



# Terrorism and Human Rights: Systematic Challenges in Counter-Terrorism Measures

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ALKARAMA'S Input for Human Rights Council's Report on  
Terrorism and Human Rights

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## INTRODUCTION

This report is submitted in response to the call for submissions from Office of the High Commissioner for Human Rights (OHCHR) based on Human Rights Council resolution 57/11 on “Terrorism and Human Rights” on the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms, during the reporting period from July 2024 to June 2026.

Since 2004, Alkarama has been documenting cases of severe violations to the right to life, liberty and security and to other fundamental freedoms across the MENA region to UN Human rights mechanisms through individual complaints and expert reports. Building upon our expertise of counter-terrorism practices across – mainly but not limited to – the Middle East and North Africa (MENA) region, this report provides an analysis of state practices that violate the core obligations established in HRC resolution 57/11.

Our, experience shows that counter-terrorism frameworks perpetuate legal regimes of exception, laying the groundwork for systematic violations of international law. This report focuses on four categories of systemic violations: Erosion of Rule of Law and International Legal Standards (1); International Cooperation Enabling Transnational Repression (2); and Systematic Violations of Fundamental Rights (3).

### **1 EROSION OF RULE OF LAW AND INTERNATIONAL LEGAL STANDARDS**

For more than 20-years of work, we have observed that one of the primary sources of systematic human rights abuses globally stems from the adoption of overbroad terrorism definitions that fail the principles of legality, necessity, and proportionality. Furthermore, administrative measures are favoured by States in order to bypass judicial oversight, while institutional failures prevent accountability for human rights violations.

#### ***1.1 Overbroad Terrorism Definitions Undermining Legal Certainty***

States maintain and expand counter-terrorism legal frameworks based on vague and elastic formulations that fail the principles of legality, necessity, and proportionality in international law.<sup>1</sup> The absence of internationally accepted clear, narrow and human-rights-compliant definitions has enabled the use of Counter-terrorism laws as a tool of coercive control over

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<sup>1</sup> See notably: Algeria adopts a particularly broad and vague definition of terrorism that conflates “terrorism” with “subversion”, including all forms of criticism toward the government and the army. In May 2021, while the country was experiencing nation-wide peaceful protest against the military control over the state (“Hirak” movement), article 87 bis of the Penal Code which already defined “the crime of terrorism in overly broad and vague terms that would allow for the prosecution of actions that might constitute exercise of the freedom of expression or peaceful assembly” In the case of Algeria. In December 2025 it used this law as a new ground for citizenship stripping (See: [OL DZA 12/2021](#))

civil societies, peaceful political opposition and activism,<sup>2</sup> and an over-securitisation of minority communities.<sup>3</sup>

These definitions, found across numerous jurisdictions in MENA and EU countries, intentionally leave wide discretion to authorities through open-textured notions like “destabilizing political, constitutional, economic or social structures” or acts that “may seriously damage” a country's reputation. Such formulations fail the foreseeability requirements under international law and enable their unlawful and arbitrary application against individuals using their fundamental rights and freedoms<sup>4</sup>.

Furthermore, conflating terrorism with 'extremism', 'subversion' and terms such as 'radicalism' paves the way for the expansion of counter-terrorism (CT) legislation. Once these subjective concepts are enshrined in law, a slippery slope is created that shifts the focus from the legitimate criminalisation and prevention of clearly violent conduct to the repression of non-violent divergent ideologies and dissent. Counter-terrorism frameworks equip states with extensive surveillance and administrative powers to police thoughts and beliefs, thereby blurring the line between genuine terrorism prevention and the illegal suppression of critical political activism.<sup>5</sup>

## 1.2 Administrative Measures Bypassing Judicial Oversight

Of particular concern is the increased reliance on administrative measures derived from counter-terrorism legal frameworks and states of emergency. These measures include administrative entry bans, non-judicial expulsion procedures and preventive administrative detention.<sup>6</sup> The introduction of these extraordinary measures into domestic laws contributes to

