

DON'T CALL ME TERRORIST, WHEN I'M NOT

Missuse of Anti-terrorist Laws in the Euro-Med



Author: Ricard Gonzalez

Foreword by Luca Gervasoni

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The **Novact Institute for Nonviolence** is a non-profit association dedicated to conflict transformation and peacebuilding. For over 20 years, we have worked to build positive peace through nonviolence in the Euro-Mediterranean region. Our commitment is to drive changes in fragile and conflict-affected contexts by creating transformative policies that promote peace, defend civic space, generate human security, ecological justice, gender justice, digital justice, and prevent corporate abuses. Our goal is to ensure that decisions affecting the future of communities are made by the communities themselves. Novact aims to be close to social movements through a comprehensive protection strategy, understanding that working on the collective strength of individuals is crucial for social transformation.

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Novact Institute for Nonviolence
Carrer Junta de Comerç, 20
CP: 08001
Barcelona

In collaboration with:



Irīdia_

For more information, please visit: www.novact.org.

First released: July 2023
Portada: Antonio Litov

Foreward

A powerful autocratic wave is sweeping the Euro-Mediterranean Region, perpetuating authoritarian regimes and silencing internal opposition through the dangerous tactic of falsely accusing nonviolent activist and anti-authoritarian individuals of terrorism. This strategy further reinforces the grip of autocrats while suppressing the voices of those advocating for democratic values and freedoms. As this wave extends its reach, it becomes crucial to comprehend how false accusations of terrorism can impact the burgeoning pro-democracy movement in the Euro-Mediterranean region.

The ramifications of such false accusations are far-reaching. They not only tarnish the reputation of individuals and organizations fighting for democracy but also undermine the credibility of a potential pro-democracy wave. The resulting climate of fear and suspicion hampers the progress of democratic movements and emboldens authoritarian regimes to tighten their grip on power. In the face of this challenge, maintaining ties of cooperation with these movements becomes even more critical, especially when they are unjustly accused of terrorism.

Collective actions by democratic governments, international cooperation institutions, and international non-governmental organizations are pivotal in reversing the authoritarian tide. To facilitate greater international participation and collaboration, the development of a shared framework on the “right to assistance” (R2A) is essential. This framework recognizes the right of populations and civil society organizations in all countries to request and receive specific forms of assistance, while external actors have the corresponding right to respond accordingly. By legitimizing various forms of external support to nonviolent pro-democracy movements, R2A enables expedient coordination among governments and provides guidance on evaluating which movements warrant support, permissible forms of support, and related considerations.

Amidst false accusations and repression, it is imperative to uphold the principles of democracy, human rights, and justice. By standing in solidarity with pro-democracy movements, actively countering false terrorism allegations, and providing meaningful support, democratic nations can help nurture and amplify the voices fighting for rights, freedom, and justice. Through concerted efforts, we can push back against the authoritarian wave and pave the way for a democratic resurgence in the Euro-Mediterranean region and beyond.

Luca Gervasoni i Vila

June 2023

Executive Summary

In the countries of the Euro-Mediterranean region studied in this report, we can observe a dangerous trend that degrades the civic life of their societies: the use of false accusations of terrorism against peaceful movements, dissidents, political parties or civil society organisations aiming at radical change in order to dismantle them or to criminalise their ideologies. Sometimes, the victims of repression are not members of political organisations, but outspoken critics of government policies, such as human rights defenders or journalists, and their prosecution seeks to stifle dissent.

In most of these countries, the anti-terrorism legislation has been amended in the last decade in order to broaden the definition of terrorism and terrorist activities and to expand the State's capacity to control its population. However, this has not led to a more robust protection of societies against terror threats, but to a regression in terms of individual and collective freedoms. In many cases, the definition of terrorism has become so vague that it can also include lawful expressions of dissent, such as nonviolent protests.

As a result, there has been a concerning increase in the number of terrorism-related cases based on flimsy evidence. In addition, as the punishments for this kind of offences are very serious, including heavy prison sentences or even the death penalty, the launch of an investigation usually entails the arrest of the accused person. Human rights defenders argue that authorities use pre-trial detention in terrorism-related legal processes as a form of summary punishment against dissidents intended to create a chilling effect in the larger society. **Sometimes, charges are dropped during the investigation or victims are acquitted, but they have already suffered a damage in terms of social stigmatisation that is rarely repaired.**

The magnitude of this problem varies from country to country. Egypt, Turkey and Israel/Palestine are the countries in the Euro-Mediterranean region where the total or relative number of victims seems higher, since it can attain thousands or even tens of thousands of people. While in Egypt the "terrorist" label can be applied to any dissident or outspoken critic whatever his/her ideology, in Turkey the communities mostly targeted are Kurds and alleged members of the Fetullah Güllen religious movement. In Israel/Palestine, the victims are the Palestinians, who can be subject to indefinite detention even without any conviction or accusation of having committed a crime.

