



Counterterrorism in North Africa: From Police State to Militia Rule and the Quagmire of “CVE”

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1. Introduction

It has been ten years since protests in which demonstrators called for dignity and civil rights spread across North Africa. The political landscape there remains diverse, ranging from a constitutional monarchy (Morocco) to ailing army rule (Algeria) to challenged democracy (Tunisia) to civil institutions alongside militia rule (Libya) and an authoritarian, aspiring dictatorship (Egypt).¹

From a Western perspective, two security policy concerns dominate foreign strategy deliberations about the North Africa region: first, there is the continuous apprehension about migration via these countries into Europe, which is seen by some as too burdensome for European societies and economies.² Second, there is the fear of security threats, such as terrorism, spilling over into Europe or endangering foreigners in North Africa. For example, an Islamic State gunman launched an attack in the Tunisian holiday town of Sousse in 2015 and killed 38 people, 30 of them British citizens.³

Naturally, these two policy areas have some overlap. For instance, the threat of insecurity from terrorism, *inter alia*, can motivate people to migrate. Likewise, the financial and/or military support of local armed groups that promise to curb migration to Europe can end up financing terrorism if the “wrong” armed groups are provided with support.⁴

The purpose of this report is to summarise and synthesise the counterterrorism (CT) policies and practices of North African countries in order to provide an overview of the eclectic handling of counterterrorism efforts. In this report, the term “counterterrorism” will cover various aspects, from military responses to attempts at prevention as well as deradicalisation.⁵ Traditionally, the literature discussing counterterrorism clusters around two models: a military (or war) model and a criminal justice model.⁶

While the criminal justice approach is mostly associated with liberal democracies, some of its features are also found in North Africa. Overall, however, the military approach has been favoured for recent

1 Salamey, Imad. “Post-Arab Spring: changes and challenges.” *Third World Quarterly* 36.1 (2015): 111–129; Aras, Bülent, and Richard Falk. “Five years after the Arab Spring: a critical evaluation.” *Third World Quarterly* 37.12 (2016): 2252–2258; Huber, Daniela, and Lorenzo Kamel. “Arab Spring: The role of the peripheries.” *Mediterranean Politics* 20.2 (2015): 127–141; Ennaji, Moha, ed. *Multiculturalism and democracy in North Africa: Aftermath of the Arab spring*. Routledge, 2014.

2 Albeit many argue that Europe needs migration. Münz, Rainer. “The global race for talent: Europe’s migration challenge.” *Bruegel policy brief* 819 (2014).

3 France24, “Scores killed in terror attack on Tunisian beach resort”, 26 June 2015, <https://www.france24.com/en/20150626-tunisia-deadly-shooting-beach-resort-gunmen>.

4 For instance, the US State Department mentions migration in their 2016 Libya Country Report on Terrorism: According to the International Organization of Migration, 181,436 arrivals were recorded by sea in 2016 to Italy through the central Mediterranean route, mainly transiting from Libya to Italy. A total of 18,904 migrants were rescued off the Libyan coast and 4,576 died. The majority of the migrants used the porous southern borders of Libya to traverse from sub-Saharan African countries and embark on boats along the Libyan shores. Existing legislation outlining the responsibilities of various government agencies in the area of border management is vague and often contradictory, resulting in ad hoc and poorly coordinated efforts. The European Union (EU) Border Assistance Mission to Libya is mandated to plan for a possible future EU mission providing advice and capacity building in the areas of criminal justice, migration, border security, and counterterrorism at the request of the Libyan authorities. The mission is located in Tunis and has maintained contact with the relevant Libyan authorities. <https://www.refworld.org/docid/5981e42e13.html>

5 Rineheart, Jason. “Counterterrorism and Counterinsurgency,” *Perspectives on Terrorism*, 4.5 (2010): 31–47.

6 With authors such as Crelinsten suggesting new typologies that are more holistic in a world where internal and external security becomes more indistinguishable. Crelinsten, Ronald. “Perspectives on counterterrorism: From stovepipes to a comprehensive approach.” *Perspectives on Terrorism* 8.1 (2014): 2–15; Crelinsten, Ronald. *Counterterrorism*. John Wiley & Sons, 2013.

North African CT policies. In other words, the region is defined by a security-heavy approach, with most countries relying on military means to fight terrorism (Algeria is the prime example). Simultaneously this means that community approaches of preventing radicalisation or the joining of terrorist groups are more scarcely represented. Nonetheless this varies for the different countries. For instance, in Tunisia genuine civil society efforts have developed in this regard.⁷ Furthermore, the influx of international money bolstered society-based programmes for countering terrorism in the long term, but often these programmes are largely state-controlled, as in Morocco, for instance.⁸

While this report refers to terrorist attacks in the region, it does not claim to provide a causation between certain CT policies and the number of terrorist incidents. Scholars have proved repeatedly that terrorism cannot be entirely eradicated and that the occurrence of terrorist incidents, as well as the radicalisation of individuals, is multifactorial.⁹ In addition, state authorities have interests in claiming and framing terrorist incidents.¹⁰ On the one hand, if a country is interested in receiving (foreign) security assistance, for example, conveying a tangible terrorist threat to the entities it is in negotiation with for financial or military support can be beneficial. Similar dynamics ring true for various countering violent extremism (CVE) programmes.¹¹ On the other hand, downplaying terrorist activity can serve a purpose as well: for instance, if leaders want to portray the country in general and leadership in particular as stable and “having everything under control.”¹²

Furthermore, as with any policy, the effects of CT policies are usually delayed. In other words, effective CT policy shows itself in reduced terrorist incidents and low levels of radicalisation in the years after it was implemented rather than immediately. Even then, any serious assessment would argue for correlation rather than causation.¹³

For the instances in this report, for which I incorporate terrorist activity in the different countries, I triangulated the available data and am relying on open-source data collection that I conducted myself, internal releases by terrorist groups operating in North Africa, relevant secondary source reports on terrorism in North Africa and government-reported figures.

Overall, this report fills a gap as it provides a much needed, contemporary overview of CT policies as well as the institutional setup in which these policies are formulated and enacted by North African states.¹⁴ Secondly, it contributes to the literature that examines if

7 Aliaga, Lola and Kloé Tricot O'Farrell. “Counter-terror in Tunisia: a road paved with good intentions?” *Saferworld*, 2017.

8 Khalid Mouna, “Civil Society Versus the State. The Case of Morocco.” *European Foreign Affairs Review* 25, Special Issue (2020): 67–86.

9 While terrorism cannot be entirely eradicated, some groups can be contained or even extinguished. Audrey Kurth Cronin. *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton University Press: 2009.

Mustafa Cosar Unal and Petra Cafnik Uludağ. “Eradicating Terrorism in Asymmetric Conflict: The Role and Essence of Military Deterrence.” *Terrorism and Political Violence* 2020.

10 Lyubov Mincheva, Ted Robert Gurr. *Crime-Terror Alliances and the State Ethnonationalist and Islamist Challenges to Regional Security*. London Routledge: 2012.

11 Koehler, Daniel. “Stand-alone de-radicalisation programme evaluation tool for stakeholders,” *DARE*, June 2020.

12 Khaled Dawoud, “Downplaying Terror Attacks in Egypt.” *Carnegie Endowment*, 9 November 2018, <https://carnegieendowment.org/sada/77687>

13 Measuring CT and CVE programmes is contested and there exists no agreed upon framework. Baruch, Ben and Tom Ling, Rich Warnes. “Evaluation in an emerging field: Developing a measurement framework for the field of counter-violent-extremism.” *Evaluation* 24.4 (2018): 475–495.

14 Furthermore, due to the ambiguity and secrecy of counter-terrorism campaigns, it is extremely hard to find reliable documents that reflects the official perspective and the real policy for many reasons. Abozaid, Ahmed M. “Counterterrorism strategy and human rights in Egypt after the Arab uprising: A critical appraisal.” *Aggression and Violent Behavior* 51 (2020).

military CT approaches are successful; finally, it offers a summary that categorises North African CT policies along shared as well as differing characteristics. This model will prove useful for future analyses of CT policies in non-Western contexts. The report does not claim to provide a comprehensive overview of all CT programmes in the countries, including international ones, but outlines the main features and formulates recommendations for Western policymakers based on this analysis.

For future analysis, the focus away from CVE policy towards human rights abuses highlighting the correlation between the two in each context could be expanded by local evidence on work that tackles issues which are presumably part of the root causes (and likely tackle radicalisation more efficiently).

2. Case Studies

The following case studies cover five Arabic-speaking countries in North Africa (Egypt, Libya, Tunisia, Algeria and Morocco) and concentrate on the last decade (from 2011) to provide an up-to-date analysis.¹⁵ These countries have all experienced popular upheavals in recent years, albeit varying in degree and impact. These expressions of discontent by parts of the population still linger with many elites and instil fears of potential upheaval.¹⁶ The next sections will show how these insecurities play out detrimentally in the countries’ CT policies.

a. Egypt

Counterterrorism under President al-Sisi

In Egypt, counterterrorism is engrained in many state policies and regularly referred to by political leaders.¹⁷ Under Abdel Fattah al-Sisi this has become emphatically the case. His presidency shows path dependency from Hosni Mubarak’s CT policies, especially with regard to American cooperation; at the same time, Sisi has been ramping up CT operations, especially militarily in North Sinai.¹⁸

Given the ubiquity of terrorism references in Egyptian politics, it is unsurprising that numerous institutions are involved with CT policies.¹⁹

Parliament

To start with, the Anti-Terrorism Law 94 from 2015 is an important aspect of Egyptian CT institutionalisation, which has further been amended over recent years, such as in 2019 when the parliament’s legislative committee approved new articles, including increasing the punishment to ten years in prison for those who promote “extremist” ideology (Sisi ratified these articles in the spring of 2020).²⁰ In 2014, several drafts of the law had already been criticised repeatedly by human rights organisations for their infringement on basic freedoms.²¹ For instance, Law 94 protects the police from penalties for “proportionate use of force” and fines journalists for contradicting the government’s version of any terrorist attack.²² Together with

¹⁵ When appropriate historical context will be mentioned and factored into the analysis.

¹⁶ Dunne, Michele. “Fear and Learning in the Arab Uprisings.” *Journal of Democracy* 31.1 (2020):182–192.

¹⁷ ICCT The Hague, “Mitigating the Impact of Media Reporting of Terrorism: Countering Terrorism through Media in Egypt.” *Strategic Communications Project Report*, March 2021.

¹⁸ Harmina, Magdolin and Jacob Doddy. “Sisi’s Forever War.” *Zenith Magazine*, 5 September 2019, <https://magazine.zenith.me/en/politics/analysis-egypt%E2%80%99s-war-isis-sinai>

¹⁹ In a now infamous address shortly following the removal of Morsi, Sisi made a live televised speech from a graduation ceremony at the naval academy in Alexandria. He urged people to take to the streets and call en masse for police and army powers to fight terrorism. Saferworld, “We need to talk about Egypt: how brutal ‘counter-terrorism’ is failing Egypt and its allies” *Saferworld*, October 2017, <https://www.saferworld.org.uk/long-reads/we-need-to-talk-about-egypt-how-brutal-a-counter-terrorisma-is-failing-egypt-and-its-allies>

²⁰ Office of the High Commissioner for Human Rights. “Egypt’s updated terrorism law opens the door to more rights abuses, says UN expert.” 9 April 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25787>.

²¹ Cairo Institute for Human Rights Studies (CIHRS). “Two counterterrorism support laws and a suspension of the demonstration law: a new upending of the constitution”, 15 April 2014, <https://cihrs.org/two-counterterrorism-support-laws-and-a-suspension-of-the-demonstration-law-a-new-upending-of-the-constitution/?lang=en>

²² Sharp, J. M. “Egypt: Background and U.S. relations.” *Congressional Research Service*, 2016, <https://fas.org/sgp/crs/mideast/RL33003.pdf>

Law 94, Egypt introduced the Terrorism Entities Law (Law 8 of 2015).²³ This law faced similar criticisms of arbitrariness and infringements of basic rights.

