

The Laws of Antiterrorism Between Security Necessity And International Human Rights Standards

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ABSTRACT

There is no doubt about the seriousness of terrorism. and there is no dispute that it must be combated and eradicated. to protect the security and safety of the society. International law does not prevent states from resorting to laws and taking necessary measures to combat terrorism. However, these laws, procedures and restrictions must conform to international human rights standards. and the interests of which the restrictions preserve are less valuable than the rights themselves, which means there must be a balance between the security and safety of society on the one hand and the preservation of rights and freedoms on the other, but the problem lies in the misuse of this right and these standards by criminalizing a wide range of permissible acts, to achieve political goals. and the liquidation of opponents and other illegal objectives.

1. Introduction

Terrorism is a black phenomenon that threatens the existence of the society and its power, disperses its unity, destroys its capabilities and drains its resources. Terrorism knows no compassion, does not abide by a principle, and has no religion or ideology other than the use of violence, brutality and inhumanity to achieve unjust goals. There is no difference between a civilian, a military, a woman, or a child. He sees himself in the façade and the lower one in another front, he is right and others are wrong.

In view of the seriousness of terrorism against humanity, it has been and continues to be the subject of international and domestic concern. After the attacks of 11 September 2001, States have taken new and more stringent measures to combat terrorism, Of governments have enacted strict laws to counter terrorism and its dismemberment, and whenever an attack or terrorist act increases countermeasures and measures, this is undoubtedly indispensable, but the problem lies in the

tightening of these procedures and the excessive expansion of its concepts, Sometimes to gross violations of human rights, as well as delinquency About the goal that it seeks to achieve.

Many of the legislations gave wide definitions of terrorism, using vague and vague terms, which ultimately led to the violation of fundamental human rights. Anti-terrorism laws became an effective tool for governments to use as cover for repressive and arbitrary measures.

1.1 The Study Problem

International efforts to combat terrorism multiplied after the attacks of (11 September 2001). Many countries resorted to strict legislation, declared a state of emergency to counter this threat, and took anti-terrorism laws as a legitimate cover for unjustified interference with human rights and freedoms And violated the international standards in this regard, as the anti-terrorism laws become a tool for governments to

intervene in these rights and freedoms, and therefore we will answer during this research the following questions:

- What are the international standards of human rights and freedoms, and what are the legitimate restrictions on them?
- Are measures taken to combat terrorism meeting international standards? Or whether it has become a legitimate cover for achieving goals that governments want to achieve?
- What should be done to create a balance between excessive measures and the need to protect society from terrorism?

1.2 The Importance of Studying

The importance of the study is that it attempts to uncover excessive, unjustified and excessive measures and measures in the fight against terrorism and the need to establish international standards of public freedoms in these measures and measures, without prejudice to the need of the society to protect it from terrorist risks. Two interests: the first is the protection of public rights and freedoms from arbitrary measures; and second, the need for society to live in safety and security.

1.3 Purpose of the Study

In order to preserve human dignity and safeguard the fundamental rights recognized by humanity and established by international law, the extent to which anti-terrorism laws can affect human rights and the extent to which these rights are affected by these laws, and also to urge international organizations and civil society organizations to follow the principles and methods The legitimate right to influence Governments in order to legislate laws that are more appropriate to international standards, without prejudice to the legitimate right to resort to the use of all necessary measures and measures necessary to combat terrorism, cut off funding and eliminate it for the safety of the community J is one of the priorities must.

The first is to give a brief on human rights; the second to be devoted to international human rights law; and the third to international standards of human rights.

The second issue we will discuss is the laws and procedures to combat terrorism. The third is to present examples of anti-terrorism laws.

2. What Are Human Rights?

There are inherent in a large correlation between the fight against terrorism and human rights, terrorist attacks have is a flagrant violation of human rights, but the counter-terrorism measures are also becoming a burden on the human rights and fundamental freedoms; therefore, the fight against terrorism is necessary and legitimate as long as in line with international standards, restrictions on freedoms We will divide this subject into three demands, one in which we give a brief on human rights; the second on international human rights law; and the third on international standards of human rights.

2.1 Brief of A Human Tights

The concept of human rights implies that fundamental rights belong to every member of the human race, in contrast to the "divine right of kings" that prevailed in Europe, which was often like a king in God, It is an ethical perspective means human rights morally justified claims, which may be claimed by every human society, for example: if one claimed a moral allegation that it is not permissible for anyone to be sold a slave, if the right is not permissible to slavery is morally considered Of human rights.(McFarland S,2011 Human Rights, 2015, p.13)

The aspiration to protect the human dignity of all human beings is at the core of the concept of human rights, placing human beings at the center of attention and based on a common universal value system that sanctifies the sanctity of life and provides a framework for building a human rights system protected by

internationally accepted norms and standards.(BENEDEK W, 2012, p.28)