While in these three countries the misuse of terrorism-related accusation can be traced back to many years or even decades, in other countries this is a recent phenomenon. For example, this is the case of Tunisia and Algeria. Both countries have seen a spike in politically motivated terrorism investigations in the last two years. Even though the numbers of targeted people are smaller, Spain and other EU countries have also shown a concerning upwards trend.

Introduction

The 9/11 attacks in 2001 in the US placed the fight against terrorism at the centre of the international agenda. Since then, many governments all over the world have adopted new legislative frameworks that have expanded the State's capacity to control, apply intrusive surveillance measures and restrict the freedoms of their populations. This trend even intensified in some countries in the wake of the Covid-19 pandemic. The renewed strength of the State vis-a-vis society has too often not been used for its intended purpose, to protect the population against violent attacks, but to prosecute and repress social movements, dissidents, political parties or civil society organisations aiming at radical change. Nonetheless, in some cases, the victims of State prosecution are just outspoken critics of government policies.

Even if actors which are perceived by States as “disruptive forces” are peaceful, they are often accused of terrorism-related charges in courts or in the public sphere. This is partly possible because there is not a definition of terrorism that enjoys a wide consensus at the international level, whether in intergovernmental institutions or in the media. As a result, “terrorism” has become an emotionally charged word used as a tool against the “enemies of the State” whether they use violent methods or not in order to delegitimize them in the eyes of the public opinion.

In Novact's view, this ever-growing phenomenon, aided by the existence of a global authoritarian tide, is a concerning violation of personal and collective rights which degrades the civic health of our societies. The aim of this report is to assess to what extent unfair accusations of terrorism by State actors are widespread in the Euro-mediterranean region. The period covered in the study is approximately the last three years, starting from the breakout of the Covid-19 pandemic. The document, which includes a chapter for those States in the region where this practice is more pervasive or relevant, also provides with policy recommendations to address this problem. These countries are: Algeria, Egypt, Morocco, Iraq, Palestine, Tunisia, Turkey, Spain and a category including other EU countries other than Spain.

The definition of terrorism that we have used is the one adopted by Novact in the [Barcelona declaration](#): “an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, groups or states, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators”. As far as we know, the victims studied in this report have not engaged in these kind of activities.

Study by country

ALGERIA

After the *Hirak* mass protest movement mobilised hundreds of thousands of people for over two years calling for political change, in June 2021 the Algerian authorities introduced several controversial [amendments](#) to the Penal Code. They broadened the definition of terrorist acts to include any effort “to access to power or to change the system of government through non-constitutional means” or also “to undermine the integrity of the national territory or incite [others] to do so”, a very vague concept that may be applied to lawful opposition activities.

Although dissidents in Algeria had been sentenced to prison for criticising the government for decades, accusations of terrorism were rarely levelled against nonviolent opponents before 2021. Since that year, at least 400 people including *Hirak* activists, lawyers and human rights defenders have been prosecuted for terrorism-related offences. According to data collected by local human rights defenders, charges were dropped for half of them before trial, while around 30 people have already been sentenced to several years in prison. In addition to them, several dissidents abroad have been judged *in absentia* and condemned to death. Algerian activists argue that the authorities often use false accusations of terrorism in order to be able to hold critics in prison without trial as a punishment for their activism. When they are finally judged, many of them are acquitted of these offences, but sentenced for other lesser charges.

On May 18 2021, two political groups, the Movement for Self-determination of the Kabyle region (MAK for its French acronym), a group asking for more rights for this Amazigh cultural minority, and Rachad, an opposition movement with Islamist leanings, were officially declared “terrorist organisations” despite the fact that they have never committed any sort of attack. Dozens of people with alleged links to these groups were arrested, and some of them were

charged with terrorism. For instance, that was the case of Karima Nait Sid, co-president of the World Amazigh Congress, who was charged with “belonging to a terrorist group”, in reference to MAK. Both MAK and Rachad supported the *Hirak* movement, so this false accusation seems just another measure intended to neutralise their protests and dismantle the movement. Since the start of the mobilisation in 2019, thousands of *Hirak* members or supporters have been arrested temporarily or charged with offences that resulted in jail sentences.

The victims of serious trumped up charges are not only political activists, but also journalists and human rights defenders. In October 2021, authorities arrested journalist Mohamed Mouloudj and charged him with “belonging to a terrorist group” for his contacts with MAK founder Ferhat Mehenni. In interrogations, Mouloudj stated that the contacts were related to his journalistic work. One year later, he was given a one-year sentence, but was released with credit for time served in pre-trial detention.

