



MENA
Rights
Group

Redefining civil society's role in the UN counter- terrorism architecture

**Landscape assessment: Middle East
and North Africa**

May 2024

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This report is part of the “Scoping Study: an independent civil society-UN engagement on counter-terrorism” project conducted by the Global Center on Cooperative Security and Rights & Security International.

The present report is funded by the Governments of Canada and the Netherlands.



1 Introduction

This landscape assessment aims to provide an in-depth understanding of the context in which civil society from or working on the Middle East and North Africa (MENA), operates in relation to the UN counterterrorism architecture. The report has been commissioned by the Global Centre on Cooperative Security, and Rights and Security International as part of their Scoping Study on independent civil society-UN engagement on counterterrorism.

To provide a holistic overview, this report elaborates on several key aspects which are crucial to understand the landscape of civil society engagement with the UN counterterrorism architecture in the MENA region.

Commencing with an overview of counter-terrorism efforts in the MENA region, the report delineates the legal frameworks and systems enacted at both national and regional levels, critically assessing their impact on human rights.

Moving forward, the report examines the importance of the MENA region within the UN counter-terrorism architecture, analysing the positions held by Member States and regional bodies with problematic counter-terrorism related human rights records, and examining the MENA organisations with whom UN counter-terrorism bodies engage and collaborate with.

The report subsequently delves into the current landscape for civil society engagement with the UN counter-terrorism architecture. It identifies the impact of the prominence of MENA Member States and regional bodies in the UN counter-terrorism architecture on civil society engagement, and outlines the issues posed by the UN's current engagement, or lack thereof, with civil society organisations (CSOs). Furthermore, it outlines the practical challenges faced by civil society in engaging with UN counterterrorism bodies and examines whether measures to ensure respect for human rights for all and the rule of law are effectively the fundamental basis of the fight against terrorism as required by the United Nations Global Counter-Terrorism Strategy's fourth pillar. Proposing a transformative approach, the report advocates concrete changes to address the identified issues and foster meaningful civil society participation and inclusion in the UN counter-terrorism architecture.

Finally, based on the findings of this landscape assessment, the report puts forth recommendations to the UN counter-terrorism architecture aiming to cultivate an enabling environment that ensures meaningful civil society engagement, participation, and inclusion.

Sensitive to the human rights impact of MENA-wide counter-terrorism measures, this report was drafted on the basis of MENA Rights Group’s documentation of individual cases, research, observations and first-hand experience in engaging with the UN counter-terrorism architecture.

2 Landscape assessment

2.1 Counter-terrorism frameworks and policies in the MENA region

2.1.1 National counter-terrorism frameworks and policies

Across the MENA region, counter-terrorism legal and institutional frameworks have faced criticism for their detrimental impact on fundamental rights and their role in enabling a range of human rights violations.

In **Algeria**, article 87 *bis* of the Penal Code defines terrorism as any act that targets “state security”, “national unity”, “territorial integrity”, and the “stability and normal functioning of institutions”. Determining which acts fall under these broad terminologies and concepts is largely left to the discretion of the State.¹

In June 2021, shortly after the High Security Council labelled the Rachad movement and the Movement for the Self-Determination of the Kabylie region (MAK) as “terrorist organisations”,² article 87 *bis* of the Penal Code was amended³ so as to broaden the definition of terrorism⁴ and establish a national list of terrorist persons and entities.⁵

¹ MENA Rights Group, *Le président algérien durcit par ordonnance la législation antiterroriste*, 24 June 2021, <https://www.menarights.org/en/articles/le-president-algerien-durcit-par-ordonnance-la-legislation-antiterroriste> (accessed 18 May 2023).

² Iddir Nadir, « Haut Conseil de Sécurité : Le MAK et Rachad classés ‘organisations terroristes’ », *El Watan*, 19 May 2021, <https://www.elwatan.com/a-la-une/haut-conseil-de-securite-le-mak-et-rachad-classes-organisations-terroristes-19-05-2021> (accessed 25 May 2023).

³ Ordinance No. 21-08 amending the Penal Code entered into force without prior parliamentary debate, due to the dissolution of the National People’s Assembly. The text is available at: www.joradp.dz/FTP/jo-francais/2021/F2021045.pdf (accessed 25 May 2023).

⁴ Article 2 of Ordinance No. 21-08 amends 87 *bis* of the Penal Code, introducing two paragraphs to the list of acts qualified as terrorist. The additional paragraphs read as follow: “any act aimed at state security, national unity and the stability and normal functioning of institutions by any action aimed at [...] working or inciting, by whatever means, to gain access to power or to change the system of governance by non-constitutional means [para 14]; to undermine or incite, by any means whatsoever, the integrity of the national territory [para 15].”

⁵ Article 3 of Ordinance No. 21-08 provides that “a national list of terrorist persons and entities who commit any of the acts provided for in Article 87 *bis* of this Code, who are classified as a ‘terrorist person’ or ‘terrorist entity’ by the Commission for the Classification of Terrorist Persons and Entities, hereinafter referred to as the ‘Commission’, shall be established. No person or entity shall be included

In late 2021, UN Special Procedures expressed their concern over the new definition and highlighted that such listing, conducted in the absence of a final judgement, contravenes the principle of presumption of innocence.⁶

In February 2021, authorities resorted to terrorism charges to prosecute peaceful dissidents by charging 15 Hirak activists and members of the Algerian League for the Defence of Human Rights (*Ligue Algérienne pour la Défense des Droits de l'Homme*, LADDH) with “enrolment in a terrorist or subversive organisation active abroad or in Algeria”.⁷ On 3 December 2023, the Dar El Beida court acquitted all defendants. The prosecutor has appealed against this decision. At the time of writing, the date of the appeal has not been set.

Other emblematic cases illustrating the misuse of counter-terrorism legislation have been reported. On 24 August 2021, the authorities arrested Kamira Nait Sid, co-president of the World Amazigh Congress (WAC), an international NGO defending the rights of the Amazigh people. On 1 September 2021, she was charged with “undermining national unity and state security” and “belonging to a terrorist organisation” under Article 87 *bis* of the Penal Code. On 4 July 2023, a court of appeal in Algiers confirmed the three-year prison sentence pronounced against her in first instance.⁸

On 17 October 2021, the First-Instance Tribunal of Adrar convicted environmental activist Mohad Gasmi to five years in prison for “glorification of terrorism” for a Facebook publication in which he blamed the Algerian authorities for the radicalisation

in the list referred to in this article unless he or she is the subject of a preliminary investigation, criminal prosecution, or is found guilty by a judgment or ruling. For the purposes of this article, an entity is understood to be any association, body, group or organisation, whatever its form or name, whose purpose or activities fall within the scope of the provisions of Article 87 *bis* of this Code. The decision to include them on the national list shall be published in the Official Journal [...]. This publication is equivalent to notification of the persons concerned, who have the right to request their removal from the national list, to the Commission, thirty (30) days from the date of publication of the decision of inscription. The National Commission may remove any person or entity from the national list, *ex officio* or at the request of the person or entity concerned, when the reasons for its inclusion are no longer justified.”

⁶ UN Special Procedures, *OL DZA 12/2021*, 27 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26905> (accessed 25 May 2023).

⁷ Frontline Defenders, *Joint statement – Algeria: Terrorism charges brought against human rights defenders in Oran constitute a dangerous escalation*, 7 May 2021, <https://www.frontlinedefenders.org/en/statement-report/joint-statement-algeria-terrorism-charges-brought-against-human-rights-defenders> (accessed 25 May 2023).

⁸ See UN Working Group on Arbitrary Detention, *Avis n° 15/2022, concernant Kamira Nait Sid (Algérie)*, 1 April 2022, UN Doc. A/HRC/WGAD/2022/15, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-10-10/A-HRC-WGAD-2022-15-AdvanceEditedVersion.pdf> (accessed 10 January 2024); Front Line Defenders, *Profile of Kamira Nait Sid*, <https://www.frontlinedefenders.org/en/profile/kamira-nait-sid> (accessed 10 January 2024).

of a well-known militant.⁹ Mohad Gasmi has been detained since 8 June 2020 in a detention facility in Adrar. His sentence was reduced on appeal to two years in prison on 9 June 2022.¹⁰

Another telling example is the case of Ahmed Manseri, a human rights defender, blogger and trade unionist. He was arrested on 12 December 2021 and charged with apology of terrorism, under article 87 *bis* of the Penal Code, and possession of a seal with the aim of undermining state security.¹¹ Although he was temporarily released, he was arrested again on 8 October 2023 and indicted on new charges. The terrorist charges were eventually dropped, and he was tried in January for “undermining national unity” and sentenced to three months in prison. He was released on 14 January 2024.

UN Special Procedures declared that such terrorism accusations appeared “to be directly related to their peaceful commitment to human rights in Algeria, and in particular their exercise of their rights to peaceful assembly and expression.”¹² This had already been highlighted in 2018, when the Human Rights Committee stressed that Algeria’s definition of a terrorist act could allow for the prosecution of conducts that may fall within the practice of exercising freedom of expression.¹³

According to data compiled by human rights defender in exile Zakaria Hannache, on 29 October 2023, there were 229 prisoners of conscience in Algeria of whom 192 have been charged under article 87 *bis*.¹⁴

⁹ Amnesty International, *Algeria: Activist convicted of terrorism glorification: Mohad Gasmi*, 3 November 2021, <https://www.amnesty.org/en/documents/mde28/4941/2021/en/> (accessed 9 January 2024).

¹⁰ Nabd, 9, *القضاء يصدر قرارا جديدا في حق الناشط محاد قاسمي*, June 2022, <https://nabd.com/s/105138451-472e84/%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%8A%D8%B5%D8%AF%D8%B1-%D9%82%D8%B1%D8%A7%D8%B1%D8%A7-%D8%AC%D8%AF%D9%8A%D8%AF%D8%A7-%D9%81%D9%8A-%D8%AD%D9%82-%D8%A7%D9%84%D9%86%D8%A7%D8%B4%D8%B7-%D9%85%D8%AD%D8%A7%D8%AF-%D9%82%D8%A7%D8%B3%D9%85%D9%8A>

¹¹ UN Special Procedures, *AL DZA 3/2022*, 31 March 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27155> (accessed 9 January 2024).

¹² UN Special Procedures, *AL DZA 4/2021*, 17 June 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26463> (accessed 25 May 2023).

¹³ Human Rights Council, *Observations finales concernant le quatrième rapport périodique de l’Algérie*, 17 August 2018, UN Doc. CCPR/C/DZA/CO/4, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/252/26/PDF/G1825226.pdf?OpenElement> (accessed 25 May 2023), para. 17.

¹⁴ List of prisoners of conscience in Algeria updated 20 October 2023 transmitted by Zakaria Hannache to MENA Rights Group on 30 October 2023.

In **Egypt**, the Counter-Terrorism Law¹⁵ and Terrorist Entities Law¹⁶ provide harsh penalties and contain overly vague definitions,¹⁷ which have been broadened further by successive amendments. The Human Rights Committee expressed concerned over Egypt's counter-terrorism legislation using excessively broad and vague definitions of terrorism such as "harming national unity" and "disturbing public order",¹⁸ and UN experts found that the Counter-Terrorism Law's provisions "go beyond the scope necessary to counter-terrorism and severely limit civic space and the exercise of fundamental freedoms in Egypt."¹⁹

Egypt's legal counter-terrorism framework and policies have criminalised the lawful and legitimate exercise of fundamental rights and freedoms, notably freedoms of expression and association, and hindered the work of independent NGOs. Indeed, Egypt has seen an escalating, systematic crackdown on the rule of law and human rights, as well as the rise of specific targeting of human rights defenders through a sustained campaign of arbitrary arrests and detention, and politicised criminal proceedings against human rights defenders and political dissidents for baseless "terrorism" charges.²⁰ The Human Rights Committee expressed concern over Egyptian authorities' use of the counter-terrorism legislation to list human rights defenders, activists and political dissidents as terrorists without any form of due process and to subject them to lengthy travel bans, asset freezes and, in the case of public sector employees, automatic dismissal.²¹ The Committee also raised concerns over suspects of terrorist offences being held in custody for long periods without charge, as well as the lack of fundamental procedural safeguards to ensure fair trials in court proceedings in terrorism cases.²²

¹⁵ Egypt, *Counter-Terrorism Law (no.94/2015)*, accessible at: <https://menarights.org/sites/default/files/2016-11/EGY%20-%20Law%2094%20of%202015%20-%20Anti-terrorism%20Law%20-%2008.2015%20%28EN%29.pdf> (accessed 26 May 2023).

¹⁶ Egypt, *Terrorist Entities Law (no.8/2015)*, accessible at: <https://menarights.org/sites/default/files/2016-11/EGY%20-%20Law%208%20of%202015%20-%20Organizations%20lists%20of%20terrorist%20entities%20and%20terrorists%20-%2002.2015%20%28EN%29.pdf> (accessed 26 May 2023).

¹⁷ Cairo Institute for Human Rights, *Egypt: Weaponizing Counter Terrorism Laws to Silence Human Rights Defenders*, 28 June 2021, <https://cihrs.org/egypt-weaponizing-counter-terrorism-laws-to-silence-human-rights-defenders/?lang=en> (accessed 26 May 2023).

¹⁸ Human Rights Committee, *Concluding observations on the fifth periodic report of Egypt*, 14 April 2023, UN Doc. CCPR/C/EGY/CO/5, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCF%2FEGY%2FCO%2F5&Lang=en (accessed 30 May 2023).

¹⁹ UN Special Procedures, OL EGY 4/2020, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25072> (accessed 26 May 2023).

²⁰ EuroMed Rights, *Egypt - Finding Scapegoats: Crackdown on Human Rights Defenders and Freedoms in the Name of Counter-terrorism and Security*, February 2018, <https://euromedrights.org/wp-content/uploads/2018/03/EuroMed-Rights-Report-on-Counter-terrorism-and-Human-Rights.pdf> (accessed 26 May 2023).

²¹ "Concluding observations on the fifth periodic report of Egypt", *op. cit.*

²² *Ibid.*

In 2021, UN Special Procedures denounced the Egyptian authorities' arbitrary addition of human rights defenders to their "terrorists" lists and warned that in Egypt, "the continued misuse of counter-terrorism powers is not consistent with the State's international law obligations and undermines broader international efforts to prevent terrorism by misusing such powers domestically."²³ Among the human rights defenders listed as "terrorists" are Zyad El-Elaimy²⁴ and Alaa Abdelfattah²⁵ who have been sentenced to five years' imprisonment, and Mohamed El-Baqer²⁶ sentenced to four years in prison by emergency state security courts whose verdicts cannot be appealed, following patently unfair trials without due process. The UN experts have stressed that these cases, among many others, indicate "a systemic problem with human rights protections in Egypt, as well as a systemic problem in the abuse and misuse of counter-terrorism laws and practices."²⁷

In **Saudi Arabia**, the definition of terrorism enshrined in the 2017 Law on Combatting Terrorism Crimes and its Financing²⁸ criminalises several acts protected under the rights to freedom of expression, peaceful assembly, and association.²⁹ UN Special Procedures have expressed concern over the law's overbroad definition of terrorism and the use of ambiguous terms such as "disturbing public order, destabilising national security or state stability, endangering national unity, [and] suspending the

²³ UN Special Procedures Press Release, *UN experts call for removal of rights defenders Ramy Shaath and Zyad El-Elaimy from 'terrorism entities' list*, 11 February 2021, <https://www.ohchr.org/en/press-releases/2021/02/un-experts-call-removal-rights-defenders-ramy-shaath-and-zyad-el-elaimy?LangID=E&NewsID=26739> (accessed 26 May 2023).