And man has fought for his rights; if we look at Europe before the Renaissance, we find that the people in England have struggled in order to obtain the right and has managed it after his revolt against injustice and tyranny and got a constitutional document which "Magna Carta" in the era of King (John) year (1215) was called the "Great Testament", in which the king has vowed not to be subjected to the rights of the people, and later was modified document consecutive times, and then in the fifteenth and sixteenth centuries have been recognized for more rights of peoples And then in the seventeenth and eighteenth centuries there appeared political writings demanding the sovereignty of the people, the most prominent The thinkers at that time were Jean-Jacques Rousseau, Voltaire, and Montesquieu. Their books had a great influence on people's thinking and led to the stability of the doctrine of freedom in their minds. (Sa'adi Mohammed Al-Khatib, 2011, pp.5-6)

There are several conventions used for the concept of human rights, including: "personal rights of humanity", and in the past, the term "natural rights" is the most common as well as "innate rights", or "original", but the term "human rights" is the most widely used since The nineteenth century to the present day, there is a difference in the concept of human rights in different societies and cultures because of the different perception of human, and some have tried to define human rights, but they did not succeed in this, others left the issue and directly addressed the subject, Difficulty of matter.(Nisreen Mohamed Abda Hassouna, 2015, p.2)

Human rights are a legal statement of what human beings need to live a human life in every sense of the word. It is a comprehensive and comprehensive statement. All human rights, civil, cultural, economic,

political, social, a universal, indivisible and interdependent set of rights, as originally stated in the Universal Declaration of Human Rights.(United Nations Office for Human Rights, 2005, p.22)

After World War II, international human rights law emerged as a distinct area of international law.(Patrick Macklem, 2007, p.1)

The law of rights governs the relations of the state with its citizens, rather than governing relations between states. This distinguishes international human rights law from most other areas of international law. We can find the roots of the modern human rights movement after the Second World War. That the mass atrocities committed during the Second World War were so serious that national law could not be dealt with, since these crimes were against humanity as a whole. (Sunny Levin institute, p.101)

2.2 International Human Rights Law

One of the great achievements of the United Nations is the establishment of a comprehensive body of human rights law, a universal and internationally protected code that all nations can share and aspire to.

The United Nations has identified a wide range of internationally accepted rights, including civil, cultural, economic, political and social rights.

It has also established mechanisms to promote and protect these rights and to assist States in discharging their responsibilities. The basis of this set of laws is the Charter of the United Nations and the Universal Declaration of Human Rights adopted by the General Assembly in (1945) and (1948), respectively.(<http://www.un.org/ar/sections/issues-depth/human-rights/index.html>)

Since then, the United Nations has progressively expanded human rights law to include specific standards for women, children, persons with disabilities, minorities and other vulnerable groups,

who now enjoy rights that protect them from the discrimination that has long been common in many institutions.

(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>)

The adoption by the United Nations General Assembly of the Universal Declaration of Human Rights (10 December 1948) was an incentive to promote the international movement of human rights for the first time in the history of mankind. The Declaration interprets the fundamental, political, civil, economic, cultural and social rights that should be enjoyed by all human beings.

The United Nations Commission on Human Rights has issued the first step, the International Bill of Human Rights, which consists of the Declaration on Human Rights and two binding treaties represented in the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights.

(<http://www.un.org/en/globalissues/internationallaw/>)

Other conventions and declarations on human rights have been adopted, such as the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Declaration on Social Progress and Development (1969) , The Convention on the Elimination of All Forms of Discrimination against Women (1979), the Declaration on the Right to Development (1986), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers And their family members for the year (1990)".

We will look at the most important aspects of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights:

- Universal Declaration of Human Rights The Universal Declaration of Human Rights contains a set of general rights and freedoms for individuals and stipulates that these freedoms are guaranteed to all without discrimination, in particular discrimination on grounds of race, color, sex, language, religion, Political or other opinion, national or social origin, and so on, the political or legal situation of the country to which the individual belongs, and the prohibition of any form of arbitrary arrest, detention or exile, and every person with the right In freedom of movement, in choosing where he wants to live in his country, Everyone has the right to manifest religion, belief, worship and practice of instruction, individually or in association with others. The Declaration gives everyone the right to express his views and opinions freely and to adopt, receive and impart ideas Others, regardless of means and limits, and everyone has the right to freedom of participation in any meeting, or any peaceful assembly;(The Universal Declaration of Human Rights, 1948)
- The International Covenant on Civil and Political Rights: The International Covenant on Civil and Political Rights contains a set of rights and freedoms, whereby States parties undertake to respect and ensure those rights to all individuals within their borders and under their jurisdiction, Political or other opinion, national or social origin, religion or language. Each State Party to the present Covenant undertakes to ensure that its existing legislative or non-legislative measures do not guarantee the realization of recognized rights in this Covenant, to take, in accordance with its constitutional procedures Cam of the present Covenant, as may be necessary for the realization of legislative or other

measures.(International Covenant on Economic, Social and Cultural Rights, 1966)

- The Covenant gave the right to any person lawfully present in the territory of a State to freedom of movement, freedom of choice and the place of residence and may not be arbitrarily prevented from entering his country.

It also provided guarantees for the privacy of individuals and personal life, preventing the unlawful and arbitrary exposure of the individual to interference with his or her privacy, family, home or correspondence, or unlawful attacks affecting his or her honor and reputation and giving him the right to express himself freely Including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and form of expression, as it may take the form of writing, printing, or otherwise, and has the right to peaceful assembly, Associations and trade unions.