Also in 2021, authorities charged with terrorism offences four human rights defenders belonging to the Algerian League for the Defense of Human Rights (LADHD), one of the main rights NGOs in the country which was dissolved a few months later in a process without the most basic guarantees. The four defenders are Kaddour Chouicha, vice President of LADHD, Hassan Bouras, Djamila Loukil and Said Boudour, So far, a court sentenced Hassan Bouras last November to two years in prison with a one year suspended sentence, so he was released given the time already served. Another human rights defender, Zakaria (“Zaki”) Hannache, was arrested in February 2022 for “apology of terrorism”. After being kept in pre-trial detention for several weeks, he was released on bail, and he fled to Tunisia. Finally, amid international pressures, his charges were dropped.

Study by country

EGYPT

Unlike many other countries analysed in this report, the use of trumped up terrorism charges against outspoken critics in Egypt did not increase in the last three years. This practice has remained steady over the last decade, and it is the regime's main tool in its multi-layered repression toolkit. The turning point was the coup d'Etat carried out by current president Abdelfattah al-Sisi in July 2013. Since then, Egypt has become by far the most repressive State in the Euro-mediterranean region.

Human Rights groups estimate that the number of prisoners of conscience in Egyptian jails could reach **60.000**, and most of them have been accused or sentenced for false terrorism offences. Only in the first half of the year 2022, Egyptian courts dealt with more than **13.000** cases involving terrorism charges. Although it is true that Egypt faces the threat of jihadism, it is mostly restricted to the Sinai Peninsula. However, only a minority of terrorism cases are brought in this region. Moreover, the violations of due-process are so wide in Egyptian courts and the lack of transparency so blatant that it is difficult to identify which accusations of terrorism activities are legitimate.

In Egypt, the law provides a very broad definition of terrorism to include "any act harming national unity or social peace". In addition, it provides the authorities with sweeping powers while persecuting alleged terrorist activities. For instance, penalties on individuals designated as terrorists by security services such as travel bans, asset freezes, passport cancellation, and loss of professional credentials and political rights can be imposed even without criminal convictions. The "terrorist" label is often used by state security-owned or -aligned outlets to run media smear campaigns against critics, including human rights defenders, who have just been called for interrogation in police headquarters.

After al-Sisi's coup, the most usual charge in politically motivated prosecutions was "belonging" or "joining" a terrorist organisation. Over the first years, most people arrested under this accusation belonged to the Muslim Brotherhood, the strongest political organisation in Egypt before the coup. The Brotherhood, which ruled the country for a year after its victory in the 2012 presidential elections, was designated a terrorist organisation in December 2013. However, later on, the regime has prosecuted for terrorism all outspoken critics with any kind of political leanings, whether they are political activists, journalists, bloggers, human rights defenders and lawyers, or even citizens who just published a critical post in social media.

Many times, false terrorism charges are added in a process in order to allow authorities to keep detainees in pre-trial detention for the maximum legal period allowed by law, which is two years. According to a study by monitoring group, terrorism circuit courts handling these types of charges released pre-trial detainees in only 2.7 percent of adjudications before the courts. Given the harsh conditions in Egyptian jails, imprisonment can be a life-changing or even a life-threatening experience. It is estimated that at least 52 people died in custody in 2022. Therefore, the threat of imprisonment has a clear chilling effect on the dissidence.

Study by country

EU COUNTRIES

The most common victims of unfair accusations of having links to terror groups in the EU countries are Muslim communities, especially if they hold conservative views or some of their members belong to nonviolent Islamist movements. Normally, they are not prosecuted in courts for terrorism, but they are very often treated with suspicion in mainstream media and they are pointed at as a security threat by far right groups and parties. Some measures adopted under security legislations, like the closures of mosques or hijab bans, infringe their civic rights, such as the freedom of belief.

In a few cases, activists or scholars have been investigated for alleged terrorism activities despite not having any strong evidence. For example, this happened to Farid Hafez, a university professor and founder of the organisation Austrian Muslim Youth Association. Along with 60 other people, his house in Vienna was raided by special forces as part of so-called Operation Luxor against Political Islam in Austria. He was subject to surveillance measures and all his assets were frozen for two years. Shockingly, the elaboration of his Report on Islamophobia for Georgetown University was accepted by a court in Graz as a proof of his violent ideology. Finally, charges against him were dropped, but he decided to relocate to the US to escape from police harassment.

Another European country where Muslim conservative views are often conflated to a security threat is France. Since 2020, French authorities have dissolved two associations fighting against Islamophobia arguing that they “provoked acts of terrorism” for merely denouncing the discriminations that Muslims face in the country. In 2021, the Parliament passed the Law Against Separatism, which also targets some Muslim communities being considered as a threat. Among other regulations, the law forces SCO to sign a contract with the State in which they commit to respect several principles, including the

secularism of the Republic, in order to receive public funds. The lumping out in the same bill of religious symbols and terrorism fuels the growing perception that the Republic and Islam are antagonistic. In the following year, 22 mosques were closed.