When assessing the role of parliament in this terrorism legislation, however, the fact that the 2015 laws were decrees issued by the president and approved by the cabinet in the absence of a sitting parliament is most pertinent. The House of Representatives only ratified these laws retroactively in an expeditious process, together with 341 other decrees, over 15 days in January 2016.²⁴ This made the parliament a de facto rubber-stamping organisation with regard to Egyptian CT legislation.

Most recently, in October 2019, the Egyptian parliament formed a new counterterrorism committee to revise national legislation and enable a “more effective” strategy against those who commit terrorist acts as defined by Egyptian law. The purpose of the committee is to identify gaps in the legislation and propose additional amendments that grant law enforcement agencies additional powers in their fight against terrorism; a secondary goal is to further accelerate trials of terrorist suspects; finally, the committee will also make recommendations for religious and educational establishments to prevent the radicalisation of Egyptian citizens.²⁵ While parliament has taken a more active role since 2016, however, it seems mostly in line with the predefined course by the executive of broad CT legislation.²⁶

Executive and Judiciary

Together with the authority granted in the two laws mentioned above, another presidential order (136, in 2014) places all “public and vital facilities” under military jurisdiction. In 2016, this order was extended for five more years by presidential decree. One main component of the decree is the blurring of the distinction between civilian and military courts (even retroactively).²⁷ As the Tahrir Institute assesses, “security actors have been given a wider mandate to apprehend anyone antagonistic toward the government and prosecute them as terrorists. These prosecutions often happen in military courts, which do not always require the presence of a judge [...] Such wide jurisdiction on terrorism has raised questions about the imprisonment of journalists, activists, and others.”²⁸ In addition, the Egyptian authorities under Sisi labelled more than 1,000 civil society organisations as terrorist groups and more than 1,500 individual citizens as terrorists, many

23 These laws are complementing previous legislation from the 1990s. Penal Code articles 86 to 102 were introduced or amended by the Anti-Terrorism Law (Law 97 of 1992), as Egypt faced violent Islamist groups. The UN Human Rights Committee criticised the law in 1993 saying it affected articles 6 (right to life), article 7 (physical integrity), and article 9 (freedom and security), among others, of the ICCPR. Mohamed Lofty, “Egypt - Finding Scapegoats Crackdown on Human Rights Defenders and Freedoms in the Name of Counter-terrorism and Security,” *EuroMed Rights*, February 2018, <https://euromedrights.org/wp-content/uploads/2018/03/EuroMed-Rights-Report-on-Counter-terrorism-and-Human-Rights.pdf>

24 Per the Egyptian Constitution, legislation passed in the absence of a sitting parliament must be discussed and approved within the first 15 days following the legislature’s seating. The Tahrir Institute of Middle East Policy, “TIMEP Brief: Counter-terrorism Law,” 15 August 2018, <https://timep.org/reports-briefings/timep-brief-counter-terrorism-law/>

25 US State Department. *Country Reports on Terrorism 2019: Egypt*, <https://www.state.gov/reports/country-reports-on-terrorism-2019/egypt/>

26 Given that it is highly doubtful that Egypt had free and fair elections under Sisi, the parliament can hardly be considered an independent entity. Hassanein, Haisam. “Egypt’s New Parliament: Reopening Political Life, But Only So Far.” *Washington Institute*, <https://www.washingtoninstitute.org/policy-analysis/egypts-new-parliament-reopening-political-life-only-so-far>

27 Once arrested, suspects in terror cases do not receive fair trials. According to Committee for Justice, an independent human rights organisation based in Geneva, under Presidential Order 136 (2014) over 10,000 civilians were referred to military trials between 30 June 2013 and the end of 2016. In cases for which we have been able to access papers, the prosecutions rely heavily on ‘secret’ reports by homeland security that in turn depend on ‘secret sources’. Saferworld, “We need to talk about Egypt.”

28 The Tahrir Institute of Middle East Policy. “Egypt’s Rising Security Threat.” 15 November 2015, 2015 Annual Report, <https://timep.org/esw/reports-briefs/egypts-rising-security-threat/>; Human Rights Watch (HRW), “Egypt: Surge of Military Trials”, 18 December 2014, <https://www.hrw.org/news/2014/12/18/egypt-surge-military-trials>

of them without providing convincing evidence associating them with terrorist offences.²⁹

Alongside these various repressive measures from the Egyptian state executive, there are also efforts located at this level of government that would characteristically fall under CVE programmes, such as the National Council for the Families of Victims and the Wounded, a subsidiary body of the Cabinet, that the Egyptian authorities claim plays “an important role in the country’s holistic approach to counterterrorism” and offers a widespread array of support services to victims of terrorism.³⁰ Numerous reports by NGOs and researchers, however, question the functionality and commitment of this body.³¹

On the ministerial side and related to Egypt’s security-heavy CT approach is the fact that the main responsibility for countering terrorism lies with the Ministry of the Interior (MoI). The MoI pursues arrests and tracks financial transactions with alleged terrorist connections,³² but it also has a hotline for citizens to report suspicious activities that could escalate into terrorism.³³ Among other measures, tightened border security conditions (including a terrorist watchlist for Egyptian immigration officials at ports of entry, with detailed information maintained by the security services)³⁴ and the fluctuating physical presence of security forces in the streets are the foundation of Egypt’s CT policies offered by the MoI.³⁵

Military and Intelligence

Finally, the military plays a central role in Egyptian counterterrorism, especially with regard to North Sinai. This is directly related to the fact that, for years now, this region has been through various states of emergency with corresponding heavy military operations.³⁶ These operations are mainly comprised of the national military, but also the National Security Service (NSS) and the special operations forces that provide logistic support.³⁷ In this region, Egypt pursues CT policies that are closer to conventional warfare than policing approaches (although arrests are also prominent).³⁸ Furthermore, over recent years reports have continued to emerge that argue that the military is expanding control over the judiciary, which includes “overt manipulation” of the legal system.³⁹

29 Carr, S., and L. Doss. “Terrorist or scapegoat?” *Mada Masr*, 2014, <https://www.madamasr.com/en/2014/01/31/feature/politics/terrorist-or-scapegoat/>

30 Official UN statement from Egypt (2020) Sisi’s counterterrorism strategy builds on four ‘ambiguous’ pillars. First, confronting all terrorist organizations worldwide without discrimination or exceptions; second, adopts a multidimensional approach to address this phenomenon, i.e., funding, arming, and ideological support; third, terminate terrorist organizations’ abilities of recruit new fighters through challenge its ideological and intellectual discourses; and fourth, formulate a clear action plan to root-out the funding and arming of terrorism and to deprive its networks from safe haven that emerged as a result of the disintegration of the state. Sis.gov.eg. “Statement by president Abdel Fattah El Sisi at Arab-Islamic-American summit.” <http://www.sis.gov.eg/Story/113123?lang=en-us>

31 Abozaid, Ahmed M. “Counterterrorism strategy and human rights in Egypt after the Arab uprising: A critical appraisal.” *Aggression and Violent Behaviour* 51 (2020).

32 Remarks Egypt. United Nations General Assembly 04/06/2020 2007301E, https://www.un.org/en/ga/sixth/75/int_terrorism/egypt_e.pdf

33 For more on these numbers, see: The Armed Forces Dedicate a Hot Line Number for Reporting Suspicious Activities (in Arabic). In Ragab, “Counterterrorism policies in Egypt”, 20.

34 US State Department, Country Reports on Terrorism: Egypt 2019, <https://www.state.gov/reports/country-reports-on-terrorism-2019/egypt/>

35 Statement by Ehab Badawy, the spokesman of the Egyptian Presidency, Al-Sharq al-Awsat, 1 July 2014.

36 International Commission of Jurists, *Egypt: A Return to a Permanent State of Emergency? A Briefing Paper*, June 2018, <https://www.icj.org/wp-content/uploads/2018/09/Egypt-Return-to-State-of-Emergency-Advocacy-Analysis-brief-2018-ENG.pdf>

37 Ragab, “Counterterrorism policies in Egypt”, 20.

38 Apache helicopter strikes—like the one that killed eight Mexican tourists in September—the use of Hellfire missiles, and armed military raids have been ongoing, and increasing in both number and intensity over the past years. Tahrir, “Egypt’s Rising Security Threat.”

39 Shana Marshall, “The Egyptian Armed Forces and the Remaking of an Economic Empire.” *Carnegie Endowment*, 15 April 2015, <https://carnegie-mec.org/2015/04/15/egyptian-armed-forces-and-remaking-of-economic-empire-pub-59726>

State of Emergency and Death Penalty

Building on the previously described CT institutions, the Egyptian state under Sisi has become infamous for its barbarous pursuit of alleged terrorists.⁴⁰ The tone for this was sharpened once again after the April 2017 attack in Alexandria by IS, which killed 45 and injured 125. Shortly afterwards, the Egyptian government declared a national state of emergency, originally for three months, which has been extended fifteen times at the time of writing (April 2021).⁴¹ Since the state of emergency must be approved by parliament, this body has again shown itself to be wholly in line with Egypt’s executive prerogatives.

Among the enforced CT policies in Egypt are also merciless ones, such as the death penalty, and invasive ones, including relying on local populations for intelligence gathering, especially in North Sinai.⁴²

CVE and Deradicalisation Programmes

Despite the predominance of security efforts, Egypt has engaged in some efforts to address the underlying ideology as well. In order to counter extremism, Egyptian authorities have been very vocal about the need to “reinvigorate and rectify” religious discourse and launched a *Thawra Deneya* (religious revolution), heightening their efforts particularly since mid-2014. The Ministry of Religious Endowments (which oversees mosques) has followed suit, closing small mosques, unifying Friday sermons and cracking down on unlicensed preachers. While the Egyptian authorities claim that the “Al-Azhar Observatory for Combating Extremism and Dar al-Ifta’” have been playing an important role in countering extremist ideas and refuting takfirist fatwas, nonetheless radical views persist.⁴³ The Tahrir Institute adds a caveat, claiming that while “officials in the Endowments Ministry, the Justice Ministry’s Fatwa Department, and the Azhar mosque and university establishment have praised the state and condemned terrorism, they have also passively resisted the calls for a religious revolution.”⁴⁴ Overall, these efforts are increasingly targeting the online world with both Al-Azhar (The Observer) and Dar al-Ifta’ launching platforms to “refute terrorist messages and counter the radical religious interpretation of Islam.”⁴⁵

International and Regional Cooperation

Finally, Egypt has nurtured international and regional security cooperation for decades. In regional terms, mutual security concerns have formed a solid foundation between the Sisi regime and its Gulf neighbours, as well as Israel.⁴⁶ With regard to the Arab Gulf, Arab states’ struggles with domestic Islamists translate into significant interest in supporting Egypt’s attempts to outlaw and annihilate the

40 Amnesty International, “Memorandum: Egypt’s draft law on counter terrorism,” 12 August 2015, <https://www.amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf>

41 Lamis ElSharqawy, “Egypt’s parliament approves re-extending state of emergency for three months”, Ahram, 21 January 2021, <https://english.ahram.org.eg/NewsContent/1/64/399338/Egypt/Politics-/Egypsts-parliament-approves-reextending-state-of-em.aspx>

42 The New Arab Staff, “Middle Eastern governments ‘ruthless and chilling’ on death penalty,” 21 April 2021, <https://english.alaraby.co.uk/english/news/2021/4/21/mena-governments-ruthless-and-chilling-on-death-penalty-amnesty>; A further problem in North Sinai is the reliance of the military on some local families to carry out intelligence and other operations. According to Amnesty, this has “created much friction between Sinai tribes related to revenge and retaliation given these non-military armed members [act] outside of the law on many occasions against Sinai residents. Saferworld, “Egypt”.