2.3 International Standards of Human Rights

Limitations

There is no doubt that there are other interests of the society that must stand up to the rights and public freedoms of individuals. Therefore, there is a need for restrictions on these freedoms so as not to derail them and their limits, "restriction" or "restrictions" By any action by a public body that has an effective effect on persons irrespective of:

- Nature of the procedure: which can be anything from a law to an internal disciplinary procedure;
- The nature of the public body, which may be legislative, executive, judicial or public-owned enterprise;
- The extent of the effect of the action: Any effect on the ability of one or more people to express freely is restricted.(<https://www.article19.org/pages/en/limitations.html>)

The International Covenant on Civil and Political Rights

includes the freedom to manifest one's religion or belief, peaceful assembly, the right to freedom of expression and freedom of association with others, including the right to form and join trade unions for the protection of their interests, freedom of movement, And the freedom to choose a place of residence in a country where he has been legally found.

These rights, of course, are not absolute and may be subject to restrictions and restrictions must be in accordance with international standards. The Covenant sets standards for any restrictions on these freedoms, which must be provided by law and are necessary to protect national security or public order, Public health or morals, or the rights and freedoms of others, and consistent with other rights recognized in the present Covenant.

With respect to the right to peaceful assembly and the right to form associations with others, including the right to form and join trade unions, the Covenant has established a standard of necessity, which is necessary in a democratic society, making democratic society a criterion and a basis for A democratic society does not accept constraint if it is not really necessary.

The same is the case in the European Convention on Human Rights in its article 10 on the right to freedom of expression, which stipulates that any restrictions on freedom of expression are necessary in a democratic society.

These standards have become the basis of international courts in interpreting any interference with these rights by States.

In order to give these standards more detail and clarification, such as the freedom of expression, which is one of the most prominent and controversial, Article 19 of the International Covenant explicitly sets forth any restrictions on this right, In the law, that is, nobody may intervene and restrict freedom of expression, except on

the basis of a law allowing such interference. This does not mean that the restriction must be based solely on law, but also that the law must be clear and easy to meet international standards. (ARTICLE 19 Global Campaign for Free Expression)

The law must provide for any civil, criminal or administrative procedures that constitute interference with freedom of expression to prevent the authorities from taking any measures that are not based on the law. (Centre for Human Rights, University of Pretoria¹ NOVEMBER 2008, p.1)

The law does not meet “statutory requirements” if it gives broad discretionary powers to limit freedom of expression, as the European Court of Human Rights has stated that when discretionary authority is granted to the media regulator, there must be clarity in the scope of discretion And the law should protect against any excess, or arbitrary use of discretionary powers, to give individuals adequate protection against any interference that appears to be arbitrary. (Korff, pp.1-2)

The United Nations Human Rights Council expressed its concern about excessive discretionary powers. (The Impact of UK Anti-Terror Laws on Freedom of Expression, *supra* note 14)

With regard to the necessary condition, that there should be no less invasive means available and restricted, the ECHR considers the existence of an “urgent social need” for any intervention and, if so, examines the appropriateness of such interference, In order to consider intervention as “necessary in a democratic society”, it must be responsive to an “urgent social need”, proportionate, adequate and adequate. (Korff, pp. 3,5,16)

Since the requirement of necessity is indispensable for the protection of public rights and freedoms, in most of the cases ruled by international courts, restrictions on freedom of expression were abolished on the basis of

necessity. (Centre for Law and Democracy 7)

It is not necessary to consider the “necessary” to prove that it is “irreplaceable”, but at a more reasonable time than “reasonable” or “acceptable” and to establish an “urgent social need” for such limitation. In addition to the foregoing, the limitation must be commensurate with the intended purpose of the project, (<http://old.qadaya.net/node/2065>)

No exception, restriction, condition or interference with the freedom of expression may be applied except to a specific practice, and its content may not be infringed, because restricting the content of one right is tantamount to the destruction of that right.

The limitation must also be to achieve legitimate purposes, which implies that the restriction must be to protect an urgent interest and to address a legitimate objective, and then, in assessing that, the purpose and effect of the restriction should be taken into account, proportionally, i.e., interest or protected interest does not outweigh the damage to freedom of expression. (Stevens, 2000, p.7)

During its review, the European Court of Human Rights assesses the appropriateness of the constraint to the desired objective, and therefore any intervention disproportionate to the intended objective will not be considered necessary in a democratic society” as provided for in article 10 of European Treaty. (Oetheimer, 2007, p.9)

Constraints must be legitimate, but it is illegal to publish material only on the grounds that it carries a critical view of the government, or the social or political order adopted by the government.

The most important point with regard to these standards is that they are, for example, exclusive, preventing governments from adding other conditions to them.

3. Anti-Terrorism

The fight against terrorism is a paramount necessity for

the security and safety of society. If there is no fight against terrorism, society will not enjoy life and stability, but the problem lies in using the fight against terrorism for the interests of the authorities at the expense of human rights and fundamental freedoms. What is terrorism, and the second is devoted to anti-terrorism laws and procedures.