In recent years, the attitude of French authorities towards nonviolent dissent reveals an ever-growing lack of tolerance. As it happened with the movement of *Gilets Jaunes*, the recent protests against the reform of the retirement age in France have been met with an excessive use of force. In an act that reveals to what extent resorting to anti-terror laws has become unrelated to real security risks, French police confiscated pots and casseroles to activists in the city of Hérault before a visit of president Emmanuel Macron last April. The official reason was to “prevent acts of terrorism”.

Over the last years, the environmental movement has grown bolder in their protest all over Europe. Groups such as Futuro Vegetal in Spain or Last Generation in Germany have attracted a lot of media attention for their bold protests. In Spain, 14 activists were briefly detained by the Antiterrorism Brigade for throwing red paint to the walls of the Parliament. Although they have been tried for charges other than terrorism for these acts, some governments have used security laws to curtail their activities. In Poland, days before hosting the COP24 in December 2018, authorities issued a terrorism alert and denied entry to at least 13 foreign climate activists registered to attend, calling them security threats.

In some conservative press outlets and in social networks environmental activists have been labelled as “eco-terrorists”. In Germany, Last Generation group has even been dubbed “Eco RAF”, a reference to the left-wing armed group Red Army Faction. It is even more concerning the fact that some political leaders have started to adopt this concept **with the aim of delegitimising these groups**, as this is the case of French Interior Minister [G rard Darmanin](#).

Study by country

IRAQ

Iraq's anti-terrorism law, known as [Law No. 13](#) of 2005, has been criticised by rights NGOs for being "ambiguous" and using an overly broad definition of terrorism. At the time the law was passed, and in the years ever since, Iraq has faced several robust insurgencies and Iraqi authorities have extensively used the sweeping powers the law grants to security services. As a result, tens of thousands of people have been arrested and charged with terrorism-related charges. Human rights organisations have complained that too often due process was not respected.

According to [official statistics](#) from the Ministry of Justice, in January 2021 there were 22,380 people detained in Iraqi prisons for terrorism-related offences, including 950 women. In many cases, convictions were based on confessions obtained under torture. This number includes hundreds of minors and even many children under the age of 15, most of them living in Sunni-majority areas that used to be under control Islamic State of Iraq and the Levant (ISIL). Overwhelmed by the ISIL threat, Iraqi authorities have tried to combat this armed group casting a wide net of accusations against those communities suspected of supporting it. Because of a lack of transparency, it is not always clear whether accusations were used to arrest alleged supporters or members of ISIL in cases with thin evidences or rather they were used to exert control of Sunni communities.

In any case, [many reports](#) indicate that the anti-terrorism law was used as a pretext for detaining young Sunni men without due process. Quite often, these arbitrary arrests led to abuse and torture. Spouses and family members of Sunni Arabs who were wanted on terrorism charges were reportedly

detained to compel their surrender. These practices provoked so much fear that Popular Mobilisation Forces (PMF), Shia militias affiliated to the State, frequently threatened members of Sunni and minority communities under their control with terrorism charges to silence their dissent.

However, Sunni communities were not the only victims of the misuse of counter-terrorism legislation. In the last years, several political opponents, human right defenders and journalists were imprisoned for activities or statements that are protected by international conventions of civil and political rights. For example, in October 2022, a counter-terrorism unit of the Kurdish Regional Government arrested two journalists, Sartip Waisi and Ibrahim Ali, from Erbil-based *Bwar* online news media on their way to Erbil from Sulaymaniyah. The two journalists were not even informed of the charges against them. After a wave of condemnation, they were released on bail six days later. The arbitrary arrest and subsequent release of outspoken critics is a recurrent practice that seems aimed at instilling fear in those targeted people or communities and also stigmatising them in the eyes of the public opinion.

Study by country

MOROCCO

Unlike most countries analysed in this report, the use of false terrorism charges to deter dissent in Morocco has decreased over the last years. As Human Rights Watch denounced in the report [“They’ll Get You No Matter What”](#), the methods to crush dissidents have become more sophisticated and Moroccan authorities usually resort now to false accusations of sexual crimes, as it happened to journalists Omar Radi and Souleiman Raissouni.

In the last decade, the Spanish journalist Ignacio Cembrero was prosecuted in four different legal cases for “apology of terrorism” even after he fled Morocco, where he worked as a correspondent for Spanish media for several years. Ali Anouzla, a Moroccan journalist and human rights defender, faced charges for “material support for terrorism” and “incitement to commit acts of terrorism” for articles he wrote in 2013 in the news site Lakoum. In addition to journalists, several political activists of the HIRAK protest movement in the Rif region, which took place in the years 2016 and 2017, were charged with terrorism-related charges even though it was a peaceful movement. According to human rights defenders, these cases are less common now because the regime has realized that they were not credible in the eyes of the public opinion, so it prefers other types of false accusations, like those related to sexual crimes.