43 Egypt remarks UN General Assembly.

44 The Egyptian state furthermore claims that Some 150 local civil society organizations have partnered with the Ministry of Social Solidarity to support the State in its efforts to carry out the Wa’i awareness programme. Egypt remarks UN General Assembly; The Ministry of Islamic Endowments (Awqaf) inaugurated an academy to train imams and preachers and brought together 130 ministers of endowments and muftis from around the world for a conference to counter “extremist narratives” and promote pluralism (...) [including] a workshop for Libyan imams and preachers with Azhari senior scholars on combating “extremism” and promoting moderate Islam. US State Department Country Report Egypt 2019.

45 See the Observer’s web page at <http://www.azhar.eg/observer/Reports>

46 Cook, Steve A. “How Sisi Beat Biden’s Human Rights Policy,” *Council on Foreign Relations*, 23 June 2021, <https://www.cfr.org/article/how-sisi-beat-bidens-human-rights-policy>

Muslim Brotherhood, leading to offers of substantial political and financial support to the current government.⁴⁷ Relations with Israel are also strong and allow for the expansion of military operations in Sinai.⁴⁸ On the African continent, Egypt markets itself as an experienced anti-terrorism actor and actively engages in regional security, such as the GCTF East Africa Working Group with the EU, or as chair of the Peace and Security Council of the African Union, prioritising CT issues, including during their ASWAN Forum.⁴⁹

Most important in terms of international partners is US-Egyptian security cooperation: Egypt holds especial importance for the United States in the MENA region. Overall, the Sisi regime’s internal CT struggle is seen in many US policy circles as part of the regional effort against the threat posed by IS with emphasis also on the long border shared with fragile Libya. After an eighteen-month hiatus that began in October 2013, the USA resumed its military-to-military relationship and increasingly seems to support a strong state in Egypt again.⁵⁰ The US State Department claims that the US “assisted Egypt’s CT efforts by providing training, equipment, and other assistance to its law enforcement security services, as well as to the Egyptian Ministry of Defense” in 2019.⁵¹

But also, European policymakers recognise the importance of Egypt for their security agenda. In 2015, UK defence exports to the Middle East made up over 60% of the UK’s £7.7 billion defence export market.⁵² The Sisi regime secured a special security agreement with Germany that allowed it to buy weapons, military jets, submarines and aircraft carriers from France, as well as doing defence deals with many other EU countries.⁵³

Conclusion and Recommendations

In sum, the outlined CT approach is in line with the Sisi regime’s proclamation to “eradicate terrorism and extremism.”⁵⁴ This statement, however, already encapsulates a daunting undertone, which unfortunately has shown its ugly face in Egypt since Sisi assumed the presidency: CT policies have been used as a rationale for human rights abuses and silencing of regime critics and civil society. For example, Egypt has witnessed a surge in enforced disappearance complaints and Northern Sinai has experienced multiple rounds of brutal military campaigns that also targeted the social structures of the peninsula.

The picture of terrorism in the country in 2019, however, is illustrative: despite the weight that has been thrown behind CT efforts (including financially), the country witnessed a myriad of terrorist attacks. Most

47 In light of article 237 of the 2014 Constitution, the Egyptian government adopted the Terrorist Organisations Law. However, no official list of terrorist organisations has been released since the designation of the Muslim Brotherhood as a terrorist organisation on 25 December 2013. Ragab, “Counterterrorism policies in Egypt”; U.S. Department of State’s Country Report on Human Rights Practices and International Religious Freedom Report, 2019.

48 Egypt has contributed naval forces and air assets to the conflict in Yemen, and is in talks with the Arab League for the establishment of a joint military force, though it remains to be seen whether an agreement can be reached. Tahrir, “Egypt’s Rising Security Threat.”

49 US State Department, Country Reports on Terrorism: Egypt 2019, <https://www.state.gov/reports/country-reports-on-terrorism-2019/egypt/>

50 In July 2015, the US agreed to sell Egypt border surveillance equipment worth about \$100 million in an effort to stymie weapons and terrorist flows, particularly from Libya. (Tahrir, “Egypt’s Rising Security Threat”.

51 US State Department Egypt 2019.

52 Select Committee on International Relations. “The Middle East: Time for New Realism, 2nd Report of Session 2016–17.” UK Parliament, HL Paper 159, 2 May 2017 <https://publications.parliament.uk/pa/ld201617/ldselect/ldintrel/159/15906.htm>

53 Saferworld, “Egypt”.

54 Egypt remarks UN General Assembly 2020.

took place in the Sinai Peninsula and largely targeted security forces, but terrorist attacks targeting civilians in mainland Egypt remained a concern; in early 2019, Cairo witnessed a series of IED incidents. IS in Sinai Province proved the most active force and carried out the majority of the attacks in 2019.⁵⁵

In other words, while the terrorist threat posed is tangible and real, President Sisi has been upscaling rhetoric about this threat in order to garner support for harsh CT policies and enforcements, also making sure to align Egypt's struggles with a regional and international front against Salafi-jihadist terrorism.⁵⁶ On the one hand, this seems to be congruent with a popular trajectory, namely that “countries that suffer from high levels of insecurity due to terrorism tend to rely on security strategies [...] adopting strategies that tackle the drivers of terrorism [coming] at a later stage.”⁵⁷ On the other hand, Egypt has many years of experience in the CT area and the Sisi regime could learn from previous governments, if they wanted to. Therefore, this report argues that the Egyptian regime under Sisi is an experienced CT force due to Egypt's history. Therefore, the regime is aware of the brutality of its measures but deploys them deliberately to suppress critical voices or opposition. Finally, the regime is also astutely aware of European and American security interests in the region and able to exploit these.

Recommendations

1. In exchange for Western military assistance, accountability should be demanded from the Egyptian authorities. The seemingly indiscriminate attacks against civilians in North Sinai and the numerous reports of maltreatment by the Egyptian military make such accountability a necessary criterion for Western democracies.
2. The “new normal” in Egypt since 2017 – namely, a state of emergency – should be ended soon. The state of emergency facilitates human rights violations that are in contradiction of Western values. The renewed positioning of human rights as a central concern for the Biden administration especially demands an overhaul of US-Egyptian relations.
3. Overall, the Egyptian state should be encouraged to leave behind the current military-driven model and adopt a more serious commitment to a holistic, development-driven CT approach, particularly in North Sinai. Reasons to do so surpass value-driven arguments and are supported by the fact that, in spite of measures taken by the state, Egypt's overburdened prisons continue to be a fertile environment for terrorist recruitment and radicalisation.⁵⁸
4. Furthermore, relentless targeting of political Islam in general and the Muslim Brotherhood in particular are embedded in pernicious, destructive regional trends, which fuel securitised counterterrorism as a strategy. This has been proved to backfire in the past.

⁵⁵ There were at least 151 IED-related attacks in Egypt in 2019, of which ISIS-SP conducted at least 137 in northern and central Sinai, along with near-weekly complex assaults on government-fortified positions, demonstrating the terrorist group's freedom to manoeuvre during daytime hours and geographic expansion of attacks westward, toward the Suez Canal Zone, and southward. In addition, Harakat Sawa'd Misr (HASM) and al-Qa'ida allied groups such as Ansar al-Islam are believed to be behind the spate of anti-western attacks in mainland Egypt in 2019, and they also posed a continued threat. US State Department Egypt 2019.

⁵⁶ Saferworld, “Egypt”

⁵⁷ Ragab, “Counterterrorism Policies in Egypt”, 20.

⁵⁸ US State Department Egypt 2019.

b. Libya

Counterterrorism in a Divided Country

Libya has experienced repeated rounds of hostilities for over five years with the most recent spate ending in summer 2020. For counterterrorism, this has two main repercussions: first, the attempt to define non-state actors who pose a threat to the state and its stability and social cohesion is derailed, since the Libyan “state” has been able to establish neither a monopoly of force nor corresponding legitimacy.⁵⁹ Second, resources that could be used to counter terrorism are tied up, due to the recurring fighting.⁶⁰

Nevertheless, this dilemma did not deter Libyan authorities from employing CT measures. Both western and eastern Libyan authorities⁶¹ conducted CT operations over recent years (including in the south), arresting or killing what they claimed to be dozens of IS or AQIM fighters.⁶²

Institutionally, the Libyan troubles of divided political institutions, economic cronyism and polarised societal discourse also affect CT policies in the country. Most important is the political division that occurred in 2013 and 2014, as outlined in the sections that follow.

Parliament

Post-Gaddafi Libya did not pass or implement any CT legislation and overall the country lacks a comprehensive CT law.⁶³ CT aspects are touched upon in other legislation, such as the Libyan penal code: two articles criminalise offenses that may threaten national security, including terrorism, the promotion of terrorist acts and terrorist financing.⁶⁴ Libya has ratified, however, the African Union’s “Convention on the Prevention and Combating of Terrorism”, which requires states to criminalise terrorist acts under their national laws. Still, while Libyan diplomats are often able to sign international commitments, their corresponding ability to enforce them at home is overwhelmingly absent.

Since the first elections in 2012 and Libya’s nascent trajectory towards democracy, CT legislation was among many other topics in the pipeline for enactment. One cornerstone of CT legislation were laws nos. 27 and 53, which aimed to dissolve (non-state) militias and integrate armed groups into an emerging body of state security forces. In 2013, the General National Congress (GNC) – at that time Libya’s unified and official government – adopted these laws but they were never implemented.⁶⁵ Because of this, Libya has been lacking a baseline for any later CT legislation. Instead, the country has witnessed an arbitrary enforcement of CT measures by various armed actors as well as a harmful offline and online discourse weaponizing “terrorism”.⁶⁶

59 Lacher, Wolfram. “Libya’s Flawed Unity Government”. SWP Comment, 22 April 2021, <https://www.swp-berlin.org/10.18449/2021C29/>

60 Fighting each other prevented Libyan authorities from dedicating sufficient resources to the fight against terrorist groups US State Department Country Report on Terrorism 2019: Libya, <https://www.state.gov/reports/country-reports-on-terrorism-2019/libya/>

61 Each connected to the rival sides of a divided Libya: The Government of National Accord (GNA) versus House of Representatives (HoR) in Tobruk with its allied Libyan National Army (LNA).

62 US State Department Libya 2019.

63 Ibid.

64 For instance, Title 2, Section 1, Chapter 1, Article 170 and Title 2, Chapter 2, Article 207.

65 US State Department Country Report on Terrorism 2016: Libya.

66 Mary Fitzgerald, “Mitigating the Impact of Media Reporting of Terrorism: Libya case study.” *ICCT Strategic Communications Project Report*, 2020.

By 2017, Libya was divided; members of the eastern-based House of Representative (HoR) passed law no. 4 that delegated jurisdiction to military courts with regard to civilians accused of terrorism, as well as crimes committed in “military areas”.⁶⁷ This legislation has only been applied in areas of the country under the control of the HoR and its allied Libyan National Army (LNA).⁶⁸ In November 2018, a spokesperson for the LNA emphasised that the 2017 legal adjustment serves as a legal basis for trying persons accused of terrorism by military courts.⁶⁹

Executive and Judiciary

In April 2021 Amnesty International published a report claiming that their research had uncovered that military courts sentenced “hundreds of civilians in eastern Libya in secret and grossly unfair military trials.” Furthermore, these military proceedings included cases against civilians in which the accused were targeted merely for their criticism of the LNA and its affiliated militias. Over the course of January 2018 to April 2021 at least 22 people were sentenced to death and hundreds were imprisoned.⁷⁰

This law, however, has not been enforced in western Libya. In 2020, the GNA minister of justice underlined that law no. 4 passed by the HoR did not apply in Tripoli and areas under GNA jurisdiction; instead civilian courts continued to have jurisdiction over civilians.⁷¹ However, due to the significant sway separate militias exert in Libya (such as the Special Deterrence Force, SDF), individuals have been detained by armed groups, including those under the nominal oversight of the state, under terrorism charges and neither informed of their rights nor granted them.⁷² At the time of writing in April 2021, the newly formed Government of National Unity (GNU) has not officially commented on either the validity of the 2017 amendments to military legislation nor on its intention to apply this law, in case it is deemed legal.⁷³

Despite issuing legal amendments neither the HoR nor the GNA has brought forth strategies or holistic approaches to combat terrorism in the country.⁷⁴ In 2017, the GNA undertook internal deliberations with the aim to produce a CT strategy, but these efforts never created new political guidelines or legislation. In late 2017, the

67 Amnesty International, “Libya: Military courts sentence hundreds of civilians in sham, torture-tainted trials.” 26 April 2021, <https://www.amnesty.org/en/latest/news/2021/04/libya-military-courts-sentence-hundreds-of-civilians-in-sham-torture-tainted-trials/>

68 Or in the more precise Arabic translation, the Libyan Arab Armed Forces (*al-quwwat al-musallaḥa al-‘arabiyya al-ḥibīyya*). However, they promote themselves as the Libyan National Army and are usually referred to by this name, especially by international commentators, as it sounds more inclusive by not emphasising the allegedly Arab nature of the organisation.

