

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
Counter-terrorism and Human Rights: Striking the Right Balance

October 26, 2021 – 10:00 a.m.  
Virtual via Cisco WebEx

STATEMENT SUBMITTED FOR THE RECORD

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[Democracy for the Arab World Now](#) (DAWN) submits this statement for the record to the Tom Lantos Human Rights Commission’s hearing on Counter-terrorism and Human Rights.

Over the past twenty years, “counter-terrorism” has become the all-encompassing pretext for abusive, authoritarian, and apartheid governments in the MENA region—particularly those governments closely allied to the United States—to silence critical voices and attack independent civil society organizations. These governments have manipulated our collective horror at acts of heinous terrorism around the world, particularly in the wake of the 9/11 attacks against the United States, to shamelessly repackage their repression as “counter-terrorism.”

The overwhelming purpose of counter-terrorism laws that have proliferated in the MENA region clearly has had little to do with violence directed against civilians, and almost everything to do with terrorizing the populations under their control. What these governments have not been able to achieve through their existing penal code provisions that restrict free speech and free association, they now seek to achieve through their counter-terrorism laws, knowing that they will avoid scrutiny by smearing individuals or groups with the terrorism label. These counter-terrorism laws and policies are not credible efforts to address the true scourge of terrorism, which many of the countries in the MENA region endure; they are instead new and powerful tools for authoritarian governments whose main enemies are the people they illegitimately, undemocratically, and ruthlessly rule.

The events of the past week in [Israel-Palestine](#) are the most recent and most shocking case in point. On October 22, Israel’s Minister of Defense [announced](#) that it had summarily designated six Palestinian non-governmental organizations in the Occupied Palestinian Territories as “terrorist institutions.” The organizations are al-Haq, Addameer, Defense for Children International – Palestine, the Union of Agricultural Work Committees (UAWC), Bisan Center for Research and Development, and the Union of Palestinian Women Committees. While Israeli officials have long smeared, attacked, and harassed these organizations and their staff, this is the

first time they have outlawed their activities and criminalized working for them or even expressing support for them. The Office of the United Nations High Commissioner for Human Rights [condemned](#) Israel's designation of these six organizations as predicated on "extremely vague or irrelevant reasons, including entirely peaceful and legitimate activities."

The Israeli government did not allege that any of these organizations had committed or threatened to commit any act of violence. Rather, it relied on its age-old tactic of smearing the organizations, all identified as secular, progressive groups, by claiming that they had some "association" with the Popular Front for the Liberation of Palestine (PFLP), a civil society organization with an armed military wing, including unsubstantiated claims that they "funded" persons associated with the PFLP, all without offering a single scrap of [evidence](#). Likewise, the Israeli government's allegations that two UAWC staff members took part in the 2019 murder of an Israeli civilian have yet to be proven; the [brutal torture and severe ill treatment](#) of one of the detained UAWC staff members by Israeli security forces, is, however, well documented.

Among the designated groups are globally renowned human rights organizations like Al-Haq, which, since 1979, has reported on Israeli and Palestinian human rights abuses. The group's executive director, Shawan Jabarin, is a recipient of numerous international human right awards, including the French Republic's Human Rights Award and the 2008 Reebok Human Rights Award, and serves as the Vice President of the International Federation of Human Rights. Jabarin also serves as a Commissioner for the International Commission of Jurists and a member of Human Rights Watch's MENA Advisory Committee. In the past year alone, Al-Haq has issued reports on [the abuse of Palestinian workers in Israeli settlements, torture and abuse in Palestinian Authority jails, violations of the freedom of expression by the Palestinian Authority](#), and [Israel's de facto annexation of the West Bank](#). Al-Haq has also submitted evidence to the Office of the Prosecutor at the International Criminal Court for its [pending investigation](#) of possible Israeli and Palestinian war crimes and crimes against humanity.

Also included are two other widely respected human rights groups, Addameer, which defends Palestinian prisoners in Israeli military courts, and Defense for Children-International, which advocates on behalf of Palestinian children.

As a result of this designation, the Israeli government can now shut down these decades-old organizations that have served as the backbone of the Palestinian human rights movement and have played a critical role in fostering peaceful advocacy in civil society; it can seize their assets and jail their staff; it can even jail for three years any person who expresses support, praise, or sympathy for these organizations under Section 24(a)(1) of Israel's antiterrorism law. In sum, Israel's message to the Palestinian community is very clear: "We will crush you if you resist occupation and apartheid no matter what means you use. We will crush you if you use violence, and we will crush you if you advocate peacefully, relying on international laws and norms."

Yet, the costs of Israel's tactics will be felt not only by Palestinian civil society. As Israel sinks deeper into authoritarianism, intolerance, and stifling of dissent, those at risk of persecution by the Israeli government have included, and will continue to include, Israeli and Jewish human rights defenders, journalists, and academics. Make no mistake: the Israeli government is launching an assault on civil society, on free speech, and on human rights, using "counter-

terrorism” fictions no different than those deployed by Russia, China, or Iran. The primary targets may be Palestinians, but they will increasingly include critical Israelis and Jews inside and outside of Israel.

Nowhere have the consequences of abusive counter-terrorism laws been felt more widely and deeply among a nation’s civil society than in [Egypt](#). The government’s wholesale application of its own counter-terrorism law, and its overzealous designation of persons and entities it simply wants to silence as “terrorists,” has led to an intense crackdown affecting [tens of thousands](#) of individuals and several hundred organizations. The broadest capture of undesirable political expression stems from the Egyptian government’s [labeling](#) of the country’s oldest Islamist civil society and political organization, the Muslim Brotherhood, as a “terrorist” organization. Doing so allowed for the wholesale imprisonment of an estimated 50,000 Egyptians, many for almost a decade now, merely for support of, or membership in, the Muslim Brotherhood, an act deemed a “terrorist” offense under [this purposefully vague and overboard law](#).