²⁴ Cairo Institute for Human Rights, *Egypt: Rights groups condemn exceptional sentence given to Elaimy, Moanes, Fouad, and others and urge president not to ratify it*, 17 November 2021, <https://cihrs.org/egypt-rights-groups-condemn-exceptional-sentence-given-to-elelaimy-moanes-fouad-and-others-and-urge-president-not-to-ratify-it/?lang=en> (accessed 26 May 2023).

²⁵ World Organisation Against Torture (OMCT), *Egypt: Sentencing of Mohamed El-Baqer, Alaa Abdel Fattah and Mohamed "Oxygen"*, 7 January 2022, <https://www.omct.org/en/resources/urgent-interventions/egypt-sentencing-of-mohamed-el-baqer-alaa-abdel-fattah-and-mohamed-oxygen> (accessed 26 May 2023).

²⁶ *Ibid.*

²⁷ "UN experts call for removal of rights defenders Ramy Shaath and Zyad El-Elaimy from 'terrorism entities' list", *op. cit.*

²⁸ Saudi Arabia, *Law on Combatting Terrorism Crimes and its Financing*, available at: <https://ncar.gov.sa/Documents/De-tails?Id=wqOpePNKbcOh7u6F3xqqxw%3D%3D> (accessed 25 May 2023).

²⁹ According to article 1 of the Law, a "terrorist crime" is defined as "Any act committed, individually or collectively, directly or indirectly, by a perpetrator, with the intention to disturb public order, destabilize national security or state stability, endanger national unity, suspend the Basic Law of Governance or some of its articles, cause damage to state facilities or natural or economic resources, attempt to coerce any of its authorities into a particular action or inaction or threaten to carry out acts that would lead to of the aforementioned objectives or instigate such acts; or any act intended to cause death or serious bodily injury to a civilian, or any other person, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act."

Basic Law of Governance.”³⁰ In addition, UN experts stated that these “phrases could entail that a range of speech and association activities protected under international human rights law is characterized domestically as ‘terrorism’.”³¹ Furthermore, the 2017 law defines as terrorist “any individual who commits any of the crimes listed within the law, or who participates or contributes, directly or indirectly, in any of the crimes set forth within this law.”³² As indicated by UN Special Procedures, this phrase “appears to suggest that even persons who have not committed a crime in furtherance of a terrorist aim may be treated as violent terrorist offenders.”³³

Saudi Arabia’s counter-terrorism legal framework has served as the basis for the prosecution of hundreds of individuals for acts of free speech, ushering in an unprecedented wave of arrests and prosecutions of peaceful dissidents, with terrorism charges being levelled against those expressing any form of criticism.

In recent years, the number of cases in which very heavy sentences have been handed down under the 2017 Law on Combatting Terrorism Crimes and its Financing has multiplied.

In February 2023, following a decision of the Supreme Court of Saudi Arabia ordering her retrial, the Saudi Specialised Criminal Court of Appeal (SCCA) sentenced women’s rights activist Salma al-Shehab to 27 years in prison, based on vague terrorism and cybercrime charges. She was arrested by agents of the Saudi Presidency of State Security in January 2021 during a family visit to Saudi Arabia. She was then held without charge for 285 days before initially being sentenced to 34 years in prison by the Specialised Criminal Court (SCC) in August 2022.³⁴ Her conviction is based on comments she made on Twitter before her arrest in support of human rights and women’s rights activists in Saudi Arabia.

In August 2022, after publishing various posts on Twitter which were deemed to be critical of Saudi authorities, Nourah al-Qahtani was sentenced to 45 years in prison by Saudi Arabia’s SCCA based on terrorism charges pertaining to her exercise of her right

³⁰ UN Special Procedures, *OL SAU 12/2020*, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication-File?gld=25726> (accessed 25 May 2023).

³¹ *Ibid.*

³² “Law on Combatting Terrorism Crimes and its Financing”, *op. cit.*, art. 1(5).

³³ UN Special Procedures, *OL SAU 12/2020*, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication-File?gld=25726> (accessed 25 May 2023), p. 7.

³⁴ MENA Rights Group, *Saudi academic Salma al-Shehab sentenced to 27 years in prison*, 29 August 2022, <https://www.menarights.org/en/case/salma-al-shehab> (accessed 25 May 2023).

to freedom of expression. She had also been arrested in January 2021 and was initially sentenced to 13 years in prison by the SCC.³⁵

Similarly, Manahel Nasser al-Otaibi, a Saudi fitness instructor and blogger who was vocal about female empowerment on her social media platforms, appeared before the Criminal Court of Riyadh on 18 January 2023. The judge dismissed her case and transferred it to the SCC which has exclusive jurisdiction over crimes falling under the 2017 Counter-Terrorism Law.³⁶

On 10 July 2023, the SCC convicted Muhammad al-Ghamdi, a retired Saudi teacher, of several criminal offenses related solely to his peaceful expression online. The court sentenced him to death, using his tweets, retweets, and YouTube activity as the evidence against him. He was arrested on 11 June 2022. His conviction is based on article 30 of the Counter-Terrorism law for “describing the King or the Crown Prince in a way that undermines religion or justice,” article 34 for “supporting a terrorist ideology,” article 43 for “communication with a terrorist entity,” and article 44 for publishing false news “with the intention of executing a terrorist crime.” Al-Ghamdi’s trial judgment states that he used his accounts on the X, formally Twitter, platform and YouTube to commit his crimes.³⁷

In the **United Arab Emirates (UAE)**, many provisions under the 2014 Law on Combatting Terrorism Offences³⁸ limit freedom of speech, due to a vague and overly broad definition of terrorism.³⁹ The UAE’s vague and overbroad counter-terrorism provisions allow the State Security Apparatus (SSA) to conflate public criticism and democratic political opposition with terrorism or the threatening of the state’s stability and security, and to crackdown on any forms of peaceful dissent.⁴⁰

³⁵ MENA Rights Group, *Nourah al-Qahtani serving a 45-year prison sentence over tweets*, 7 November 2022, <https://www.menarights.org/en/case/nourah-al-qahtani> (accessed 25 May 2023).

³⁶ MENA Rights Group, *Saudi women’s rights defender detained for social media activity, recently disappears*, 5 December 2023, <https://menarights.org/en/case/manahel-al-otaibi> (accessed 15 January 2024).

³⁷ Human Rights Watch, *Saudi Arabia: Man Sentenced to Death for Tweets*, 29 August 2023, <https://www.hrw.org/news/2023/08/29/saudi-arabia-man-sentenced-death-tweets> (accessed 9 January 2024).

³⁸ United Arab Emirates, *Federal Law No. 7 of 2014 On Combatting Terrorism Offences*, http://menarights.org/sites/default/files/2016-11/UAE_TerrorismLaw_EN.pdf (accessed 25 May 2023).

³⁹ MENA Rights Group, *Universal Periodic Review: UN Member States urge UAE to protect human rights defenders, prohibit torture and uphold freedom of expression*, 17 May 2023, <https://menarights.org/en/articles/universal-periodic-review-un-member-states-urge-uae-protect-human-rights-defenders> (accessed 18 May 2023).

⁴⁰ MENA Rights Group, *The UAE State Security Apparatus: a tool of repression against dissenting voices*, December 2022, https://menarights.org/sites/default/files/2022-12/Mena%20Rights%20Group_SSA%20Public%20Report.pdf (accessed 25 May 2023), pp. 9 and 10.

In 2020, UN Special Procedures expressed their concern over the fact that the UAE's 2014 Counter-Terrorism Law contains imprecise and ambiguous language that could allow certain forms of criticism or dissent to be interpreted and prosecuted as terrorism, seemingly at the subjective discretion of the relevant authorities.⁴¹ They noted that the definition is problematic as it does not define terrorism itself, but instead refers to the term "terrorist purpose", the definition of which refers to the term "terrorist result".⁴² This means that these terms "essentially remain undefined, as one definition refers or defers to another without clearly providing a concrete and constrained definition of the activities they encompass". As article 63 of the Counter-Terrorism Law provides the Minister of Presidential Affairs and the UAE Council of Ministers with the authority to label any organisation or individual as "terrorist", UN Special Procedures noted that "it would appear that the Minister of Presidential Affairs, and the Executive branch more broadly, could approve the proscription of any entity as a terrorist entity without being required to legally demonstrate that there is objective reason to believe that such a designation is justified, despite the far-reaching implication that such a designation could have."⁴³

In 2021, four members of the UAE 94, Saeed al-Tenaiji, Hamad al-Shamsi, Ahmed al-Nuaimi, and Mohammed Saqer al-Zaabi, were included in the UAE's national terrorism list.⁴⁴ The authorities claimed that they acted in accordance with Security Council Resolution No. 1373 of 2001,⁴⁵ obligating States to implement more effective counter-terrorism measures at the national level and to increase international cooperation in the struggle against terrorism. The UAE94, comprised of 94 government critics and activists, including prominent human rights defenders, judges, academics, and student leaders, stood trial *en masse* on the charge of establishing an organisation (the al-Islah group) that "aimed to overthrow the government".⁴⁶ Their qualification as "terrorists"

⁴¹ UPR info, *United Arab Emirates Universal Periodic Review*, September 2022, https://www.upr-info.org/sites/default/files/country-document/2023-04/MENA_Rights_UPR43_ARE_E_Main.pdf (accessed 18 May 2023).

⁴² UN Special Procedures, *OL ARE 6/2020*, 13 November 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663> (accessed 25 May 2023), p. 4.

⁴³ *Ibid.*, pp. 7-8.

⁴⁴ MENA Rights Group, *Joint statement condemning the inclusion of four Emirati activists and members of the UAE 94 on the UAE terrorism list*, 17 September 2021, <https://www.menarights.org/en/articles/joint-statement-condemning-inclusion-four-emirati-activists-and-members-uae-94-uae> (accessed 8 May 2023).

⁴⁵ *Ibid.*

⁴⁶ The members of the UAE94 had notably signed a petition addressed to the President of the UAE and the country's Federal Supreme Council calling for democratic reforms. See: Amnesty International, *There is no freedom here: Silencing dissent in the United Arab Emirates (UAE)*, 18 November 2014, <https://www.amnesty.org/en/documents/mde25/0018/2014/en/> (accessed 19 May 2022), p. 6; MENA Rights Group, *The use of Munasaha "rehabilitation" centres in the United Arab Emirates*, 16 June 2020, <https://www.menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates> (accessed 25 May 2023).

constitutes a continuation of the authorities' pattern of silencing human rights defenders and political activists exercising their right to freedom of expression.

The Counter-Terrorism Law also allows for the detention of individuals in so-called Munasaha rehabilitation centres⁴⁷ when they appear to pose a terrorist threat.⁴⁸ However, the law is silent about the threshold at which a person will be deemed "likely" to commit a terrorist offence, nor is it clear how "likelihood" is assessed.⁴⁹ Moreover, the State Security Prosecution is authorised to request that individuals held on state-security or terrorism-related charges remain detained in these centres indefinitely and beyond the length of their prison sentences.⁵⁰ Indeed, the Counter-Terrorism Law and the 2019 Munasaha Centre Law do not explicitly require the court to determine the duration of detention at a Munasaha centre for individuals considered as "terrorist threats", nor do they explicitly require that any detention order be renewed.⁵¹ The Counter-Terrorism law sets no time limit for continued incarceration and instead requires the State Security Public Prosecution to report to the court every three months. The court may order a person's release if it finds that "his or her condition so allows." The law is not clear on whether the defendant has any right to attend the hearing nor see or challenge the evidence used to justify their detention. Therefore, the UAE's broad and vague Counter-Terrorism Law grants the authorities broad and discretionary powers to detain individuals such as critics, opposition leaders, and human rights defenders, at Munasaha centres on the grounds that they pose a "terrorism threat."⁵²

In 2020, MENA Rights Group gathered the testimonies of 11 individuals who were detained in so-called Munasaha centres in the UAE.⁵³ As of March 2023, out of the 94 defendants who were sentenced in July 2013, 51 had completed their sentences but remain imprisoned with no clear legal basis, according to Emirati activists and court

⁴⁷ According to article 1 of the Federal Law No. 7 of 2014 On Combatting Terrorism Offences, Munasaha centres are defined as "[a]dministrative units aiming at the enlightenment and reform of persons deemed to pose a terrorist threat or those convicted of terrorist offences".

⁴⁸ The definition of "posing a terrorism threat" is set out at article 40 (1) of the Counter-Terrorism Law, which establishes that "a person shall be deemed as posing a terrorist threat if said person adopts extremist or terrorist ideology to the extent that he/she seems likely to commit a terrorist offence."

⁴⁹ UPR info, *United Arab Emirates Universal Periodic Review*, September 2022, https://www.upr-info.org/sites/default/files/country-document/2023-04/MENA_Rights_UPR43_ARE_E_Main.pdf (accessed 18 May 2023).

⁵⁰ "Federal Law No. 7 of 2014 on Combatting Terrorism Offences", *op. cit.*, art. 40 (2); United Arab Emirates, *Federal Decree No. 28 of 2019 On the establishment of the National Counseling Centre*, <https://menarights.org/sites/default/files/2022-10/Munasaha%20Centre%20Law.pdf> (accessed 25 May 2023).

⁵¹ "Federal Law No. 7 of 2014 On Combatting Terrorism Offences", *op. cit.*; "Federal Decree No. 28 of 2019 On the establishment of the National Counseling Centre", *op. cit.*

⁵² MENA Rights Group, *The use of Munasaha "rehabilitation" centres in the United Arab Emirates*, 16 June 2020, <https://www.menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates> (accessed 8 May 2023).

⁵³ *Ibid.*

documents.⁵⁴ Some prisoners completed their sentences as early as July 2019.⁵⁵ On 30 March 2023, the UN Working Group on Arbitrary Detention adopted an Opinion concerning 12 prisoners in the UAE94 case, who are detained under the Munasaha regime. It recognised that their detention is arbitrary, since the 12 individuals were held “owing to their status as human rights defenders and on the basis of their political or other opinion in seeking to hold the authorities to account.”⁵⁶

In December 2023, in the context of COP28 (United Nations Climate Change Conference), UAE authorities brought new charges against a group of 87 prisoners of conscience under its Counter-Terrorism Law in retaliation for forming an independent advocacy group in 2010. The UAE87 group includes prominent activists and dissidents already serving prison sentences, including human rights defender Ahmed Mansoor, as well as those convicted following the grossly unfair “UAE94” trial, many of whom are nearing the end of their sentences or have been held in detention arbitrarily after their sentences ended.

On 6 January 2024, the Emirates News Agency, WAM, reported that the UAE Attorney General, Hamad Saif al-Shamsi, ordered the referral of 84 Emirati suspects to the Court of Appeal for trial on charges of “establishing another secret organization with the purpose of committing acts of violence and terrorism on the country’s territories.”⁵⁷

In **Israel**, the counter-terrorism legal framework has been criticised by UN experts for its potential adverse impact on human rights,⁵⁸ particularly for Palestinian individuals and CSOs.⁵⁹ The 2016 Counter-Terrorism Law⁶⁰ was notably criticised for containing “vague and overbroad definitions of “terrorist organisation” and “terrorist act””, posing

⁵⁴ Human Rights Watch, *UAE: Detainees Held Beyond Sentences*, 12 April 2023, <https://www.hrw.org/news/2023/04/12/uae-detainees-held-beyond-sentences> (accessed 30 May 2023).