69 “The Military Court in eastern Libya begins the trial of dozens of terrorists.” Awasat, 1 November 2018, <https://web.archive.org/web/20200924121800/https://aawsat.com/home/article/1444871/%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A-%D8%B4%D8%B1%D9%82-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D9%8A%D8%A8%D8%AF%D8%A3-%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A9-%D8%B9%D8%B4%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D9%8A%D9%86-%D8%A8%D9%8A%D9%86%D9%87%D9%85-%D8%B9%D8%B4%D9%85%D8%A7%D9%88%D9%8A;>

70 In addition, there is a lot of abuse of the term “terrorism” in Libya. Amnesty International, “Libya”: Before that, after 2016 and the defeat of IS in Sirte, many of them and their family members were put in SDF facilities.

71 “Minister of Justice: The military prosecutor is based on a law that does not exist to hold civilians accountable”, Ean Libya, 8 November 2020, <https://web.archive.org/web/20201108211832/https://www.eanlibya.com/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D8%AF%D9%84-%D8%A7%D9%84%D9%85%D8%AF%D8%B9%D9%8A-%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A-%D9%8A%D8%B3%D8%AA%D9%86%D8%AF-%D8%B9%D9%84%D9%89-%D9%82%D8%A7/>

72 Most have never appeared in front of courts. Instead, members of armed groups, and in rarer cases prosecutors, carry out the interrogations without the presence of defence lawyers. In some cases, forced “confessions” are extracted and then broadcast on Libyan TV channels, undermining the presumption of innocence and exposing relatives to revenge attacks. United Nations Human Rights Office of the High Commissioner (OHCHR), “Abuse Behind Bars: Arbitrary and unlawful detention in Libya.” April 2018, https://www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

73 Amnesty International, “Libya”.

74 For more on the United Nations four pillars see <https://www.un.org/securitycouncil/ctc/>

Presidency Council, which was connected to what was the western authorities and the GNA, appointed a new CT coordinator, who sits in the office of the prime minister, to lead domestic CT discussions and organise and harmonise communications with international stakeholders.⁷⁵ As far as this research could discern, however, no concrete measures emerged from this effort.

Within the realm of CT measures, Libyan authorities have also struggled to agree on and implement a comprehensive border management strategy. The GNA has established a “National Team for Border Security and Management” that increased efforts to secure the country’s thousands of miles of land, air and maritime borders. Especially in this regard, Tripoli also received international assistance; for instance, the US Department of State provided technical assistance to Libyan airport officials, border guards and customs agents, as well as police and intelligence forces in securing airports against terrorism threats.⁷⁶

In recent years in western Libya, a counterintuitive, ambivalent picture has emerged. In spite of concentrated efforts to engage in counterterrorism and corresponding high numbers of arrests of terrorist suspects, there have been only few reported terrorism-related prosecutions.⁷⁷ Given the background explained earlier and the troubles of Libya’s “state”, this is less surprising: in many parts of Libya, militias, loosely connected to the state, act as security providers and take on law enforcement responsibilities, including detaining suspected terrorists. These hybrid actors often follow internal logic and rationales that circumvent clear reporting chains and coordination mechanisms with central state authorities.⁷⁸

Military and Intelligence

Overall, there is not a single Libyan military but instead an amalgamation of armed groups under the leadership of General Khalifa Haftar of the LNA as well as numerous other militias that exert control on parts of the country. Therefore, there is neither an understanding nor cooperation regarding which groups and/or individuals should be countered under a CT agenda.⁷⁹ At the same time, CT rationales and rhetoric proliferate widely in Libya and are employed by almost all security actors.⁸⁰ Especially since 2014, with the renewal of armed hostilities across the country, the situation escalated further, and the number of political detainees increased massively.⁸¹

With regard to the GNA and western Libya, a number of state and non-state institutions and actors, both outside but also under official GNA authority, have claimed CT responsibilities. Again, this is related to the blurred boundaries between state and non-state actors and functions in contemporary Libya. Institutionally, various

75 US State Department Country Reports on Terrorism 2017: Libya.

76 US State Department Country Reports on Terrorism 2019: Libya.

77 Ibid.

78 And other armed groups – depending on the targeted territory; for example, the coordination between the SDF and Janzour knights.

79 Trauthig, Inga Kristina. “The Islamic State in Libya: From Force to Farce?”, *International Centre for the Study of Radicalisation (ICSR)*, March 2020.

80 Rainieri, Luca. “Security and informality in Libya: militarisation without military?” *Conflict, Security & Development*, 19.6 (2019): 583–602. To complicate matters, the LNA has been driven by an “anti-terrorism” agenda under which it subsumes a myriad of actors.

81 Furthermore, with the growth and territorial gains of armed groups designated by the Security Council as terrorist entities,¹² other armed groups, some of which had been integrated into State structures, carried out mass arrests and detention of individuals for “terrorism”, frequently with little factual evidence of their involvement in violence and other crimes. Abuses in detention continued to occur with impunity. OHCHR, “Abuse Behind Bars.”

bodies under the GNA have formed that belong to the CT realm: a Counterterrorism Unit, a Counterterrorism Task Force (CTTF), the Central Investigations Division, the General Investigations Division and, of course, the Libyan Intelligence Service.⁸² While these bodies have undertaken some CT efforts, such as the CTTF working with foreign partner forces to train and build capacity to counter terrorist activity in Tripoli and areas around Misrata in 2018, their effectiveness was heavily impaired due to the limited geographic reach of the GNA.⁸³

Most prominently among GNA-affiliated armed groups with considerable CT capacity are the Special Deterrence Force (SDF or Rada) in Tripoli and the Misratan forces.⁸⁴ The SDF has employed a focus on anti-crime and CT early on and ultimately managed to bargain with the GNA to formalise the force as an “independent formal security structure – the Deterrence Apparatus for Combating Organised Crime and Terrorism.”⁸⁵ While these are the most prominent groups with a CT focus in western Libya, many militias in the country package their activities with CT rationales, often referencing basic law enforcement responsibilities. In Sebha in southern Libya, for instance, a related force to Tripoli’s SDF formed in 2013 and followed the successful precursor in Tripoli by branding itself as an anti-crime and CT force.⁸⁶

In eastern Libya, the LNA is trying to streamline and centralise CT operations under the general incentive to portray a cohesive and well-organised Libyan army.⁸⁷ The US Department of State reported that in 2019 the “LNA Western, Eastern, and Southern CT Operations Rooms conducted more than 25 operations during which it arrested at least 57 and killed at least 44 individuals” connected to terrorism.⁸⁸

Within the LNA’s CT set-up, the NPCA stands out. The NPCA was established in 2019 and intrinsically linked to Haftar’s command of the LNA in eastern Libya. The group’s senior members are mostly former fighters from the Special Task Forces – Counterterrorism Apparatus, a militia that was formed in 2014 and proved central in Haftar’s Operation Dignity, which was fought with the declared aim to rid Benghazi and Libya of terrorists. In 2015 the armed group had received formal recognition by the eastern Ministry of Interior and was officially called “The Special Task and Counterterrorism Force”.⁸⁹ Of notorious prominence is also the Department of Combating Terrorism in Benghazi, which has reportedly targeted for detention individuals due to their family, tribal or political affiliations,

82 US State Department 2019.

83 Ibid.

84 SDF (Rada) is nominally integrated into Mol. Badi, Emadeddin. “Exploring Armed Groups in Libya: Perspectives on Security Sector Reform in a Hybrid Environment.” DCAF Geneva Centre for Security Sector Governance, November 2020.

85 Amnesty International. “Libya: Decree integrating Radaa forces into a new security apparatus overlooks need for accountability.” 21 June 2018, <https://www.amnesty.org/download/Documents/MDE1986292018ENGLISH.pdf>

86 Wehrey, Frederic. “Insecurity and Governance Challenges in Southern Libya.” Carnegie Endowment for International Peace, 2017; In addition, the SDF, Al-Wadi Brigade and the 116 Battalion in Sebha share a similar ideological background, which is usually very helpful in coordination of operations outside of the jurisdiction or territory of these groups.

87 Eaton, Tim. “The Libyan Arab Armed Forces: A network analysis of Haftar’s military alliance,” *Chatham House*, June 2021.

88 US State Department 2019.

89 Head of the interim government Abdullah Al-Thinni subsequently renamed it the “Special Tasks Force”. Badi, “Libya’s Armed groups.”

at times taking them hostage for the sole purpose of pressuring their relatives to hand themselves over or to exchange them with fighters held by rivals.⁹⁰

Overall, with regard to eastern Libya, the fight against terrorism has been crucial in the LNA's identity formation, including all its domestic parts as well as international connections (especially with Egypt).

CVE and Deradicalisation Programmes

Until 2021, Libya has not adopted a comprehensive strategy for countering violent extremism and instead “online threats, kidnappings, and assassinations of activists who speak out against violent extremists contribute to a culture of intimidation and self-censorship.”⁹¹

Generally, Libyan CT is mostly military based, which is mainly due to the country's militiasation and corresponding focus on battlefields, as well as a lack of political commitment from the top to focus on societal programmes, such as reconciliation or CVE programmes.⁹² However, especially after the defeat of IS in Sirte in 2016, Libya's prisons were increasingly filling up with Salafi-jihadists. Having witnessed their violent approach to governing and the threat they displayed to many, a need not only to put them behind bars but also to engage with them ideologically was blatant.⁹³

Again, given the fractures in Libya, there is no centrally organised deradicalisation programme but instead different approaches by armed groups, often inspired by foreign backers, which go almost entirely unchecked.⁹⁴ The most prominent example is the prison facility at Mitiga airport in Tripoli controlled by Rada. The prison holds between 2,000 and 3,000 inmates⁹⁵ (the most prominent inmate was perhaps the brother of the Manchester attacker, Hashem Abedi, until he was extradited to the UK in July 2019).⁹⁶ Information gathered by the United Nations Support Mission in Libya, Human Rights, Transitional Justice and Rule of Law Division (HRD) indicates three broad categories of detainees in Mitiga detention facility: those accused of ordinary crimes including theft, drug-related offences and prostitution; those suspected of involvement in terrorism-related offences; and juveniles and youth brought by their parents or guardians, apparently for disciplinary reasons. It is unclear how many of these prisoners are terrorism suspects but there is evidence that the prisoners held under terrorism charges are “at particular risk of severe abuse.”⁹⁷

90 The Department of Combating Terrorism and Destructive Phenomena under the command of Colonel Adel Marfowa is currently under the LNA structure. The Department of Combating Terrorism under the command of Faraj Ga'im was a different armed group, nominally under the authority of the “Interim” government's Ministry of Interior in 2014 and 2015. OHCHR, “Abuse Behind Bars,” 2018.

91 US State Department Country Report Libya 2016.

92 Apart from this sparse commitment from the top, Libya has worked on local reconciliation programmes with international partners, such as USIP. United States Institute of Peace. “Community-based Dialogues for Reconciliation in Libya, April 2021, <https://www.usip.org/programs/community-based-dialogues-reconciliation-libya>.

93 Ibrahim Sharqieh, “Reconstructing Libya: Stability through national reconciliation.” Brookings Doha Center Analysis Paper 9, 2013.