These prosecutions under articles 12, 13, and 29 of [Egypt’s counter-terrorism law](#) and articles 86 and 188 of [Egypt’s Penal Code](#) require no evidence of violence or even threatened violence. Rather, they criminalize mere support for the views of the Brotherhood, which has not claimed a single terrorist act since it formally [renounced](#) violence nearly fifty years ago in the 1970s. The Egyptian government has gone so far as to [prosecute and jail](#) people for years, with no association with the Muslim Brotherhood whatsoever, simply alleging that they support the group, notwithstanding their long record of challenging the Brotherhood. This includes Egyptian journalist [Khaled Dawoud](#), who was charged with supporting the Muslim Brotherhood, despite violent attacks against him for his criticism of the group, and [Haitham Mohamedain](#), a labor activist and human rights lawyer who advocated for independent and worker-led trade unions.

To obfuscate these injustices, the Egyptian government has [turned to lobbyists and public relations firms](#) in Washington, such as [Brownstein Hyatt Farber Schreck](#). These firms are now selling the government’s new [National Human Rights Strategy](#) as evidence of a gentler regime interested in reform. However, there can be no meaningful reform until the government releases all those detained for merely associating with the Muslim Brotherhood, abolishes its fatally flawed counter-terrorism law, and ends its designation of the Brotherhood as a terrorist entity.

[Saudi Arabia](#) has not missed the opportunity to jump on the counter-terrorism bandwagon, [passing](#) its own “counter-terrorism law” in 2017 and using it to [persecute](#) writers, journalists, human rights activists, bloggers, religious scholars, and academics. Indeed, the ratio of those convicted for non-violent “terrorist” offenses no doubt exceeds those convicted for actual violence. One of the first individuals the Saudi government convicted in its terrorism court, the Specialized Criminal Court, was globally lauded lawyer and human rights activist [Walled Abulkhair](#). Among his many awards, Abulkhair [received](#) the 2012 Olof Palme Prize, the 2015 Ludovic-Trarieux Human Rights International Prize, the 2018 Right Livelihood (Alternative Nobel) Award, the Human Rights Watch Defender Prize, and the 2019 PEN Pinter Prize for International Writer of Courage. The Saudi government also convicted [Loujain al-Hathloul](#), a feminist activist who has championed an end to male guardianship laws, in this “counter-terrorism” court for her peaceful activism. [Salman Alodah](#), a religious scholar who has

advocated constitutional reform and peace in the region, is facing the death penalty for “terrorism,” including the charge of “expressing cynicism to the leader.”

The provisions of Saudi Arabia’s “counter-terrorism” law would be laughable if they were not so cruelly applied to destroy the lives of hundreds of the best and brightest of Saudi Arabia’s courageous activists. They characterize almost any criticism as an act of terrorism by [defining terrorism](#) to include subjective notions of “criticizing the king and the crown prince that brings religion or justice into disrepute,” “disturbing public order,” “shaking the security of the community and the stability of the State,” “exposing its national unity to danger,” and “suspending the basic laws of governance.” Article 35 of [the law](#) allows the government to jail a person for 15 years if he is deemed to have “misuse[d] their status in any way, either academic or social status or media influence, to promote terrorism.” The expansiveness of these notions is sweeping. For example, under Saudi Arabia’s law, if you tweet a criticism of the crown prince for murdering Jamal Khashoggi, as President Biden and Secretary State Blinken have done, you have used your media influence to promote terrorism.

Honored Lantos Commission Members, we know the scourge of terrorism is all too real. Many Americans, and far many more peoples in the Middle East and North Africa, have felt the pain and horror of violent, terrorist attacks. But how are we to tell the difference between the good guys and the bad guys when those in power, those governments deploying “counter-terrorism laws” to “fight terror” are themselves deploying tactics that terrorize their citizens and subjects? How are we to win the fight against terrorists when an Egyptian or Palestinian or Saudi Arabian citizen sees the governments ruling over them as the worst terrorists of all?

We make the following recommendations, noting the special responsibility that the United States has to address the abuses of “counter-terrorism” laws by governments to which it provides significant political and military support.

1. If governments are to defeat terrorism and delegitimize violence as a political tool, it is urgent that MENA governments reform both their counter-terrorism laws and practices, and limit such laws exclusively to criminalize violent acts for political ends.
2. The United States should ask Israel to repeal its “terrorist” designation of the six Palestinian organizations and end its persistent attacks on Palestinian civil society. Continued U.S. military and political support to Israel, including the recently approved \$1 billion to replenish Israeli’s Iron Dome defenses, has only emboldened the Israeli government to increase its assault on Palestinian communities, and further entrench its authoritarian, apartheid rule over their lives.
3. The United States should ask Egypt to abolish its counter-terrorism law, including provisions that designate the Muslim Brotherhood as a terrorist organization and association with the Muslim Brotherhood as a terrorist offense. It should also ask the Egyptian government to release all those imprisoned for such offenses immediately. The United States’ continued military support to the dictatorship in Egypt has played a critical role in providing political legitimacy and support to this abusive government.

4. The United States should ask Saudi Arabia to reform its counter-terrorism law, including abolishing provisions that criminalize critical political expression and release all those detained under such provisions. President Biden broke his promise to the American people that he would end U.S. arms sales to Saudi Arabia and hold Crown Prince Mohamed bin Salman accountable for the murder of Jamal Khashoggi, and the Biden administration has reestablished its close ties to the Saudi government. The administration can, and should, at the very least, attempt to lessen the harsh burden the Saudi government continues to impose on the country's most committed reformers.