



ISSN: 2788-8037

Publication details, including guidelines for submissions:

<https://rowaq.cihrs.org/submissions/?lang=en>

---

## Views: The Impact of Counter-Terrorism Measures on Human Rights in the Middle East and North Africa

Neil Hicks

**Academic citation of this article:** Hicks, Neil (2021) 'Views: The Impact of Counter-Terrorism Measures on Human Rights in the Middle East and North Africa', *Rowaq Arabi* 26 (3), pp. 53-65.

---

### Disclaimer

This article may be used for research, teaching and study purposes, as long as it is properly referred to. The Rowaq Arabi editors make every effort to ensure the accuracy of all the information contained in the journal. However, the editors and the Cairo Institute for Human Rights Studies make no representations or warranties whatsoever as to the accuracy, completeness or suitability for any purpose of the content. Any views expressed in this publication are the views of the authors and not necessarily the views of the editors of Rowaq Arabi or the Cairo Institute for Human Rights Studies.

### Copyright

This content is published under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 Licence.



## **Views: The Impact of Counter-Terrorism Measures on Human Rights in the Middle East and North Africa**

Neil Hicks

---

**Keywords:** Counter-Terrorism; Human Rights; MENA; International Politics; 9/11

In 2005, I presented a paper<sup>1</sup> at a conference on the impact that governmental counter-terrorism measures, adopted after the 9/11 attacks on the United States, had on human rights in countries around the world. The paper contended that many governments, democratic and undemocratic alike, had seized upon the war against terrorism to turn their back on international human rights standards in the name of what they hoped would be enhanced security against the threat of terrorism. Sixteen years later, and twenty years after 11 September 2001, the main negative developments that undermined human rights continue to be prevalent globally. These are: equating human rights defenders with terrorists; increased militarisation leading to the intensification of civil conflicts, and a concomitant rise in violations; the weakening of state-to-state peer pressure as a mechanism to uphold human rights; the proliferation of exceptional laws that undermine international law, especially attributable to the vague and sweeping definition of the term terrorism; and the detrimental global impact of the example of U.S. policy in counter-terrorism domestically and in its foreign policy.

This paper will focus on how these negative forces have continued to have a destructive impact on human rights conditions in the countries of the Middle East and North Africa (MENA) region. It will also highlight how the primacy given to the imperative of reinforcing security measures to counter terrorism has contributed, in profoundly damaging ways that go beyond the five trends listed above, to diverse human rights conditions and policies in specific countries in the region: Tunisia, Syria, and Egypt. Taken together, these trends and country examples point to global counter-terrorism measures adopted by states since 9/11 as a major contributory factor to the pervasive and worsening human rights crisis that now grips the region.

### **Equating Human Rights Defenders with Terrorists**

Governments across the region, with the possible exception of Tunisia after the revolution of January 2011, have made it common practice to refer to their non-violent critics, including human rights defenders, as terrorists.<sup>2</sup> In the eyes of these governments, the use of the term ‘terrorist’ permits a wide range of repressive practices that are clearly prohibited in international law. Such practices include restrictions on basic freedoms of assembly, association and expression that have made independent human rights defenders an endangered species. Those that comply with burdensome registration and operating requirements sacrifice their independence; and those that seek to evade such requirements risk harsh punishment including arbitrary detention, criminal prosecution, lengthy jail terms, asset seizures and travel bans, as well as being labelled as terrorists. Human rights defenders have been targeted and killed. Faced with these threats, increasing numbers of activists have been forced into exile. Such measures have been designed to silence critics and undermine the work of those seeking to advance human rights and hold governments accountable for their policies and practices. The idea that by simply labelling a person or an organisation as terrorist they or it can be stripped of rights protections is one of the most damaging impacts of global counter-terrorism policies over the past twenty years.

### **Militarisation and Securitisation Intensifying Internal Conflicts**

Counter-terrorism policies have played an explicit role in worsening many conflicts across the region over the last two decades. Iraq was the original regional battleground in the global war on terror embarked on by the U.S. administration of President George W. Bush after 9/11. While the original objective, removal of the dictatorial rule of Saddam Hussein, was relatively easily accomplished, the threat of terrorism within and emanating from Iraq evolved and metastasized in the years after Saddam’s ouster. Two particular trends that came early to Iraq, came to characterise the second decade of the global struggle against terrorism. The first was the rise of the so-called Islamic State group, or Da’esh, an organisation unheard of in 2001, which took root in ungoverned spaces from Iraq to Libya and the Sahel region.<sup>3</sup> The second was the increasing trend for conflicts in states with weak or non-existent central governments to become venues for conflict between regional powers,<sup>4</sup> especially Iran, Saudi Arabia and Turkey, with active roles from wealthy Gulf states like the United Arab Emirates and Qatar, as well as involvement from Russia and some lingering presence from the United States and its European allies.