⁵⁵ *Ibid.*

⁵⁶ UN Working Group on Arbitrary Detention, *Opinion No 19/2023 concerning Omran Ali Hasan al-Radwan al-Harithi, Abdullah Abdulqader Ahmad Ali al-Hajiri, Ahmed Yousef Abdullah al-Zaabi, Mohammed Abdulrazzaq Mohammed al-Siddiq, Husain Moneif al-Jabri, Hasan Moneif al-Jabri, Sultan Bin Kayed Mohammed al-Qasimi, Khalifa Hilal Khalifa Hilal al-Nuaimi, Ibrahim Ismail Ibrahim al-Yasi, Mohammed Abdullah al-Roken, Abdulsalam Mohammed Darwish al-Marzooqi and Fouad Mohammed Abdullah Hasan al-Hmadi* (United Arab Emirates, 30 March 2023, UN Doc. A/HRC/WGAD/2023/19).

⁵⁷ Emirates News Agency, *UAE Attorney-General refers 84 defendants, mostly tied to terrorist organisation of Muslim Brotherhood, to State Security Court*, 6 January 2024, <https://wam.ae/article/13p98g3-uae-attorney-general-refers-defendants-mostly-tied> (accessed 10 January 2024).

⁵⁸ UN Special Procedures, *OL ISR 6/2022*, 5 May 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27237> (accessed 15 January 2024).

⁵⁹ According to Israeli law, the Counter-Terrorism Law is applied in occupied East Jerusalem and Israel, and military orders are applied in the West Bank and Gaza.

⁶⁰ The Counter-Terrorism Law No. 5776-2016 was adopted by the Israeli Parliament and entered into force in 2016. An unofficial English translation is available at: https://www.gov.il/BlobFolder/dynamiccollectorresultitem/counter-terrorism-law-2016-english/he/legal-docs_counter_terrorism_law_2016_english.pdf (accessed 15 January 2024).

the risk of the law being weaponised by authorities to “oppress and criminalise legitimate political or humanitarian acts”.⁶¹ Similar concerns were raised about the ambiguity of the terms contained in Israel’s 2009 Military Order No. 1651, which grants the authorities power to impose restrictions on designated “hostile organisations”.⁶²

The Counter-Terrorism Law sets out prison terms of between five and 25 years for staff and members of the designated organisations, provides for confiscation of assets, and closure of the organisation. It also criminalises the provision of support – including financial aid as well as publishing words of “praise, support or sympathy” – with between three to five years in prison.⁶³

Concerns identified by UN experts also related to the terrorism designation proceedings provided in the Counter-Terrorism Law, the latter granting the Minister of Defence with the power to both request the designation in the first place and to make the final decision on a permanent designation,⁶⁴ and allowing for “secret evidence” to be used as the basis for permanent terrorism designation.⁶⁵ In this regard, the Human Rights Committee stated that this use of secret evidence renders counter-terrorism proceedings “inaccessible to defendants and their lawyers, thereby violating their right to a fair trial”.⁶⁶

The issues in Israel’s counter-terrorism framework are illustrated by the 2021 designation of six Palestinian CSOs⁶⁷ as terrorist organisations on the basis of “secret information”. The designation enabled Israeli authorities to close the NGOs, seize their assets and charge their leadership and staff with terrorist offences.⁶⁸ UN experts

⁶¹ UN Special Procedures, *OL ISR 6/2022*, 5 May 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27237> (accessed 15 January 2024), p. 12.

⁶² Military Order No. 1651, the Order Regarding Security Directives, was issued in 2009. An unofficial English translation of the law is available at: https://www.militarycourtwatch.org/files/server/military_order_1651.pdf (accessed 15 January 2024).

⁶³ OHCHR, *Israel’s “terrorism” designation an unjustified attack on Palestinian civil society – Bachelet*, 26 October 2021, <https://www.ohchr.org/en/2021/10/israels-terrorism-designation-unjustified-attack-palestinian-civil-society-bachelet> (accessed 15 January 2024).

⁶⁴ UN Special Procedures, *OL ISR 6/2022*, 5 May 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27237> (accessed 15 January 2024), p. 19.

⁶⁵ *Ibid*, pp. 19-20.

⁶⁶ Human Rights Committee, *Concluding observations on the fifth periodic report of Israel*, 5 May 2022, UN Doc. CCPR/C/ISR/CO/5, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAgHk7yhsjE8R4c4NRtNrnvejYey%2FQ9EWnQY26sz%2BPk0%2BTQAcRpAAIIFue4n%2BRvXZead9hu22zSszclg7RJ2Gi6oDhLTy2yOHpdQPrSorR5%2B2xzYmiDc> (accessed 15 January 2024), para. 18.

⁶⁷ The listed organisations include Addameer Prisoner Support and Human Rights Association, Al-Haq, Bisan Center for Research and Development, Defense for Children International – Palestine, the Union of Agricultural Work Committees and the Union of Palestinian Women Committees.

⁶⁸ Human Rights Committee, *Concluding observations on the fifth periodic report of Israel*, 5 May 2022, UN Doc. CCPR/C/ISR/CO/5,

condemned this decision by the Israeli Minister of Defence stating that “the misuse of counter-terrorism measures in this way by the government of Israel undermines the security of all,” and that “the freedoms of association and expression must be fully respected in order to enable civil society to perform its indispensable work, and cannot be undermined by the manifestly egregious misuse of counterterrorism and security legislation.”⁶⁹ After six months without a response from Israel, UN experts called on the international community to take immediate and effective steps to protect and sustain the six Palestinian civil society groups that were designated as “terrorist organisations” by the Government of Israel, noting that “Israel’s disturbing designation of these organisations as ‘terrorist organisations’ has not been accompanied by any public concrete and credible evidence,” and “the information presented by Israel has also failed to convince a number of governments and international organisations that have traditionally provided funding for the indispensable work of these six organisations.”⁷⁰

In November 2023, an amendment to the Israeli Counter-Terrorism Law introduced the “consumption of terrorist materials” as a new criminal offence.⁷¹ This offence notably punishes by up to one year of imprisonment the “systematic and continuous consumption of publications of a terrorist organisation under circumstances that indicate identification with the terrorist organisation”,⁷² leaving broad and imprecise notions such as “systematic”, “continuous” and “identification with the terrorist organisation” undefined and subject to the discretionary interpretation of Israeli authorities.

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICaqhKb7yhsjE8R4c4NRTnrnvejYEy%2FQ9EWnQY26sz%2BPK0%2BTQAcRpAAlIFue4n%2BRvXZead9hu22zSszclQ7RJ2Gi6oDhLTy2yOHpdQPrSorR5%2B2xzYmiDc> (accessed 15 January 2024), para. 18; Cairo Institute for Human Rights Studies, *The International Community Must Support and Protect Palestinian Civil Society*, 29 October 2021, <https://cihrs.org/the-international-community-must-support-and-protect-palestinian-civil-society/?lang=en> (accessed 12 May 2023).

⁶⁹ OHCHR, *UN experts condemn Israel’s designation of Palestinian human rights defenders as terrorist organisations*, 25 October 2021, <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders> (accessed 12 May 2023).

⁷⁰ OHCHR, *Israel/Palestine: UN experts call on governments to resume funding for six Palestinian CSOs designated by Israel as ‘terrorist organisations’*, 25 April 2022, <https://www.ohchr.org/en/press-releases/2022/04/israelpalestine-un-experts-call-governments-resume-funding-six-palestinian> (accessed 12 May 2023).

⁷¹ Israel, *Law on Combatting Terrorism (Amendment No. 9 and Temporary Order)*, 12 November 2023, https://www.adalah.org/uploads/uploads/Consumption_Terrorist_Publications_Law.pdf (accessed 7 December 2023).

⁷² *Ibid.*; Adalah, *Israeli Knesset Passes Draconian Amendment to the Counter-Terrorism Law Criminalizing “Consumption of Terrorist Publications”*, 8 November 2023, <https://www.adalah.org/en/content/view/10951> (accessed 7 December 2023); Al Jazeera, *Israeli parliament bill criminalises ‘consumption of terrorist materials’*, 8 November 2023, <https://www.aljazeera.com/news/2023/11/8/knesset-introduces-consumption-of-terrorist-publication-as-offense> (accessed 7 December 2023).

Since the start of the war in the Gaza Strip on 7 October 2023, several European states, namely Austria, Denmark, Finland, Germany, Sweden and Switzerland, as well as the European Commission have taken measures to suspend or review their funding to Palestinian and Israeli CSOs due to unfounded allegations of diversion of funding to terrorist organisations, despite the inexistence of credible evidence to date that any EU or European state funding has been channelled to Palestinian armed groups.⁷³ Human rights organisations have highlighted that the announcements by several European donors and the EU itself implicitly endorse Israel's unfounded allegations of Palestinian NGOs as having terrorist links, and have been enabled by years of misuse and abuse of global counter-terror regulations, including the Financial Action Task Force recommendation no. 8.⁷⁴

2.1.2 Regional counter-terrorism frameworks and policies

While domestic counter-terrorism frameworks and practices in the MENA region already pose significant human rights concerns, these concerns also transpire at the regional level. Regional bodies such as the Arab Interior Ministers' Council (AIMC) and the Gulf Cooperation Council Police (GCCPOL) have the power to expand the reach of state-led counter-terrorism efforts to the regional level, raising the threat of transnational repression under the guise of countering terrorism.

The GCCPOL is an administrative organisation affiliated with the General Secretariat of the GCC, with headquarters located in Abu Dhabi. It was established in 2014 at the 35th session of the GCC in Doha, and began its activities in 2016.⁷⁵ Its stated mission is to combat terrorism and organised crime by linking police agencies in the GCC countries and building partnerships with regional and international police organisations to ensure effectiveness in combatting crimes.⁷⁶ The GCCPOL notably signed a Memorandum of Understanding (MoU) with INTERPOL with the aim to facilitate exchange of information between both entities.⁷⁷ The police organisation operates in the six GCC Member States, namely Bahrain, Qatar, Kuwait, Oman, Saudi Arabia and the UAE. In practice, GCCPOL can be used by authorities to locate individuals who are wanted within the Gulf region. State authorities can submit the

⁷³ International Service for Human Rights, *Civil society urges EU to reassess funding for Palestinian and Israeli NGOs*, 28 November 2023, <https://ishr.ch/latest-updates/joint-letter-on-several-european-governments-decisions-to-suspend-or-review-their-funding-to-palestinian-and-israeli-civil-society-organiations/> (accessed 10 January 2024).

⁷⁴ *Ibid.*.

⁷⁵ Website of the Gulf Cooperation Council, <https://www.gcc-sg.org/ar-sa/GeneralSecretariat/SectorsSites/GCCPOL/Pages/Establishment.aspx> (accessed 8 January 2024).

⁷⁶ *Idem.*

⁷⁷ Khaleej Times, *GCC's own Interpol begins operation from Abu Dhabi headquarters*, 28 March 2017, <https://www.khaleejtimes.com/uae/gccs-own-interpol-begins-operation-from-abu-dhabi-headquarters> (accessed 8 January 2024).

names of individuals they deem as criminal offenders to GCCPOL, seeking their extradition.⁷⁸

The Arab Interior Ministers' Council (AIMC) is a specialised Ministerial Council of the League of Arab States tasked with developing and strengthening cooperation and coordinating efforts between Arab countries in the field of internal security and prevention of crime.⁷⁹ AIMC's current Secretary General, Mohammad bin Ali Kuman, has held the post since 2001, with his term of office systematically renewed every three years.⁸⁰

The AIMC's legal framework can notably be found in the Riyadh Arab Agreement for Judicial Cooperation⁸¹ and the Arab Convention for the Suppression of Terrorism,⁸² which has notably been criticised for its broad and vague definition of terrorism allowing for wide interpretation and abuse.⁸³ In particular, while both conventions contain provisions prohibiting extradition for political offences, these provisions also contain an array of exceptions, notably excluding attacks or assaults on heads of states from being deemed as political offences.⁸⁴

In practice, the AIMC can circulate state-requested warrants to all the AIMC Member States, thus facilitating the apprehension and extradition of persons wanted on terrorism charges. As a result, the AIMC has the power to amplify the effectiveness of warrants based on problematic counter-terrorism frameworks and facilitate politically motivated extradition proceedings within the Arab region.⁸⁵ This was the case for Hassan al-Rabea, a Saudi national from the Shi'a minority whose family faced a long

⁷⁸ Middle East Civil and Criminal Justice Specialists, *The Implications of a GCCPOL listing: Living as a wanted person in the gulf*, 9 May 2016, <https://www.detainedindoha.org/single-post/2016/05/09/the-implications-of-a-gccpol-listing-living-as-a-wanted-person-in-the-gulf> (accessed 8 January 2024).

⁷⁹ Ahmed M. Al-Salem, Raymond Edward Kendall, *Memorandum of Understanding between the International Criminal Police Organization – Interpol and the General Secretariat of the Arab Ministers' Council*, 22 September 1999, <https://www.interpol.int/en/Search-Page?&type=all&category=0&year=0&limit=12&search=GA-1998-67-RES-03%20Memorandum%20of%20understanding> (accessed 2 June 2023).

⁸⁰ NAUSS, *His Excellency Dr. Mohammad Bin Ali Kuman*, <https://dailyreports.nauss.edu.sa/en-us/about-nauss/Pages/supreme-council/dr-muhammad-koman.aspx> (accessed 15 January 2024).

⁸¹ League of Arab States, *Riyadh Arab Agreement for Judicial Cooperation*, 6 April 1983, <https://www.refworld.org/docid/3ae6b38d8.html> (accessed 7 December 2023).

⁸² League of Arab States, *Arab Convention for the Suppression of Terrorism*, 22 April 1998, <https://www.refworld.org/docid/3de5e4984.html> (accessed 26 May 2023).

⁸³ Amnesty International, *The Arab Convention for the Suppression of Terrorism: A serious threat to human rights*, 9 January 2002, <https://www.amnesty.org/en/documents/ior51/001/2002/en/> (accessed 26 May 2023).

⁸⁴ See for example: article 41(1) and (3) of the Riyadh Arab Agreement for Judicial Cooperation 1983; article 6(a) and 2(b) of the Arab Convention for the Suppression of Terrorism.

⁸⁵ MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational repression*, 9 March 2023, <https://menarights.org/en/articles/aimc> (accessed 18 May 2023).

history of persecution.⁸⁶ Wanted for a crime contained in the Saudi Counter-Terrorism Law,⁸⁷ the AIMC circulated his warrant upon Saudi Arabia's request, and al-Rabea was extradited from Morocco in February 2023 after the Rabat Court of Cassation ruled in favour of his extradition, citing articles 5 and 23 of the Arab Convention for the Suppression of Terrorism.⁸⁸ It was also reported that Khalaf al-Romaiithi, one of the UAE94 and UAE87, was extradited from Jordan to the UAE on the basis of a warrant circulated by AIMC, where he faced arbitrary detention, enforced disappearance, and torture.⁸⁹

The role played by AIMC was also highlighted in reference to the case of Sherif Osman, a U.S.-Egyptian political commentator who was arrested in Dubai, on 6 November 2022, during a family visit to the United Arab Emirates. He was then at risk of being extradited to Egypt.⁹⁰ During his detention, INTERPOL denied the existence of a red notice against him, and the UAE Prosecutor's Office instead stated that the warrant for his arrest had been issued by AIMC. Following an international campaign, he was finally released and permitted to leave the country. In July 2023, he filed a federal lawsuit in the U.S. alleging he was kidnapped and unlawfully imprisoned for over 40 days in Dubai, against the United Arab Emirates, Egyptian President Abdel Fattah al-Sisi, AIMC, and INTERPOL for their alleged roles in his detention.⁹¹

⁸⁶ MENA Rights Group, *Saudi national Hassan al-Rabea extradited from Morocco to Saudi Arabia*, 19 January 2023, <https://www.menarights.org/en/case/hassan-muhammad-al-rabea> (accessed 26 May 2023).

