

**Call for Input: Use of Administrative Measures in Counter Terrorism**

**Submission to the High Commissioner for Human Rights**

*Report submitted to the High Commissioner for Human Rights in the context of his report to the Human Rights Council during its 57th session.*

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# Introduction

**MENA Rights Group (MRG)** is a Geneva-based legal advocacy non-governmental organisation defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, MENA Rights Group works at both the individual and structural level representing victims of human rights violations before international legal mechanisms. In order to ensure the non-repetition of these violations, MRG identifies patterns and root causes of violations on the ground and brings key issues to the attention of relevant stakeholders to call for legal and policy reform.

One of MRG’s thematic priorities revolves around the impact of counter-terrorism (CT) on human rights. We document numerous cases of human rights violations which fall under patterns of misuse and abuse of CT frameworks at the national level as well as at the regional level. We represent victims of these violations before international human rights bodies, including UN Treaty Bodies and Special Procedures. We also conduct research and produce reports on the topic, including on the issue of transnational repression in the MENA, notably occurring under the guise of countering terrorism. We continue to bring our documentation and the findings of our research to the attention of relevant stakeholders to advocate for reform and non-repetition.

Adopting a human rights perspective, MRG would like to highlight a number of administrative measures imposed in the context of CT, including administrative detention, terrorism listing, citizenship stripping and travel bans.

# The practice of administrative detention – the example of the UAE

CT-related **administrative detention** is a prevalent issue in many MENA countries. In particular, we would like to bring to your attention the use of [Munasaha centres](https://menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates), or “rehabilitation” centres, in the United Arab Emirates (UAE). For reference, “Munasaha” means “counselling” in Arabic.

Munasaha centres are defined by the UAE’s [2014 CT Law](https://menarights.org/sites/default/files/2016-11/UAE_TerrorismLaw_EN.pdf) as “administrative units aiming at the enlightenment and reform of persons deemed to pose terrorist threat or those convicted of terrorist offences”, and the UAE’s [2019 Munasaha Centre Law](https://menarights.org/sites/default/files/2022-10/Munasaha%20Centre%20Law.pdf) foresees that their mandate includes “the counselling and rehabilitation of holders of terrorist, extremist or deviant thought”. Individuals can be detained in Munasaha centres on the basis that they appear to pose a “terrorism threat”, the definition of 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 offense”. Nevertheless, the law remains silent with regard to the threshold at which a person will be deemed “likely” to commit a terrorism offense, nor is it clear how “likelihood” of offending is to be assessed.

As a result, this legislation empowers the Emirati authorities to order the detention of individuals in Munasaha centres without abiding by due process guarantees, and to hold individuals there without legal basis, indefinitely. In practice, Munasaha centres are used to detain critics and activists, in particular those who have completed prison sentences handed for exercising their right to freedom of expression and peaceful assembly. MRG notably [collected](https://menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates) the testimonies of 11 individuals who were originally sentenced under CT-related legislation for exerting their rights to freedom of expression, opinion, and association, and who were all detained at the Munasaha centre of al-Razeen prison after the completion of their prison sentences, noting that there is no distinction between the al-Razeen Musasaha centre and the al-Razeen prison complex in which it is situated. In this regard, UN experts have [expressed](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25663) deep concern about the “practices of extended administrative detention” in Munasaha centres, and the serious risks posed of potential arbitrary detention, and “possible violations of the absolute right to freedom of opinion”.

# The practice of terrorism listing – the examples of Algeria and Israel/Palestine

## The Algerian national terrorism list

Another administrative measure imposed in the context of CT we wish to highlight is **terrorism listing**, the practice of which has been described by UN human rights experts as an “[ongoing concern](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26554)” for some years.

Taking the example of Algeria, a national terrorism list was established in 2021. Then, article 87 *bis* of the Penal Code, which contains the Algerian definition of terrorism, was [amended](http://www.joradp.dz/FTP/jo-francais/2021/F2021045.pdf) so as to broaden the definition of terrorism and establish a “national list of terrorist persons and entities”. In accordance with this amendment, persons or entities included in this list are prohibited from “engaging in any activity whatsoever”, their funds are seized and frozen, and they can be subjected to a travel ban. In addition, no judicial authorisation is required to impose these severe sanctions, and the public prosecutor is only informed of these measures after the fact. As for those in charge of listing persons or entities as terrorists, the 2021 amendment established a “Commission for the Classification of Terrorist Persons and Entities”. However, as [highlighted](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26905) by UN experts, the members of this Commission are all subject to the executive power and come, for the most part, from the security organs of the State. In this regard, the experts [expressed](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26905) their concern over the lack of judicial or legislative control over the activities of the aforementioned commission, and the absence of possibility of judicial appeal against the decisions of this body.