3.1 Anti-Terrorism

There are many forms and forms of terrorism at various stages of history. Terror of individuals, and then terrorizing groups that have taken violence, are a means of spreading fear and terror, terrorism practiced by outlaw movements, and state terrorism, And the use of several types of torture. (Aziz, 2007, p13)

Acts of terrorism aim at the elimination of human rights, fundamental freedoms, democracy and the undermining of civil society and have adverse effects on the economic and social development of States. (Oetheimer, 2007, p.5)

There is no specific definition of terrorism under international law, but there is considerable debate on the question of what acts are considered terrorist? What are legitimate acts of resistance against repressive governments?

Regardless of the lack of agreement on a broad definition, there is overwhelming consensus that terrorism threatens to use violence against civilians for political purposes. (<https://justice.org.uk/counter-terrorism-human-rights/>)

The issue of terrorism has been on the international agenda since 1934, when the League of Nations initiated the first step towards the criminalization of terrorism by discussing a draft convention for the prevention and punishment of terrorism and the Convention was adopted in 1937, has never come into force.

Thirteen legal instruments have been put in place to prevent terrorist acts since 1963. The United Nations, its

specialized agencies and the International Atomic Energy Agency (IAEA) have supervised these instruments and, in 2005, have made substantive changes to three of these universal instruments for accounting for terrorist threats , And in the same year States introduced amendments to the Convention on the Physical Protection of Nuclear Material and approved two protocols, the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the General Protocol (2005), supplemented with the Protocol for the Suppression of Unlawful Acts against the Safety of Man Fixed data on the continental shelf”.

(www.mhrye.orh/575/766/465)

There is a difference between researchers on the definition of terrorism and the history of its appearance, and some of them preferred not to delve into the question of definition because of its difficulty, and only talk about it as a phenomenon, and the characteristics and types, while some tried to define, and this led to the emergence of a number of definitions, To make it a fundamental understanding and identification of this phenomenon.(Meshal, p.29)

We are not discussing the nature of terrorism, its types, the history of its appearance, and its reasons. This is not our study, but what concerns us is the examination of anti-terrorism laws and the extent to which they meet international standards of public rights and freedoms. , As follows:

- Physical Direction: This trend is based on a physical basis in the definition of “terrorism” on the behavior of the crime or its constituent acts. Accordingly, “terrorism” is defined as: an act or group of specific acts aimed at achieving a particular objective;(Meshal, p.32)
- Moral trend: This trend focuses on the definition of “terrorism” on the basis of the goal or objective that

terrorism seeks through its work, but supporters of this trend differ in the nature of these objectives, there are political objectives, religious and intellectual third... etc.(Meshal, p.34)

3.2 Anti-Terrorism Laws and Procedures

Effective measures to combat terrorism and to protect human rights are not conflicting but mutually reinforcing objectives. (A/RES/60/280)

There is a debate in the political, security and legal circles about how to define the boundaries between the two important interests of the society, namely the fight against terrorism and the guarantee of freedoms on the other hand. Some believe that it is necessary to concede part of personal freedoms for the benefit of the community protection and maintenance Freedoms, and others view personal freedoms as an integral part of the undemocratic system of democratic values, and that freedom cannot be achieved by placing restrictions on freedom itself.(<https://www.dw.com/ar>)

States, in their legislation, resort to several procedures and measures and raise controversial subjects, such as the confidentiality of personal correspondence, which are ordinary and telegraphic mailings, which cannot be viewed as prejudicial to the individual's intellectual and economic freedom.(Khadr, 2008, p.306)

Because the confidentiality of personal information is one of the cornerstones of individual rights in democratic societies, the issue of the discrimination of personal information about negotiable information is a sensitive matter. Despite the legal protection of such information, it has not prevented its use for illegal or even immoral purposes, And governments want to obtain them for security purposes, making anti-terrorism laws the biggest challenge facing democratic societies. Governments are putting pressure on service providers, companies, telecommunications, aviation, etc., to obtain information For the purpose of benefiting

from them in identifying their identity and privacy under the pretext of combating terrorism. (<https://www.dw.com/ar>)

Let us not forget that the question of not having access to these freedoms is not absolute. There are exceptional cases of special circumstances or limits established by law. (Khadr, 2008, p.306)

After the London attacks, the British government sought to urge the EU to legitimize access to information by the security services through the means of communication. According to the British Foreign Secretary, with appropriate controls, access to this information would not lead to any threat to freedom but would lead to security. (<https://www.dw.com/ar>)

The capacity of the media to function has faced new challenges with the emergence of counter-terrorism legislation and efforts since 2001.(Banisar, 2008, p.3)

A few days after the September 11, 2001 attacks, the US Congress passed a hastily passed legislation to authorize the use of force and many other measures. (<http://www.aljazeera.net/>)

Although there is support and support for freedom of expression, many people and elected representatives continue to support restrictions on terms they consider offensive.