⁸⁷ He was wanted for "collaboration with terrorists by having them agree and collaborate with him to get him outside of Saudi Arabia in an irregular fashion", which falls under article 38 of the 2017 Law on Combatting Terrorism Crimes and its Financing and carries a prison sentence of between 10 to 20 years.

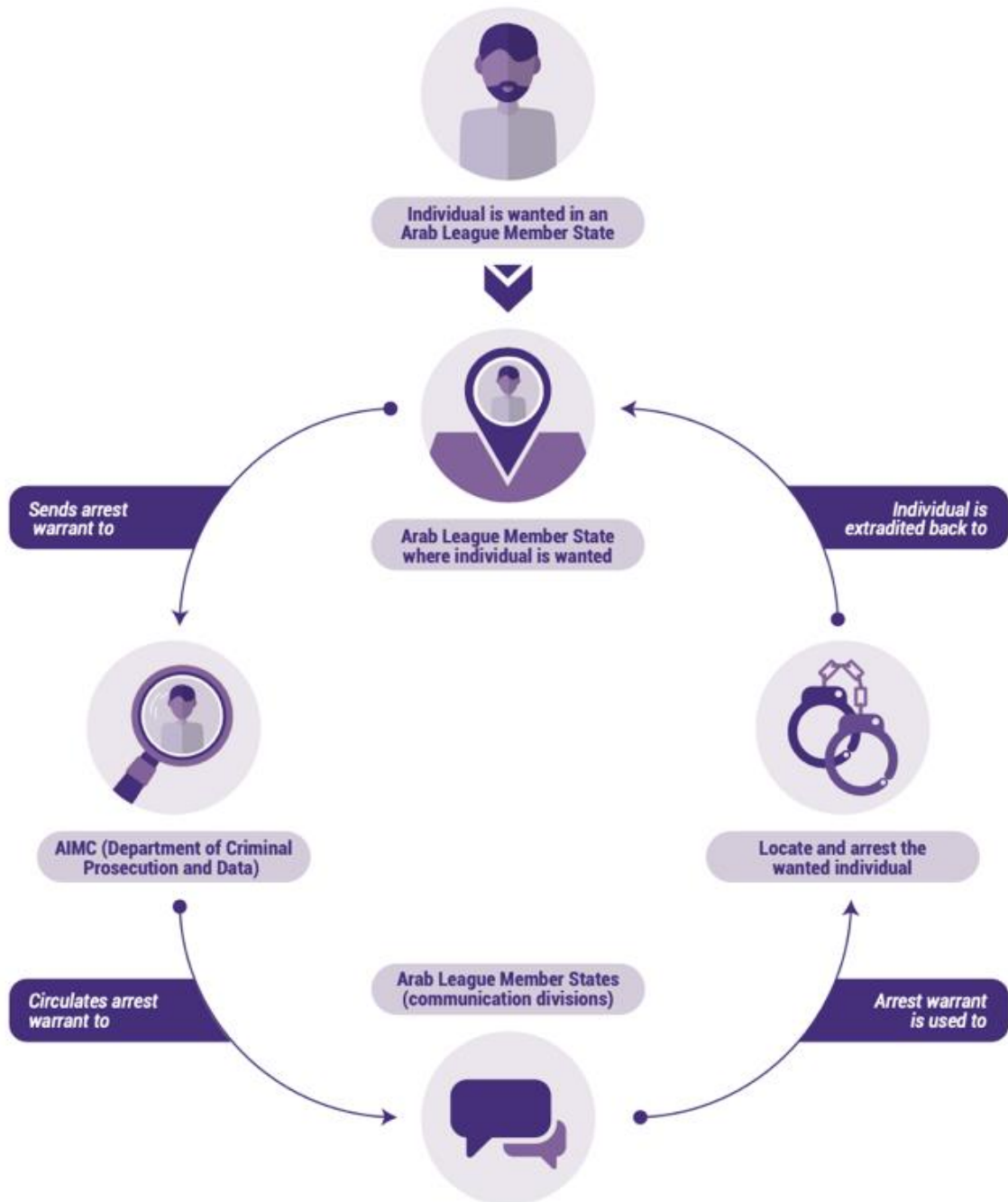
⁸⁸ More specifically, articles 5 and 23 of the Arab Convention for the Suppression of Terrorism.

⁸⁹ MENA Rights Group, *Emirati dissident disappears in Jordan, risking forcible return to the UAE*, 16 May 2023, <https://menarights.org/en/case/khalaf-abdul-rahman-abdulla-humaid-al-romaiithi> (accessed 18 May 2023).

⁹⁰ MENA Rights Group, *Political commentator Sherif Osman facing extradition from UAE to Egypt after calling for protests during COP27*, 22 December 2022, <https://www.menarights.org/en/case/sherif-osman> (accessed 15 January 2024).

⁹¹ Middle East Eye, *Egyptian-American activist sues Interpol, Egypt and UAE after detention in Dubai*, 20 July 2023, <https://www.middleeasteye.net/news/egyptian-american-activist-sues-uae-egypt-interpol-detention-dubai> (accessed 15 January 2024).

HOW THE AIMC CIRCULATES ARREST WARRANTS



2.2 The role of MENA states within the UN counter-terrorism architecture

2.2.1 States

Central actors engaged in the UN's counter-terrorism agenda include the United Nations Office of Counter-Terrorism (UNOCT),⁹² the United Nations Counter-Terrorism Centre (UNCCT) – one of UNOCT's main units,⁹³ the Counter-Terrorism Committee (CTC) and its executive directorate (CTED),⁹⁴ and the United Nations Office on Drugs and Crime (UNODC).⁹⁵

The majority of UNOCT's funding comes from voluntary contributions from Qatar and Saudi Arabia, whose contributions jointly represent almost \$250 million out of a grand total of approximately \$365 million, equating to 72% of the total contributions.⁹⁶ The UNCCT having been established in 2011 following the Kingdom's donation of \$110 million, accounting for 69% of the total contributions for UNCCT,⁹⁷ Saudi Arabia stands as the UNCCT's largest donor.⁹⁸

Saudi Arabia's funding is of key importance to UNOCT's viability. According to an Audit⁹⁹ of the Trust Fund for Counter-Terrorism, which has been transferred to and managed by UNOCT since its creation in 2017,¹⁰⁰ the \$110 million contribution from Saudi Arabia was expected to be depleted by the second quarter of 2023, and UNOCT therefore faced challenges to secure stable funding.¹⁰¹ To address this situation,

⁹² United Nations Website, *UNOCT – About us*, <https://www.un.org/counterterrorism/about> (accessed 21 December 2023).

⁹³ United Nations Website, *UNCCT*, <https://www.un.org/counterterrorism/cct> (accessed 21 December 2023).

⁹⁴ United Nations Website, *Security Council - Counter-Terrorism Committee (CTC) – Counter-Terrorism Committee Executive Directorate (CTED)*, <https://www.un.org/securitycouncil/ctc/content/about-us> (accessed 21 December 2023).

⁹⁵ United Nations Website, *UNODC – Terrorism prevention branch*, <https://www.unodc.org/unodc/en/terrorism/index.html> (accessed 21 December 2023).

⁹⁶ United Nations Website, *UNOCT – Funding*, <https://www.un.org/counterterrorism/funding-and-donors> (accessed 21 December 2023).

⁹⁷ UNCCT, *Annual Report 2021*, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/220825_uncct_ar_2021_web.pdf (accessed 28 May 2023), pp. 8 and 106.

⁹⁸ "UNOCT – Funding", *op. cit.*

⁹⁹ The Audit covers the period from 1 January 2019 to 31 December 2021.

¹⁰⁰ "UNOCT – Funding", *op. cit.*

¹⁰¹ Office of Internal Oversight Services (OIOS), *Report 2023/004: Audit of the Trust Fund for Counter-Terrorism*, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/audit_of_the_trust_fund_for_counter-terrorism.pdf (accessed 21 December 2023), para. 15.

UNOCT senior management notably “held discussions” with Saudi Arabia about “prospects for future funding”.¹⁰²

While UNOCT’s expenditure stood at \$1.52 million in 2022, in 2023, the allocated budget experienced a substantial surge, reaching \$5.416 million.¹⁰³ Further, the projected budget for 2024 was estimated at \$9.462 million, representing a 74.1% rise compared to the 2023 appropriation.¹⁰⁴ In tandem with the budgetary expansion, the workforce within UNOCT experienced a proportional augmentation. The number of posts, which stood at 8 in 2022, surged to 33 in 2023, and a proposal for 57 posts was made for 2024.¹⁰⁵

Since the UNCCT became operational in 2012, Saudi Arabia has served as the Chair to its Advisory Board.¹⁰⁶ Members of the board also include Algeria, Egypt and Morocco.¹⁰⁷ The Global Counter-Terrorism Forum (GCTF), which contributes to the international counter-terrorism architecture, was co-chaired by Morocco before its current co-chairmanship with Egypt, and its founding members include Algeria, Egypt, Jordan, Morocco, Qatar, Saudi Arabia and the UAE.¹⁰⁸ After serving as co-chair to the GCTF for eight years, Morocco formally handed over the Co-Chair to Egypt, whose position is expected to be held from 2023 to 2025.¹⁰⁹ The GCTF’s West Africa Working Group (WAWG), which benefits from the support of UNODC as its implementing partner, is currently co-chaired by Algeria.¹¹⁰ The CTC is currently chaired by Algeria.¹¹¹

¹⁰² *Ibid.*, para. 16.

¹⁰³ UN General Assembly, *Proposed programme budget for 2024*, 29 April 2023, UN Doc. A/78/6 (Sect. 3), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/123/93/PDF/N2312393.pdf?OpenElement> (accessed 15 January 2024), p. 124.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ United Nations Website, *UNCCT – Background*, <https://www.un.org/counterterrorism/cct/background> (accessed 14 December 2023).

¹⁰⁷ United Nations Website, *UNCCT Advisory Board*, <https://www.un.org/counterterrorism/cct/advisory-board> (accessed 25 May 2023).

¹⁰⁸ Cairo Institute for Human Rights Studies, Human Rights Watch, MENA Rights Group, World Organization Against Torture (OMCT), International Federation for Human Rights, Saferworld, CIVICUS, Amnesty International, *EU must take steps to recenter human rights at the Global Counter Terrorism Forum (GCTF)*, 19 April 2023, https://www.amnesty.eu/wp-content/uploads/2023/04/TIGO_IOR_10_2023_3975%C2%AD_Joint-NGO-letter_GCTF-Cairo.pdf (accessed 19 May 2023).

¹⁰⁹ EEAS Press Team, *Counter-terrorism: Joint EU-Egypt press release following the 21st Global Counterterrorism Forum Coordination Committee Meeting*, 4 May 2023, https://www.eeas.europa.eu/eeas/counter-terrorism-joint-eu-egypt-press-release-following-21st-global-counterterrorism-forum_en (accessed 15 January 2024); Press and information team of the Delegation to EGYPT, *Global Counterterrorism Forum (GCTF) Co-Chairs’ Statement*, 5 May 2023, https://www.eeas.europa.eu/delegations/egypt/global-counterterrorism-forum-gctf-co-chairs%E2%80%99-statement_en?s=95 (accessed 15 January 2024).

¹¹⁰ @UNODC_WCAfrica X (Twitter) account, 18 December 2023, https://twitter.com/UNODC_WCAfrica/status/1736702909369512213, (accessed 20 December 2023).

¹¹¹ United Nations Website, *Chair of the Counter-Terrorism Committee*, <https://www.un.org/securitycouncil/ctc/content/chair-counter-terrorism-committee> (accessed 9 January 2024).

This position was most recently held by the UAE in 2023,¹¹² and also previously held by Egypt.

The UN counter-terrorism bodies' ties to MENA States also transpire through joint events, consultations and workshops, which include but are not limited to the following events. In January 2023, Qatar, Saudi Arabia and the UAE sponsored a regional expert consultation as a part of UNOCT's Autonomous and Remotely Operated Systems (AROS) Programme.¹¹³ In November 2023, UNOCT and CTED co-hosted a workshop on the misuse of new technologies in financing terrorism,¹¹⁴ in partnership with an Emirati governmental body.¹¹⁵ In May 2022, UNOCT and CTED, in collaboration with Egypt's Ministry of Interior, organised a three-day workshop in Cairo, bringing together representatives from 27 countries from Africa and the Middle East to share intelligence information for counter-terrorism purposes.¹¹⁶ UNOCT has also strengthened its relationship with the Egyptian Institute for Diplomatic Studies (IDS), a branch of Egypt's Ministry of Foreign Affairs.¹¹⁷

¹¹² *Ibid.*

¹¹³ @UN_OCT X (Twitter) account, 28 January 2023, https://twitter.com/UN_OCT/status/1619143514104946688, (accessed on 20 December 2023).

¹¹⁴ Executive Office for Control & Non-Proliferation, *EOCN holds a workshop on "Combating the Financing of Terrorism – investigations and modern technologies"*, 18 November 2023, <https://www.uaeiec.gov.ae/en-us/news/eocn-holds-a-workshop-on-combating-the-financing-of-terrorism-investigations-and-modern-technologies->, (accessed 20 December 2023).

¹¹⁵ The Executive Office for Control and Non-Proliferation (EOCN), website accessible here: <https://www.uaeiec.gov.ae/en-us/about-us>, (accessed on 20 December 2023).

¹¹⁶ @Counsellor_KL X (Twitter) account, 26 May 2022, https://twitter.com/Counsellor_KL/status/1529634021411520514, (accessed on 20 December 2023), and @INTERPOL_HQ X (Twitter) account, 24 May 2022, https://twitter.com/INTERPOL_HQ/status/1529138158763401224, (accessed on 20 December 2023).

¹¹⁷ @UN_OCT X (Twitter) account, 5 October 2022, https://twitter.com/UN_OCT/status/1577441296976781313, (accessed on 20 December 2023), and @UNOCT X (Twitter) account, 12 October 2023, https://twitter.com/UN_OCT/status/1712226893464777186, (accessed on 20 December 2023).



2.2.2 Regional bodies

UN counter-terrorism entities actively collaborate with the Arab Interior Ministers' Council. In 2018, UNCCT and AIMC signed an MoU.¹¹⁸ The two signatories were Mr Vladimir Voronkov, Under-Secretary-General of the UNOCT and Executive Director of the UNCCT, and Mr Adel al-Jubeir, Minister of Foreign Affairs of Saudi Arabia.¹¹⁹ In 2019, during the AIMC's 36th annual session in their headquarters in Tunis, UNCCT launched the project "Supporting the Development and Implementation of a Regional

¹¹⁸ @KSAMOFA X (Twitter) account, 17 April 2018, <https://twitter.com/KSAMOFA/status/986171721874051072> (accessed 21 December 2023).