The unanticipated rise of the Islamic State showed the counterproductive impact of the hyper-militaristic U.S. invasion of Iraq and the tactics of shock and awe, rooted in the theory that the projection of overwhelming military force would supposedly deter future terrorists from ever again contemplating attacks on the United States and its allies. The opposite proved to be the case. Overwhelming military force in Iraq produced a hyper-violent reaction, contributing to the creation of a caliphate in Iraq and Syria, and then to the emergence of IS affiliates in Palestine, Egypt and across the Maghreb. In addition, IS claimed responsibility for attacks in European cities.<sup>5</sup>

Counter-terrorism has also provided the pretext for regional and international powers to intervene militarily in conflicts in Syria, Yemen and Libya,<sup>6</sup> in particular. Thus, Russian military and diplomatic support to the Assad government in Damascus was justified as a way of preventing terrorist groups from gaining control of territory held by opposition groups. The conflict in Syria has led to over 500,000 fatalities<sup>7</sup> and the displacement of over fifty per cent of the Syrian population.<sup>8</sup> In Yemen, intervention by the Saudi-led coalition against Houthi forces, characterised as terrorists, has contributed to the world's largest humanitarian catastrophe, leaving over eighty per cent of Yemenis in need of emergency food aid.<sup>9</sup> In Libya, forces opposing the internationally recognised government, led by General Khalifa Haftar, have waged war, backed by the United Arab Emirates, Egypt and Russian mercenaries in the name of combating terrorism. The internationally recognised government has in turn found support from Turkey, plunging Libya into a civil war, driven by the ambitions of regional powers, that has lasted for over seven years.

### **Weakening of State-to-State Peer Pressure to Uphold Human Rights**

In the conflicts noted above, military operations have resulted in atrocities and violations of international law on a massive scale and yet the international response has been notably ineffective. Having been exposed for its misuse of counter-terrorism as a factor to justify its invasion of Iraq,<sup>10</sup> the United States and its allies seemed unable to overcome Russia using the same pretext to obstruct collective action to protect Syrian civilians at the United Nations Security Council. In Yemen, the Obama administration gave a greenlight to Saudi Arabia's military intervention and even supplied the coalition with military support, partly because the United States shared a degree of common interest with Riyadh in wishing to curtail the spread of Iranian influence through Tehran's support of the Houthis. Iran was often spoken of in Washington D.C. as the world's biggest exporter of terrorism,<sup>11</sup> thereby justifying a military conflict carried out with scant regard for international or domestic law. In Libya, the international community has failed to speak with one voice. Western governments, including France and the United States,<sup>12</sup> have given support to Haftar's military assaults on the UN recognised government, with Haftar himself being praised for his contributions to the fight against terrorism.

Less dramatically, the claim to be engaged in a struggle against terrorism, and a willingness to align with the global counter-terrorism efforts of the United States and its allies, has become a shield against criticism for human rights violations for states across the region.

The reasons for this are complex. Especially after a series of terrorist attacks on Western cities in the mid-2010s, domestic political pressures increased on political leaders to be seen as tough on terrorism. Many Western governments became predisposed toward embracing authoritarian governments in the region willing to talk about fighting terrorism.

Recognising this, authoritarian leaders in the region have developed a narrative that casts their preferred repressive policies as counter-terrorism measures, including the targeting of journalists, human rights defenders and other non-violent critics as terrorists, and therefore subject to detention, prosecution or worse. They have also developed negotiating positions with Western

governments that emphasize the contributions they are supposedly making to protecting international security by guarding against terrorist attacks in their territories. In return, MENA states expect, or demand, that Western governments mute their criticism of human rights violations.<sup>13</sup>

The low priority given to protecting human rights within global strategies to combat terrorism can be seen in the development of the human rights bureaucracy at the United Nations in New York. The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Fionnuala Ni Aoláin, has described<sup>14</sup> how the counter-terrorism architecture constructed in New York since 9/11 validates and affirms the ‘use of exceptional legal measures’ by states, even while UN mechanisms focused on human rights, largely based in Geneva, identify such practices as violations of international law. The power of the security focused bodies in New York, with the strong backing of the permanent members of the Security Council and other global powers, outweigh the protestations of multilateral human rights mechanisms. Further highlighting the de-prioritisation of human rights within the UN counter-terrorism system, substantial funds have been dedicated to elements of the UN Global Counter-Terrorism Strategy<sup>15</sup> (UNGCTS) other than pillar 4, which speaks to the need to safeguard human rights while combating terrorism.

Governments across the region have successfully marginalised pressure from other states to uphold human rights by focusing on the threat of terrorism, and the necessity of their methods to achieve that objective, to confer exemption from their obligations to comply with international human rights obligations. References to human rights in the UNGCTS, and in UN Security Council resolutions have been shown to have negligible impact on state practices, thereby undermining and devaluing human rights on the regional and global levels.

### **The Proliferation of Exceptional Laws that Undermine International Law**

The 9/11 attacks initiated a proliferation in counter-terrorism legislation around the world, encouraged by the requirements of UN Security Council resolutions<sup>16</sup> that required states to pass legislation to combat terrorism and report to the UN Counter Terrorism Committee on the steps they take to implement counter-terrorism measures.