Nowadays, [Mohamed Hajib](#) is the most well-known case of a Moroccan dissident falsely accused of terrorism. Moroccan authorities have unsuccessfully asked Germany for the repatriation of Hajib, who is a dual citizen from Morocco and Germany. The refusal of German authorities was one of the reasons behind the diplomatic crisis between Rabat and Berlin in 2021. Hajib has become a media sensation

thanks to his livestreams videos in social networks like Facebook and Youtube in which he uses facts and sarcasm to criticise the Moroccan regime. Hajib was an Islamist activist who was arrested in 2010 in Pakistan, repatriated to Germany few months later without being charged for any crime, and then sent to Morocco, where he underwent abuse and torture as a suspected terrorist. Condemned to ten years in prison based solely on a confession signed under duress, he returned to Germany after his release.

Another victim of the misuse of the “terrorist” label in Morocco is the Polisario Front, the political movement and armed group that has been engaged in a conflict with Morocco over the control of the Western Sahara territory, which should have the right of self-determination according to the United Nations. Moroccan authorities and especially those Moroccan media controlled by security services usually call the Polisario Front a “terrorist” group, even though it is not considered as such by any other country. Peaceful Saharawi activists who support the Polisario Front in occupied Western Sahara are harshly repressed and their rights of freedom of expression and assembly are routinely violated. They are often arrested and prosecuted for charges related to national security that can include terrorism offences. **Mohamed Dihani is probably the most well-known case. This Saharawi human rights defender was sentenced to 10 years in prison in an anti-terrorist court of Rabat in 2011. After his release, he still suffered the harassment of the authorities until he was finally able to enter Italy in 2022 to apply for international protection.**

Study by country

ISRAEL/PALESTINE

Palestine has a specific context that sets it aside from the other countries analysed in this report. Israel has been able to occupy the Palestinian territories of the West Bank and Gaza for several decades by means of suppressing Palestinian people's aspirations for self-determination. Over all this time, Israeli authorities have used several tools to achieve it. One of them is to deem "terrorist acts" many acts of resistance to the occupation, whether they are violent or not. The label "terrorist" has often been used to criminalise the Palestinian national cause in the battle to influence the international public opinion.

One of the most flagrant cases of abuse of the terrorism concept in order to deter criticism of government policies or officials happened in October 2021. Israeli authorities designated six Palestinian NGOs -al-Haq, Addameer, Defense for Children International-Palestine, the Bisan Center for Research and Development, the Union of Palestinian Women's Committees, and the Union of Agricultural Work Committees- as terrorist organizations, alleging connections to the armed group Popular Front for the Liberation of Palestine. The UN special rapporteur on counter-terrorism and human rights criticized the designation as a blatant misuse of counterterrorism legislation in order to ban human rights activities, which probably sought to provoke a chilling effect among NGOs that monitor and denounce the abuses committed by occupation authorities.

Another recurrent practice to control the Palestinian population is the indefinite detention of thousands of people under the so-called regime of "administrative detention" on the grounds that they are members or supporters of "terrorist organisations". At the end of March 2023, the [Israel Prison Service \(IPS\)](#) was holding 4,407 Palestinians in detention or in prison for "security" reasons, including 186 from the [Gaza Strip](#). All these detainees are held indefinitely by order of the regional military commander, based on classified evidence that is not revealed to them and without having committed an offence, and thus, without the right to face a trial and be able to prove their innocence.

There is a wide range of acts that can lead to prosecution or an investigation under the anti-terrorism law, which in Israel provides with a very broad definition of terrorism. Maybe the most innocuous of these acts is to raise a Palestinian flag. Israel's national security minister, Itamar Ben-Gvir ordered in January to ban Palestinian flags from public place arguing that it "shows identification with a terrorist organisation". Other expressions of Palestinian symbols, culture or identity can also be dangerous. In March 2020, two students in the Hebrew University, Palestinian residents of East Jerusalem, were arrested for singing a song in Arabic, which police officers claimed that included words supporting terrorism. Nonetheless, the students indicated that it was a Palestinian folk song. The students were eventually released, but they were told not to go to the campus in the next few days.

Discrimination against Palestinians has many faces in a two-tier system described as "apartheid" by human rights organisations like [Human Rights Watch](#). In January 2022, following Bedouin demonstrations against afforestation projects in the south of Israel, police arrested 396 people, 60 of whom were minors. Six of them were investigated for alleged terror-related acts, an accusation that it is never levelled against Jewish demonstrators, even if their protests turn violent.