Moreover, the Algerian national terrorism list relies on article 87 *bis* of the Penal Code, which defines terrorism as any act that targets “state security”, “national unity”, “territorial integrity”, and the “stability and normal functioning of institutions”. While prior to the amendment, the provision already contained 13 paragraphs outlining acts which could fall under these conditions, the 2021 amendment introduced two additional paragraphs, namely “any action designed to working or inciting, by whatever means, to gain access to power or to change the system of governance by non-constitutional means” and “undermine or incite, by any means whatsoever, the integrity of the national territory”. In this regard, UN experts [underlined](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25726) that “[a]ll international and national executive bodies responsible for listing groups or entities should be bound by a clear and precise definition of what constitutes terrorist acts and terrorist groups and entities” and expressed concern “that the content of the new article 87 *bis* of the Penal Code […] is not likely to meet this need for conceptual clarity.”

It is noteworthy that prior to the 2021 amendment, the Human Rights Committee had [pointed out](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsupCifjZpImgcLMaz30WluRQ3nFGEy6bTgPxWpOk%2BHxuM5AWE2y8tRGO%2FjXXBzw%2Bf4hfJzCpp3ar9P8RGaAB9aKu9CfDO59qp67CCyJnIUzm) in its 2018 Concluding Observations following its examination of Algeria’s fourth periodic report, that the definition of terrorism contained in article 87 *bis* of the Penal Code was already “overly broad and vague” and could “allow for the prosecution of actions that might constitute exercise of the freedom of expression or peaceful assembly”, recommending for the article to be revised and brought into line with international standards. In this regard, UN experts [expressed](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26905) regret that the 2021 amendment went in the opposite direction to the Committee’s recommendations, notably highlighting that the provision’s newly introduced paragraphs could have a detrimental impact on freedom of expression, association and peaceful assembly, given the current socio-political context in Algeria. In practice, the Rachad movement and the Movement for the Self-Determination of the Kabylie region (MAK) were notably [labelled](https://observalgerie.com/2021/05/18/politique/algerie-le-mak-et-rachad-classes-comme-organisations-terroristes/) as “terrorist organisations” pursuant to these 2021 amendments.

## Israel’s listing of Palestinian CSOs as terrorist organisations

In Israel, the CT legal framework has been [criticised](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27237) by UN experts for its potential adverse impact on human rights, particularly for Palestinian individuals and civil society organisations (CSOs). Concerns [identified](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27237) by UN experts notably related to the terrorism designation proceedings provided in the Israeli Counter-Terrorism [Law](https://www.gov.il/BlobFolder/dynamiccollectorresultitem/counter-terrorism-law-2016-english/he/legal-docs_counter_terrorism_law_2016_english.pdf) 5776-2016 (hereinafter: 2016 CT Law), applied in occupied East Jerusalem and Israel. This law grants 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, and allows for “secret evidence” to be used as the basis for permanent terrorism designation. In this regard, the Human Rights Committee [stated](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjE8R4c4NRTnrnvejYEy%2FQ9EWnQY26sz%2BPk0%2BTQAcRpAAlIFue4n%2BRvXZead9hu22zSszcLg7RJ2Gi6oDhLTy2yOHpdQPrSorR5%2B2xzYmiDc) that this use of secret evidence renders CT proceedings “inaccessible to defendants and their lawyers, thereby violating their right to a fair trial”. In addition, the 2016 CT Law [sets](https://www.ohchr.org/en/2021/10/israels-terrorism-designation-unjustified-attack-palestinian-civil-society-bachelet) 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.

In practice, in 2021, Israel [designated](https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders) six Palestinian CSOs – 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 – as terrorist organisations on the basis of “secret information”. The designation [enabled](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjE8R4c4NRTnrnvejYEy%2FQ9EWnQY26sz%2BPk0%2BTQAcRpAAlIFue4n%2BRvXZead9hu22zSszcLg7RJ2Gi6oDhLTy2yOHpdQPrSorR5%2B2xzYmiDc) Israeli authorities to close the NGOs, seize their assets and charge their leadership and staff with terrorist offences. UN experts [condemned](https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders) this decision by the Israeli Minister of Defence stating that “the misuse of CT 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 CT and security legislation.” After six months without a response from Israel, UN experts [called](https://www.ohchr.org/en/press-releases/2022/04/israelpalestine-un-experts-call-governments-resume-funding-six-palestinian) 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.”