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<sup>2</sup> Notably, Algeria has recently used the stripping of citizenship against political opponents abroad (cf. *infra*). Similarly, Saudi Arabia has used the Anti-Terrorism Law and the Specialised Criminal Court to deprive political prisoners of fundamental rights and guarantees, including those established in 2025 by the UN Committee on the Rights of Persons with Disabilities (CRPD). This has been used to deny rights to prisoners who acquired a disability during detention See al-Hawali Alghamdi v. Saudi Arabia [CRPD/C/30/D/84/2020](#) and Salman al-Awdah v. Saudi Arabia [CRPD/C/32/D/87/2021](#)

<sup>3</sup> See notably the case of Fance: “Despite the formal barriers to data disaggregation, it is clear that the French Arab and/or Muslim communities have been primarily subject to exceptional measures both during the state of emergency and presently from the SILT law, in tandem with other counter-terrorism measures. The Special Rapporteur is deeply concerned that these minority communities are being constructed as a per se ‘suspect group’ through the sustained application of counter-terrorism law. The Special Rapporteur is further concerned of the danger that the genuine and protected right of persons to freely practice their culture and religion is being constrained by counter-terrorism law and practice. The Special Rapporteur is deeply conscious that the conflation of Islam with terrorism in government policy and in the implementation of administrative measures unduly singles out this community, alienates the community from the state, and creates a form of political and social disenfranchisement that is inconsistent with the state’s obligations under international human rights law”, [Preliminary findings of the visit: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to France](#), 23 May 2018 and the recent case of reprisals against Pr. AROUA under its Counter-terrorism administrative law Réf. : [AL FRA 12/2025](#), 30 September 2025 as well as Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism\*, \*\*Visit to France, A/HRC/40/52/Add.4, 8 May 2019, para 43.

<sup>4</sup> See: [OL DZA 12/2021](#),

<sup>5</sup> *Ibidem*.

<sup>6</sup> See notably: A/80/284: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul - Best practices to protect human rights while using administrative measures to prevent terrorism: restrictive orders, terrorist listings, security detention and compulsory interventions

the global erosion of the rule of law. Sunset clauses and periodic review mechanisms are frequently absent, allowing these exceptional measures to become permanent fixtures of the legal landscape.

As such procedures operate without the safeguards of any independent judicial mechanism, depriving those at their receiving end of essential rights including the right to challenge one's detention before an independent tribunal, access to legal representation, and the presumption of innocence. They have allowed for example for

- the administrative removals of whistle blowers and conscientious objectors by Spain to Algeria in violation of non-refoulement <sup>7</sup>
- the implementation of administrative entry bans by France against Algerian political opponents based on an illegal administrative terrorist listing by Algeria in spite of a communication by the Special Rapporteur on human rights and counterterrorism identifying such listing as violating the principle of legality and due process.<sup>8</sup>
- The use of unverified unsigned and undated information contained in administrative notes by the administration before the administrative tribunal in France containing information provided by third states in reprisals against human rights defenders and political opponents <sup>9</sup>

These special counter-terrorism laws that have enabled such practices to remain in place, and in certain cases have been tightened, despite communications<sup>10</sup> and, in some cases, visits to the country by mandate holders of the special procedures<sup>11</sup> highlighting their incompatibility with core principles of international law mentioned in Human Rights Council resolution 57/11.

### ***1.3 Institutional Failures and Lack of Accountability***

The absence of independent review mechanisms for terrorism designations creates a vacuum where executive discretion goes unchecked. Weak or non-existent remedies for victims of human rights violations under counter-terrorism measures further compound this problem. States have failed to establish effective accountability mechanisms that can address the systematic abuses documented in counter-terrorism practices, ranging from arbitrary detention to torture and enforced disappearances.<sup>12</sup>

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<sup>7</sup> Algeria And Spain: Alkarama Submits A Complaint to the UN Working Group on Arbitrary Detention Regarding the Expulsion and Arbitrary Detention of Mohamed Abdellah, <https://www.alkarama.org/en/articles/algeria-and-spain-alkarama-submits-complaint-un-working-group-arbitrary-detention>

<sup>8</sup> AL FRA 12/2025, 30 September 2025 “concernant l’interdiction administrative entrée du territoire prise à l’encontre de M. Abbas Aroua sur la base d’une note blanche”

<sup>9</sup> *Ibidem*.