Human rights organisations are also very critical of collective punishments against Palestinians, which are illegal according to international law. Normally, these punishments are carried out as a "deterrent" to terrorist activities. For example, relatives of Palestinian militants who have committed an attack usually see their houses demolished by Israeli authorities. Other punishments are also possible, like the revocation of residency permits. That was the [case for seven](#) East Jerusalem Palestinian residents who are relatives of Fadi al-Qanbar, a militant who killed four Israeli soldiers in 2017. Last year, the Interior Minister of Israel, Ayelet Shaked, ordered the expulsion from Israel of these seven people citing a ruling from a Jerusalem appeals court that gave her the right to do that.

Study by country

SPAIN

The concern about the use of security legislation in Spain to stifle dissent reemerged in 2015 in the wake of a deep economic crisis. In that year, the government passed the so-called *gag law* that infringes the right to protest and the freedom of expression. It also passed *numerous amendments* to the criminal code in order to expand the range of offences that constitute acts of terrorism. However, it was especially after the organisation of a self-determination referendum in Catalonia in 2017, deemed illegal by the Constitutional Court, that the authorities started to unfairly accuse some activists, mostly Catalan pro-independence groups, of terrorism.

In 2019, nine people were arrested in Catalonia under terrorism charges and four others were also investigated in a legal process known as *Judas Operation*. They spent three months in pre-trial detention before being set free on bail and they are still awaiting trial. They all belonged to CDRs, local committees that were created in many neighbourhoods and small towns all over Catalonia to organise protests in order to demand the independence of Catalonia. These groups carried out acts of civil disobedience, such as blocking roads, but they never committed any attack.

Tamara Carrasco, also linked to a CDR, was arrested in 2018 accused of terrorism under flimsy evidence. She was forbidden to leave her town, Viladecans, in the province of Barcelona, for a year. Finally, given the lack of any serious proof of terror activities, she was only tried for inciting public disorders. In 2020, she was acquitted of all charges. These two cases against CDRs were broadly seen in Catalonia as a tool to criminalise the pro-independence movement and deter people from joining these grass-root organisations.

In addition, an anti-terrorist court launched in 2019 an investigation on the organisation Tsunami Democratic, created by anonymous activists to call for mass protests against the heavy prison sentences received by nine pro-independence Catalan leaders for organising the 2017 self-determination referendum. According to a leak published by a *Spanish newspaper*, the investigation is moving forward and it has already identified several well-known politicians allegedly behind the faceless movement.

While in the past Spanish authorities often used terrorism-related charges against nonviolent anarchist and Basque pro-independence activists, more recently artists have become a more usual target. In most cases, investigations do not lead to formal charges. However, in a few cases, singers have been prosecuted and condemned for “exalting terrorism”. This is the case of the rapper Valtonyc, who was sentenced to three and a half years in prison because of the lyrics of his songs. He lives in exile in Belgium now. More recently, another rapper, Pablo Hasel, was sentenced to prison in 2021 for the same charge and he is still serving his time.

Last but not least, two other collectives have been the target of unfair accusations of terrorism: climate activists, as already noted in the chapter dedicated to EU countries; and Muslim individuals and communities with a conservative interpretation of religion. For instance, Muslim activist Mohamed Said Badaoui was deported to Morocco after 30 years living in Spain on the grounds that he was supportive of jihadism, an allegation he flatly rejected. Nonetheless, he could not contest this accusation because the information against him came from intelligence sources and it was classified.

Study by country

TUNISIA

In the wake of a streak of jihadist attacks in 2015, the government passed a new anti-terrorist law that included a vague and broad definition of terrorism and increased security forces' powers. In post-revolutionary Tunisia, authorities sometimes tried to deter dissent by forcefully dissolving protests or prosecuting activists for charges such as "insulting" or "undermining" State institutions, but rarely for offences related to terrorism. Nonetheless, this changed after president Kais Saied suspended the Constitution in 2021 and granted himself sweeping powers. Since then, unfair accusations have broadly been levelled against dissidents and political opponents, sometimes including terrorism-related charges.

In early 2023, repression became more blatant: 17 dissidents, among them politicians, lawyers, activists and the head of a popular radio station, were targeted in a wave of arrests under an investigation for conspiracy against the State. According to their lawyers, they are being questioned about their efforts to unite the opposition and their ordinary meetings with Western diplomats, all of them normal political activities protected by the Constitution.

Although these opponents have not been charged yet, the president publicly branded them as "terrorists" and accused them of plotting to attack the state and even to assassinate him. This is especially concerning given the erosion of judicial independence as a result of Saied's assumption of exceptional powers. In fact, he has admitted directly interfering in these [investigations](#) and he even publicly pressed judges to condemn the dissidents. Otherwise, he said, they will be deemed their "accomplices".