(<http://usatoday30.usatoday.com/educate/firstamendment/finalspeech>)

The European countries quickly resorted to legal procedures that allow the security authorities access to personal information that cannot be compromised. These include placing security surveillance on people with suspicion, and following up their activities and communications by tapping their telephone calls and there is a lot of evidence that the security authorities resort to these means before issuing laws that are based on outdated laws that are disabled or according to purely security procedures.(<https://www.dw.com/ar>)

Almost all European countries enacted new laws in that period, and this legislation introduced new restrictions affecting journalists' ability to collect information. (Banisar, 2008, p.3)

In the context of European legal tradition, the prohibition of speech involving incitement to terrorism is not an unlawful restriction on freedom of expression. (The Impact of UK Anti-Terror Laws on Freedom of Expression, *supra* note 14, p7)

Although international law does not contain legally binding obligations to prohibit incitement to terrorism, according to the principal organs of the United Nations, incitement to terrorism should be prevented and prohibited, (Barak-Erez', 2011, 23) but in a manner that does not undermine the right to freedom of expression and because of the wide range of anti-terrorism laws, particularly those that have been "tightened" in the years following 2001, the Commission on Human Rights regularly criticizes States. (The Impact of UK Anti-Terror Laws on Freedom of Expression, *supra* note 14, p.7)

In its 2004 Declaration, the International Commission of Jurists emphasized the defense of human rights and the rule of law in the fight against terrorism and that the heinous nature of terrorist acts cannot be a basis or a pretext, especially in the area of fundamental human rights. Similarly, Guidelines for the Committee of Ministers of the Council of Europe on the Protection of Freedom of Expression and Information in Times of Crisis, and the OSCE Manual against Terrorism and the Protection of Human Rights, warns against unjustified restrictions on the exercise of freedom of expression and assembly in crisis situations. (Belliva, 2015, p.9)

In fact, these laws often undermine the protection of sources and the rights of journalists, and the authorities have broad powers to conduct surveillance, and other legislation facilitates monitoring by imposing technical and administrative requirements for the preservation of

information. (Banisar, 2008, p.5)

Crimes such as "Extremist Activity", "Encouragement of Terrorism", "Justification", "Praise" or "Glorification" should be given a clear definition. (Global trends in NGO law A quarterly review of NGO legal trends)

There are also vague and broad terms such as: stimulation, encouragement, arousal, glorification, and promotion, which must be abandoned and replaced with internationally accepted terms such as "incitement". (The Impact of UK Anti-Terror Laws on Freedom of Expression, *supra* note 14, p9)

Even the term "incitement" is clearly defined by States. In 2007, the Committee of Ministers of the Council of Europe stated that "ambiguous concepts" such as "incitement" should be clearly defined and not used for other purposes. (Banisar, 2008, p.5)

In order to establish a separation standard between right and security, the Committee of Ministers of the Council of Europe adopted in (2005) a set of necessary guidelines in a democratic society and the rule of law, which serves as a practical guide for States on how to take effective human rights measures with a view to creating a fair balance between the protection of the rights of individuals on the one hand and the defense of society on the other. The principles dealt with the formality and objectivity of these measures. Formally, they stipulated that the nature of the right affected by such measures should be determined. Rule of law and the principle of non-discrimination, and that laws that give discretionary power should not be applied arbitrarily by officials and that the principle of necessity and proportionality be respected. (Khadr, 2008, 310)

On the substantive aspect, torture must be prohibited at all, and any measures in violation of the sanctities must be in accordance with the provisions of domestic law, subject to judicial review and review and proportionate to the purpose of security, and any detention or

detention must be on the basis of personal reasons and not just doubts, and must be brought before the court within a reasonable time, in accordance with the law, giving the accused the right to challenge his detention, and also to give him all procedural safeguards such as contact with the lawyer and access to his file.(Khadr, 2008, p.312)

The law shall not be greater those which were in force at the time of the commission of the crime or which were not imposed. Although confidentiality of correspondence between the accused and his lawyer is a right, the law permits access to them in exceptional cases with all safeguards against misuse. When the accused pleads for asylum, the State must refuse the application if the accused is involved in a terrorist organization, while ensuring that upon returning to his or her country of origin, the accused is not subjected to capital punishment, torture or inhuman treatment. (Khadr, 2008, p.314)

3.3 Forms of Anti-Terrorism Laws and Procedures

We will mention some examples of arbitrary and unjustified laws and procedures taken by States to combat terrorism. This does not necessarily mean that these laws and procedures exist only in these countries, and other states do not have violations.

It can be said that abuse and excessive in countries that consider themselves the cradle of democracy and the protector of human rights.

3.3.1 United Kingdom

The United Kingdom Anti-Terrorism Act (2000) defines terrorism in a vague and widespread manner, criminalizing not only acts that are widely understood to be terrorist in nature but also demonstrations, legal gatherings, etc., behaviors that cannot be considered terrorism.(The Impact of UK Anti-Terror Laws on Freedom of Expression, supra note 14, p.7)

The law includes vague terms such as “glorification” and “justification” “encouragement” “incitement” “indirect encouragement” where these terms can be used to prohibit or criminalize licit data.(Ibod, p.6)

We can summarize the worst abuses in the British anti-terrorism law as follows:

- Indefinite detention without charge of foreign nationals if suspected of involvement in terrorism;
- Unfair surveillance orders impose a severe prohibition and entry, including indefinite house arrest of up to 16 hours per day without charge;
- Pre-trial detention in terrorism cases, which allows detention for 14 days without charge, is longer than any similar democracy;
- Article (44) of the Act, which has been repealed, allows for arrest and search without suspicion and has been used disproportionately against peaceful protesters and ethnic minority groups;
- The broad definition of “terrorism” expands the circle of criminalization and calls on the authorities to restrict rights and freedoms;
- Creating new large-scale crimes such as “encouraging terrorism”, including statements glorifying terrorist acts, which is considered a crime even if the person or group making the statement does not intend to encourage terrorism;
- Criminalizing the filming of anything that may be useful to a person who commits, or prepares for a terrorist act. This procedure has led to the arrest of many tourists and professional photographers following photographs of police officers or historic buildings;
- Prohibition of peaceful political organizations that have a critical role for the government;
- Grant authority to a police officer, customs officer at a port or border to interrogate and detain any person

entering or leaving the UK to determine whether he is somehow involved in terrorist acts;

- Extensive powers of detention, travel ban, exclusion orders, etc. (<https://www.liberty-human-rights.org.uk/human-rights/countering-terrorism/overview-terrorism-legislation>)

3.3.2 Ethiopia

Ethiopia's (2009) Anti-Terrorism Declaration provides for (15) years imprisonment for life or death for terrorist acts that include: "disruption of any public service", "damage to natural resources or the environment Historical or cultural heritage", or "serious damage to property".

Politically motivated trials under the law have weakened independent media, and the law has been used to condemn journalists and bloggers who criticize the government for participating in a terrorist organization and conspiring to commit terrorist acts. (Global trends in NGO law A quarterly review of NGO legal trends)

Despite the fact that the Ethiopian Constitution, in article 29, adopted international standards relating to freedom of expression, the transfer and receipt of information and ideas, the prohibition of any form of censorship and the guarantee of the right to association, etc. (https://www.ifex.org/ethiopia/2011/06/29/anti-terrorism_law/ar/)

The Ethiopian Anti-Terrorism Act of 2009 includes loose terms such as "encouraging" "moral support" for groups considered by the government to be "terrorist". CPJ stated that the law makes it difficult for Ethiopian journalists to cover opposition and rebel activities without risking prosecution The law provides for an overly broad definition of terrorist acts and thus could pave the way for the suppression of peaceful and nonviolent protests, giving the police broad powers to confiscate, search and arrest, Years, and the detention of

"terrorism suspects" for up to four months, without being charged for them.

(https://www.ifex.org/ethiopia/2011/06/29/anti-terrorism_law/ar/)

According to Human Rights Watch, more than (100) Oromo people were accused of belonging to the "Freedom Organization" within one month and were held without charge after mass arrests.

The Association of Ethiopian Journalists of the Free Press reported Chinese assistance to the Ethiopian authorities to enable it to disrupt dozens of broadcasting waves, providing technology, training and technical assistance to the Government of Ethiopia.

According to the Committee to Protect Journalists (CPJ), international media have been targeted by the Ethiopian authorities for providing coverage to terrorist groups. In 2007, the authorities arrested three New York Times journalists for 5 days for writing about the Oromo Liberation Front.

In (2008), after Al-Jazeera broadcast an exclusive report on the Front, it was accused of "direct and indirect assistance to terrorist organizations.

In (2009), Radio Nation was accused of giving a platform to terrorist groups in the Horn of Africa because the channel also reported on the front.

3.3.3 France

After the attacks in the country on (13 November 2015), which killed (130) people in Paris, the state of emergency was extended six times and the French deputies voted on a draft anti-terrorism bill.

One of the controversial items in the draft law is the legitimization of house arrest without prior notice of the judiciary. In contrast, judicial approval is necessary for "house visits" or "administrative inspections". (www.aljazeera.net/newsinternational)

(20 kilometers) around the most sensitive ports and airports, where they are exposed to the right to privacy

and to the principle of presumption of innocence.

(<https://www.france24.com/ar/20171018>)

According to this law, the administrative authorities expand, especially the governor's authority at the expense of the judge's power, as well as house arrest and searches, the law facilitates the closure of places of worship which are considered suspicious. (Global trends in NGO law A quarterly review of NGO legal trends, supra note 54, p11)

3.3.4 India

The amendment to the Law on the Prevention of Illegal Activities (2008) by the government, issued shortly after the attacks (November 26, 2008) in Mumbai, which led to the death and injury of approximately (500) This change has led to the targeting of political opponents, tribal groups, and religious and ethnic minorities. (Global trends in NGO law A quarterly review of NGO legal trends, supra note 54, p11)

Among those targeted are members of "Kabir Cala Manch", a cultural group of singers, poets and artists accused of promoting Maoists and belonging to a "terrorist organization". (Ibid, p.11)

3.3.5 Tunisia

The draft anti-terrorism law has been rejected by most Tunisian associations, organizations and political parties because it involves prejudice to the freedom of the press and the role of lawyers, and it legitimizes infringement of privacy and contains ambiguous and vague terms. (<https://www.babnet.net/festivaldetail-103754.asp>)

In a report published on the website of Human Rights Organization, (8) NGOs criticized "the Tunisian Anti-Terrorism Act of (2015)", which was issued following the attack on the "Bardo Museum" on (18 March) in Tunis, as a threat to human rights, and lacks the necessary safeguards against violations, giving security personnel broad supervisory powers over individuals, and giving

the law the right to extend the detention of suspects from six days to fifteen days.