# The practice of citizenship stripping – the example of Bahrain

Another administrative measure imposed in the context of CT which is important to highlight from a human rights perspective resides in **deprivation of nationality**, or **citizenship stripping**. In this regard, it is important to recall that arbitrary deprivation of citizenship is a violation of international law, as it may impede an individual’s full enjoyment of all their associated human rights, notably in light of article 15 of the Universal Declaration of Human Rights (UDHR), which establishes that everyone has the right to a nationality and no one shall be arbitrarily deprived of it nor denied the right to change his nationality, and UN General Assembly resolution 50/152, which recognised that the right to nationality enshrined in article 15(1) of the UDHR is a “fundamental principle of international law”.

In Bahrain, individuals facing terrorism charges can be subjected to the revocation of their citizenship. This practice was codified when the Bahraini CT legislative framework was extended after the Bahraini Citizenship Act was amended in 2014 and 2019, providing the revocation of citizenship based on terrorism charges. Following the amendments in 2014 and 2019, it was established that Bahraini nationality may be revoked for causing “harm to the interests of the Kingdom or acts contrary to the duty of loyalty to it”. UN experts [cautioned](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28012) that this formulation “could be used as a tool to silence dissidents criticizing the current Government”, as this provision does not provide a clear definition of “interest of the Kingdom” nor does it define what actions are deemed to be “contrary to the duty of loyalty to it”. In addition, the 2014 and 2019 amendments to the Bahraini Citizenship Act introduced that Bahraini citizenship could be revoked for being found guilty in a crime contained in the 2006 Law No. 58 on Protecting Society from Terrorist Acts (hereinafter: 2006 CT Law), which is the key CT legal instrument in Bahrain. In this regard, UN experts [cautioned](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28012) that revocation of citizenship could be arbitrarily exercised and be used against “peaceful protestors, humanitarians, lawyers, academics, human rights defenders or journalists”, in light of the 2006 CT Law’s overly vague provisions criminalising a broad range of activities and a broad range of persons that could be deemed as “terrorist” on the basis of a broad definition of terrorism.

In practice, the Human Rights Committee has [highlighted](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28012) that citizenship revocation has been allegedly used as an act of reprisal against peaceful political dissidents and human rights activists. According to [Human Rights Watch](https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship), many human rights defenders, political activists, journalists, and religious scholars’ citizenships have been stripped, the vast majority of Bahraini citizens stripped of citizenship are left effectively stateless, and some were [deported](https://www.hrw.org/news/2018/02/04/bahrain-new-deportations-nationals). In 2019, the number of citizenship revocations in Bahrain reportedly amounted to [990](https://www.reuters.com/article/us-bahrain-security/bahrain-jails-139-on-terrorism-charges-revokes-citizenship-idUSKCN1RS0YW/). In the context of the Special Rapporteur on CT and human rights’ [Global Study](https://defendcivicspace.com/) on the impact of CT on civil society and civic space, it was reported that the pattern of citizenship stripping in Bahrain is due to political motives, rather than genuine terrorism-related concerns. It was notably highlighted that in 2015, more than 72 Bahraini nationals were stripped of their citizenship, *in absentia*. It was stressed that the implementation of the 2014 and 2019 amendments to the Bahraini Citizenship Act has led to the suppression of the legitimate and peaceful exercise of the rights to freedom of expression and to form a political association, also rendering many individuals stateless, in violation of the Bahraini Constitution, the UDHR and the International Covenant on Civil and Political Rights (ICCPR) (which have been signed and ratified by Bahrain). It was reported that the vast majority of those stripped of their citizenship are political and human rights activists, media personalities, and opposition figures living abroad who had emigrated from Bahrain due to the continuous threats from the government for participating in activities in support of democratic change.

# The practice of travel bans – the example of Saudi Arabia

Lastly, we would like to highlight the issues stemming from the imposition of **travel bans** as administrative measures imposed in the context of CT. Taking the example of Saudi Arabia, travel bans are routinely imposed on individuals suspected of or prosecuted for terrorism offences. First, it is important to establish the distinction between “official” travel bans, which are typically issued by a court or police order, and “unofficial” travel bans, which are not issued by a court or police order and impact individuals who were not aware of the bans until they were attempting to travel. According to [Amnesty International](https://www.amnesty.org/en/latest/campaigns/2022/05/you-cant-leave-and-we-wont-tell-you-why-travel-bans-in-saudi-arabia/)’s documentation of individuals prosecuted in relation to their right to free speech, in 2022, 30 individuals were under travel bans imposed as part of court sentences, and 39 individuals were under unofficial travel bans simply for being relatives of prosecuted activists.