The main political party targeted by Saied's repression is Ennahdha. Although there are several people with links to this Islamist party among those arrested for conspiracy, most of the roughly twenty current or

former Ennahdha figures in jail are not included in that legal process. Among them, its historic leader, Rached Ghannouchi. After his recent arrest on April 18 for incitement to violence, he was shuttled from prison to an anti-terrorism unit of the National Guard for questioning. In mid-May, after having been interrogated for more than one hundred hours on different subjects, he was sentenced to one year in prison for "plotting against the State", but could still be charged in several other processes.

Two well-known Ennahdha politicians, former Justice Minister Nouredine Bhiri and former Prime Minister Ali Laarayedh are also languishing in prison. They are both under investigation for similar terrorism-related charges. Laarayedh has been under arrest since December 2022, and Bhiri since February 2023, but he had already been briefly detained in December 2021. They have been questioned about their decisions while in government during 2012 and 2013, when thousands of Tunisians travelled to Iraq and Syria to fight alongside Islamist militias. Although it is legitimate to criticise the performance of the government at the time, there is not [any evidence](#) that links both politicians to any crime.

[Three other](#) Ennahdha leaders, Said Ferjani, Mohamed Mzoughi and Mohamed Saleh Boullagui are investigated in different legal processes under the 2015 anti-terrorist law for several offences that include "membership in a terrorist organisation", and which are punishable by up to 20 years in prison and even death.

The arbitrary way in which all these investigations are conducted suggests that the aim of the Saied regime is to criminalise the opposition in the eyes of the public opinion by spreading grave accusations without evidence.

Study by country

TURKEY

Almost two years after a military coup attempt in 2016, the Turkish parliament passed a new anti-terror law that allows a broad interpretation of the term “terrorism”, leading to the prosecution of journalists and dissidents on the basis of their words alone despite the lack of any incitement to violence or hatred. Since then, the number of people prosecuted on terrorism offences is staggering. According to [official statistics](#), authorities have dismissed or suspended tens of thousands of civil servants and government workers, arrested or imprisoned more than 95,000 citizens, and closed more than 1,500 nongovernmental organizations on terrorism-related grounds.

Most people targeted by this type of legal prosecution were accused of having ties to one of these two organisations, that are deemed “terrorist” in Turkey: the Fetullah Güllen movement, a widespread conservative religious group which the Turkish authorities argue that it was behind the coup attempt; and armed group Kurdistan Worker’s Party (PKK), which has fought an insurgency war against Turkey since 1984. While PKK is included in the list of terrorist organizations of the US and the EU, this is not the case for the Güllenist movement.

Most of those arrested or dismissed from their jobs were not involved in the coup or in any kind of violent activity. In addition, many of those trials were marred by numerous irregularities. Domestic and international legal and human rights groups denounced that the judiciary lacked impartiality and that defendants were sometimes denied access to the evidence underlying the accusations against them. Quite often, the evidentiary threshold for launching legal procedures was very low. For instance, in some cases, prosecutors considered the possession of a Kurdish-language, pro-Kurdish or Güllenist books to be a credible proof of membership in a terrorist organisation. Since many of those accused faced pre-trial detention, rule of law advocates argue that terrorism charges in politically motivated cases are used as a form of summary punishment.

In 2021, the Supreme Court initiated legal proceedings to ban the HDP party, the main Kurdish party and the third largest in Turkey, on the grounds of “terrorist ties” in reference to PKK, which their leaders strongly deny. According to the HDP, since July 2015 at least 5,000 HDP lawmakers, executives, and party members have been incarcerated for a variety of charges related to terrorism and political speech. Since 2019, the Ministry of Interior has suspended 48 of 65 elected HDP mayors in the Kurdish region and its co-Chair and former presidential candidate, Salahattin Demirtas, has been in prison since 2016 on the basis of terrorism charges. In 2018 and 2020, ECHR ruled for his release, but Turkish authorities have refused to apply these rulings. In a clear example of repression against any sign of Kurdish identity, Nevaf Bilek, a politician belonging to CHP, the main Turkish opposition party, faced last year an investigation for “conducting terrorist propaganda” for a media statement in which he referred to Diyarbakir as “an important and historical city in Turkish Kurdistan”.

Journalists, human rights activists and lawyers are not exempt from prosecution for terrorism offences. Many lawyers defending people accused of terrorism have faced criminal charges themselves. This practice disproportionately affected access to legal representation in the Kurdish regions. Since the coup attempt, authorities have prosecuted more than 1,600 lawyers, arrested 615, and sentenced 551 to lengthy prison terms on terrorism-related charges. As for journalists, in the period between September 2021 to July 2022, 46 journalists were tried for “making propaganda for a terrorist organisation”.