94 OHCHR, “Abuse Behind Bars,” 2018.

95 This is a significant chunk of prisoners given that official prisons in Libya overseen by the GNA's MoJ were estimated to be holding some 6,500 people in October 2018 but “thousands more” being held in other facilities, some of which are nominally under the interior ministry's control, or fully run by militias. *Ibid.*

96 Parveen, Nazia and Chris Stephen, “Manchester Arena bomber's brother held in UK after extradition.” *The Guardian*, 17 July 2019, <https://www.theguardian.com/uk-news/2019/jul/17/hashem-abedi-brother-of-manchester-arena-bomber-being-extradited-to-uk>.

97 Dahan, Nadine. “Torture and arbitrary detention widespread across Libyan prisons: UN.” *Middle East Eye*, 10 April 2018, <https://www.middleeasteye.net/news/torture-and-arbitrary-detention-widespread-across-libyan-prisons-un>

While the SDF and its Mitiga prison is nominally under the authority of the GNA's MoJ (in contrast to official western prison facilities under the authority of the MoJ), it still maintains its own command structures and operates with a significant level of autonomy.⁹⁸

In eastern Libya, a similarly notorious facility exists: the al-Kuweifiya Correction and Rehabilitation Institution. It is the largest detention facility in eastern Libya, composed of at least three separate sections with individuals accused of security- or terrorism-related offences kept in a “military wing” under the direct control of the LNA or in an “internal security wing” run by the GIA.⁹⁹ Reliable information on al-Kuweifiya is even harder to gather than it is for Mitiga prison; however, reports of torture and unlawful detention are many.¹⁰⁰

International and Regional Cooperation

In terms of international cooperation, two factors dominate Libyan CT policies. First, different parties in Libya have different chosen international partners for countering terrorism, but all Libyan parties utilise CT rationales and the rhetoric of terrorist threats to maximise foreign support.¹⁰¹

The US has been the GNA's most important CT partner, supporting the containment of terrorist groups such as ISIL and AQIM in a myriad of ways. Until April 2019, US forces had been in Libya under a CT agenda:¹⁰² similar to other US-sponsored CT training programmes in Africa, the guiding logic was to train “indigenous forces to go after threats in their own country.”¹⁰³ This, however, is particularly difficult in a country that lacks legitimate state and army structures.

In general, the GNA was dedicated to proving its CT commitment to the US: it participates in the Global Coalition to Defeat ISIL and coordinated with the US to conduct precision airstrikes on ISIL in southern Libya in 2019. Strategically, the GNA conducted consultations to develop a CT strategy supported by the UK, but did not pass any legislation subsequently.¹⁰⁴ In addition to US-provided training on airport security and land border management, the EU Border Assistance Mission and international organisations such as UNDP and UNODC cooperated with the GNA and focused on improving policing and criminal justice functions and counterterrorism legislation and legal frameworks.¹⁰⁵ Notably

98 There is also the air force base prison in Misurata, which is under the control of judicial police under the MoJ. Despite having the CTF who should be the entity that takes charge of actions against terrorism threats and cases. <https://www.globaldetentionproject.org/countries/africa/libya/detention-centres/991/al-nasr-azzawiyah-detention-centre>;

World Prison Brief, “Libya,” Birbeck University of London, <https://www.prisonstudies.org/country/libya>

99 The exact number of detainees at the al-Kuweifiya Prison is unknown. UNSMIL has been unable to visit the facility since its evacuation from eastern Libya in May 2014. In a meeting with UNSMIL in August 2017, the Judicial Police estimated that there were about 1,800 detainees held in al-Kuweifiya.⁶⁴ The LNA and allied armed groups guard the entire prison compound. Since late 2014, HRD has documented prolonged arbitrary and incommunicado detention, torture, ill-treatment, and inhuman detention conditions at the facility, in particular at the GIA wing. The Judicial Police came up with this estimate based on meals they provide to the prison population. OHCHR “Abuse Behind Bars”, 2018.

100 For a 2016 overview and assessment see https://www.usip.org/sites/default/files/2020-11/20160902-pw_199-prisons_and_detention_in_libya_arabic-pw.pdf

101 Fitzgerald, “Mitigating the Impact”, 2020.

102 US State Department 2019.

103 Michael A. Sheehan, distinguished chair at the US Military Academy at West Point, was quoted as saying that “training indigenous forces to go after threats in their own country in what we need to be doing” Libya are most challenging, and the idea of “training indigenous forces” becomes more of an issue as it is confronted with the challenge of who exactly can be trained. Timothy Poirson, “Assessing Terrorist Threats and Counterterrorism Responses in Post-Gaddafi Libya.” In: Romaniuk S., Grice F., Irrera D., Webb S. (eds) *The Palgrave Handbook of Global Counterterrorism Policy*. Palgrave Macmillan, London, 2017.

104 US State Department 2018.

105 Ibid.

this cooperation with the GNA was quite elaborate, but similar efforts did not start immediately at the beginning of post-Gaddafi Libya but instead were launched after the death of US Ambassador Christopher Stevens in September 2012.¹⁰⁶

While the US CT efforts in Libya concentrate on western (and southern) Libya, the US Department of State claims that limited US CT cooperation as well as stabilisation and transition assistance also applies to eastern parts of the country under LNA control.¹⁰⁷ Most recently, in January 2020, AFRICOM Commander General Stephen Townsend restated the command's commitment to countering violent extremist organisations in Libya and other parts of Africa, and described Libya as a potential venue for competition with other global powers.¹⁰⁸

Next to cooperation with Western and international organisations, the GNA also relied on regional allies.¹⁰⁹ Most important among them is Turkey, and at the time of writing, the Turkish armed forces continue to provide CT training in the Homs Joint Maritime Training Centre Command. These increased CT efforts are embedded in a broader deepening of the relationship between Turkey and Libya since late 2019, when Ankara and Tripoli signed two MoUs (one on military cooperation and the other on maritime boundaries).¹¹⁰

For the LNA, fighting terrorism has been at the heart of its first major military offensive in 2013 (Operation Dignity) and since then been promoted heavily in its domestic and international discourse.¹¹¹ Naturally, therefore, the LNA's external support is commonly couched in CT language as well. The strongest supporters in the LNA's declared fight against terrorism in Libya are, from a Western perspective, France and, from a regional one, Egypt.¹¹²

Egypt's involvement in Libyan security affairs received endorsement in July 2020 when the HoR approved a motion that would allow Egypt to intervene militarily in the country. French President Emmanuel Macron has been vocal about his concerns of burgeoning terrorism in Libya, including the influx of salafi-jihadist foreign fighters into the country.¹¹³ Overall, France's emphasis on security interests and CT operations in the broader

106 At the end of 2012, the US Special Operations Forces set up a mission to train the 22nd Libyan Special Operations Forces, based in “Camp 27” or “Camp Younis” just outside of Tripoli. The US Department of Defense invested \$16 million via a Special Operations Support (SOF) company and medical training program. This Libyan battalion consisted of around 700 soldiers that had to be trained. None of the troops came from Misrata, and only a handful of soldiers originated from Benghazi, both important strongholds during the 2011 uprising. This led to suspicion in the camps of more Islamist-oriented parties who feared the force was secretly trained to fight them. In the summer of 2013, after a raid on the camp, the US terminated the mission and withdrew the military trainers. The objective of conducting joint operations with the trained Libyans was never reached, and the training location was taken over in April 2014 by a warring jihadi faction. Sergei Boeke and Jeanine de Roy van Zuijdevijn Transitioning from military interventions to long-term counter-terrorism policy: The case of Libya (2011–2016), *Leiden University – Institute of Security and Global Affairs*, 2016.

107 US State Department 2019.

108 Statement of Gen. Stephen Townsend, AFRICOM Commander before the Senate Armed Services Committee, 30 January 2020. At the same time, however, the Department of Defense has sought since late 2018 to reorient AFRICOM's personnel and missions to reflect a global focus on “great power competition,” as opposed to counterterrorism. Christopher M Blanchard, “Libya: Conflict, Transition, and U.S. Policy”, Congressional Research Service, 26 June 2020.

109 Libya is an active member of the Organization of Islamic Cooperation and the Arab League. US State Department 2017.

110 Dag, Burak. “Turkey trains Libyan troops on counter-terrorism,” *Anadolu Agency*, 9 February 2021, <https://www.aa.com.tr/en/africa/turkey-trains-libyan-troops-on-counter-terrorism/2138858>

111 Eaton, “The Libyan Arab Armed Forces”.

112 As recently as December 2017, the UAE was expanding its footprint at Al Khadim air base—roughly 65 miles east of Benghazi—in an effort to combat ISIS and other non-ISIS Islamist groups in Libya, but the primary focus of the UAE's air campaign in Libya continues to be its opposition to Qatari-backed Islamist groups. Peter Bergen, David Sterman and Melissa Salyk-Virk, “America's Counterterrorism Wars: Tracking the United States's Drone Strikes and Other Operations in Pakistan, Yemen, Somalia, and Libya”, New America Foundation, 23 March 2021.

113 Counter Extremism Project (CEP), *Libya: Extremism and Terrorism*, 2020.

Sahel region regularly clashes with more holistic European approaches to creating stability in Libya and hence nurtures intra-European divides.¹¹⁴

Preeminent in Libyan CT operations that featured international support and close cooperation of Libyan entities with US Africa Command’s Operation Odyssey Lightning campaign and European partners, such as British special forces, was the battle against IS in Sirte in 2016, which ended successfully after seven months and resulted in the expulsion of the group from its operational stronghold.¹¹⁵ Following this hefty CT operation, efforts were undertaken to establish a reliable, Libyan CT force. As a result, the Counterterrorism Force (CTF) under the MoD was founded by the GNA as a state-affiliated armed actor with the mandate to counter terrorism.¹¹⁶ Subsequently, CTF personnel have been trained by British and Italian military personnel, as well as American consultants overseeing their capacity building.¹¹⁷

Conclusion and Recommendations

Against this backdrop of a plethora of CT operations as well as rhetoric it is glaringly obvious that Libya lacks central coordination and, with that, effectiveness and accountability in this policy area. Instead, a multitude of actors in the institutional political apparatus, the military and everything in between employ a CT agenda in an attempt to bolster individual domestic and international legitimacy.

While the influence of IS, for instance, has been decreasing significantly since 2016, the Libyan as well as international arguments for counterterrorism are still many. This is not entirely unjustified given the continuous domestic and regional instabilities and vast territory, with its related opportunities for exploitation, that Libya offers to any non-state actor. It is noteworthy that in recent years more terrorist attacks were recorded under LNA-governed parts of the country than under GNA-governed ones.¹¹⁸ On the one hand, this captures the fact that eastern Libya has been more widely riddled with Salafi-jihadist groups than western Libya; on the other hand, it also calls into question the effectiveness or validity of the LNA’s harsh and arbitrary CT policies and actions.

114 El Gomati, Anas. “Haftar’s Rebranded Coups”, *Carnegie Endowment*, 30 July 2019.

115 And allegedly also Italian special forces. Tom Kington, “Italy reportedly sends special forces to Libya”, *Defense One*, 11 August 2016, <https://www.defensenews.com/global/mideast-africa/2016/08/11/italy-reportedly-sends-special-forces-to-libya/>

116 Badi, “Exploring Armed Groups in Libya”.

117 Haftar’s offensive, which was interpreted as a threat, triggered a large-scale mobilization centred around the social links of CTF’s leaders and rank and file. To rationalise its participation in the fight against Haftar, the CTF framed Haftar’s attack as an act of terror that threatened social peace and against which it had to mobilize. *Ibid.*

118 All acknowledged terrorist attacks by ISIS in 2019 were conducted against LNA forces or against civilian targets in areas under LNA control.

Recommendations

1. Overall, the newly formed unified Libyan authorities under the GNU should be encouraged to adopt clear and defining CT legislation. Reasons to do so surpass merely functional arguments and are supported by the fact that due to the lack of government guidelines on counterterrorism, various actors have undertaken CT measures within the confines of their own interpretations. This leads to particularly high degrees of arbitrariness in applying CT measures and especially low levels of accountability.