From the outset, the absence of an agreed definition of terrorism in international law gave broad latitude to states to adopt legislation making illegal a wide range of activities, leading to restrictions on many basic rights and freedoms. As described by Ni Aoláin: ‘The post 9/11 framework leaves considerable latitude and discretion to states in defining what constitutes “terrorism” domestically, placing few effective constraints on states’ self-chosen definitions or national regulatory responses.’<sup>17</sup>

Almost without exception, states in the MENA region interpreted the call to implement strong collective measures to counter terrorism, as called for in UN Security Council Resolution 1373,<sup>18</sup> as a vindication of pre-existing draconian legislation. The international encouragement of stronger measures, accompanied by laxity in ensuring compliance with human rights standards for laws

and practices adopted in the name of counter-terrorism, resulted in an expansion of the scope of restrictions on basic freedoms, notably freedom of association,<sup>19</sup> and in the weakening of safeguards such as limitations on the permitted length of detention without charge and on the access of detainees to legal representation. The absence of these safeguards facilitated torture, enforced disappearance, arbitrary detention and other serious violations by shrouding state actions in secrecy. At the same time, journalists and civil society organisations seeking to hold officials to account for violations of domestic law or international standards found themselves denied access to information, and also increasingly vulnerable to being accused of terrorism for investigating or exposing violations carried out by state officials in the name of countering terrorism.<sup>20</sup>

States in the MENA region already had a framework for collective action against terrorism in the form of the Arab Convention for the Suppression of Terrorism when Security Council Resolution 1373 was adopted in 2001. Amnesty International and local civil society organisations had already criticised the Convention for its overbroad definition of terrorism that risked criminalising non-violent activities that could be categorised as ‘jeopardizing the safety and security of society,’<sup>21</sup> or endangering public order, or similar catch-all terms.

### **The Detrimental Impact of the U.S. Example**

The global war on terror initiated after the 9/11 attacks was a U.S. project. It was also focused on the greater Middle East region. It is therefore to be expected that U.S. policy should have had a disproportionate impact on how counter-terrorism policy has evolved globally, and especially in the Middle East and North Africa, over the last twenty years. Unfortunately for human rights in the MENA region, the causes of human rights, democracy and anti-authoritarianism were bound up with the U.S. government’s counter-terrorism strategy. President George W. Bush went so far as to proclaim a ‘forward strategy of freedom in the Middle East’<sup>22</sup> and made advancing democracy in the region a central tenet of how his administration would protect America from terrorists.

This intermingling of human rights and U.S. security policy was problematic on several levels, but the fundamental issue lay in the contradiction between a security strategy that brazenly flouted basic principles of international human rights law by, for example, condoning the use of torture against terrorist suspects,<sup>23</sup> while at the same time claiming to be a global champion of human rights and democratic freedom. The cognitive dissonance was jarring at the time. Twenty years later, it seems like a precursor of the non-reality based, alternative facts of the Trump administration.

One predictable outcome of this incredible approach was that the United States undermined its own credibility as a supporter and advocate for human rights. As Welshman describes, the ‘dissonance’ or perceived double standards in U.S. human rights policy was already placing a burden on the palatability of human rights for an Arab audience. The disregard of international law in US policies towards the Israel – Palestine conflict had long been a source of distrust of U.S. and Western led promotion of human rights. Added to this, U.S. policies pursued as part of the war on terror that proved disastrous for human rights, like the invasion of Iraq, the Guantanamo

detention centre, black sites and the ‘extraordinary rendition’<sup>24</sup> of detainees to be interrogated and tortured in repressive Arab states like Egypt, Syria or Jordan all underlined, to an already sceptical audience, that what the United States called human rights promotion was in fact a cynical attempt to put a favourable gloss on the advancement of its national interests.

As the discourse of human rights became more questionable because of its association with discredited U.S. policies, those in the region who were independently seeking to advance similar values were branded as tools of unpopular broader U.S. policies.<sup>25</sup> Seen in this way, the twenty years of the American led emphasis on countering terrorism or violent extremism, may be said to have taken place at the expense of the advancement of human rights initiatives in the region.

The deepening human rights crisis currently gripping the region tracks the contours of U.S. counter-terrorism policies directed towards it. Thus, in the years immediately after 9/11, authoritarian U.S. allies in the region felt considerable pressure to advance political reform. President Bush made clear in his public statements that his administration viewed ‘enemies of reform’ as ‘allies of terror.’<sup>26</sup> Consequently, leaders like President Hosni Mubarak of Egypt and King Abdullah II<sup>27</sup> of Jordan supported the Alexandria Declaration on Reform in the Arab Region<sup>28</sup> and restrictions on political freedoms eased, with an attendant growth in human rights civil society activism.

While welcome, these partial, grudging steps by unreconstructed authoritarian regimes fell short<sup>29</sup> of meeting popular demands for responsive, accountable government that would satisfy the basic needs of the people and not rely on emergency laws and brutal security forces to stay in power. By the end of 2005, the administration’s focus veered away from the Freedom Agenda. But the securitised elements of the counter-terrorism agenda, always more popular with authoritarian allies in the region, continued to drive policy in the region.