<sup>10</sup> OL DZA 12/2021, A/HRC/56/50/Add.2: Visit to Algeria - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, A/HRC/58/53/Add.1: Visit to Algeria - Report of the Special Rapporteur on the situation of human rights defenders (2025)

<sup>11</sup> SRCT Visit to France, Report, op.cit.

<sup>12</sup> One of the most striking examples is the absence of redress for victims of violations to the right to life, liberty and security by the United States and their allies following September 11. The case of Al Liby exemplifies this lack of accountability, as no victim has been accorded appropriate reparation under international law to date. This pattern is further evidenced by Working Group on Arbitrary Detention Opinion No. 18/2023 concerning Mr.

## 2 International Cooperation Enabling Transnational Repression

International counter-terrorism cooperation facilitates the migration of abusive practices between states, creating cross-border harms that particularly endanger dissenters seeking asylum abroad. This manifests through abusive extraditions, deportations, and security-based removals carried out under expansive terrorism labels, often in violation of the prohibition of torture and non-refoulement.

### *2.1 Extradition and Removal Practices Violating Non-Refoulement*

Interpol has become a platform of choice for governments to expand repression against political opponents and peaceful activists through politically motivated arrest mandates under counter-terrorism legal frameworks. However, the review of such mandates by Interpol's human rights review mechanism has led to a return to bilateral security cooperation based on administrative proceedings that aims at bypassing both international review mechanisms and domestic judicial oversight.

The strategic use of bilateral agreements and diplomatic assurances demonstrates how international cooperation mechanisms designed to combat terrorism can be repurposed to enable transnational repression in violation of jus cogens human rights norms. This practice undermines the very purpose of international cooperation frameworks and represents a direct violation of the principles established in HRC resolution 57/11.

During this reporting period, Alkarama documented the case of Mr. Aish Ali Hussain Al-Harbi, a Saudi asylum seeker residing in Iraq who was extradited to Saudi Arabia despite a communication sent through the urgent appeal procedure regarding the obvious risks of torture and death sentence if he were to be rendered to the Saudi authorities. This case shows a pattern of cooperation in extraditions and removals between states that do not consider non-refoulement, a practice that seems to be adopted by States in counter-terrorism cases. This is all the more problematic that it often concerns individuals with a history of political opposition that are demanded by their national states for purposes of reprisals.

### *2.2 Specific issue of Saudi Arabia and political arrest of pilgrims to the Holy Sites*

Saudi Arabia is the state in which the two holiest sites in Islam are located, and Muslims from all around the world travel there to perform their religious pilgrimage.

In the past years, Alkarama has documented a concerning practice of arbitrary arrests and enforced disappearance of non-Saudi national who visit Mecca in Saudi Arabia based on their alleged affiliations in their home countries with groups considered as opposed to the authorities' foreign policy. Cases concern particularly national of war-torn countries in which Saudi Arabia has either intervened directly (such as Yemen) or offers support to a belligerent (such as Libya).<sup>13</sup>

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Mustafa Faraj Muhammad Masud al-Jadid al-Uzaybi (United States of America, Pakistan and Romania), which underscores the persistent failure to provide remedies for victims of transnational counter-terrorism operations.

<sup>13</sup> In other instances of cooperation of the Saudi authorities with China, Uyghurs living as refugees outside China were arrested to be extradited to China while entering the country to perform their religious pilgrimage. See for

The protection of foreign pilgrims from persecution by Saudi authorities under their broad definitions of terrorism is a highly problematic issue, given the sheer number of pilgrims from around the world who travel to the Kingdom to perform their religious duties (1.6 million international pilgrims from over 180 countries visited in 2024<sup>14</sup>).