The courts have the right to hold closed hearings and witnesses not to be identified in cases where they have not been identified. Eric Goldstein, deputy director of the Middle East and North Africa division at Human Rights Watch, said everyone was under the threat of terrorism; this does not justify any legislation that gives the police the right to interrogate suspects without a lawyer for fifteen days, which is considered a threat to human rights in Tunisia.

The signatory organizations added that the law included a vague and broad definition of terrorism. The law criminalizes several acts as terrorist "Damage to public or private property Infrastructure, transportation, communications, information systems or public facilities when they are in the framework of an individual or collective project intended to terrorize the population or to induce a government or an international organization to do or refrain from doing something".

This definition paves the way for the suppression of certain acts that are not of a terrorist nature, such as peaceful demonstrations accompanied by some chaos. The law includes penalties, including execution, for those convicted of terrorist acts if one or more persons are killed or raped.

On the other hand, the law is not free of the broad phrases: "praise or glorification of terrorism", "any person who proves to be" publicly and explicitly praising or glorifying "a terrorist offense, a terrorist offense, an organization or alliance linked to a terrorist offense or (5) years, "which means that once a word or symbol believed to be in support of terrorism is used, the person is imprisoned. The law allows the security and intelligence agencies exceptional authority to use" special investigative methods "On the content of the communication, copying, recording and penetration of

the total terrorist suspect by police officers, with obtaining a prior judicial authorization”.

(<https://www.hrw.org/ar/news/2015/07/31/279832>)

3.3.6 Pakistan

Pakistan ratified the Anti-Terrorism Act in 2014, and the law faced several criticisms. In a report to Human Rights Watch, it said: Although the law has only a two-year mandate, its use is to suppress peaceful political opposition and criticize government policy.

The Pakistan Human Rights Commission described the law as a “blatant attack on the fundamental rights of the people” and violates the fundamental rights enshrined in the International Covenant on Civil and Political Rights, ratified by Pakistan in (2010).

However, instead of enhancing the security of Pakistani citizens, the law raises the possibility of greater violations without greater protection. The law grants Pakistani security forces and judicial officials immunity for “acts performed in good faith in the performance of their duties.” This blanket immunity violates article (2/3) of the International Covenant, which requires Governments to ensure that any person whose rights or freedoms have been violated is subject to appeal, regardless of whether the violation was committed by persons acting in their official capacity.

Political protesters and critics of government policies are particularly vulnerable to abuses under the law because of the serious ambiguity in its definition of terrorist acts.

The law includes other risks to the rights and security of Pakistanis, where the law expands powers of detention without the police, armed forces and the “civil armed forces”. Each of these forces shall have the discretion to “enter or inspect any building without any order and detain any person or detain any firearm, explosives, weapon, vehicle, instrument or material used or likely to be used in the commission of any crime Scheduled “.

The law permits them to do so without adequate judicial

oversight, which violates safeguards against arbitrary detention, privacy and security of the home under the International Covenant on Civil and Political Rights.

The most outrageous in this law is the prohibition of Pakistanis from the most fundamental forms of human rights protection, the presumption of innocence. Under article (14) of the ICCPR, everyone has the right to be presumed innocent until proved guilty according to law, The law removes the burden of proving criminal conduct from government prosecutors and requires criminal suspects to prove their innocence.

The law states that those arrested for suspected terrorist offenses “are presumed to wage war or rebellion against Pakistan unless they prove that they have not been involved in a crime”. (<https://www.hrw.org/news/2014/07/21/pakistans-dangerous-anti-terrorism-law>)

The security forces took legal cover and the absence of independent investigative mechanisms an opportunity to commit abuses with near impunity. Among the targets were members of political parties and human rights defenders, including security forces, including the “Tafafin force” under the command of the Pakistani army Violations of human rights, including arbitrary arrests, ill-treatment and extrajudicial executions.

(<https://www.amnesty.org/ar/countries/asia-and-the-pacific/pakistan/report-pakistan/>)

3.3.7 Sri Lanka

In 2015, after a delegation representing the European Union was denied access to a site in Bucharest that allegedly hosted a secret detention site, the delegation called on the Government of Sri Lanka to investigate the existence of the site on its territory, Have links with “the Liberation Tigers of Tamil Eelam (LTTE)” and have been detained on the basis of the Prevention of Terrorism Act, which allows long-term detention and transfers the

burden of proof to detained persons. According to the President of the Opposition (217) persons are still detained on the basis of the Prevention of terrorism”.

3.3.8 Uzbekistan

The government has been increasingly suspicious of workers working outside the country who are likely to have access to censored or urbanized information about Islam in the country. The authorities claimed that the Islamic Movement of Uzbekistan or other extremist groups had recruited them, And convicted of “terrorism”. Dozens of migrant workers returning from Russia and Turkey have been arrested, amid allegations that they are members of the banned “Al-Tahrir Party”, Islamic Liberation Party, or linked to a militant organization. Security authorities also used torture to extract confessions from human rights defenders. In addition to the arrest of the accused, the authorities arrested and persecuted family members accused of crimes against the state, tortured and abused them to extract confessions on trumped-up charges and thus imposed long prison sentences in unfair trials. One woman stated that most members of her family had been imprisoned for long periods of time for membership of a banned Islamic organization, all of whom had been subjected to torture and cruel treatment.

