverse impact of counter-terrorism legislation and measures on civic space, human rights and democracy.

Civil Society

- Civil society organisations should continue monitoring the implementation of counter-terrorism legislations and measures to ensure they are not being misused.
- Civil society organisations should document and report on any abuses of counter-terrorism measures to the relevant international bodies such as the UN human rights mechanisms.
- Civil society organisations should continuously engage in advocacy efforts to influence counter-terrorism legislations and policies. This includes meeting with law and policymakers, participating in public consultations, and presenting evidence-based arguments.