When the great uprisings of the Arab Spring swept across the region in 2011, the Obama administration, wary of becoming over committed in the region as his predecessor had done, thus devised a light footprint approach that would enable the United States to address its priority strategic concerns to nullify terrorist threats. Thus, there was no sustained strategic response from the United States to support the anti-authoritarian revolutions that broke out from Yemen to Tunisia.

In the years that followed, counter-revolutionary authoritarian powers have been able to derail progress towards responsive democratic government in country after country. Despite demonstrating an understanding of the interconnectedness of poor governance and denial of basic rights and freedoms with radicalisation and the spread of terrorist ideologies, the Obama administration, in its Countering Violent Extremism (CVE) initiative, failed to close the gap<sup>30</sup> between positive rhetoric of human rights at international meetings and policies by regional governments that clamped down on rights and freedoms in the name of countering terrorism.

The Trump administration dropped the positive rhetoric on the need for human rights reform in the region, but otherwise followed the Obama administration’s policy of prioritising securitised counter-terrorism cooperation with regional allies. Human rights conditions in the region continued to deteriorate as the United States vacated its traditional role as an advocate for human

rights and democracy promotion. Its absence was felt, as without US support and cover, other democratic governments, notably in Europe,<sup>31</sup> became less active in their support of human rights.

Despite renewing the United States' rhetorical commitment to promoting human rights and democracy, the Biden administration faces challenges in developing a credible, effective policy that can push back against severe setbacks for human rights and democracy in the region over the past decade. The United States and its democratic allies have undermined their credibility on human rights by their continued cooperation with and support for authoritarian states in the region; the stain of the war in Iraq; migration policies that have violated the rights of refugees and inflicted suffering on millions of migrants; and mounting global inequality, brought into focus by the Covid-19 pandemic and climate change that disproportionately impact the lives of people in less developed countries. Underlying all of this has been the prioritisation of counter-terrorism policies focused on keeping the threat of terrorism away from the United States and its allies, even if this has meant cooperation with regional governments implicated in serious violations of human rights in their own countries and in regional conflicts in countries like Yemen and Libya that have become battlefields in proxy conflicts between regional powers and their international backers. Taken in sum, these policies can be seen as showing indifference to the lives of people in the region, tens of millions of whom live in conflict zones and have suffered displacement from their homes or have lost their livelihoods.

These worsening calamities are not a recipe for regional stability, and terrorist groups with grievances against the United States and other Western governments are likely to be among the beneficiaries of the widening state of chaos now confronting the region.

## **The Effects of Global Counter-Terrorism Measures Across the MENA Region**

### ***Egypt***

Counter-terrorism may be said to have been the midwife of the Sisi dictatorship in Egypt. At the political level, President Abdel Fattah al-Sisi and his supporters have instrumentalised the threat of terrorism to discredit the democratically elected civilian government led by the Muslim Brotherhood backed President Mohamed Morsi. The July 2013 coup put an end to Egypt's short-lived democratic experiment and set in motion the still continuing entrenchment of harsh repression that has killed thousands of political opponents, imprisoned tens of thousands more and destroyed basic freedoms of expression, assembly and association. Under Sisi, severe violations of human rights, including enforced disappearance, widespread torture, arbitrary detention and application of the death penalty after unfair trials have reached unprecedented levels.

Counter-terrorism has provided much of the rationale for the wholesale assault on rights and freedoms. Tellingly, it has proved effective in mobilising popular support in Egypt, deterring push back from state institutions that may have been expected to stand for the rule of law and constitutional principles,<sup>32</sup> and in gaining the acquiescence, and sometimes the wholehearted support, of other states in the region and beyond.



The case of Egypt demonstrates the potency of the narrative of counter-terrorism to mask even the most brazen disregard for international human rights standards.<sup>33</sup> It is not just that autocrats have found, in terrorism, the justification for their existence and their unacceptable methods; it is also that the threat of terrorism, and the risk of appearing to not support harsh measures, has proved to be such a powerful political vulnerability that democratic political leaders, otherwise committed to the values of human rights and democracy, lose their ability to speak honestly and critically when confronting an authoritarian government violating rights in the name of counter-terrorism.

### *Syria*

Syria provides an even more egregious example of the counter-terrorism narrative being used to obstruct efforts to protect civilians from war crimes and crimes against humanity. In this case, Russia as a permanent member of the United Nations Security Council (UNSC) was able to block efforts at the Council to authorise support for Syrian opposition forces against the government of President Bashar al-Assad, and even to prevent humanitarian assistance from reaching desperate civilians under bombardment in western Syria cities that were systematically destroyed, and their inhabitants killed or forced to flee. While Western governments objected to the murderous tactics of the Syrian government and its allies, they were unable to overcome the persistent objections of a permanent member of the UNSC.<sup>34</sup> For example, Russia maintained that a proposed resolution tabled at the Security Council in October 2016, designed to protect the civilian population of Aleppo from aerial bombardment, would ‘provide cover to terrorists from Jabhat al-Nusra.’<sup>35</sup> Even though UN Special Representative Staffan de Mistura told the Council that ‘the presence of roughly 1,000 Nusra fighters was being used as a pretext for the bombing of 275,000 people,’<sup>36</sup> the Council was unable to end the bombardment to stop the killing of civilians.