Arrests and detention of pilgrims often occur without charges or basic procedural guarantees on the basis of its expansive “terrorism” definition which include peaceful criticism and opposition to the ruler or to allies across the Arab region– regardless of it being a legitimate and peaceful use of a right protected under the UDHR and customary international law.<sup>15</sup>

This practice represents a particularly egregious form of transnational repression and violation of religious freedom, as Saudi Arabia leverages its position as custodian of Islam’s holy sites to target and detain individuals for their alleged political opinions.

### ***3 Section III: Systematic Violations of Fundamental Rights***

During the reporting period, Alkarama has seen a continuation of widespread violations of rights to life, liberty and security; attacks on freedom of expression, assembly and association; and systemic discriminatory practices targeting specific communities, including Muslim minorities and human rights defenders.

#### ***3.1 Rights to Life, Liberty and Security***

Patterns of serious violations of rights to life, liberty and security in counter-terrorism contexts across the region include the detention of persons suspected of acts of terrorism without charges or sufficient legal basis; violations of fundamental and due process guarantee; the use of torture; enforced disappearances; and other human rights and fundamental freedoms.

Of particular concern is the continued reliance on unverified secret evidence that cannot be challenged to adopt administrative measures or engage in criminal proceedings. Alkarama has observed that even in democratic countries, states rely on intelligence from other states and on undisclosed information rather than clearly defined violent acts or imminent threats.

This practice denies individuals the ability to effectively challenge the evidence against them, undermines the presumption of innocence, and facilitates arbitrary measures from territorial entry bans to arbitrary detentions and convictions.

Prolonged incommunicado detention and short-term enforced disappearances remain widespread practices in counter-terrorism contexts, particularly in MENA countries. These

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example: Alkarama, [Saudi Arabia: The UN Special Rapporteur on Torture is seized of the cases of two Uyghurs, Mr Waili AIMODOULA and Mr Ruze NUERMAIMAITI, threatened with extradition to China](#), 15 Jan 2022

<sup>14</sup> Hajj Statistics Publication 2024, General Authority for Statistics, Kingdom of Saudi Arabia, <https://www.stats.gov.sa/documents/20117/2435281/Hajj+Statistics+Publication+2024EN.pdf/ee9e1b69-731b-9976-b394-e24ec4bf6f72>

<sup>15</sup> The latest case documented by Alkarama this year concerns a French National arrested while in pilgrimage who was subjected to enforced disappearance and has been presented to the SCC for criticising his mistreatment by the authorities see : Alkarama, [Human Rights Organizations Warn of the “Risk of Slow Death” Facing French Citizen Amr Abdel Fattah in Saudi Detention](#), 28 Jan 2026

practices expose detainees to heightened risks of torture and ill-treatment, while effectively preventing access to legal representation and family contact. The combination of prolonged secret detention and the use of unverified evidence create a perfect environment for systematic abuse that goes undetected and unaddressed.

### 3.2 *Freedom of Expression, Assembly and Association*

During the reporting period UN human rights mechanism have witnessed a global crackdown on freedom speech and assembly against voices denouncing the genocide in Gaza. The extension to democracies of practices usually limited to authoritarian context is worrying and show how the (mis)use of counter terrorism frameworks do constitute a major threat to human rights and rule of law globally. This practice undermines fundamental rights to freedom of expression, assembly, and political participation, creating a chilling effect on civic engagement and democratic discourse.

#### 3.2.1 Though “rehabilitation” measures

The policing of thoughts and beliefs under counter-extremism and terrorism prevention legal regimes in the MENA region can also be seen in the use of Rehabilitation centres. Such centres established in Saudi Arabia and the United Arab Emirates function as institutions of thought-reform, where political detainees are held once they serve the entirety of their lengthy arbitrary sentences to be “re-educated” and abandon any religious or political views that are not endorsed by the authorities.