2. These low levels of accountability also apply to many of Libya’s detention centres and prisons.¹¹⁹ While reports that inmates are undergoing programmes of ideological rehabilitation and deradicalisation oriented along existing programmes in Saudi Arabia seem credible, regular access to and evaluation of these prisons and programmes is basically non-existent.¹²⁰ In addition, many prison inmates in Libya suffer torture and other human rights abuses, further opening the door for radicalisation. International support should therefore be conditional to access and commitment to evaluation procedures.

3. In addition, Western policymakers need to come together to coordinate their CT policies with regard to Libya. The support of different actors and factions creates an incentive for these to perpetuate the existing situation further. Instead, intra-European alignment should precede further investments in CT efforts in Libya, which have proven further to militarise a country already suffering. In addition, the Biden administration should not underestimate how CT efforts in Libya and the wider region matter for international great power competition.¹²¹

4. Finally, the rhetoric weaponization and toxicity around CT that mushroomed in Libya, especially since 2013, needs to be dropped by domestic actors. At the same time, external players should abandon the harmful reinforcement of it. The relentless targeting of political Islam in general and the Muslim Brotherhood in particular is embedded in pernicious, destructive regional trends, which fuels securitised counterterrorism as a strategy – which has backfired in the past. In Libya, this is most obvious with regard to eastern Libyan authorities allied with Egypt that declared the MB a terrorist organisation. In practice, “Ikhwani” has become one of the most prominent catchphrases for political opponents.

119 Loney, Megan and Nate Wilson. “Informing Criminal Justice Reform in Libya,” United States Institute of Peace, 2020, <https://www.usip.org/programs/informing-criminal-justice-reform-libya>

120 Badi, “Exploring Armed Groups in Libya”.

121 In January 2020, AFRICOM Commander Gen. Stephen Townsend restated the Command’s commitment to countering violent extremist organizations, including the Islamic State and Al Qaeda, in Libya and other parts of Africa, and described Libya as a potential venue for competition with other global powers. At the same time, however, the Department of Defense has sought since late 2018 to reorient AFRICOM’s personnel and missions to reflect a global focus on “great power competition,” as opposed to counterterrorism. What such a shift would mean for DOD activities in Libya is uncertain. AFRICOM asserted in its 2019 posture statement to Congress that Russia is “invok[ing] Qaddafi-era relationships and debts to obtain economic and military contracts ... aimed at accessing Libya’s vast oil market, reviving arms sales, and gaining access to coastal territories.” In December 2019, AFRICOM told the DOD Inspector General “the growing Russian military presence in Libya threatens future U.S. military partnerships and counterterrorism cooperation by impeding U.S. access to Libya. Blanchard, “Libya: Conflict, Transition, and U.S. Policy”.

c. Tunisia

Counterterrorism in a Nascent Democracy

Tunisia has proved forceful in its attempt to leave behind its authoritarian past and commit to a new, democratic future. Still, ten years after the Arab Spring took hold in the country, Tunisia is plagued by problems, such as a relatively dire economic situation and ongoing corruption.¹²² While these are domestic problems, the recurring terrorist attacks in the country have strong connections with the international sphere. Since the ousting of President Ben Ali, between 3,000 and 7,000 Tunisians have joined terrorist organisations abroad, with Libya being a destination of particular prominence; the majority of terrorist perpetrators in Tunisia have spent some time outside the country before committing an attack on national soil.¹²³ This does not mean that the radicalisation of Tunisians happens entirely abroad, but it does point to a crucial factor for Tunisian counterterrorism and international CT cooperation with the country, namely that border security takes on a particularly relevant position in all these deliberations.¹²⁴ For Tunisia, border security is essential due to its double vulnerability from its south-eastern border with Libya and its western border with Algeria.¹²⁵ This section will also show the much higher levels of accountability for Tunisian actors compared with their North African counterparts. For Tunisia, the main CT challenges are establishing more stringent coordination between CT actors, bridging the divides between government and civil society CT/CVE work¹²⁶ and ensuring and keeping up this accountability. By 2015, Tunisia was infamous for being both a democracy in the Arab world and a top exporter to Iraq and Syria of foreign fighters for Islamic State. Thanks largely to Western assistance, the Tunisian state has greatly improved its counterterrorism capabilities. But as the region’s only democracy, Tunisia has a target painted on its back.

Parliament

The Tunisian parliament certainly woke up to the pressing need to adopt counterterrorism legislation after the shocking attacks in 2015. That year, the parliament passed the “Counterterrorism and Money Laundering Law”, which aimed to update Tunisia’s security legislation generally but also implement obligations to which the country signed up under UN Security Council resolution 2178 and the UNSC ISIL (Da’esh) and al-Qaeda sanctions regime.¹²⁷ While the proclaimed aim

122 The World Bank Group, “The Unfinished Revolution Bringing Opportunity, Good Jobs And Greater Wealth To All Tunisians”, May 2014, https://www.worldbank.org/content/dam/Worldbank/document/MNA/tunisia_report/tunisia_report_the_unfinished_revolution_eng_synthesis.pdf; Ishac Diwan, “Tunisia’s Upcoming Challenge: Fixing the Economy Before It’s Too Late”, Arab Reform Initiative, 23 September 2018, https://www.arab-reform.net/wp-content/uploads/pdf/Arab_Reform_Initiative_en_tunisia-upcoming-challenge-fixing-the-economy-before-its-too-late_6582.pdf?ver=a1af2da58abe0ab2dfcbf5aab21f9e99; Zouhair ElKadhi, Dalia Elsabbagh, Aymen Frija, Thouraya Lakoud, Manfred Wiebelt, Clemens Breisinger, “The impact of COVID-19 on Tunisia’s economy, agri-food system, and households”, International Food Policy Briefing Institute IFPR, MENA Research Note, 2020, <https://ebrary.ifpri.org/digital/collection/p15738coll2/id/133737>

123 Since 2011, between 3,000 and 7,000 Tunisians are said to have joined groups fighting in Syria, Iraq and Libya, in particular. They represent one of the largest contingents of foreign fighters in those countries. The gunmen in the Bardo Museum and Sousse attacks had both trained in Libya. OHCHR, “Foreign fighters: Urgent measures needed to stop flow from Tunisia – UN expert group warns”, 10 June 2015; Isabelle Werenfels, “Going ‘Glocal’: Jihadism in Algeria and Tunisia”, *Jihadism in Africa. Local causes, Regional expansion, International Alliances*, Guido Steinberg and Annette Weber (eds), Berlin: Stiftung Wissenschaft und Politik; Aaron Y. Zelin, “Know Your Ansar al-Sharia”, *Foreign Policy*, 21 September 2012, <https://foreignpolicy.com/2012/09/21/know-your-ansar-al-sharia/>

124 Hamza Meddeb, “Precarious resilience: Tunisia’s Libya predicament”, *Middle East and North Africa Regional Architecture (MENARA)*, 5 April 2017, https://www.iai.it/sites/default/files/menara_fn_5.pdf

125 France 24, “Deadly attack on Tunisia security forces near Algeria border”, 8 July 2018, <https://www.france24.com/en/20180708-deadly-attack-tunisia-security-forces-algeria-border>

126 For more on the tertiary sector with regard to CVE see Lydia Letsch, “Countering Violent Extremism in Tunisia – Between Dependency and Self-Reliance”, *Journal for Deradicalization*, 17 (Winter 2018/19): 163–195.

127 US State Department, “Country Reports on Terrorism: Tunisia”, 2016, <https://www.refworld.org/docid/5981e40d13.html>

was to enact legislation that would find a balance between effectively fighting terrorism and protecting human rights, many human rights organisations criticised the law due to its vague definition of terrorism, as this had proved to be an avenue for citizen repression behind the smokescreen of counterterrorism previously.¹²⁸

Since then, additional CT legislation has been discussed by parliament, including both strengthening and minimising CT measures, with some amendments enacted. For instance, in late 2018, Tunisia pursued several CT legislative initiatives. Following the October suicide bombing in Tunis, a parliamentary committee re-examined a draft law on the protection of security forces (draft law no.25/2015 on the Prosecution of Abuses against the Armed Forces) in an effort to expedite its completion.¹²⁹ The draft law has been stalled for more than two years because of its controversial language, which critics argue would reinforce impunity for violations committed by security forces and undermine the rule of law and human rights.¹³⁰ Due to this heavy criticism and the draft law’s general resemblance of laws of Ben Ali’s Tunisia, parliament requested that the government revise its language.

While this law has not been passed yet, Tunisia took additional legislative CT steps: in 2019, for instance, there were two legislative initiatives related to countering terrorism. First, the parliament ratified amendments to the 2015 Countering Terrorism and Money Laundering Law.¹³¹ Second, controversially, Tunisia banned the niqab in public places out of concern that it could be used to conceal weapons or explosives. The move drew accusations of religious discrimination from human rights groups.¹³²

While overall the Tunisian parliament plays a far greater role than in the other examined case studies of this report (Egypt, Libya, Algeria and Morocco), the next section will also show how additional presidential decrees have sharpened Tunisian counterterrorism legislation, which has since been accused of exploitation by security actors.

Executive and Judiciary

In the aftermath of the shocking attacks at the Bardo Museum in March 2015, Sousse Beach in June 2015 and the attempted takeover of Ben Gardane in March 2016, the Tunisian government declared that it had entered a “war on terror” and vowed to ramp up its CT measures.¹³³ Shortly afterwards, the government created the Agency for Defence Intelligence and Security, which served

128 In July 2015, the government adopted a CT law which grants security forces broad surveillance powers, authorises incommunicado detention of terrorism suspects for up to 15 days, permits courts to close hearings to the public and allows witnesses to remain anonymous to defendants. Lola Aliaga and Kioé Tricot O’Farrell, “Counter-Terror in Tunisia: A Road Paved With Good Intentions?”, *Saferworld*, September 2017.

129 The draft law was introduced following the 2015 terror attacks but was blocked following backlash from civil society and international bodies

130 Human Rights Watch, “Appeal to the People’s Representatives to Abandon Consideration of the Draft Law on Prosecution of Abuses Against the Armed Forces”, 20 July 2017, <https://www.hrw.org/node/307088/printable/print>; International Commission of Jurists, “Tunisia: parliament must amend or reject the draft law on the protection of security forces”, 6 October 2020, <https://www.icj.org/tunisia-parliament-must-amend-or-reject-the-draft-law-on-the-protection-of-security-forces/>

131 With the amendments, the law now legally defines perpetrators of terrorist crimes, integrates juvenile justice into the Judicial Center for Combating Terrorism (POLE), and grants new powers to the National Counter-Terrorism Commission (CNLCT), including the decision to freeze the assets of persons suspected of terrorism-related crimes. US State Department, “Country Reports on Terrorism: Tunisia,” 2019, <https://www.state.gov/reports/country-reports-on-terrorism-2019/tunisia/>

132 Claire Parker, “Tunisia becomes the latest country to ban full-face veils after a spate of terrorist attacks”, *Washington Post*, 5 July 2019, <https://www.washingtonpost.com/world/2019/07/05/tunisia-becomes-latest-country-ban-full-face-veils-after-spate-terrorist-attacks/>

133 F Strasser, “Aid Remains Key to a Counter-ISIS Plan, Tunisia Says”, *USIP Analysis and Commentary*, 16 March 2017.

as an indicator of structural change in its CT work, as it increased the army’s role in CT operations. In order to develop strategy next to the practical acceleration of its CT work, the government launched the National Commission on Counterterrorism,¹³⁴ which in November 2016 introduced a national counterterrorism/counterextremism strategy.¹³⁵ Central to the formulation of this strategy was the Ministry of Interior (MoI).¹³⁶ While it was publicly announced and widely shared that a CT strategy had been agreed on, the details of it still remain nebulous to the public.¹³⁷ While few details of it were shared, a presidential statement outlined the main guidelines, namely prevention, protection, prosecution/judicial proceedings and response to attacks.¹³⁸