In December 2020, a new tool was added to the anti-terrorist legislation regarding the funding of terrorist activities. The new law expanded the Ministry of Interior’s powers to audit, suspend staff and governing board members, and temporarily shut down operations of NGOs without judicial review. Although authorities have not closed any civil society organization to this date, NGOs reported that the law had a substantial chilling effect.

Recommendations

Build local coalitions to narrow the definition of terrorism. In most analysed countries, the definition of terrorism has been broadened in the last decade, which has paved the way for politically motivated accusations of terrorist activities. Actors and communities targeted by these practices should try to build coalitions with other concerned actors, such as political parties or human rights organisations, in order to amend anti-terrorism legislation to narrow its definition and, if possible, the sweeping powers these laws grant to security services. Worldwide and regional data suggests that there is a constant decline in terrorist attacks since 2015, a context that could help to make the case in the court of public opinion.

Build global coalitions to raise global awareness. The first condition to start addressing a specific problem is to recognize that it exists. As the report indicates, the use of anti-terrorist laws to target lawful is a widespread problem in many States in the Euro-Mediterranean region. However, the perception of this problem varies from country to country depending in different factors, such as the existence of a vibrant civil society. For this reason, building international coalitions with the aim of raising awareness of this problem could be useful, especially in those countries where the perception is lower. **All the strategies and campaigns to achieve these ends must be strictly nonviolent.**

Improve data collection. One of the benefits of building coalitions of concerned actors both at the local and international level is that it could help to improve data collection. Because of lack of transparency for judicial matters in some States, as well as the difficulty in some cases to distinguish which are politically motivated prosecutions on terrorism-related offences, data collection on this phenomenon can be technically complicated. In addition, in many reports on human rights violations, the cases intended misuse of anti-terrorism accusations are scattered in different sections depending on which right was infringed: freedom of expression, freedom of assembly, etc. A better data collection could help to make the case for the need to address this problem.

Push for a global effort to find a “negative definition” of terrorism. Over the last decades, there have been several efforts at the international level to reach a consensus about the definition of terrorism. They have all failed, and there is not any indication that a new push would be successful. However, maybe it could be possible to reach a consensus on “negative definition” of terrorism, that is, on what can not be considered terrorist acts. The aim would be to carve a space for lawful dissent that national anti-terrorist legislations could not infringe.

Addressing governments on the dangers of current policies. Human rights organisations and advocacy groups should make the case to governments that the use of anti-terrorism law to target peaceful political opponents can be counter-productive for several reasons. Firstly, this kind of practices undermine the legitimacy of the State and can breed more dissent in the long run. Secondly, if peaceful political activism is severely punished, some dissidents can reach the conclusion that the only possible way to bring about political change is through violence. Therefore, it could lead to more attacks. Last but not least, anti-terrorism legislation loses its deterrent capacity when applied to nonviolent opposition activities.

Integrating human rights protections to national antiterrorist legal and administrative frameworks. Some of the abuses denounced in this report could be prevented if States integrated within their antiterrorist policies mechanisms to protect human rights. So far, only the United Nations antiterrorist framework includes this kind of protections. From the States point of view, this measure should be considered useful because it will increase the legitimacy of the State, a key point in the battle to eradicate societal violence and terrorist activities.

Developing a New Normative Framework: The Right to Assistance (R2A) In the realm of supporting nonviolent civil resistance movements, collective actions by democratic governments, multilateral institutions, and international non-governmental organizations play a crucial role. To foster greater international participation and collaboration in these efforts, it is recommended to develop a shared normative framework known as the Right to Assistance (R2A). The concept behind R2A is simple yet powerful: every individual, regardless of their place of residence, should have the right to request and receive assistance aimed at protecting and advancing fundamental human rights. By establishing and advancing this normative framework, we can directly challenge autocratic governments that have increasingly asserted their own de facto norm of “hyper-sovereignty” over the past two decades. These autocratic regimes have utilized this norm to justify domestic repression, hinder international support for democracy, and evade accountability in international forums such as the United Nations. False accusations of terrorism have played a crucial role, accelerating repression towards nonviolent movements and fast-tracking authoritarian regimes. Paradoxically, they undermine their own arguments by actively attacking and undermining democratic states. Recognizing and promoting the Right to Assistance would counter these autocratic assertions of hyper-sovereignty and false accusations of terrorism, legitimizing external support for nonviolent civil resistance movements. This framework not only empowers individuals and organizations fighting for human rights but also facilitates international solidarity and cooperation in advancing democratic values. By endorsing the Right to Assistance and working collectively within this normative framework, democratic governments, multilateral institutions, and international non-governmental organizations can effectively confront the challenges posed by autocratic regimes. It sets the stage for a unified response that upholds the principles of democracy, counters repression, and promotes a more just and inclusive world.