Regarding “official” travel bans in Saudi Arabia, the legal framework used as a basis to these measures can be found in the Saudi 2017 [Law](https://menarights.org/sites/default/files/2022-12/Law%20on%20Combating%20Crimes%20of%20Terrorism%20and%20its%20Financing%20%282017%29%20_%20EN.pdf) on Combatting Terrorism Crimes and its Financing (hereinafter: 2017 CT Law), particularly its article 53 (1) which states, “[a] Saudi national imprisoned for any of the crimes stipulated in this Law shall, after serving his sentence, be banned from traveling abroad for a period equal to his term of imprisonment.”

This provision was notably used in the case of [Salma al-Shehab](https://menarights.org/en/case/salma-al-shehab), a Saudi PhD student in the United Kingdom and mother to two children, who was on a visit to Saudi Arabia when she was arrested by the State Security Presidency (SSP) in January 2021 for her peaceful Twitter activity supporting women’s rights. She was subsequently sentenced by the Specialised Criminal Court (SCC) to an initial six-year prison term, which was shockingly increased to 34 years followed by a 34-year travel ban. Although the Supreme Court referred her case back to the SCC for retrial in January 2023, she was resentenced in February 2023 to 27 years in prison and a matching travel ban.

In the case of [Nourah al-Qahtani](https://menarights.org/en/case/nourah-al-qahtani), the Saudi national was arrested in July 2021 by agents of the SSP for having advocated for human rights in Saudi Arabia, called for the release of political detainees and criticised human rights abuses committed by the Saudi authorities on Twitter through two anonymous accounts. In February 2022, she was sentenced to 13 years in prison and a 13-year travel ban, and in August 2022, the SCC of Appeal (SCCA) increased her sentence to 45 years in prison and to a 45-year travel ban, the latter measure having been imposed on the basis of the above-mentionned article 53 of the 2017 CT Law.

Similarly, in the case of [Abdulrahman al-Sadhan](https://menarights.org/en/caseprofile/employee-saudi-red-crescent-disappeared-al-mabahith-security-forces-march-2018), the Saudi employee of the Saudi Red Crescent was arrested in March 2018 by agents of the SSP for running two satirical Twitter accounts critical of the repression and human rights violations of the Saudi authorities. In April 2021, he was sentenced by the SCC to 20 years in prison, followed by a 20-year travel ban. In October 2021, the SCCA confirmed his sentence, and a court proceeding before the Saudi Supreme Court is still pending.

Regarding “unofficial” travel bans in Saudi Arabia, pursuant to article 10 of the 2017 CT Law, the SSP and the Public Prosecution Office (PPO) have the power to impose travel bans on any persons suspected or accused of committing CT-related offenses contained in the Law. In this regard, the definition of terrorism contained in the 2017 CT Law has been [criticised](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25726) by UN Special Procedures for being overly broad and for its use of ambiguous terms such as “disturbing public order”, “destabilising national security or state stability” and “endangering national unity”, which “could entail that a range of speech and association activities protected under international human rights law is characterized domestically as ‘terrorism’.” In addition, the SSP and the PPO may impose travel bans without any judicial oversight, the only requirement being for the SSP to inform the PPO of the decision to impose a travel ban on an individual within 72 hours.

Importantly, what characterises such travel bans as “unofficial” is that to according to article 10 of the 2017 CT Law, the SSP and the PPO may impose the measure without notifying the individual subjected to the travel ban, respectively “if security interests so require” or “if the investigation so requires”. As such, the law explicitly allows the SSP and the PPO to prohibit individuals from leaving Saudi Arabia, without notifying them, on the basis of their discretionary interpretation of the Law’s overly broad and vague terrorism definition, and of their interpretation of what is meant by “if security interests so require” or “if the investigation so requires”. This legal codification of “unofficial” travel bans in Saudi Arabia reflects “[t]he far-reaching scope of the authority and discretion bestowed upon the Executive branch” and the Saudi State Security Apparatus’ “broad and almost unconstrained power in the field of CT”, as [highlighted](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25726) by UN experts.