Overall, the government understood that the attacks against tourist targets in Tunis and Sousse not only threatened a main source of revenue for the country but also uncovered fatal weaknesses in Tunisia’s security services, including their impotence to monitor securely the Tunisia–Libya border in the country’s southeast.¹³⁹ Therefore, making counterterrorism a priority was quickly agreed on and, with significant foreign assistance, the Tunisian government responded to this security crisis by launching a programme that reorganised security services and improved the country’s defences against terrorism.¹⁴⁰

In addition, alongside the previously outlined legislative CT measures, the Tunisian government has made use of issuing executive orders and presidential decrees employing the state of emergency.¹⁴¹ For instance, authorities have prevented people from travelling inside as well as outside Tunisia, which Amnesty International describes as discriminatory applied measures “based on appearance, religious beliefs or previous criminal convictions (...) with disregard to the due process of law.”¹⁴² These dynamics have led the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to express concern about the “use of executive orders to restrict freedom of movement and impose house arrest without proper judicial review”, *inter alia*, after his visit to Tunisia in 2017.¹⁴³

134 *Commission Nationale de la Lutte contre le Terrorisme (CNLT)*

135 US State Department, “Country Reports on Terrorism: Tunisia,” 2016.

136 *Ibid.*

137 Stefano Torelli, “The European Union and the External Dimension of Security: Supporting Tunisia as a Model in Counter-Terrorism Cooperation,” *Euromesco*, April 2017, <https://www.euromesco.net/publication/the-european-union-and-the-external-dimension-of-security-supporting-tunisia-as-a-model-in-counter-terrorism-cooperation/>

138 Dworkin and El Malki, “The Southern Frontier”.

139 Already before 2015, in response, the government formed a crisis group made up of representatives from the army, police, Ministries of Foreign Affairs and Religious Affairs.⁴⁶ This group suspended at least 157 civil associations with “alleged links to terrorism” in July 2014, and also shut down a TV channel, a radio station, and several websites accused of promoting violence. Twenty mosques were also shuttered for preaching a call to jihad. Specifically, the prime minister’s office released a statement saying the mosques in question were not under control of the authorities and had celebrated the deaths of the soldiers. More than 60 Islamists linked to the militants have been arrested since the attacks. Other reports list up to 1,000 arrests. Haim Malka, “Tunisia: confronting extremism.”, *Religious Radicalism after the Arab Spring*, CSIS, 2015, https://www.csis.org/files/publication/150203_Alterman_ReligiousRadicalism_Web.pdf

140 Dworkin and El Malki, “The Southern Frontier”.

141 The Special Rapporteur was also informed that some 150 individuals are subject to house arrest and many others to restriction of their movement through executive orders by the Ministry of Interior in conformity with the State of Emergency since November 2015, and as provided by article 5 of the Presidential Decree no. 78-50, of 26 January 1978 on the State of Emergency. The Special Rapporteur has been informed that the 1978 decree is under review and would like to encourage the establishment of a judicial review of such executive orders which would allow proper balance between security concerns and rule of law. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21156&LangID=E>

142 Amnesty International, “Tunisia: ‘We want an end to the fear’: Abuses under Tunisia’s state of emergency”, 13 February 2017, <https://www.amnesty.org/download/Documents/MDE3049112017ENGLISH.PDF>

143 OHCHR, “Human rights and counter-terrorism: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to Tunisia,” Press Conference, 3 February 2017, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21156&LangID=E>

From 2015, the Tunisian government also started to strengthen criminal justice institutions in its overall attempt to counter the threat posed by radicalisation and terrorism. In the summer of 2016, a new criminal procedure code intended to decrease pre-trial detentions and prison overcrowding came into force.¹⁴⁴ Furthermore, first endeavours to establish community reintegration centres to better prepare newly released inmates and mitigate recidivism and radicalisation were undertaken, again with significant outside support.¹⁴⁵ However, again the UN Special Rapporteur expressed multiple concerns about Tunisia’s prison conditions. For example, regarding Mornaguia Prison, it was reported that it was filled far over capacity¹⁴⁶ and unacceptable conditions disproportionately impacted those charged with terrorism.¹⁴⁷ The rapporteur also expressed concern regarding the measures taken within the prison system to reduce the risk of recruitment and radicalisation. Some analysts suggest that while the government was orally committed to implement deradicalisation programmes, what they really pursued was disengagement programmes.¹⁴⁸ Finally, despite the establishment of the National Commission on the Prevention of Torture in early 2016, reports of torture have emerged from Tunisia’s prisons.¹⁴⁹

Next to strategic, security sector and law enforcement CT measures, the Tunisian government pursued after 2015, the authorities also tackled terrorist financing more fervently and introduced first steps towards a justice sector reform. Initially, a special unit of judges charged with handling terrorism cases and sending investigations to the Criminal Investigation Department of Tunis, rather than to units at the governorate level, was formed,¹⁵⁰ with its legal origins stemming from the 2015 law on combating terrorism and money laundering.¹⁵¹

However, the judiciary remains largely unreformed. Many judges are hold-overs from the Ben Ali era, operating with an unfit legal code, which sometimes even contradicts the constitution.¹⁵² Similar tendencies are also prevalent among law enforcement, with many police officers still “thinking and acting like they did under Ben Ali”, as indeed many have remained in their roles.¹⁵³

144 The Directorate General of Prisons and Rehabilitation (DGPR) also worked with the Department of State to integrate community corrections principles such as probation, parole, and the establishment of community reintegration centers to better prepare newly released inmates and mitigate recidivism and radicalization. US State Department, “Country Reports on Terrorism: Tunisia,” 2016.

145 Ibid.

146 This issue effected the situation between radicals and criminals and created some kind of bond and sympathy between them, but also played an important role as a platform to recruit new Jihadists. Rohan Gunaratna, “The battlefield of the mind: Rehabilitating Muslim terrorists.” *Revista UNISCI* 21 (2009): 148–163.

147 Because they are less likely to be granted provisional release, because their cases sometimes take years to come to trial and because they receive the longest sentences. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21156&LangID=E>

148 This shows that there is a lack of program integrity in combination with an almost non-existent specialization or high-quality training programs for deradicalization counsellors in Tunisia which created difficulties to evaluate the programmes and increased the risk of ethical misconduct by programs staff. Daniel Koehler, *Understanding deradicalization: methods, tools and programs for countering violent extremism*. London: Routledge, 2017.

149 Amnesty International has reported that the use of torture and other ill-treatment is still widespread in Tunisian detention centres, especially those operated by the Ministry of the Interior’s terrorism investigation brigades. Dworkin and El Malki, “The Southern Frontier”.

150 Aaron Y Zelin and Katherine Bauer, “The Development of Tunisia’s Domestic Counter-Terrorism Finance Capability.” *CTC The Combating Terrorism Center at West Point* 12. 8 September 2019, <https://www.ctc.usma.edu/development-tunisia-domestic-counter-terrorism-finance-capability/>

151 US State Department, “Country Reports on Terrorism: Tunisia,” 2016.

152 Most egregious, the country currently has no constitutional court, largely because lawmakers cannot agree on whom to appoint as judges. Sarah E. Yerkes, “The Tunisia Model: Lessons From a New Arab Democracy”, *Foreign Affairs*, November/December 2019, <https://www.foreignaffairs.com/articles/tunisia/2019-10-15/tunisia-model>

153 Aliaga and O’Farrell, “Counter-Terror in Tunisia”.

The US Department of State affirmed in 2019 that the Tunisian government “continued to prioritise counterterrorism and border security in light of escalated Libyan instability and political uncertainty in Algeria.”¹⁵⁴ How far this policy priority redirects governmental attention from other topics and how much this has been incentivised by the international community will be explored in later sections.

The Tunisian National Counterterrorism Commission has been discussing the 2016 national strategy with an aim to revise and adapt it to the new situation in the country by November 2021.¹⁵⁵ It is anticipated that the revised strategy will put more emphasis on dealing with the issues of terrorism and extremism from an educational and social perspective rather than security-focused measures. This shall also include incorporating the Ministries of Education and Higher Education and Scientific Research into raising awareness of the dangers.¹⁵⁶

To sum up, the Tunisian government has proved to be committed to countering terrorism and extremism for many years, concurrent with the continuous work and setbacks the country has experienced since 2011. While working towards a prosperous, sustainable, democratic future, the government has also experienced difficulties arising from Ben Ali’s legacy, such as a lasting disregard for human rights among some parts of law enforcement and the judicial sectors, and new challenges, such as establishing coordination and information exchange between newly established bodies.¹⁵⁷

Military and Intelligence Services

The Tunisian security architecture and its corresponding responsibilities is the third area that has undergone serious changes in the aftermath of the 2015 and 2016 terrorist attacks. After 2011, the newly established democracy inherited a system centred on the police, internal security forces and intelligence services. The army had been structurally weakened as Tunisia’s previous rulers were wary of a potential coup d’état.¹⁵⁸ While the reform of the country’s security services’ structure and strategy had been previously initiated before, the terrorist incidents of 2015 and 2016 accelerated this process. The main institutional mechanism for strengthening the army’s role in counterterrorism was the creation of the Agency for Defence Intelligence and Security.¹⁵⁹ To counter

154 US State Department, “Country Reports on Terrorism: Tunisia”, 2019, <https://www.state.gov/reports/country-reports-on-terrorism-2019/tunisia/>

155 Tunis Afrique Presse (TAP), “New Tunisia’s counterterrorism strategy to be ready in November 2021,” 31 March 2021, <https://africa.cgtn.com/2021/03/31/new-tunisia-counterterrorism-strategy-to-be-ready-in-november-2021/>

156 Ibid.

157 State officials still struggle to develop a coherent long-term strategy to rehabilitate returning foreign fighters that goes beyond recent efforts to develop a database to track returnees. Lisa Watanabe, “Foreign fighters and their return – measures taken by North African countries”, *Zürich: Center for Security Studies (CSS)*, 2015.; This included the establishment of new bodies and the updating of the existing agencies in the government to fight and supervise terrorism (i.e. National Intelligence Center, National Security Council, National Counterterrorism Committee, Intelligence and Defense Security Agency). The decrees described the role of the agencies but without any specification to the exact task to fight terrorism. There were also conflicting roles of some of the agencies; like National Intelligence Center and National Security Council that both have similar tasks, among which, evaluate potential threat and danger, implement national intelligence, coordinate international programs related to de-radicalization field. First, the national security matters should be under the president of the Tunisian government¹⁸, while here, there was a clear intervention of the prime minister in these affairs, as the National Intelligence Center is under the occupations of the prime minister. Also, the roles of each agency should be identified clearly and explicitly to avoid confusion of roles and preserve the public interest above personal interests. <http://www.legislation.tn/recherche/legislatifsreglementaires/keyword/%D8%A7%D9%84%D8%A7%D8%AD%D9%83%D8%A7%D9%85+%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D9%84%D9%82%D8%A9+%D8%A8%D8%A7%D9%84%D8%A7%D8%B1%D9%87%D8%A7%D8%A8/sort/date> <http://www.legislation.tn/sites/default/files/constitution/constitution.pdf>

158 Dworkin and El Malki, “The Southern Frontier”.

159 Receives its own independent funding.

the blatant gaps in coordination and information sharing, Tunisian authorities formed the National Intelligence Centre, which includes all intelligence agencies.¹⁶⁰

From a ministerial perspective, the Mol and MoD both hold responsibilities with regard to detecting, deterring and preventing terrorism in Tunisia.¹⁶¹ By 2021, the military has become central to protecting the border with Algeria and Libya but also shares those responsibilities with the National Guard, which falls under the jurisdiction of the Mol. Overall, Tunisian border security has an internal-facing function, working to prevent weapons and terrorists entering the country, and an outward-facing one, focusing on irregular immigration from Tunisia to Europe.¹⁶² The MoD also leads Tunisia’s CT work in so-called “military exclusion zones”, most in the mountainous areas close to Algeria or regions along the border with Libya.¹⁶³ In this regard, Tunisia coordinates frequently with Algeria and often relies on local population and shepherds for information on potential terrorist hideouts.¹⁶⁴ In contrast, the Mol is the lead counterterrorism agency for most of the rest of Tunisia, with a focus on the towns and cities.¹⁶⁵

Over the course of the last ten years, Tunisia’s military investments have increased from \$572 million to \$1 billion annually.¹⁶⁶ On a tactical level, its CT engagements have also changed as Tunisia demonstrated notable increases in proactive CT operations, resulting in significant arrests of alleged terrorists and weapons seizures.¹⁶⁷

While these increased expenditures in military equipment as well as increased efforts in security coordination have resulted in an improved security situation for the country, reports by human rights organisations have documented an increase in some of the repressive practices associated with the authoritarian era over the course of these policy changes. Also, despite the improvement in the security situation, Tunisia remains under a state of emergency imposed in November 2015.¹⁶⁸ For instance, in the mountainous areas near Algeria, civilians have been caught up between violent groups targeting individuals they perceive to support the security actors and the army, pressuring them for information on movements in their area.¹⁶⁹

CVE and Deradicalisation Programmes

The distinguishing factor for Tunisian CVE policies, compared to Libyan and Egyptian CVE endeavours, is the high number of civil society organisations (CSOs) that have managed to carve up considerable space in post-2011 Tunisia.¹⁷⁰ While most international

160 Dworkin and El Malki, “The Southern Frontier”.

161 US State Department, “Country Reports on Terrorism: Tunisia”, 2016.

162 Hijab Shah and Melissa Dalton, “The evolution of Tunisia’s military and the role of foreign security sector assistance,” *Civil-Military Relations in Arab States*, Carnegie Middle East Center, 2020.