¹¹⁹ *Ibid.*

Counter-Terrorism Strategy for the Arab World”, jointly with the AIMC.¹²⁰ In the context of this project, UNCCT aimed to deliver technical assistance to support the AIMC in developing a Counter-Terrorism Strategy which would be in line with the United Nations Global Counter-Terrorism Strategy (GCTS).¹²¹

The launch of the AIMC and UNOCT/UNCCT joint project notably called for the financing of the activities of this project by all Arab States.¹²² The budget for the UNCCT’s technical assistance to AIMC in the development and implementation of the Arab Strategy reportedly amounted to \$921,023 for the period from 1 January 2019 to 31 March 2022 (ongoing at the time of publication of the 2021 annual report).¹²³ UNCCT notably received financial support from Saudi Arabia¹²⁴ and Qatar.¹²⁵ After three years of development, the Strategy was adopted in March 2022, during AIMC’s 39th annual session in Tunis.¹²⁶ UNCCT’s Director Jehangir Khan attended this annual event and notably met with Saudi Arabia’s Minister of Interior to thank Saudi Arabia for its support to UNCCT.¹²⁷ In January 2023, Jehangir Khan participated in the annual meeting of the Heads of Security of the AIMC in Abu Dhabi and highlighted the role of UNCCT in supporting the implementation of the Strategy.¹²⁸

UNCCT’s partnership with AIMC has also transpired through its close ties with AIMC’s academic branch, the Naif Arab University for Security Sciences (NAUSS). The current Chairperson of the Supreme Council is Mr Saud bin Naif bin Abdulaziz, Saudi Arabia’s Minister of Interior. The Supreme Council also include Mr Mohammad Bin Ali Kuman, the Secretary General of the AIMC as well as Abdellatif Hammouchi, the head of the Moroccan National Police Directorate, the General Directorate for National Security (DGSN) as well as head of secret services, the General Directorate for Territorial Surveillance (DGST).

¹²⁰ UNCCT, *Progress Report, 1 January – 31 March 2019, Year IV of the 5-Year Programme*, p. 12, <https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/uncct-qphr-q1-jan-mar-2019.pdf> (accessed 20 December 2023).

¹²¹ “Annual Report 2021”, *op. cit.*, p. 35.

¹²² “Progress Report, 1 January – 31 March 2019, Year IV of the 5-Year Programme”, *op. cit.*

¹²³ “Annual Report 2021”, *op. cit.*, p. 121.

¹²⁴ @UN_OCT X (Twitter) account, 16 January 2023, https://twitter.com/UN_OCT/status/1615129447979524102, (accessed 20 December 2023).

¹²⁵ @UN_OCT X (Twitter) account, 3 March 2022, https://twitter.com/UN_OCT/status/1499223198105280520 (accessed 21 December 2023).

¹²⁶ UNOCT, *The United Nations Office of Counter-Terrorism welcomes the adoption of the new Arab regional counter-terrorism strategy by the Arab Interior Ministers Council*, 2 March 2022, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/20220302_press_release_arab_regional_strategy_eng.pdf (accessed 14 December 2023).

¹²⁷ @UN_OCT X (Twitter) account, 2 March 2022, https://twitter.com/UN_OCT/status/1499217634814054400

¹²⁸ @UN_OCT X (Twitter) account, 10 January 2023, https://twitter.com/UN_OCT/status/1612815578753892352 (accessed 21 December 2023).

In October 2021, UNCCT signed an MoU with NAUSS to enhance cooperation in areas of common interest to combat terrorism and prevent extremism.¹²⁹ In November 2021, UNCCT conducted a training course on countering the financing of terrorism in conjunction with NAUSS, notably involving over 20 Saudi representatives from law enforcement and regulatory authorities.¹³⁰ In September 2022, UNOCT participated in a regional forum on combatting money laundering and terrorist financing, co-organised by NAUSS and held in Sharm El Sheikh, Egypt.¹³¹ In February 2023, UNCCT's Director Jehangir Khan made an official visit at NAUSS' campus during which he held discussions on the collaboration with the university and avenues to further develop their partnership.¹³²

The UNCCT is not the only UN counter-terrorism body actively engaging with the AIMC and its academic body. The CTED is invited to and regularly attends the AIMC's annual sessions.¹³³ In 2022, the CTED held a high-level seminar on "Cross-Regional Trends on the Nexus between Organized Crime and Terrorism" in collaboration with NAUSS.¹³⁴ David Scharia, the Chief of the CTED's Technical Expertise and Research Branch, highlighted CTED's commitment to further enhance its partnership with academia and other entities, including NAUSS.¹³⁵ NAUSS is a member of the CTED's Global Research Network (GRN), a "network of think tanks and research institutions aiming to strengthen CTED's research and analysis capabilities" and help CTED "keep abreast of emerging terrorism trends and challenges".¹³⁶

UNODC also holds a partnership with the AIMC since both entities signed an MoU in April 2000.¹³⁷ Their long-standing partnership notably aims to cooperate in preventing

¹²⁹ UNCCT and NAUSS, *United Nations Counter-Terrorism Centre and NAUSS to increase collaboration on Counter-Terrorism Capacity-Building*, 1 October 2021, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/20211001_uncct_nau_ss_mou_press_release_.pdf (accessed 26 May 2023).

¹³⁰ @UN_OCT X (Twitter) account, 4 November 2021, https://twitter.com/UN_OCT/status/1456093617551036420, (accessed 20 December 2023); "Annual Report 2021", pp.44 and 45.

¹³¹ UN_OCT X (Twitter) account, 3 September 2022, https://twitter.com/UN_OCT/status/1566126080662052864, (accessed 20 December 2023).

¹³² @kALHarfash X (Twitter) account, 22 February, <https://twitter.com/kALHarfash/status/1628409342872494084>, (accessed 20 December 2023).

¹³³ Information provided by CTED Staff.

¹³⁴ United Nations Website, *CTED and Naif Arab University for Security Sciences (NAUSS) held high-level seminar on cross-regional trends on nexus between organized crime and terrorism*, <https://www.un.org/securitycouncil/ctc/news/cted-and-naif-arab-university-security-sciences-nauss-held-high-level-seminar-cross-regional> (accessed 21 December 2023).

¹³⁵ *Ibid.*

¹³⁶ United Nations Website, *Security Council - Counter-Terrorism Committee (CTC) – Counter-Terrorism Committee Executive Directorate (CTED) – Research & Analysis*, <https://www.un.org/securitycouncil/ctc/content/research-analysis> (accessed 21 December 2023).

¹³⁷ UNODC, *Regional Framework for the Arab States 2023-2028*, p.10, https://www.unodc.org/romena/uploads/documents/2023/RF/Framework_ENG_ONLINE.pdf, (accessed 19 December 2023).

and addressing terrorism, particularly through strengthened criminal justice responses.¹³⁸ UNODC holds observer status at the opening of AIMC’s annual sessions and delivers technical expertise in areas such as prison reform or management of violent extremist prisoners.¹³⁹ Within its Regional Framework for the Arab States 2023-2028, UNODC expressed its readiness to enhance cooperation and expand collaboration with AIMC and support a reinvigorated MoU.¹⁴⁰ UNODC also expressed its willingness to explore opportunities for joint technical assistance across the MENA region with AIMC, citing NAUSS as a prime partner in the various areas of UNODC’s mandate.¹⁴¹ Furthermore, UNODC notably joined the AIMC’s 26th Arab Conference on Combatting Terrorism, on 8 November 2023, engaging in discussions about “pertinent strategies, emerging threats, and priorities for technical assistance” in the MENA region.¹⁴² In October 2023, a training held in Vienna focusing on open-source intelligence in the investigation of terrorism-related cases while ensuring the protection of human rights was conducted in collaboration with NAUSS and was designed for law enforcement officers from Saudi Arabia.¹⁴³ It is noteworthy that these activities serve as examples and that this list is non-exhaustive.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

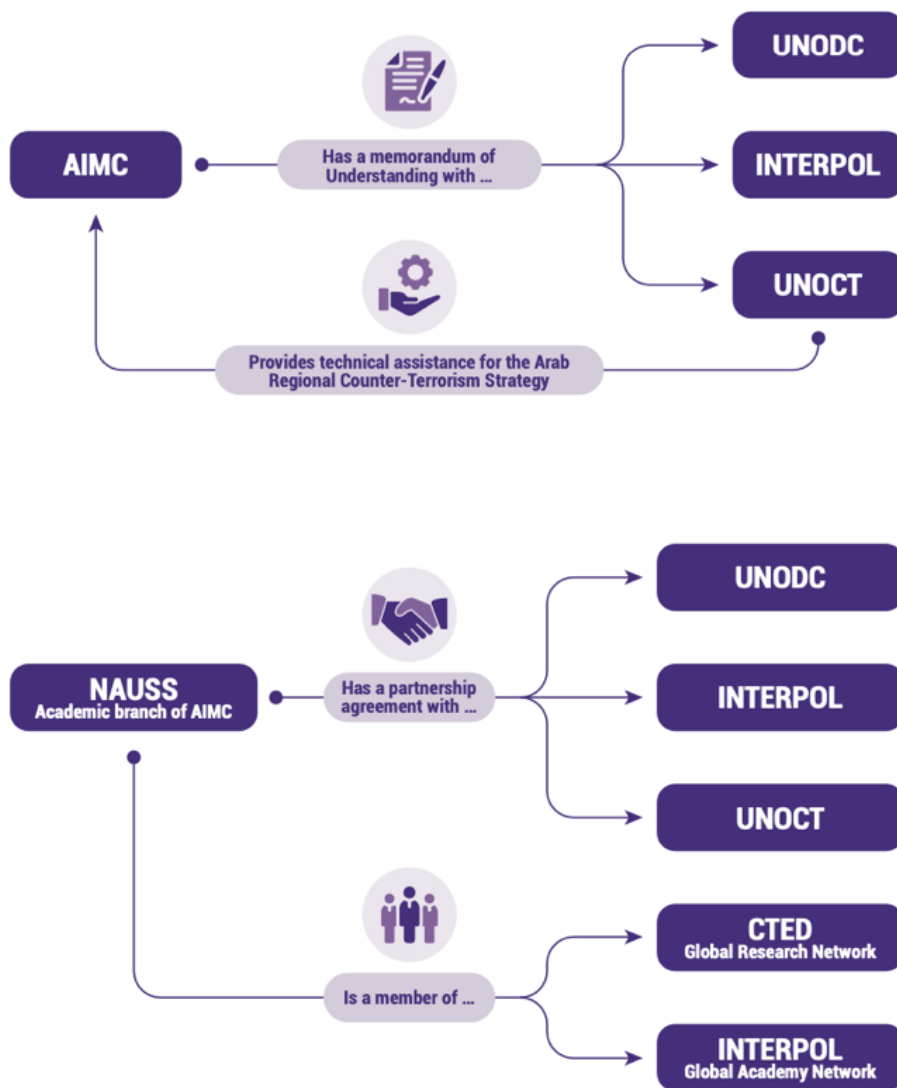
¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² @UNODC_ROMENA X (Twitter) account, 8 November 2023, https://twitter.com/UNODC_ROMENA/status/1722265863133499766, (accessed 19 December 2023).

¹⁴³ @UNODC_TPB X (Twitter) account, 30 October 2023, https://twitter.com/UNODC_TPB/status/1718930136995627438, (accessed 19 December 2023).

THE AIMC'S PARTNERSHIPS



2.2.3 Other organisations and civil society

The UN counter-terrorism agenda has consistently affirmed the importance of civil society participation.¹⁴⁴ In 2020, UNOCT launched a Civil Society Engagement Strategy aiming to systematically and meaningfully engage with a wide variety of CSOs at the global, regional and national levels on all four pillars of the GCTS.¹⁴⁵ In the document, UNOCT also states that it will draw a particular focus on civil society expertise in the three key areas of gender, youth and human rights.¹⁴⁶ In order to reach these goals, UNOCT is notably supposed to create opportunities for civil society to provide feedback on UNOCT's policies and programmatic activities in a structured, meaningful way.¹⁴⁷ The strategy's guiding principles include the principles of "inclusivity",¹⁴⁸ "legitimacy",¹⁴⁹ and "transparency".¹⁵⁰

In 2021, UNCCT completed the "Handbook of CT/PVE initiatives from the Global South" that aims to showcase the wealth and diversity of CT/PVE expertise available across regions, including Africa and the Middle East, and present UNCCT's strategic thinking on South-South Cooperation (SSC) in CT/PVE, providing regional frameworks and solutions that can be replicated.¹⁵¹ The UNCCT's Handbook puts forward UNCCT's collaborations with organisations such as Etidal, NAUSS and Hedayah, which is described as neutral, apolitical, and non-ideological.¹⁵²

¹⁴⁴ General Assembly 60th Session, *The United Nations Global Counter-Terrorism Strategy*, 20 September 2006, UN Doc. A/RES/60/288, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>, (accessed 20 December 2023), para. 3(e); UN Security Council Resolution 2178, 24 September 2014, UN Doc. S/RES/2178, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/547/98/PDF/N1454798.pdf?OpenElement>, (accessed 20 December 2023), para. 16; Report of the Secretary-General, *Plan of Action to Prevent Violent Extremism*, 24 December 2015, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/456/22/PDF/N1545622.pdf?OpenElement> (accessed 20 December 2023), para. 51(f).

¹⁴⁵ UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, p.3, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/civil_society_engagement_strategy_website_mai_2020.pdf, (accessed on 20 December 2023).

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*, p.4.

¹⁴⁸ The principle of "inclusivity" is defined as the commitment of UNOCT to refrain from arbitrarily excluding civil society organisations from involvement in its activities, and establishing clear and transparent criteria for engagement; See: UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, p.6.

¹⁴⁹ The principle of "legitimacy" affirms that UNOCT's interaction with civil society must be meaningful, which involves ensuring that civil society's views are adequately considered in P/CVE and counter-terrorism policies, and that the manner in which this involvement occurs should be clearly communicated to civil society stakeholders. See: UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, p.6.

¹⁵⁰ The principle of "transparency" underscores that decisions pertaining to civil society engagement and the criteria for such engagement should be transparent and readily available, and that there should be a mechanism in place to contest decisions perceived as arbitrary and unfair. See: UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, p.6.

¹⁵¹ "UNCCT, Annual Report 2021", *op. cit.*, p. 70.

¹⁵² UNCCT, *Global South Initiatives to Counter Terrorism and Prevent Violent Extremism Handbook*, p. 29.

UNCCT has partnered with the **Global Centre for Combatting Extremist Ideology (Etidal)** to “conduct research on extremist activity on gaming-adjacent social media platforms to inform overall findings and development of recommendations for the video games project”.¹⁵³ In 2021, Etidal signed an MoU with the UNOCT to strengthen cooperation in countering terrorism and P/CVE.¹⁵⁴ Established further to an agreement between the Kingdom of Saudi Arabia and the United States of America, Etidal “relies on a team of multidisciplinary researchers to provide analyses and insights on different extremist groups, with the aim to counter extremist ideology and prevent affiliation with, sympathy for, or contribution to its activities in any way, shape, or form”.¹⁵⁵ The centre was inaugurated in the presence of former U.S President Donald Trump and King Salman of Saudi Arabia.¹⁵⁶

According to the Arab News, a newspaper owned by the brother of Crown Prince Mohammad bin Salman (MBS) and that promotes the government of Saudi Arabia, “the selection of the board of directors, consisting of 12 members from different countries and organizations, is intended to reflect its independence.”¹⁵⁷ However, the centre directly reports to the King. Indeed, according to the French Senate’s interparliamentary friendship group France - Gulf countries, the centre is composed of “twelve countries and reporting directly to the Crown Prince, it collects data online from all over the world, analyses the driving forces behind extremism and disseminates counter-narratives.”¹⁵⁸

UNCCT has exchanged knowledge and best practices in P/CVE Strategic Communication with **King Faisal Centre for Research and Islamic Studies (KFCRIS)**, and an MoU for further cooperation between the two entities is in discussions.¹⁵⁹ In the field of counter-terrorism and P/CVE, KFCRIS notably hosted the Riyadh Forum on

¹⁵³ “Annual Report 2021”, *op. cit.*, p. 36.

