



**“Transnational Repression in the MENA:
The Role of Regional Organizations in Counter-terrorism”**

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**Statement of the Special Rapporteur on the promotion and protection of human rights
and fundamental freedoms while countering terrorism, Ben Saul**

Excellencies, distinguished guests

I thank the MENA Rights Group and the Global Centre for Cooperative Security for organizing today’s event on this important topic. I am pleased to speak about my recent annual report to the General Assembly, on the role of regional organizations in protecting human rights while countering terrorism. Dozens of regional organizations play an increasingly important role in countering terrorism. Regional solidarity can provide “regional solutions to regional problems” and both implement and stimulate international standards.

The topic has particular relevance in the MENA region, where regional organizations are increasingly active in countering terrorism, including the League of Arab States and its Arab Interior Ministers’ Council and the Gulf Cooperation Council. In addition, many states in the region are also members of larger regional organizations involved in countering terrorism, including the Organization of Islamic Cooperation and the African Union.

Many regional treaties, including in the MENA region, positively recognize human rights and some contain specific safeguards. Yet, regional counter-terrorism efforts can also endanger human rights. My report recommends practical, constructive measures to strengthen human rights, including by learning from the good practices of other regional organizations.

First, I urge all regional organizations with vague and overbroad definitions and offences of terrorism and violent extremism to review and amend them. Such laws infringe the principle of legal certainty, and enable cascading violations of fundamental rights, particularly in regions, such as MENA, where authoritarian governance prevails. Many regional definitions do not contain adequate exclusion clauses to narrow their scope, particularly concerning democratic protest, humanitarian relief, and the activities of armed forces in armed conflict governed by humanitarian law. Vague and preparatory offences aggravate the problem of overbroad definitions. Regional organizations in MENA have excessive speech-related terrorism offences that can be used to suppress political activists and human rights defenders.

Secondly, frameworks for regional cooperation must do more to reinforce human rights safeguards, including *non-refoulement*, refugee status, and personal data protection and the right to privacy. Heightened safeguards are necessary where regional organizations list “terrorists” or issue arrest warrants, to ensure due process, judicial protection and effective remedies. Terrorist listings and regional terrorism arrest warrants in the practice of the Arab Interior Ministers’ Council are a particular source of concern in the MENA region.

Regional organizations should also adopt and apply human rights assessment policies to their activities; ensure they have adequate human rights and gender expertise and training of staff; and adequately prioritize and fund human rights initiatives.

Thirdly, regional organizations need to systematically improve their oversight and accountability mechanisms, including remedies for violations. Few regional organizations have supervision mechanisms dedicated to counter-terrorism. Regional human rights mechanisms more generally can potentially scrutinize national implementation of regional measures but not the regional measures themselves. In many regions, human rights mechanisms are in any case far too weak, including within the League of Arab States. The Arab Charter on Human Rights has also been criticised as not being fully consistent with international human rights law.

A few regions task other mechanisms with human rights or oversight functions relevant to counter-terrorism, from data protection bodies to parliamentary committees to ombudspersons, and these are very valuable components of what needs to be a comprehensive accountability system. Counter-terrorism treaty-based procedures for review of implementation and consultation among the parties can also provide opportunities to improve human rights.

Accountability would also be improved in many regions if there were much more regular and detailed public reporting and transparency about the organization’s counter-terrorism activities, including ensuring regional strategies are published. In this respect it is also vital that regional organizations meaningfully engage with diverse civil society organizations to identify and mitigate human rights risks and violations and ensure accessible remedies and accountability. In the MENA region, this has proved difficult because of prevailing state political cultures.

Finally, most regional organizations can do much more to assist and protect victims of terrorism, ideally by embedding the United Nations Model Legislative Provisions to Support and Protect the Rights and Needs of Victims of Terrorism. Attention to victims among the MENA regional organizations is sparse. Where whole communities are affected by terrorism, more attention and resources are needed to assist the displaced, restore livelihoods, rehabilitate communities, and build a lasting peace.

In closing, I encourage States and civil society organizations to engage more with the MENA regional organizations, in order to persuade them to do more to protect human rights in their own work as well as among their member states. Within the secretariats of some regional organizations, there are dedicated staff who are keen to promote human rights and empowering them to be internal champions of human rights is one way, among many others, to encourage more systematic adherence to human rights law while countering terrorism.

Thank you.