While there were calls from civil society and some governments for permanent members of the UNSC not to use their veto powers in cases of mass atrocities, such appeals came to nothing. There are few clearer examples than the international community’s paralysis in the face of the slaughter in Syria of the power of counter-terrorism language to override even the most basic elements of international law designed to protect civilians from merciless assault.

The United States and its allies, who, a decade earlier, had supported and conducted the invasion of Iraq and the killing of hundreds of thousands of civilians as collateral damage in a military campaign carried out on dubious legal grounds in the name of fighting terrorism, found that they had created a Frankenstein’s monster. If counter-terrorism can be used to by one powerful state to project military force in violation of international law, as the Syria case demonstrates, there is nothing to stop another powerful state, in this case Russia, from invoking the cause of counter-terrorism to legitimise similar illegal behaviour in pursuit of its national interests.

### *Tunisia*

A contrasting example of how counter terrorism has impaired human rights and democracy in the region may be seen in Tunisia. While managing to avoid the severe political violence, or the

reversion to authoritarianism that has been the fate of other states that overthrew dictatorships during the Arab Spring, Tunisian democracy has faced severe challenges meeting the heightened expectations of a population liberated from decades of dictatorship under Zine El Abidine Ben Ali.

Even while Western leaders have habitually praised Tunisia for being a democratic success story, they have done little to help the country overcome the structural challenges it inherited from the Ben Ali dictatorship. Security sector reform, judicial independence and a daunting list of economic challenges: growing inequality, massive youth unemployment and underemployment, foreign debt and an economy structured to perpetuate dependency, remain inadequately addressed,<sup>37</sup> even though these problems have been apparent since 2011.

Faced with a worsening economic crisis, exacerbated by the worst Covid-19 outbreak in Africa, President Kais Saied, taking advantage of popular discontent with a seemingly paralysed parliament, and corruption among some political elites, announced on 25 July 2021 that he would suspend parliament and rule by decree to address the threats facing the nation. These steps, characterised as a coup or an autogolpe, demonstrated the fragility of Tunisia's democratic experiment and may even threaten its future existence.

That pessimistic supposition is bolstered by the support and encouragement that President Saied has received from leading authoritarian powers in the region, Saudi Arabia, the United Arab Emirates and Egypt.<sup>38</sup> The aversion of Saudi Arabia and the UAE to the democratic aspirations of people across the MENA region, visible in the uprisings of revolutions of 2011, has been all too clear. They have acted on a regional level to undermine the democratically elected government in Egypt, and to intervene militarily to advance rivalries with regional powers, Iran, Turkey and Qatar, turning political turmoil into long-running wars with extensive international engagement.

In contrast, democratic governments have been reluctant to take practical steps to advance the likelihood of success of democratic transitions in countries emerging from conflict or dictatorship. Even in Tunisia, where its democratic progress was marked with a Nobel Prize, 'the fight against Islamist terrorism overshadowed all other priorities.'<sup>39</sup>

The Tunisian fight against terrorism is seen as a success story. Not only have the state's security forces been able suppress terrorist incidents within Tunisia that had shaken the country in the years after the revolution, they have emerged as key partners with the United States and other Western governments in counter-terrorism efforts across North Africa and the Sahel.<sup>40</sup> In just five years, between 2012 and 2017, U.S. military assistance to Tunisia increased ten-fold from around \$12 million per year to \$119 million per year.<sup>41</sup>

The Tunisia example demonstrates that counter-terrorism cooperation is much more highly valued by Western democracies than supporting the consolidation of democratic transition. That Western governments are too often merely paying lip service to human rights and democracy is a loss to the democratic aspirations of the Tunisian people. The question must be asked: Isn't it also an example of myopic, short-term thinking by Western democracies to so easily allow Tunisia's democracy to atrophy through neglect and indifference?

## Conclusion

The global war on terrorism, proclaimed by the United States after 11 September 2001 and eagerly supported by other global and regional powers, often for their own purposes, must be seen as a major contributor to the sustained human rights crisis afflicting the Middle East and North Africa region. Across the MENA region, states are mired in conflict, experiencing resurgent highly repressive authoritarianism or seeing the reversal of tentative steps towards reform or democratisation.

This paper has shown how trends that were evident in the early years of global efforts to combat terrorism have continued over decades and become part of a deeply entrenched global consensus on how terrorism should be fought. Some governments pay lip service to the need to promote and protect human rights while countering terrorism, but in practice states claiming to act in the name of counterterrorism enjoy wide latitude to violate human rights with impunity.

These trends have facilitated violations and enabled their perpetrators by undermining the credibility of universal human rights standards. The fight against terrorism has become a pretext for regional and extra-regional powers to engage in military interventions that have produced massive human suffering and further flouted international legal standards. Furthermore, restrictions characterised as counter-terrorism measures have undercut accountability mechanisms at national and international levels, and destroyed organisations and institutions designed to safeguard human rights within their own societies, including human rights organisations and independent media outlets.