3.3.9 Belgium

In (2015), new measures were adopted to deal with terrorism by the Belgian Parliament, including the criminalization of travel to and from Belgium and the extension of Belgian nationality in case of conviction for terrorist offenses. These measures did not meet human rights standards, The Prime Minister proposed further measures in this regard, and the Council of Ministers approved proposals for certain measures, such as extending the period of detention before indictment from (24-72) hours, and expanding the powers of inspection at any given time.

3.3.10 Poland

Poland's former president and former Prime Minister “Leszek Miller” acknowledged their cooperation with the CIA and agreed to set up a secret CIA site in Poland. This recognition came after a Senate report in 2014 on the torture of detainees secretly by the CIA during the period 2002-2006, and Polish officials expressed concern about the practice of forced interrogations there.

In 2014, the European Court of Human Rights issued a ruling against the Polish government because the latter in cooperation with the US Agency in the case of enforced disappearance of the two men, “Zine El Abidine Mohamed Hussein, Abu Zubaydah” and “Abdel Rahim Nashiri” and torture.

3.3.11 Chad

The National Assembly has adopted a law against terrorism. The law provides for the death penalty with increased penalties for terrorist crimes. The maximum period for bringing suspects before the court has been increased from forty-eight to thirty days, Defines a broad definition of terrorism, including the disruption of public services.

Opposition parties and civil society organizations expressed concern that the law would pave the way for the suppression of freedom of expression and association.

The authorities imposed new counterterrorism measures, such as house searches and personal searches even in public places, and a state of emergency was declared in the Lake Chad region, whereby the authorities were authorized to prohibit the movement of people and house searches with confiscation of weapons.

Security forces have been accused by local civil society organizations and international bodies of arbitrary arrest and detention. According to the Office of the United Nations High Commissioner for Human Rights,

more than 400 persons of (14) different nationalities have been arrested in searches (15 June) in N'Djamena.

4. Conclusions

It is clear from the above that the fight against terrorism is an indispensable necessity, but the problem lies in its use of illegal purposes. The laws and procedures of counter-terrorism have become a tool for governments to violate human rights and fundamental freedoms.

Accordingly, we will address some of the conclusions we reached through our research, and support some of the recommendations, as follows:

- Misuse of international standards and the expansion of words and meanings to the detriment of human rights;
- Legislation that provides for arbitrary procedures, including vague definitions, vague terms and expressions;
- Extend the powers of the police and security forces to arrest and detain persons without prior permission to the judiciary, to monitor people, to tap into calls, and to view confidential messages, which cannot be compromised;
- The imposition of harsh penalties from death to long-term imprisonment, torture and ill-treatment in order to extract Jabra confessions from the accused, and sometimes the persecution, detention and torture of the families of the accused, the establishment of secret prisons, etc.;
- There are large numbers of detainees awaiting trial who have been accused of terrorism for purely political reasons;
- These laws and procedures have become a guarantee for achieving political objectives, such as liquidating political opponents, beating critics and critics of government policy, fighting associations and institutions that are incompatible with the

wishes of the government, and perpetuating tyranny by killing public awareness.

5. Recommendations

- Unification of anti-terrorism laws where there is one law applied in all States without discrimination, to prevent States from codifying laws in accordance with their political will and objectives;
- Transfer the jurisdiction of the trial of terrorism suspects from the domestic courts to the international courts. It is not unreasonable for these courts to be competent and complete for this purpose only, in order to carry out their work thoroughly and carefully, and expeditious procedures;
- To create precise, comprehensive and detailed international standards and international procedures that will make these standards binding on all UN member states;
- The law should be as clear, comprehensive and detailed as possible to leave no room for the authorities to invoke new circumstances;
- The law shall specify the cases in which exceptional procedures may be resorted to, such as detention, detention without prior judicial order, the question of surveillance of persons, wiretapping, and access to confidential communications, which are considered as private Can be compromised, to the maximum extent possible, while ensuring that such privacy is not used in such a manner as to harm people, and that it is not excessive and exaggerated, but should be considered as necessary by law;
- The accused shall be given adequate guarantees to defend themselves, contact the lawyer, the right to resort to all appeals and any other rights enjoyed by the accused.

- The law should not include harsh penalties and the need to create a balance between the size of the crime and the size of the sentence;
- The need for international groups to establish mechanisms to facilitate the implementation of this law and to ensure the commitment of Member States;
- Not only focus on remedial measures, but also resort to preventive methods, it is necessary to initiate research and in-depth studies in universities, centers and academic research at the international, regional and internal levels, for different reasons and sources of terrorism from one country to another, from In order to examine and study the foundations of terrorism and its causes and sources, and then the most important suggestions on how to fight and cut off its sources and sources of funding, and how to educate young people not to engage with terrorist organizations.

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