Regarding the [institutional framework](https://menarights.org/sites/default/files/2022-06/Mena%20Rights%20Group_SSP%20Public%20Report%20%28v.4%29.pdf) behind “unofficial” travel bans in Saudi Arabia, the issuance of these measures falls under the powers of the PPO and the SSP. These two institutions, which both report to the King, were created when Saudi Arabia underwent a complete overhaul of its state security apparatus in 2017, following the ascension of Crown Prince Mohammed bin Salman (MBS) to power. The SSP, tasked with enforcing the Kingdom’s CT framework, works closely with the PPO, which is tasked mainly with investigating acts criminalised under the 2017 CT Law. After investigation, the PPO charges suspects and refers them to the SCC, an exceptional jurisdiction which has exclusive jurisdiction over all crimes defined under the 2017 CT Law. In practice, the Kingdom’s State Security Apparatus, in conjunction with the SCC, has [perpetrated](https://menarights.org/sites/default/files/2022-06/Mena%20Rights%20Group_SSP%20Public%20Report%20%28v.4%29.pdf) gross human rights violations, including enforced disappearances, arbitrary detention, torture and ill-treatment, particularly against individuals exercising their rights to freedom of expression, peaceful assembly, and association.

In the case of [Loujain al-Hathloul](https://menarights.org/en/caseprofile/womens-rights-activist-loujain-al-hathloul-detained-2018), a prominent Saudi women’s rights defender who campaigned against the driving ban and the male guardianship system, she was sentenced by the SCC in December 2020 to five years and eight months in prison, suspended by two years and 10 months, in addition to a five-year travel ban following a grossly unfair trial. She was conditionally released in February 2021, but the SCCA upheld her initial sentence in March 2021. As such, al-Hathloul is no longer in prison but continues to face a five-year travel ban. In addition, Loujain al-Hathloul’s mother and father have been subjected to an unofficial, unjustified, and open-ended travel ban since 2018. They only learned that they were banned from traveling when they were about to travel outside Saudi Arabia through the airport. There, the Passport Authority prevented them from boarding the aircraft under the pretext of the travel ban. After this incident, the al-Hathloul family contacted the Saudi authorities to inquire about the parents’ travel ban, but they denied everything and cut all contact with us. Al-Hathloul’s mother visited the State Security, who did not provide her with any responses. She then proceeded to go to the Passport Authority and tried to get in for a whole day, and whey finally let her in, the existence of the travel ban against her was confirmed to her. However, she was not provided any legal document attesting to the travel ban, nor was she given the reasons behind its imposition. The family continued to send faxes and emails to the authorities, to no avail. As a result, the “official” travel bans imposed on al-Hathloul, as well as the “unofficial” ones imposed on her parents, have been the cause of the separation of their family for years. Indeed, al-Hathloul’s siblings live outside Saudi Arabia, while Loujain al-Hathloul, her mother and father live in Saudi Arabia remain banned from traveling without any information about the basis of the ban or how long it will remain in force.

Loujain al-Hathloul’s sister Lina, jointly with the relatives of other Saudi individuals subjected to “unofficial” travel bans, including [Maryam al-Otaibi](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23057), [Salman al-Odah](https://menarights.org/en/caseprofile/saudi-islamic-scholar-salman-al-odah-risk-execution), [Omar and Sarah al-Jabri](https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-2022-29-ARE-SAU-AEV.pdf) and [Aoud al-Qarni](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24982), have published a [joint letter](https://alqst.org/ar/posts/907) addressed to the Saudi Human Rights Commission deploring the adverse impact of the bans on their lives and requesting for the circumstances of these measures to be investigated and for the bans to be the lifted.

# Conclusion

In conclusion, in light of the above-mentioned considerations, we see that administrative measures imposed in the context of CT, whether they be administrative detention, terrorism listing, citizenship stripping, travel bans, or others, have a serious impact on human rights and fundamental freedoms. From our perspective, these issues stem from deep-rooted, underlying CT-related issues, among which we would like to highlight two.

First, as highlighted by a number of UN experts pointed to in this paper, we observe that these administrative measures are issued and enforced on the basis of vague and broad domestic definitions of terrorism, overly relying on terminology such as “public order”, “national unity” and “State security”. As such, the interpretation of these broad and ambiguous notions is left to the discretion of the authorities, who are enabled to extend their application to acts that may not necessarily be related to terrorism, and to target entities and individuals exercising their fundamental rights and freedoms.

Second, we observe that these CT-related administrative measures are often issued and enforced by state security or CT apparatuses and exceptional jurisdictions, which are often granted excessive powers and operate without oversight, and in violation of due process rights and fair trial guarantees. As such, these entities are enabled to arbitrarily impose administrative measures on entities and individuals in reprisal for their exercise of fundamental rights and freedoms, under the guise of CT.

Overall, while we concur that the use of administrative measures in CT is a matter which deserves significant focus and attention, we believe it is key to take into consideration the broader context of the abuse of CT and its impact on human rights and fundamental freedoms, and tackle the deep-rooted, underlying issues at hand so as to work towards ceasing the perpetration of CT-related violations of human rights and fundamental freedom altogether.

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.