¹⁵⁴ UNOCT, Etidal, *The United Nations Counter-Terrorism Centre and Etidal to increase collaboration*, 2 April 2021, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/20210401_uncct_etidal_press_release_final_2april.pdf (accessed 2 June 2023).

¹⁵⁵ Etidal Website, *About Etidal*, <https://etidal.org/en/about-etidal/> (accessed 2 June 2023).

¹⁵⁶ Arab News, *Global center to combat extremism launched in Riyadh*, 22 May 2017, <https://www.arabnews.com/node/1103136/saudi-arabia> (accessed 11 January 2024).

¹⁵⁷ “Global center to combat extremism launched in Riyadh”, *op. cit.*

¹⁵⁸ Compte rendu du déplacement du groupe interparlementaire d’amitié France – Pays du Golfe en Arabie saoudite et aux Émirats arabes unis, 25 February 2022 to 6 March 2022, https://www.senat.fr/fileadmin/Fichiers/Images/reactions_internationales/Groupe_d_amitie/2022/4_pages_Arabie_saoudite_deplacement_AS-EAU.pdf (accessed 11 January 2024).

¹⁵⁹ “Annual Report 2021”, *op. cit.*, p. 33.

Countering Extremism and Fighting Terrorism,¹⁶⁰ and has signed a MoU on joint cooperation with the Islamic Military Counter Terrorism Coalition (IMCTC).¹⁶¹

The KFCRIS is described as a Saudi “non-governmental institution and platform for researchers and institutions to sustain, produce and disseminate academic work to enrich cultural and intellectual life in the Kingdom and serve as a bridge to maintain contact and establish communication with the rest of the world”.¹⁶² However, KFCRIS’s Chairman of the Board of Directors is Prince Turki al-Faisal bin Abdulaziz al-Saud. He previously held the position of Director-General of the General Intelligence Directorate (GID), Saudi Arabia’s main foreign intelligence service also known as “*Mabahith*”, with the rank of Minister, until 2001.¹⁶³

UNOCT has also partnered with **Hedayah**, an Emirati centre headquartered in Abu Dhabi stated to be the “first-ever International Centre of Excellence for Countering Violent Extremism (CVE).¹⁶⁴ Hedayah, stated to be an “independent, multilateral centre devoted to capacity building programs, dialogue and communications, in addition to research and analysis to counter violent extremism in all of its forms and manifestations”¹⁶⁵, signed an MoU with UNOCT on the margins of a Civil Society Workshop.¹⁶⁶ Hedayah’s Chairman, Mr Ali Al Nuaimi, and UNOCT’s Under-Secretary-General for Counter-Terrorism, Mr Vladimir Voronkov, signed the memorandum with the attendance of Hedayah Executive Director Ahmed AlQasimi and the UN Special Envoy for the Prevention of Genocide Adama Dieng. According to a statement released by the centre, the MoU aims to “expand the reach of programs to prevent radicalization

¹⁶⁰ KFCRIS Website, *The Riyadh Forum on Countering Extremism and Fighting Terrorism*, <https://kfcris.com/en/view/8> (accessed 2 June 2023).

¹⁶¹ IMCTC Website, *A memorandum of understanding on joint cooperation signed between Islamic Military Counter Terrorism Coalition (IMCTC) and King Faisal Center for Research and Islamic Studies (KFCRIS)*, 2 June 2021, <https://www.imctc.org/en/MediaCenter/News/Documents/A%20MEMORANDUM%20OF%20UNDERTANDING%20ON%20JOINT%20COOPERATION.PDF> (accessed 2 June 2023).

¹⁶² Mohammad El Araby, *Terror Propaganda: Da’ish’s Media and Operating Strategies*, 1 February 2016, [https://books.google.ch/books?id=anKFDwAAQBAJ&pg=PA50&lpg=PA50&dq=terrorism+King+Faisal+Center+for+Research+and+Islamic+Studies+\(KFCRIS\)&source=bl&ots=Ygzl4OaOY0&sig=ACfU3U0AKnnu2U3gZUaY4-0hAk5DwAM7TA&hl=fr&sa=X&ved=2ahUKEwjOwc3QoaT_AhWp7rsIHbSmCmo4ChDoAXoECAIQAw#v=onepage&q=terrorism%20King%20Faisal%20Center%20for%20Research%20and%20Islamic%20Studies%20\(KFCRIS\)&f=false](https://books.google.ch/books?id=anKFDwAAQBAJ&pg=PA50&lpg=PA50&dq=terrorism+King+Faisal+Center+for+Research+and+Islamic+Studies+(KFCRIS)&source=bl&ots=Ygzl4OaOY0&sig=ACfU3U0AKnnu2U3gZUaY4-0hAk5DwAM7TA&hl=fr&sa=X&ved=2ahUKEwjOwc3QoaT_AhWp7rsIHbSmCmo4ChDoAXoECAIQAw#v=onepage&q=terrorism%20King%20Faisal%20Center%20for%20Research%20and%20Islamic%20Studies%20(KFCRIS)&f=false) (accessed 2 June 2023).

¹⁶³ King Faisal Center for Research and Islamic Studies, *Chairman of Board of Directors*, <https://www.kfcris.com/en/chairman> (accessed 11 January 2024).

¹⁶⁴ European Union Website, *New calls for proposals open to organisations from Western Balkans to counter violent extremism*, 21 April 2017, https://www.eeas.europa.eu/node/24873_en (accessed 1 June 2023).

¹⁶⁵ European Union Website, *New calls for proposals open to organisations from Western Balkans to counter violent extremism*, 21 April 2017, https://www.eeas.europa.eu/node/24873_en (accessed 1 June 2023).

¹⁶⁶ Hedayah Website, *Hedayah, UNOCT to expand cooperation*, <https://hedayah.com/news/hedayah-unoct-to-expand-cooperation/> (accessed 8 January 2023).

leading to violent extremism globally and elevate the level of exchange in expertise as both entities work with complementary frameworks”.¹⁶⁷ It also aims to “deepen Hedayah’s cooperation and coordination with UNOCT to enhance the effectiveness of CVE programs”.¹⁶⁸ The Civil Society Workshop took place in advance of the joint High-Level Regional Conference for Arab League Countries on “Empowering Youth and Promoting Tolerance: Practical Approaches to Preventing and Countering Violent Extremism Conducive to Terrorism” co-organised by the UAE Ministry of Foreign Affairs and International Cooperation, the United Nations Office of Counter-Terrorism, UNOCT, Hedayah and the Global Centre on Cooperative Security.¹⁶⁹

UNCCT has also collaborated **SawabCenter**, notably by providing the centre with “strategic campaign development support” in 2021.¹⁷⁰ SawabCenter, co-founded by the UAE and the United States, is an online engagement initiative that works with religious leaders, organisations, businesses and youth with the aim of amplifying their voices and challenging extremism doctrines of hate and intolerance.¹⁷¹ The International Institute for Tolerance was launched by the government of Dubai with the aim to “provide solutions to the challenges of extremism and promote the UAE as a role model for tolerance, notably by proposing policies, legislations and initiatives to entrench the values of tolerance and co-existence and create an environment that is conducive to social and cultural harmony”.¹⁷²

UN counter-terrorism bodies also have close ties with the **International Institute for Counter-Terrorism (ICT)**, an Israeli think tank aiming to provide global expertise in terrorism and counter-terrorism.¹⁷³ Mr Shabtai Shavit, former the Director of the Mossad, Israel’s Intelligence Services, serves as the Chairman of the Advisory Board of the ICT.¹⁷⁴ The ICT’s Advisory Board members also include David Scharia, Director and Chief of Branch at CTED,¹⁷⁵ and Ambassador Jean Paul Laborde, who served as the CTED Executive Director from 2013 to 2017.¹⁷⁶ In 2018, then Executive Director of

¹⁶⁷ Hedayah Website, *Hedayah, UNOCT to expand cooperation*, <https://hedayah.com/news/hedayah-unoct-to-expand-cooperation/> (accessed 8 January 2023).

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ “Annual Report 2021”, *op. cit.*, p. 33.

¹⁷¹ The UAE’s Government portal, *Centres for countering extremism*, 15 April 2022, <https://u.ae/en/about-the-uae/culture/tolerance/centers-for-countering-extremism> (accessed 1 June 2023).

¹⁷² *Ibid.*

¹⁷³ ICT Website, *About Us*, <https://ict.org.il/about-us/> (accessed 8 January 2024).

¹⁷⁴ ICT Website, *Shabtai Shavit Z”L*, <https://ict.org.il/ourteam/shavit-shabtai/> (accessed 11 January 2024).

¹⁷⁵ ICT Website, *About Us*, <https://ict.org.il/about-us/> (accessed 8 January 2024).

¹⁷⁶ United Nations Website, *CTC 20th Anniversary | An Interview with Ambassador Jean-Paul Laborde, Former Assistant Secretary-General and Executive Director of CTED*, 25 January 2022, <https://www.un.org/securitycouncil/ctc/content/ctc-20th-anniversary-interview-ambassador-jean-paul-laborde-former-assistant-secretary> (accessed 20 December 2024).

CTED, Michèle Coninsx, attended and delivered a keynote speech at ICT's 18th World Summit on Counter-Terrorism held in Herzliya, Israel.¹⁷⁷ CTED reaffirmed its strong partnership with the ICT at the Institute's 25th anniversary in 2021.¹⁷⁸ In September 2023, CTED's current Executive Director, Ms Natalia Gherman, served as keynote speaker at ICT's 22nd World Summit.¹⁷⁹

In light of these considerations, it appears that a number of the MENA organisations with which the UN's counter-terrorism bodies have established partnerships lack independence from the states in which they are based, or lack a rights-based approach.

2.3 Civil society engagement with the UN counter-terrorism architecture

2.3.1 Impact of the prominence of MENA states in the UN counter-terrorism architecture on civil society participation

From the perspective of civil society documenting human rights violations resulting from the misuse of counter-terrorism measures in the MENA region, the current role of the MENA states, regional bodies and other organisations engaging in the UN counter-terrorism architecture raises a number of issues.

The significant influence of states with problematic counter-terrorism related human rights records within the UN counter-terrorism architecture detailed *supra* makes it difficult for CSOs to foresee meaningful engagement. Regarding the MENA region, the prominence within the UN counter-terrorism system of states like Saudi Arabia,¹⁸⁰ inter-governmental agencies like the AIMC¹⁸¹ and organisations with government-aligned agendas¹⁸² raises scepticism. For instance, it is concerning that states with particularly problematic records in terms of counter-terrorism and human rights such as Egypt, the UAE and Algeria would chair the CTC, a body aiming to monitor Member States' implementation of Security Council resolutions notably stressing the

¹⁷⁷ UNCTED, *CTED Participates in World Summit on Counter-Terrorism*, <https://www.un.org/securitycouncil/ctc/news/cted-participates-world-summit-counter-terrorism> (accessed on 20 December 2023).

¹⁷⁸ UNCTED, *CTED reaffirms strong partnership with International Institute for Counter-Terrorism*, <https://www.un.org/securitycouncil/ctc/news/cted-reaffirms-strong-partnership-international-institute-counter-terrorism>, (accessed on 20 December 2023).

¹⁷⁹ @ICT_org X (Twitter) account, 28 July 2023, https://twitter.com/ICT_org/status/1684894835507945472, (accessed 20 December 2023).

¹⁸⁰ See subsections 2.1.1 and 2.2.1.

¹⁸¹ See subsections 2.1.2 and 2.2.2.

¹⁸² See subsection 2.2.3.

importance of compliance with international human rights standards.¹⁸³ From the perspective of CSOs closely documenting the grave impact of these states' counter-terrorism frameworks and practices on human rights, their legitimacy and ability to effectively ensure the respect of human rights while countering terrorism appear questionable.

Similarly, Saudi Arabia's continued chairmanship of the UNCCT and its position as its main funder raises serious scepticism as to the UN body's ability to effectively safeguard the human rights pillar of the GCTS, stated to be one of the Strategy's four core components.¹⁸⁴ As a result, CSOs documenting human rights violations resulting from the misuse of counter-terrorism measures will be sceptical as to raise their findings and human rights concerns to an architecture in which those responsible for these violations have significant positions of power. From a civil society standpoint, these states' prominence in the UN's various counter-terrorism bodies affects their perceived legitimacy and credibility in protecting human rights, which consequently impedes on CSOs' trust in the effectiveness of the UN counter-terrorism system, therefore deterring them from engaging with it.

2.3.2 The UN counter-terrorism architecture's lack of engagement with independent, human rights-focused MENA civil society

When engaging with civil society, the approach adopted by UN counter-terrorism bodies presents multiple gaps that must be addressed in order to foster a meaningful and effective partnership.

In order to ensure that engagement with civil society is meaningful, it is important that an accurate, context-specific picture of the reality on the ground is grasped by UN counter-terrorism bodies. To this end, a comprehensive and independent assessment of the status of civic space in the country in question is a key pre-requisite to civil society engagement. For instance, in Saudi Arabia, CSOs in the country are overtly designated as "essential partners of government agencies",¹⁸⁵ and civic space is

¹⁸³ For instance, Security Council resolution 1624 (2005), which addresses incitement to commit terrorist acts, stresses that countries must ensure that any measures they take to carry out the resolution comply with all their obligations under international law, in particular international human rights law.

¹⁸⁴ The fourth pillar of the GCTS is stated as: "Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism". See: UN General Assembly, *The United Nations Global Counter-Terrorism Strategy*, 20 September 2006, UN Doc. A/RES/60/288, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement> (accessed 9 January 2024).

¹⁸⁵ Committee on the Elimination of Racial Discrimination, *Combined tenth and eleventh periodic reports submitted by Saudi Arabia under article 9 of the Convention, due in 2020*, 27 February 2023, UN Doc. CERD/C/SAU/10-11, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsgjzJy>

tightly constrained.¹⁸⁶ As a consequence, the existing organisations on the ground are governmental entities, or entities either directly supervised by the government, or sharing governmental views. This heavily constricted space for non-governmental organisations should be a crucial factor to take into account when engaging with civil society in Saudi Arabia. Indeed, it amplifies the risk for UN counter-terrorism bodies to engage with government-organised non-governmental organisation (GONGOs) instead of independent, people-led civil society groups. Furthermore, this indicates that independent CSOs are most likely formed by the diaspora or based in other countries.¹⁸⁷

In order to conduct such an assessment effectively and to engage with civil society accordingly, UN counter-terrorism bodies should notably consult independent, human-rights organisations with first-hand knowledge of the context of civic space on the ground. Upon examination of the MENA organisations the UN counter-terrorism architecture cooperates with, there is an apparent absence of human rights among their mandates. Indeed, organisations such as Etidal, Hedayah or the KFCRIS, solely focus on matters relating to countering terrorism or violent extremism. Meanwhile, there appears to be a lack of similar close partnerships with organisations focused on the human rights aspect of counter-terrorism. Consequently, the UN counter-terrorism architecture's joint activities with these organisations fails to take into account the crucial aspect of the impact of counter-terrorism on human rights.