In practice, since in the UAE and the KSA criticizing the ruling family or advocating for reforms is criminalized as terrorism, human rights lawyers and defenders as well as political opponents are held in these centres without any basis after arbitrary sentences<sup>16</sup>.

The use of such centres in Saudi Arabia follows the same logic with another layer based on the fact that as a theocracy, the Saudi State's official Islamic doctrine which governs all its political and social policies considers public criticism of the ruler as a religious and a political offense under the anti-terrorism law<sup>17</sup>. Religious and political are thus transferred in such centres after having served their sentences until they are considered as having reformed their beliefs to fall in line with the absolute compliance to the ruler imposed by State-sanctioned religious doctrine<sup>18</sup>.

#### 3.2.2 Freedom of association and unlawful listing practices

Institutional failures in providing accountability mechanisms represent a systemic violation of the rule of law in counter-terrorism contexts. Opaque listing and designation processes for terrorist organizations and individuals operate without meaningful judicial review, denying

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<sup>16</sup> Mr. Al Roken, for example, served a 10-year arbitrary sentence for denouncing fair trial violations in mass political trials. In effect, Mr. Al Roken can be kept indefinitely as long as he is still deemed a threat to state security, the threat being his defence of human rights. See: UAE: Alkarama, [Detained for "counseling" despite end of sentences](#), 08 Aug 2023. They remain in detention in these centres to date.

<sup>17</sup> See al-Hawali Alghamdi v. Saudi Arabia [CRPD/C/30/D/84/2020](#) and Salman al-Awdah v. Saudi Arabia [CRPD/C/32/D/87/2021](#)

<sup>18</sup> See: Alkarama, [Saudi Arabia: Prisoners of conscience continue to be detained in Munasaha centres after the expiration of their sentences](#), Aug. 2022

affected parties the right to challenge their designation or access to the evidence against them. This lack of transparency and accountability undermines the very foundations of democratic governance and the rule of law.

Consequences on freedom of association have been severe, particularly through the use of listing processes and defamation campaigns. Organizations working in or with Muslim communities, as well as figures associated, even tenuously, with alleged “Brotherhood” networks, have been targeted. The banking de-risking consequences create severe situations where NGOs and human rights defenders find themselves unable to access basic banking services through KYC measures without meaningful recourse or appeal mechanisms, leading to organizations shutting down even in democratic countries.<sup>19</sup>

### 3.2.3 New Citizenship stripping law in Algeria

A new law adopted unanimously by both chambers of the Algerian Parliament in December 2025 and later published in February 2026, introduces a new Article 22 *bis* to the Nationality Code.<sup>20</sup>

This article provides for administrative deprivation of citizenship with no possible recourse before administrative or ordinary courts against nationals against whom the government finds “serious and converging indicators that a person has committed, outside national territory, any act likely to seriously harm Algeria's interests, national unity, state security, or the stability of its institutions” - essentially reproducing the terrorism definition from Article 87 of the penal code. Grounds also include “assuming leadership of terrorist or subversive groups, exercising activities within them, adhering to them, or financing/propaganda for them in a way that harms Algeria's interests”. Notably, the measure also affects NGOs receiving foreign funds and documenting human rights violations. It is explicitly provided that no legal guarantees (recourse, due process) are provided in such cases.

### 3.3 Systemic Discriminatory Practices

Over-reliance on religious or political motives in terrorism laws further exacerbates the problem, as courts have increasingly put religious practice itself on trial, leading to systemic Islamophobia in counter-terrorism policies and practices.

The reporting period has confirmed patterns of discriminatory application, particularly against Muslim communities in countries where they constitute minorities. Religious motive clauses in terrorism laws have encouraged courts to put Islamic religious practice itself on trial, leading to systemic Islamophobia in counter-terrorism policies and practices. This over-reliance on religious motives at overshadows core *actus reus* and *mens rea* elements and favours a discriminatory application of counter-terrorism frameworks.