In Egypt, counter-terrorism has been the midwife of a government of unprecedented repression and denial of human rights to its people.<sup>42</sup> In Syria, international allies of the government of Bashar al-Assad, notably Russia, used counter-terrorism as a pretext to deny desperately needed humanitarian assistance to hundreds of thousands of civilians under siege and bombardment in Aleppo and other cities in western Syria. In Tunisia, preoccupation with counter-terrorism and security cooperation by Western governments has demoted much needed structural support for Tunisia's transition from authoritarianism to democracy. Protecting basic freedoms and human rights, security sector reform and building the rule of law have been secondary priorities, even as counter-terrorism and other security cooperation, on preventing irregular migration for instance, has flourished. Such negligence and complacency has come at a high cost, as the current political crisis in Tunisia illustrates.

These and other country examples, and the broad trends identified above, have contributed to the creation of what amounts to a self-sustaining, perpetual counter-terrorism machine that consumes and eradicates human rights in the Middle East and North Africa.

After twenty years, the parlous state of human rights in the region should be a wake-up call for the international community, and especially for Western governments that claim to stand for human rights and democratic freedoms. The narrowly securitised approach to counter-terrorism 'strengthens the repressive powers of authoritarians,'<sup>43</sup> contributing to what one commentator has described as an 'authoritarian industrial complex'<sup>44</sup>

As currently constituted, the global war against terrorism will never end because there are too many powerful governments and other interested parties that benefit from its continuation. The implications of this for human rights on a global level are disturbing. Global authoritarianism with its champions in China, Russia and also in Middle Eastern powers like Saudi Arabia and the UAE, increasingly cooperate to discredit and undermine democracies. The current global consensus on counter-terrorism policies supports their destructive cause. In his first major policy speech as Secretary of State, Antony Blinken said: ‘Shoring up our democracy is a foreign policy imperative. Otherwise, we play right into the hands of adversaries and competitors like Russia and China, who seize every opportunity to sow doubts about the strength of our democracy. We shouldn’t be making their jobs easier<sup>45</sup> To stop ‘making their jobs easier’ and destroying human rights in the Middle East and elsewhere, the United States must lead a global readjustment of counter-terrorism policy that would recognise the essential need for the respect of human rights in any sustainable, effective counter-terrorism strategy.

### About the Author

*Neil Hicks* is Senior Director for Advocacy at the Cairo Institute for Human Rights Studies (CIHRS).

---

<sup>1</sup> Hicks, Neil (2005) ‘The Impact of Counter Terror on the Promotion and Protection of Human Rights: A Global Perspective’, in R. Wilson (Ed.), *Human Rights in the ‘War on Terror’*, (Cambridge: Cambridge University Press), pp. 209-224.

<sup>2</sup> United Nations Office of the High Commissioner (2020) ‘Egypt uses terrorism trials to target human rights activists, say UN experts’, 8 October, accessed 16 September 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26364&LangID=E>.

<sup>3</sup> Wilson Center (2019) ‘Timeline: the Rise, Spread and Fall of the Islamic State’, 28 October, accessed 16 September 2021, <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>.

<sup>4</sup> Fisher, Max (2016) ‘How the Iranian-Saudi Proxy Struggle Tore Apart the Middle East’, *The New York Times*, 19 November, accessed 16 September 2021, <https://www.nytimes.com/2016/11/20/world/middleeast/iran-saudi-proxy-war.html>.

<sup>5</sup> Sanger-Katz, Margot (2016) ‘Is Terrorism Getting Worse? In the West, Yes. In the World, No’, *The New York Times*, 16 August, accessed 16 September 2021, <https://www.nytimes.com/2016/08/16/upshot/is-terrorism-getting-worse-in-the-west-yes-in-the-world-no.html>.

<sup>6</sup> Lacher, Wolfram (2021) ‘Libya’s Flawed Unity Government’, *Stiftung Wissenschaft und Politik (SWP)*, 22 April, accessed 20 September 2021, <https://www.swp-berlin.org/en/publication/libyas-flawed-unity-government>.

<sup>7</sup> France 24 (2021) ‘Decade of Syria war killed nearly 500,000 people: new tally’ 1 June, accessed 10 September 2021, <https://www.france24.com/en/live-news/20210601-decade-of-syria-war-killed-nearly-500-000-people-new-tally>.

<sup>8</sup> OHCHR (2021) ‘Independent International Commission of Inquiry on the Syrian Arab Republic: About the Commission of Inquiry’, <https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/AboutCol.aspx>.

<sup>9</sup> Oxfam International (2021) ‘Yemen on the brink: conflict is pushing millions towards famine’, *Oxfam International*, <https://www.oxfam.org/en/yemen-brink-conflict-pushing-millions-towards-famine>.