Moreover, the entities the UN counter-terrorism architecture collaborates with, including Etidal, Hedayah, NAUSS or the KFCRIS, are governmental, were established by states or governmental bodies, or receive state support and backing.¹⁸⁸ As such, collaborating with these organisations only seems to serve as an extension of UN counter-terrorism bodies' existing collaboration with states or governmental bodies.¹⁸⁹ In addition to the concerns raised by the inherent lack of independence of these organisations, the object of their collaboration with UN counter-terrorism bodies also

[W70eNzc6qHt5C2quUFN1W%2BxkGDHeFKyBxFc9971tdqoC%2FCbTVg%2FL%2FvYzeFIRuS04KFviwGM04hJDQtTKrr0JzeUGG6lFOPIYRNcRC](https://www.mena-rights.org/en/our-work/counter-terrorism/counter-terrorism-architecture) (accessed 6 November 2023), para. 99.

¹⁸⁶ For instance, the Law of Civil Society Associations and Organisations grants the Ministry of Social Affairs the discretionary right to deny licences to new organisations if they are deemed to be “harming national unity”, or to suspend the activities of an existing organisation on the same grounds. However, the broad and vague notion of “harming national unity” has since been used to prosecute human rights activism. For example, the Saudi Association for Civil and Political Rights was officially banned in 2013, and as of May 2016, all of its members had been prosecuted and subjected to severe treatment by Saudi authorities for their human rights activism and cooperation with the United Nations human rights mechanisms. Almost all their members were convicted and sentenced, fled the country, or were brought to trial before the SCC.

¹⁸⁷ Independent human rights organisations working on defending human rights in Saudi Arabia include MENA Rights Group, ALQST for Human Rights, Reprieve, ESOHR, Human Rights Watch, Amnesty International, among others.

¹⁸⁸ See subsection 2.2.3.

¹⁸⁹ *Ibid.*

raises concerns. For example, the fact that the UNCCT has partnered with Etidal, a Saudi-established centre, in an effort to counter terrorism in the context of social media, is particularly concerning from a rights-based civil society standpoint considering Saudi Arabia's pattern of using its counter-terrorism laws and systems to crackdown on freedom of expression on social media. Therefore, the lack of independence of these organisations and the concerns posed by the nature of their collaboration with the UN counter-terrorism architecture present a significant gap in the UN counter-terrorism system's current engagement with MENA civil society.

2.3.3 The UN counter-terrorism architecture's lack of transparency, inaccessibility and exclusion of civil society

While the importance of civil society participation is continuously emphasised on paper,¹⁹⁰ meaningful civil society inclusion in UN counter-terrorism measures and activities is limited in practice, and the UN counter-terrorism system remains generally opaque and inaccessible to civil society. This reality was recently highlighted in the Global study on the impact of counter-terrorism on civil society and civic space of the former Special Rapporteur on counter-terrorism and human rights.¹⁹¹

The study recalled that the counter-terrorism arenas at the UN have historically been closed and inaccessible to civil society. While welcoming the formal recognition in the UN Global Counter-Terrorism Strategy (GCTS) of the value of civil society engagement, the study "received numerous inputs which highlighted frustration with a lack of consistent, timely, and meaningful engagement with the UN Security Council (specifically the Counter-Terrorism Committee), as well as the special political mission of the UN Counter-Terrorism Executive Directorate and the UN Office of Counter-Terrorism."¹⁹²

The different challenges faced by civil society notably stem from the UN counter-terrorism architecture's general lack of transparency. For instance, in the context of the country visits conducted by the CTED, they are generally not announced in advance, nor are outcome reports made public afterwards,¹⁹³ as was the case for the country

¹⁹⁰ See for example: UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/civil_society_engagement_strategy_website_mai_2020.pdf (accessed on 20 December 2023); UNGA, *The United Nations Global Counter-Terrorism Strategy*, A/RES/60/288, 20 September 2006, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement> (accessed 9 January 2024), Preamble para. 3 (e), pp. 5, 6.

¹⁹¹ Office of the High Commissioner for Human Rights, *Global study on the impact of counter-terrorism on civil society and civic space*, 2023, <https://defendcivicspace.com/> (accessed 17 January 2024).

¹⁹² *Ibid.*, p. 87.

¹⁹³ CTED conducts country visits on the CTC's behalf to assess Member States' counter-terrorism efforts, including progress made, remaining shortfalls, and priority areas for technical assistance needs, as well as to identify terrorism-related trends and challenges and good practices employed in the implementation of relevant Security Council resolutions.

visit to Jordan in 2023.¹⁹⁴ This is notably because the CTED's assessment process and outcomes are all undertaken with and subject to the consent and approval of the states they visit and assess, the consensual nature of the assessment process enabling the assessed states to keep their reports confidential.¹⁹⁵ Hence, the CTED tends to publish a brief and vague summary of the country assessment after the visit took place, which is essentially the only way in which civil society can become aware that the visit occurred. As a result, civil society is not given the opportunity to highlight issues of concern to the CTED prior to their visit, nor can they provide their inputs in the CTED forming recommendations to the state after the visit.

In 2021, CTED's mandate was extended until 31 December 2025.¹⁹⁶ The mandate renewal introduced a number of changes, including the commitment for the CTED to publish the list of country visits in advance, as well as the commitment to engage with civil society "before, during and after" country assessments, at the behest of host states.¹⁹⁷ However, these changes have yet to be implemented in practice.

In 2023, the CTED issued a report titled "Trends Tracker on Human Rights: Recommendations by the Security Council Counter-Terrorism Committee following Assessment Visits to Member States (2017-2023)", published in the context of the commemoration of the 75th anniversary of the Universal Declaration of Human Rights (UDHR).¹⁹⁸ While a report from the counter-terrorism body entirely dedicated to human rights is a positive step, the content of the report remains vague and general, and does not provide context-specific findings relating to the countries that were visited and assessed. In fact, while the report highlights the number of visits that were conducted, it does not disclose which state was assessed and to whom the recommendations are addressed, nor does it provide any specific information about the visits.

¹⁹⁴ United Nations Website, *Counter-Terrorism Committee conducts assessment visit to Jordan*, <https://www.un.org/securitycouncil/ctc/news/counter-terrorism-committee-conducts-assessment-visit-jordan%C2%A0> (accessed 1 June 2023).

¹⁹⁵ Global Centre on Cooperative Security, *Continuity Amid Change: The 2021 Mandate Renewal of the UN Counter-Terrorism Committee Executive Directorate*, November 2021, <https://www.ipinst.org/wp-content/uploads/2021/11/IPI-Global-Center-CTED-Policy-Brief-November-2021-pdf.pdf> (accessed 1 June 2023), pp. 3-4.

¹⁹⁶ UN Security Council, *Resolution 2617 (2021)*, 30 December 2021, UN Doc. S/RES/2617 (2021), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/424/08/PDF/N2142408.pdf?OpenElement> (accessed 11 January 2024), para. 2.

¹⁹⁷ *Ibid.*, paras. 12 and 14.

¹⁹⁸ CTED, *Trends Tracker on Human Rights: Recommendations by the Security Council Counter-Terrorism Committee following Assessment Visits to Member States (2017-2023)*, December 2023, https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/trends_tracker_on_human_rights_-_december_2023.pdf (accessed 11 January 2024).

In the MENA region, the CTED notably conducted a country visit to Jordan in 2023,¹⁹⁹ and the brief summary of its outcome mentions the “human rights aspects of Jordan’s counter-terrorism measures” and that discussions were held with “representatives of civil society organisations”. However, no further detail is provided. Notably, no information is given regarding criteria for selecting these CSOs, which ones were selected or the content of their discussions. This opacity and lack of transparency therefore undermine the legitimacy and meaningful nature of civil society engagement in this context. As such, the only counterpart the CTED appears to engage with in the context of their country visits is state authorities. The inherently state-centric perspective the CTED relies on therefore faces the significant risk of being partial and one-sided, raising concerns about its assessments’ effectiveness, comprehensiveness and capacity to address the needs of victims of counter-terrorism related human rights violations.

The example of MENA Rights Group’s engagement with UN CT bodies

The array of issues faced by civil society can also be illustrated by the experience of MENA Rights Group (MRG). Between September and December 2023, MRG met with several UN counter-terrorism bodies regarding their relationship with the AIMC, particularly the technical assistance delivered by UNOCT/UNCCT in developing the 2022 Arab Regional Counter-Terrorism Strategy, in an effort to voice their human rights concerns and inquire as to which steps the UN bodies could undertake to address them.

After having conducted research on the human rights concerns raised by the AIMC’s counter-terrorism framework and operations, MRG initiated engagement with different UN counter-terrorism bodies cooperating with the AIMC in an effort to raise their concerns to them. However, engagement with these bodies has proven to be strenuous and has seemingly fallen short of generating a meaningful outcome. Regarding the form of engagement, initiating contact is generally difficult and appears to be solely the responsibility of civil society. As entering into contact with these bodies is not made publicly accessible or available online, MRG has had to use its contacts²⁰⁰ to even be able to reach out to relevant bodies, which in and of itself is exclusionary of a large majority of CSOs which do not benefit from such access. Once the proposal for a meeting is sent, UN bodies usually take a considerable amount of time to respond or

¹⁹⁹ United Nations Website, *Counter-Terrorism Committee conducts assessment visit to Jordan*, <https://www.un.org/securitycouncil/ctc/news/counter-terrorism-committee-conducts-assessment-visit-jordan%C2%A0> (accessed 1 June 2023).

²⁰⁰ MENA Rights Group is notably a member of the Civil Society Coalition on Human Rights and Counter-Terrorism, a global coalition of civil society organisations advocating to protect human rights and civic space in counter-terrorism measures. See website of the Coalition here: <https://www.humanrights-in-ct.org/>.

at times do not. In order for meetings to effectively take place, MRG had to undertake multiple follow-ups.

As a result, the general spirit is that there is no space – and nor it seems to us, value – given to civil society voices in the UN counter-terrorism system. The impression is that UN bodies do not view civil society as a partner and that CSOs must fight to be heard and be grateful for the rare opportunity to voice their concerns on an *ad hoc* basis, only after counter-terrorism measures and policies have already been crafted and put in place.

The substance of the civil society engagement with the UN counter-terrorism architecture also poses several concerns. In the context of MRG's engagement with several bodies of the UN counter-terrorism architecture regarding their relationship with the AIMC, one of the issues identified stems from the lack of consistency and transparency in the information provided. Specifically, while MRG has been assured on several occasions that the Arab Counter-Terrorism Strategy aligns with international human rights standards, the Strategy is not public and none of the UN counter-terrorism bodies agreed to share a copy of the Strategy with MRG. Its content thus remains inaccessible to civil society, rendering them unable to conduct an independent, first-hand assessment of the Strategy's compliance with human rights standard. Staff within UN bodies also provided MRG with inconsistent and at times conflicting accounts of the content of the Arab Counter-Terrorism Strategy. Unfortunately, such issues can only reinforce civil society's general distrust and scepticism towards the UN counter-terrorism architecture detailed in this report.

Furthermore, when MRG brought forward its human rights concerns regarding the AIMC and the Arab Counter-Terrorism Strategy, the response of these bodies fell short of meaningful action. They resorted to evasive tactics, such as deflecting responsibility to colleagues or other entities, attributing issues to a lack of capacity, asserting their hands were tied due to a lack of monitoring mandate, or even overtly claiming that human rights were not part of their mandate and that civil society efforts to raise these human rights concerns to them should be ceased. During their meetings, staff of UN bodies tended to dominate discussions and monopolise the floor, employing a fast-paced, bureaucratically-laden discourse that created the perception of a rushed and imbalanced conversation. This approach not only stifled MRG's ability to adequately express concerns but also conveyed an impression of performative engagement, seemingly aimed at swiftly concluding discussions while superficially ticking the box of civil society engagement.

2.3.4 The place of human rights and the gap between Geneva and New York

Thus far, the place of human rights in the UN counter-terrorism architecture is widely overlooked and relegated to the side-lines of its activities. This discernible lack of emphasis on human rights in the UN's counter-terrorism agenda notably becomes apparent in the pronounced gap between the UN counter-terrorism system headquartered in New York and the UN human-rights system based in Geneva.

UN counter-terrorism bodies' failure to prioritise human rights in their work is illustrated in a number of ways. In the context of an Audit²⁰¹ of the Trust Fund for Counter-Terrorism managed by UNOCT,²⁰² addressing "gaps in funding and mainstreaming of gender and human rights functions" was notably identified as an outstanding recommendation with high importance.²⁰³ Taking the example of the CTED's country visits, according to the limited information published by the CTED in the aftermath of their country visits, the place of human rights often fails to be detailed or substantive.²⁰⁴ Therefore, a concrete understanding of the human rights issues identified and the recommendations formulated as a consequence fails to be conveyed. While summaries of their human rights-related recommendations appear in their "Trends Tracker on Human Rights: Recommendations by the Security Council Counter-Terrorism Committee following Assessment Visits to Member States (2017-2023)", their content remains vague and general, failing to convey context-specific human rights issues identified in the visited countries. Furthermore, the CTED sometimes fails to take human rights into account altogether. For instance, after its visit to Egypt in 2017, the CTED failed to mention any recommendations relating to human rights.²⁰⁵ This gap is particularly concerning considering extensive public documentation and widespread criticism of the negative impact of Egypt's counter-terrorism framework and practices on human rights, including then-UN High

²⁰¹ The Audit covers the period from 1 January 2019 to 31 December 2021.

²⁰² "UNOCT – Funding", *op. cit.*

²⁰³ This recommendation was made in the context of an external evaluation completed after the review of all completed and ongoing projects of UNCCT in the context its 5-year programme commissioned by the USG. See: Office of Internal Oversight Services (OIOS), *Report 2023/004: Audit of the Trust Fund for Counter-Terrorism*, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/audit_of_the_trust_fund_for_counter-terrorism.pdf (accessed 21 December 2023), para. 30.

²⁰⁴ For instance, the CTED's brief summary of its country visit to Jordan mentions that "discussions (...) included human rights aspects of Jordan's counter-terrorism measures, as well as its incorporation of the gender dimension and the roles of women in countering terrorism and violent extremism." See: United Nations Website, *Counter-Terrorism Committee conducts assessment visit to Jordan*, <https://www.un.org/securitycouncil/ctc/news/counter-terrorism-committee-conducts-assessment-visit-jordan%C2%A0> (accessed 1 June 2023).

²⁰⁵ United Nations Website, *Counter-Terrorism Committee conducts follow-up visit to the Arab Republic of Egypt*, <https://www.un.org/securitycouncil/ctc/news/%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8Bcounter-terrorism-committee-conducts-follow-visit-arab-republic-egypt> (accessed 11 January 2024).