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<sup>19</sup> Abu Dhabi Secrets: How the UAE exports its smear campaign across Europe, Andreas Krieg, 17 July 2023, see lasting consequences such as in this case: AL FRA 12/2025, 30 September 2025 “concernant l’interdiction administrative entrée du territoire prise à l’encontre de M. Abbas Aroua sur la base d’une note blanche”

<sup>20</sup> Loi n° 26-01 du 17 février 2026 modifiant et complétant l’ordonnance n° 70-86 du 15 décembre 1970 portant code de la nationalité algérienne

The criminalization of religiosity as signs of “radicalism” which is then equated to extremism and by extension falls into counter-terrorism and terrorism prevention legal regimes represents a dangerous conflation of religious practice with criminal conduct.

Discriminatory practices include systematic over-securitization of Muslim minorities, racial and religious profiling, disproportionate impact on racialized communities, and the extension to other movements such as environmental activists. While the rights and freedoms of Muslim minorities are disproportionately affected by counter-terrorism and counter “extremism” in such countries, this practice has recently been extended to other “radical” actors such as environmental activists, demonstrating the broad and dangerous scope of discriminatory application in counter-terrorism frameworks.<sup>21</sup>

#### 4 Recommendations

In light of the patterns of violations documented by Alkarama ad brought to your attention in this report, we further suggest the following recommendations to be addressed to states to ensure their compliance with the core obligations established in HRC resolution 57/11.

- States must adopt **narrow, rights-compliant definitions of terrorism** confined to intentional killing or serious bodily injury, coupled with the specific purpose of terrorising a population or coercing a government or international organisation.
- **Specific motives such as ideological, political or religious should be avoided**, particularly reference to religious motives since practice has shown an overreliance on such motives at overshadowing even core *actus reus* and *mens rea* elements and favouring a discriminatory application of counter-terrorism frameworks.
- **Domestic offences and administrative regimes based on “extremism” and “violent extremism”** that criminalise beliefs, associations or non-violent conduct **should be reviewed** and repealed, replaced with measures that target only conduct meeting the narrow terrorism definition or other clearly defined violent crimes.
- **Explicit exclusions must be incorporated into terrorism** definitions for: non-violent expression and association; disruptive protest and civil disobedience; trade-union activity; humanitarian, medical, legal and human-rights work; as well as ordinary public-order offences such as obstruction of traffic or occupation of public spaces.
- **Binding safeguards against discriminatory application must be incorporated** into any international standard, including explicit prohibitions on profiling based on religion, ethnicity, political opinion or other protected grounds.
- **International cooperation mechanisms must be reformed to prevent their use for transnational repression.** States should establish independent oversight mechanisms to ensure that bilateral agreements, diplomatic assurances, and memoranda of

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<sup>21</sup> See notably in the case of France Preliminary findings of the visit: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to France, 23 May 2018, op.cit. For a comparative analysis on a similar situation in Australia see: Jabri Markwell, Rita. “Religion as a Motive – Does Australian Terrorism Law Serve Justice?” *International Journal for Crime, Justice and Social Democracy*, ahead of print, March 29, 2023. <https://doi.org/10.5204/ijcjsd.2686>.

understanding comply with international human rights law and do not circumvent non-refoulement obligations.

- Given the systemic and global nature of threats to rule of law and human rights posed by expansive counter-terrorism and prevention frameworks, we believe that the mandate of **the Special Rapporteur on human rights in counter-terrorism should be strengthened** in capacity and mandate to act as an independent international expert-based review mechanism competent to receive information and provide conclusions on identify effective remedies and reparation measures concerning the compliance of counter-terrorism legislation and preventive frameworks with international law.

Implementing these recommendations would help restore the distinction between actual terrorist violence and freedom of thought, re-open civic space, and re-centre counter-terrorism frameworks on the universality and indivisibility of human rights, while preserving the capacity of States and the international community to address genuinely serious terrorist threats.