- <sup>10</sup> Schor, Elana (2008) 'US military study officially acknowledges for first time that Saddam Hussein had no direct ties to al-Qaida', *The Guardian*, 13 March, accessed 12 September 2021, <https://www.theguardian.com/world/2008/mar/13/iraq.usa>.
- <sup>11</sup> BBC News (2017) 'Iran is world's biggest state sponsor of terrorism, US says', *BBC*, 4 February, accessed 14 September 2021, <https://www.bbc.com/news/world-us-canada-38868039>.
- <sup>12</sup> France 24 (2019) 'Trump discussed "shared vision" in phone call to Libyan warlord Haftar', *Agence France-Presse*, 19 April, accessed 10 September 2021, <https://www.france24.com/en/20190419-libya-trump-haftar-phone-call-tripoli>.
- <sup>13</sup> Egypt Today (2019) 'Meeting G7 leaders, Sisi talks Africa, ME issues, global challenges', *Egypt Today*, 26 August, accessed 15 September 2021, <https://www.egypttoday.com/Article/1/74225/Meeting-G7-leaders-Sisi-talks-Africa-ME-issues-global-challenges>.
- <sup>14</sup> Ni Aoláin, Fionnuala (2021) 'Views: Global Trends and Regional Consequences of the Growth of Counter-Terrorism after 9/11', *Rowaq Arabi*, 18 August, accessed 25 September 2021, <https://rowaq.cihrs.org/views-global-trends-and-regional-consequences-of-the-growth-of-counter-terrorism-after-9-11/?lang=en>.
- <sup>15</sup> United Nations, Office of Counter-terrorism (2018) 'UN Global Counter-Terrorism Strategy', *United Nations*, accessed 21 September 2021, <https://www.un.org/counterterrorism/un-global-counter-terrorism-strategy>.
- <sup>16</sup> Welchman, Lynn (2012) 'Rocks, hard places and human rights: anti-terrorism law and policy in Arab states', *Global Anti-Terrorism Law and Policy*, (Cambridge University Press).
- <sup>17</sup> Ni Aoláin, Op.Cit.
- <sup>18</sup> United Nations Security Council (2001) 'Resolution 1373 (2001)', *United Nations*, 28 September, [https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf).
- <sup>19</sup> Baydas, Lana (2018) 'Counterterrorism Measures and Civil Society: Changing the Will, Finding the Way', *Center for Strategic and International Studies (CSIS)*, 22 March, accessed 10 September 2021, <https://www.csis.org/analysis/counterterrorism-measures-and-civil-society>.
- <sup>20</sup> European Center for Not-for-Profit Law (2019) 'Civil Society and Counter-Terrorism' *European Center for Not-for-Profit Law (ECNL)*, accessed 20 September 2021, <https://www.ohchr.org/Documents/Issues/Terrorism/SR/UNSRCTbrieferCivilSocietyCT.pdf>.
- <sup>21</sup> Amnesty International (2002) 'The Arab Convention for the Suppression of Terrorism: A serious threat to human rights', *Amnesty International*, 9 January, accessed 10 September 2021, <https://www.amnesty.org/en/documents/ior51/001/2002/en/>.
- <sup>22</sup> White House Archives (2003) 'President Bush Discusses Freedom in Iraq and Middle East: Remarks by the President at the 20th Anniversary of the National Endowment for Democracy United States Chamber of Commerce, Washington, D.C.', *The White House*, 6 November, accessed 10 September 2021, <https://georgewbush-whitehouse.archives.gov/news/releases/2003/11/20031106-2.html>.
- <sup>23</sup> Human Rights Watch (2017) 'Getting Away with Torture: The Bush Administration and Mistreatment of Detainees', *Human Rights Watch*, 12 July, accessed 20 September 2021, <https://www.hrw.org/report/2011/07/12/getting-away-torture/bush-administration-and-mistreatment-detainees>.
- <sup>24</sup> Mayer, Jane (2005) 'Outsourcing Torture: The Secret History of America's "extraordinary rendition" program', *The New Yorker*, 6 February, accessed 19 September 2021, <https://www.newyorker.com/magazine/2005/02/14/outourcing-torture>.
- <sup>25</sup> Frontline Defenders (2020) 'Smear Campaigns Incite Violence Against Human Rights Defenders', accessed 19 September 2021, <https://www.frontlinedefenders.org/en/case/smear-campaign-incites-violence-against-human-rights-defenders-egypt>.
- <sup>26</sup> The American Presidency Project (2004) 'Address Before a Joint Session of the Congress on the State of the Union' *The American Presidency Project*, 20 January, accessed 20 September 2021, <https://www.presidency.ucsb.edu/documents/address-before-joint-session-the-congress-the-state-the-union-24>.
- <sup>27</sup> King Abdullah II (2004) 'Reform is our priority', *King Abdullah II Official Website*, 16 April, accessed 15 September 2021, <https://kingabdullah.jo/en/op-eds/reform-our-priority>.
- <sup>28</sup> Journal of Democracy (n.d.) 'Documents on Democracy', *Journal of Democracy*, <https://www.journalofdemocracy.org/articles/documents-on-democracy-18/>.
- <sup>29</sup> Cairo Institute for Human Rights Studies (2004) 'Having failed to adopt a plan for reform: The Arab Summit welcomes External Reform! Statement by 34 NGOs from 14 Arab States', *CIHRS*, 26 May, accessed 16 September 2021, <https://cihrs.org/having-failed-to-adopt-a-plan-for-reform-the-arab-summit-welcomes-external-reform-statement-by-34-ngos-from-14-arab-states/?lang=en>.