Commissioner for Human Rights' public statement on the matter only one month before the CTED's visit.²⁰⁶

The rift between UN counter-terrorism efforts and human rights is well illustrated by the significant gap between the UN human rights architecture in Geneva and the UN counter-terrorism system in New York. This notably transpires through the UN in New York's apparent failure to effectively integrate the work of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in its activities. While the importance of the work of the UN Special Rapporteur is emphasised on paper,²⁰⁷ the stated value given to the mandate seemingly fails to be reflected in practice. For example, as part of the work of the mandate, a number of communications providing comments on different countries' counter-terrorism legislation and policies have been published.²⁰⁸ These reports analyse counter-terrorism frameworks in light of international human rights standards, and often identify trends and patterns at the root of their misuse. Regarding the MENA region, such communications identifying a number of counter-terrorism-related human rights concerns were notably addressed to Saudi Arabia,²⁰⁹ the UAE,²¹⁰ Egypt²¹¹ and Algeria.²¹² However, these communications do not seem to be considered by the UN counter-terrorism architecture, as the same states continue to hold prominent and influential positions within their system.²¹³

²⁰⁶ United Nations Website, *Repressive new NGO law deeply damaging for human rights in Egypt – Zeid*, 1 June 2017, <https://www.ohchr.org/en/press-releases/2017/05/repressive-new-ngo-law-deeply-damaging-human-rights-egypt-zeid> (accessed 10 January 2023).

²⁰⁷ For example, in the context of the eighth review of the GCTS in 2023, the importance of the Special Rapporteur's reports, including its conclusions and recommendations, is highlighted, and cooperation between states and the Special Rapporteur is encouraged. See: UN General Assembly, *The United Nations Global Counter-Terrorism Strategy: eighth review*, 3 July 2023, UN Doc. A/RES/77/298, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/189/01/PDF/N2318901.pdf?OpenElement> (accessed 13 January 2024), p. 8.

²⁰⁸ Office of the UN High Commissioner for Human Rights Website, *Comments on legislation and policy Special Rapporteur on counter-terrorism and human rights*, <https://www.ohchr.org/en/special-procedures/sr-terrorism/comments-legislation-and-policy> (accessed 13 January 2023).

²⁰⁹ UN Special Procedures, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25726> (accessed 13 January 2024).

²¹⁰ UN Special Procedures, OL ARE 6/2020, 13 November 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663> (accessed 13 January 2024).

²¹¹ UN Special Procedures, OL EGY 4/2020, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25072%C2%A0%C2%A0> (accessed 13 January 2024).

²¹² UN Special Procedures, OL DZA 12/2021, 27 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26905> (accessed 13 January 2024).

²¹³ See subsection 2.2.

Similarly, the issues raised about the AIMC by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism do not seem to have been taken into account by the UN counter-terrorism architecture. In June 2023, a communication addressed to the League of Arab States on the human rights concerns raised by the AIMC's operations was issued by the Special Rapporteur, jointly with the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues.²¹⁴ This communication was issued following a submission made by MENA Rights Group on the matter.²¹⁵ While the human rights concerns stemming from the AIMC's framework and activities were received and communicated by the UN human rights office in Geneva, this information seemingly failed to effectively reach UN counter-terrorism bodies in New York. Indeed, they did not respond or react to the UN Special Procedures mandates holders' communication on the AIMC. While MRG was informed by UN counter-terrorism bodies that the Special Rapporteur had been consulted in the development process of the Strategy, further information about her involvement in the process and the extent to which her inputs were taken into account remain undisclosed. During their discussions with different UN counter-terrorism bodies, MRG notably raised the Special Rapporteur's communication on the AIMC to the UN bodies. However, it transpired that the bodies had not been aware of the communication, or that if they had, they had not raised it to the AIMC. Further, it did not seem to MRG that the content of the communication was going to alter the nature of their partnership.

The gap between the UN in Geneva and the UN in New York is particularly concerning from the perspective of CSOs focused on human rights. In the experience of MENA Rights Group, in comparison with the difficulty and inaccessibility characterising civil society engagement with the UN counter-terrorism system, engagement with UN human rights bodies in Geneva is fairly accessible and uncomplicated. We are also aware that, as a Geneva-based organisation, we enjoy certain privileges in terms of access that are denied to CSOs based elsewhere. In general, civil society appears to be considered as a key stakeholder in the UN human rights system, notably reflected in the participative approach adopted in the process of the Universal Periodic Review or the Treaty Bodies' periodic reviews.²¹⁶ CSOs' work and perspective are often

²¹⁴ UN Special Procedures, OL OTH 71/2023, 23 June 2023 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28070> (accessed 21 December 2023).

²¹⁵ To consult the content of this submission, see: MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational repression*, 9 March 2023, <https://menarights.org/en/articles/aimc> (accessed 18 May 2023).

²¹⁶ See for example: OHCHR Website, *4th UPR cycle: contributions and participation of "other stakeholders" in the UPR*, <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris> (accessed 13 January 2024).

consulted, notably through the calls for input publicised by Special Procedures,²¹⁷ and the practical ways in which civil society can engage with human rights bodies is generally made clear and easily accessible.²¹⁸

In light of the absence of similar civil society engagement processes in the UN counter-terrorism architecture, CSOs tend to resort to the UN human rights system to raise their counter-terrorism-related human rights concerns, in hopes that the UN in Geneva will serve as a bridge and bring their voices to the UN in New York. Therefore, the UN counter-terrorism architecture's failure to effectively consider and integrate the UN human rights office's work does not only result in the disregard of the work of the UN in Geneva, but also that of civil society.

It is noteworthy that the alternative pathway of channeling civil society concerns through the UN in Geneva to reach the UN in New York, while potentially facilitating engagement, is inherently flawed. Despite the relative ease and accessibility for CSOs in engaging with the UN system in Geneva, as observed by MENA Rights Group, it remains a somewhat opaque process for many civil society actors unfamiliar with the intricacies of the UN human rights system. This limitation results in a restricted number of civil society voices being heard, failing to encapsulate the entirety of diverse perspectives within civil society. Even for those CSOs familiar with the UN system, whose voices are acknowledged by the UN human rights architecture in Geneva, it is essential to highlight that the authentic and comprehensive expression of civil society perspectives can only be achieved through direct engagement. While UN human rights bodies may incorporate or reference the work of civil society, the distinct mandates, roles, and language employed by the UN system inevitably differ from those of civil society. As a result, any representation of civil society perspectives by UN bodies will inherently fall short of wholly capturing and translating their voices. Meaningful engagement thus lies in direct consultation with civil society, ensuring that their work and perspectives are comprehensively and accurately integrated through their own authentic voice.

2.3.5 Transforming the UN counter-terrorism architecture's approach to civil society participation

Having observed the gap between the UN's Geneva and New York systems, and identified that relying on the UN human rights architecture to convey the voices of civil

²¹⁷ See for example: OHCHR Website, *Priorities 2024-2026 for the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, <https://www.ohchr.org/en/calls-for-input/2023/priorities-2024-2026-un-special-rapporteur-promotion-and-protection-human> (accessed 13 January 2024).

²¹⁸ See for example : OHCHR Website, *How to engage with the Working Group: Working Group on Enforced or Involuntary Disappearances*, <https://www.ohchr.org/en/special-procedures/wg-disappearances/how-engage-working-group> (accessed 13 January 2024).

society to the UN counter-terrorism architecture is not a viable option, it appears clear that the UN in New York must change its approach to civil society engagement and prioritise the inclusion of CSOs in their activities. To this end, it is crucial that civil society is included at all stages of the process, *i.e.*, at the design, implementation, and evaluation phases. Relying on their documentation of human rights violations as a result of counter-terrorism measures and research on identified patterns and systems at the root of their misuse, civil society actors can provide precise, context-specific information to UN counter-terrorism bodies. This would provide for a more human rights focused, independent perspective differing from that of the state.

The added value of civil society inclusion in the UN counter-terrorism architecture can notably play out in ensuring that the emphasis on human rights present on paper, notably in General Assembly and Security Council resolutions at the core of the UN counter-terrorism system, is translated into practice. For example, according to the information provided to MRG, the AIMC's 2022 Arab Counter-Terrorism Strategy developed with the technical assistance of UNCCT/UNOCT notably aligns with international human rights standards, described as a great step forward in comparison with the previous Arab Counter-Terrorism Strategy which did not contain such international standards. While the inclusion of human rights standards in Strategy 2022 is a positive step, this process was conducted without consulting the expertise of civil society actors on the impact of counter-terrorism laws and policies at national level and the AIMC's framework and practices. Hence, it is likely that the approach to human rights adopted in the development of the Arab Counter-Terrorism Strategy was overly theoretical, thereby failing to adequately address the specific human rights concerns caused by the AIMC's counter-terrorism operations in practice. For instance, while the Strategy may refer, as MRG was told, to the prohibition of extradition on the basis of political offenses or the principle of *non-refoulement*, it may fail to have included more context-specific, precise provisions aiming to ensure the implementation of these obligations in practice. Such provisions could include the institution of an independent oversight mechanism, notably to verify that the warrants circulated by the AIMC are not issued on the basis of vaguely worded, repressive counter-terrorism laws,²¹⁹ which could consequently enable the AIMC to facilitate politically motivated extraditions. As part of a consultation process, civil society could

²¹⁹ See for example: UN Special Procedures, *OL SAU 12/2020*, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25726> (accessed 13 January 2024); UN Special Procedures, *OL ARE 6/2020*, 13 November 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663> (accessed 13 January 2024); UN Special Procedures, *OL EGY 4/2020*, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25072%C2%A0%C2%A0> (accessed 13 January 2024); UN Special Procedures, *OL DZA 12/2021*, 27 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26905> (accessed 13 January 2024).

also have advocated for the introduction of protection mechanisms that could be accessed by individuals subjected to arrest warrants circulated by AIMC, including the possibility for individuals to file access requests or to demand the removal of arrest warrants diffused against them.

Furthermore, civil society can play a key role in conducting thorough impact assessments of UN counter-terrorism bodies' projects after their adoption, by monitoring their effective and practical impact on human rights. For example, although civil society was not included in the development and drafting stages of the Arab Counter-Terrorism Strategy, CSOs can still participate in its implementation stage, by taking part in the impact assessment of the Strategy at the domestic and regional level. Indeed, civil society actors could monitor whether the human rights standards included in the Strategy are being carried out in practice, notably by documenting whether the AIMC has played a role in facilitating politically motivated extraditions since the adoption of the Strategy.

Evidently, as a necessary pre-requisite for these different forms of civil society participation to effectively take place in practice, the current challenges faced by civil society when engaging with the UN counter-terrorism architecture outlined in this report must be remedied, including the lack of transparency and practical difficulties to engage.²²⁰ In addition to removing the existing obstacles for civil society, further measures must be put in place in order to facilitate civil society participation. For instance, CSOs must be considered as equals by the UN counter-terrorism bodies, and the unidirectional approach to civil society engagement should be changed. UN counter-terrorism bodies should initiate engagement with and seek input from civil society, and the access to and knowledge of these bodies' activities, projects and reports must be facilitated instead of made difficult.

In practice, the UN counter-terrorism architecture can notably be guided by the different venues for civil society participation already put in place by the UN human rights system in Geneva. Similarly to the Office of the High Commissioner for Human Rights (OHCHR), UN counter-terrorism bodies could set up specific procedures aiming to facilitate civil society engagement, and make these processes clear, transparent and publicly accessible on their website. For instance, in the context of UNCCT/UNOCT's technical assistance to the AIMC in the development of their Arab Counter-Terrorism Strategy, a call for input could have been publicised, with the aim to collect information on the AIMC from CSOs before entering in collaboration with them.

²²⁰ See subsection 2.3.3.

3 Conclusion and recommendations

In conclusion, the current state of civil society engagement within the UN counter-terrorism architecture reveals significant gaps and challenges. The dominance of MENA states with problematic human rights records in the system, coupled with partnerships with organisations lacking independence and a human rights focus, fosters a pervasive atmosphere of mistrust and scepticism among civil society.

From a civil society perspective, the UN counter-terrorism system appears opaque, bureaucratic, and detached from the ground, rendering it largely inaccessible. CSOs face exclusion from decision-making processes, with consultation being an exception rather than the norm. The existing engagement framework is marked by an elitist, unidirectional relationship, requiring CSOs to initiate contact, a process often arduous and unproductive. Even when engagement occurs, it tends to lack substance and fails to yield meaningful outcomes. Notably, the inadequate emphasis on human rights within the UN counter-terrorism architecture, coupled with insufficient collaboration with the UN human rights system, calls for a transformative shift.

Consequently, the forthcoming recommendations aim to work towards reshaping the approach to civil society engagement within the UN counter-terrorism architecture, fostering a more meaningful, systematic, central, accessible, transparent and egalitarian framework.

General recommendations to the UN counter-terrorism architecture:

- Prioritise civil society engagement, consultation, inclusion, participation and partnership;
- Prioritise the human rights aspect of the impact of counter-terrorism frameworks and practices;
- Transform the existing approach to civil society engagement with the aim of it becoming meaningful, systematic, central, accessible, transparent and egalitarian;
- Work towards ensuring the process and content of projects, programmes, measures and reports are transparent and accessible to civil society;
- Increase collaboration with the UN human rights architecture, including the OHCHR and Special Procedures mandate holders, particularly the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- Diversify sources of funding to mitigate the influence within the UN counter-terrorism architecture of States with problematic counter-terrorism related human rights records.

Recommendations regarding the selection of civil society:

- Engage, consult and partner with independent, non-governmental CSOs capable of having agendas differing from government interests;
- Consult with civil society, including from the diaspora, on the existing landscape of civic space in a given country before engaging with organisations on the ground, in order to ensure that there is an existing space for legitimate and independent civil society and avoid engaging with state-aligned entities;
- Engage, consult and partner with CSOs with diverse mandates, including with a focus on the human rights impact of counter-terrorism.

Recommendations regarding the different stages in which civil society should participate:

- Engage, consult and partner with civil society at all stages of their decision-making processes, including the design, implementation, and evaluation phases;
- Consult civil society and integrate their inputs on states, regional bodies and government-aligned organisations before undertaking counter-terrorism projects and partnerships with them;
- Include civil society during the development stage of projects and programmes, notably in order to ensure they are precise, context-specific and practical;
- Include civil society in the impact assessment of programmes and projects in the aftermath of their adoption, in order to monitor their implementation, notably their impact on human rights.

Recommendations to facilitate civil society engagement in practice:

- Initiate engagement with civil society;
- Make contact points within each UN counter-terrorism body easily accessible to civil society, notably by making them available on their website;
- Set up specific, accessible and transparent procedures for civil society engagement, such as calls for input and consultation mechanisms, similar to those in place in the UN human rights architecture.

Recommendations regarding the place of human rights in the UN counter-terrorism architecture:

- Work towards ensuring that theoretical human rights standards on paper are carried out in practice;
- Prioritise projects and programmes aiming to address the impact of counter-terrorism misuse on human rights;
- Prioritise engagement with civil society with human rights-focused mandates;
- Consult and take into account the reports and communications issued by UN human rights bodies, particularly the Special Rapporteur on the promotion and

protection of human rights and fundamental freedoms while countering terrorism.

Recommendations to the CTED with regards to their country visits:

- Work towards ensuring transparency about their country visits, notably by informing civil society of which country will be assessed beforehand, and allowing civil society to access their outcome reports;
- Consult civil society whose mandates cover the countries they assess, notably on the human rights impact of their counter-terrorism frameworks and practices, before conducting their visits in order to take their perspective into account during the visit;
- Include civil society inputs when forming recommendations to states, notably in order to ensure their human rights-related recommendations are precise, context-specific and adequately address the needs of victims of counter-terrorism misuse.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.