- <sup>30</sup> Cairo Institute for Human Rights Studies (2015) ‘President Obama Urged to Underscore Link Between Repression and Rising Violent Extremism During Leaders’ Summit’, *CIHRS*, 24 September, accessed 16 September 2021, <https://cihrs.org/president-obama-urged-to-underscore-link-between-repression-and-rising-violent-extremism-during-leaders-summit/?lang=en>.
- <sup>31</sup> Cairo Institute for Human Rights Studies (2020) ‘European Union: CSOs Open Letter to European and national leaders’, *CIHRS*, 11 June, accessed 16 September 2021, <https://cihrs.org/european-union-csos-open-letter-to-european-and-national-leaders/?lang=en>.
- <sup>32</sup> International Commission of Jurists (2016) ‘Egypt’s Judiciary: A Tool of Repression Lack of Effective Guarantees of Independence and Accountability’, September, *International Commission of Jurists*, accessed 16 September 2021, <https://www.icj.org/wp-content/uploads/2016/10/Egypt-Tool-of-repression-Publications-Reports-Thematic-reports-2016-ENG-1.pdf>.
- <sup>33</sup> Cairo Institute for Human Rights Studies (2021) ‘Egypt: Weaponizing Counter Terrorism Laws to Silence Human Rights Defenders’, *CIHRS*, 28 June, accessed 16 September 2021, <https://cihrs.org/egypt-weaponizing-counter-terrorism-laws-to-silence-human-rights-defenders/?lang=en>.
- <sup>34</sup> Borger, Julian (2016) ‘Russia vetoes UN resolution to stop bombing of Aleppo’, *The Guardian*, 8 October, accessed 15 September 2021, <https://www.theguardian.com/world/2016/oct/08/russia-vetoes-un-resolution-syria-bombing-aleppo>.
- <sup>35</sup> Ibid.
- <sup>36</sup> Ibid.
- <sup>37</sup> Gall, Carlotta (2021) ‘Why Tunisia’s Promise of Democracy Struggles to Bear Fruit’, *The New York Times*, 28 July, accessed 12 September 2021, <https://www.nytimes.com/2021/07/28/world/africa/tunisia-revolution-democracy.html?searchResultPosition=4>.
- <sup>38</sup> Brumberg, Daniel (2021) ‘Risky Business: Kais Saied’s Regional Alliances’, *Arab Center Washington DC*, 20 August, accessed 19 September 2021, <https://arabcenterdc.org/resource/risky-business-kais-saieds-regional-alliances/>.
- <sup>39</sup> Gall, Carlotta (2021). ‘Why Tunisia’s Promise of Democracy Struggles to Bear Fruit,’ *The New York Times*, 28 July 28, accessed 12 September 2021, <https://arabcenterdc.org/resource/risky-business-kais-saieds-regional-alliances/>.
- <sup>40</sup> Shah, Hijab and Melissa Dalton (2020) ‘The Evolution of Tunisia’s Military and the Role of Foreign Security Sector Assistance’, *Malcolm H. Kerr Carnegie Middle East Center*, 29 April, accessed 15 September 2021, <https://carnegie-mec.org/2020/04/29/evolution-of-tunisia-s-military-and-role-of-foreign-security-sector-assistance-pub-81602>.
- <sup>41</sup> Blaise, Lilia, Eric Schmitt, Eric, and Carlotta Gall (2019) ‘Why the U.S. and Tunisia Keep Their Cooperation Secret’, *The New York Times*, 2 March, accessed 20 September 2021, <https://www.nytimes.com/2019/03/02/world/africa/us-tunisia-terrorism.html>
- <sup>42</sup> POMED (2021) ‘Ten Years Since Tahrir Square: Egypt Then and Now’, *Project on Middle East Democracy*, 25 January, accessed 16 September 2021, <https://pomed.org/event/ten-years-since-tahrir-square-egypt-then-and-now/>.
- <sup>43</sup> Mednicoff, David (2021) ‘Biden Should Embrace Middle East Prosperity, Not Militarism’, *The National Interest*, 18 August, accessed 17 September 2021, <https://nationalinterest.org/blog/middle-east-watch/biden-should-embrace-middle-east-prosperity-not-militarism-191989>.
- <sup>44</sup> Dunne, Charles W. (2019) ‘How the Private Sector Supports Authoritarians in the Arab World,’ d. *Arab Center, Washington D.C.*, 30 January, accessed 19 September 2021, <https://arabcenterdc.org/resource/how-the-private-sector-supports-authoritarians-in-the-arab-world/>.
- <sup>45</sup> Blinken, Antony J. United States Department of State. (2021) ‘A Foreign Policy for the American People’, [online] Available at: *United States Department of State*, 3 March, accessed 16 September 2021, <https://www.state.gov/a-foreign-policy-for-the-american-people/>.