163 US State Department, “Country Reports on Terrorism: Tunisia”, 2016.

164 Aliaga and O’Farrell, “Counter-Terror in Tunisia”.

165 The Anti-Terrorism Brigade (BAT) and the National Guard Special Unit – elite units under the Ministry’s National Police and National Guard, respectively – take the lead for counterterrorism operations. At the tactical level, MOI and MOD forces worked together in some locations, coordinating their efforts in Joint Task Forces established in the military exclusion zones. US State Department, “Country Reports on Terrorism: Tunisia”, 2019.

166 <https://data.worldbank.org/indicator/MS.MIL.XPND.CD?locations=TN>

167 US State Department, “Country Reports on Terrorism: Tunisia”, 2019.

168 <https://www.garda.com/crisis24/news-alerts/497381/tunisia-authorities-extend-nationwide-security-related-state-of-emergency-through-the-end-of-july-update-6>

169 Anouar Boukhars, “The Geographic Trajectory of Conflict and Militancy in Tunisia,” *Carnegie Endowment for International Peace*, 2017.

170 M. Besonen, Crouch, T., Rud, J., Safi, A., & Tatlow, J. “Understanding the Complexities of Violent Extremism In Kosovo, Tunisia, and Kenya”, The University of Minnesota, 2017.

actors and linked organisations arrived following the 2011 uprisings and many CSOs were founded after the ousting of Ben Ali to support the country's transition to democracy, today many are concerned with addressing terrorism or violent extremism.¹⁷¹

Of Tunisia's national counterterrorism strategy, 18 of the 59 targeted measures are dedicated solely to CVE work. For this work, the government relies on the Ministries of Education, Culture, Communication, and Religion, but also Tunisian CSOs and international partners to implement comprehensive CVE programming (including economic development and education programmes). In addition, Tunisia is involved in multiple international initiatives, such as the Strong Cities Network.¹⁷² As part of its CVE measures, Tunisia attempted to improve socioeconomic conditions in the country, engaged in a mosque and religious education overhaul,¹⁷³ and started different counter-narrative programmes.¹⁷⁴ One such was started with the help of the British Council and the British Embassy that developed preventative counter-narratives supervised by the Ministry of Constitutional Relations, Human Rights and Civil Society. Broad in its aims, dependent on an external funder and untransparent to the public about its official strategy, the platform has been criticised by Tunisian stakeholders and some academics.¹⁷⁵

With regard to prisons, the Tunisian MoJ launched its *Tawasol* Project with assistance from the EU, the Netherlands, and the UK in 2018: the project is a pilot to classify prisoners, teach anti-extremism communication techniques and create prison research/vocation centres for inmate education. Similar programmes are supposed to be rolled out in all Tunisian prisons by 2028.¹⁷⁶ While these are important initiatives, Tunisia's prisons on the whole are still defined by difficulty, such as overcrowding and the mounting need for rehabilitation and reintegration programmes. Addressing these issues would be easier with a clear and structured approach for the entire country.¹⁷⁷

In sum, it is clear that Tunisia is seriously committed to a CVE agenda both from state and society. Generally speaking, Tunisia is a prime example of the current conviction in CT/CVE programming of the EU, UN and key member states, which argue for the potential of civil society organisations for countering radical narratives and implementing prevention activities in non-Western countries.¹⁷⁸ Due to the resulting burgeoning funds, most Tunisian CSOs have

171 Aliaga and O'Farrell, "Counter-Terror in Tunisia".

172 US State Department, "Country Reports on Terrorism: Tunisia", 2019.

173 Tunisia made a concerted effort to improve socioeconomic conditions in the country through economic development and education programs to prevent conditions that terrorists can exploit for recruitment. By early 2014 Ministry of the Interior officials claimed approximately 150 mosques remained under the control of Salafi-jihadis. A key question dividing Tunisians is whether Zaytouna should remain solely a mosque or should resume its function as a university. Malka, "Tunisia".

174 In addition, in late 2015, the Ministry of Religious Affairs established a counter-narrative campaign, "We are Islam," targeting youth on social media platforms like Twitter and Facebook. As of June 2017, the Ministry of Higher Education and Scientific Research had allocated \$1.2 million over five years to study the roots of radicalisation among young people and how to combat it. The initiative is a partnership between research centres in several Tunisian cities and the ministries of interior, defence, and health. Khaoula Sliiti, "Tunisian Researchers Probe the Roots of Radicalization", Al Fanar Media, 19 June 2017, <https://www.al-fanarmedia.org/2017/06/tunisian-researchers-probe-roots-radicalization/>

175 Letsch, "Countering Violent Extremism in Tunisia".

176 US State Department, "Country Reports on Terrorism: Tunisia", 2019.

177 In 2016, the Tunisian Directorate General of Prisons and Rehabilitation worked with the U.S. Department of State, in part, to establish community reintegration centres to better prepare newly released prison inmates and mitigate recidivism and radicalisation. US State Department, "Country Reports on Terrorism: Tunisia", 2017.

178 Civil society-led interventions, it is assumed, constitute a more sustainable as well as locally acceptable approach to reduce the threat of radicalisation. In line with this, international actors including EU, UN and EU key-member states have lately incorporated this strategy in Tunisia. Letsch, "Countering Violent Extremism in Tunisia".

started to develop CVE programmes,¹⁷⁹ but in practice only a few Tunisian NGOs have the capacity to apply for the bulk of the grants. The mechanism of “call for proposals” systematically advantages well-established NGOs, while failing to include less professionalised associations and to ensure diversity regarding ideological orientation.¹⁸⁰ There remains a stark discrepancy between activities carried out by local Tunisian activists (classified as preventative activities at the tertiary level of intervention) versus activities such as prisons reform (primary level) carried out by state actors and international donors.¹⁸¹

International and Regional Cooperation

Already foreshadowed in the previous sections, Tunisia is distinct when compared to other North African countries as it is committed to working with international partners on reforming its security sector. After 2015, the need for this reform was even more pronounced and Tunisia increased the already close involvement it had built with international partners in several aspects of its transition to democracy, including security sector reform.¹⁸²

Another outstanding characteristic with regard to Tunisia’s international cooperation is that international assistance provided to the country is relatively well coordinated. The main mechanism for coordinating security assistance is the G7 plus six grouping, comprising the seven biggest industrialised countries, as well as Spain, Belgium, Switzerland, Turkey, the EU and the UN Office on Drugs and Crime.¹⁸³ In terms of international collaborations, Tunisia participates in global and regional efforts to counter terrorism with the UN, the Arab League, the African Union and the Global Counterterrorism Forum (GCTF) (for example, Tunisia hosted a GCTF meeting on returning families of foreign fighters in February 2018).¹⁸⁴ Tunisia is also a member of the Global Coalition to Defeat ISIS’s CIFG and successfully completed its FATF action plan; the FATF subsequently removed Tunisia from its grey list in late 2019.¹⁸⁵

Bilaterally, France, with its historic ties to Tunisia, is undertaking direct engagement with the country’s security services, including intelligence provision and delivery of equipment for Tunisian special forces. Together with the UK, France has also turned to improving Tunisian aviation security with training local agents. The UK has invested significantly in working with Tunisian authorities to improve tourist security generally and hotel security particularly.¹⁸⁶ The USA and Germany have taken the lead on border security, among other things financing and installing electronic surveillance systems along the Tunisian border with Libya, which the US Defense Threat

179 However, the lack of comprehensive empirical research on civil society engagement in counter- as well as de-radicalization complicates the assessment of scope and impact of these initiatives on local communities in Tunisia.

180 R Mac Ginty, “Where is the local? Critical localism and peacebuilding.” *Third World Quarterly*, 36.5 (2015): 840–856.

181 Letsch, “Countering Violent Extremism in Tunisia”.

182 Dworkin and El Malki, “The Southern Frontier”.

183 Each country or organisation takes the lead in providing a specific type of security assistance, a process designed to avoid duplication of effort and to ensure that all Tunisia’s major partners have a substantive role. According to EU officials, the G7+6 coalition helped prevent ISIS from seizing any Tunisian territory. US State Department, “Country Reports on Terrorism: Tunisia”, 2019.

184 Tunisia is an active member of the Trans-Sahara Counterterrorism Partnership (TSCTP), a U.S. multi-year interagency regional program aimed at building the capacity of governments in the Maghreb and Sahel to confront terrorist threats. Tunisian authorities continued their coordination on border security with Algerian counterparts. US State Department, “Country Reports on Terrorism: Tunisia”, 2018.

185 With its expanding expertise in various ways of combating terrorism, Tunisia can situate itself as a leader in the region and provide guidance and example to others based on its experiences, especially countries (such as Algeria, Sudan, among others) that might have to deal with the dual challenge of transition to democracy and local jihadi mobilisation in the future. Zelin and Bauer, “The Development of Tunisia”.

186 US State Department, “Country Reports on Terrorism: Tunisia”, 2018.

Reduction Agency will manage. Italy concentrates on maritime border training and is implementing a comprehensive border police programme.¹⁸⁷ In addition to countries, many European agencies have supported Tunisia in the process of deradicalisation.¹⁸⁸

These types of different international cooperation have mostly developed after the fall of Ben Ali and increased after Tunisia’s violent experiences with terrorism.¹⁸⁹ For the West, Tunisia plays a double role both as presumably the sole “success” of the Arab uprisings and at the same time a key battleground in the continuous fight against terrorism. Naturally, national interests also play into the prioritisation of certain policy areas or CT measures depending on the different states as these reflect national priorities and domestic political concerns. This means that the policies are vulnerable to shifting dynamics or changes in government. Furthermore, the success of external security assistance packages is debatable, with Santini arguing that they can dilute emerging democratic reforms by producing, for instance, more coercive manifestation of state power.¹⁹⁰

Conclusion and Recommendations

In conclusion, Tunisia’s CT policies are struggling with things similar to those challenging the country as a whole: a lack of vision, transparent strategy and practical coordination. Still, the security situation in the country has improved significantly in recent years and the government has been credibly committed to following a holistic CT/CVE strategy. According to government figures, there were 29 terrorist attacks in 2019, down from roughly 40 in 2016, with arrests on terrorism charges increasing from 260 in 2016 to over 500 in 2018.¹⁹¹ Furthermore, not only has Tunisia expanded its capacities with regard to reacting to terrorism, but also the country has become more adept at preventing it. Still, the continuing instabilities in Tunisia’s neighbouring countries, the challenge of the country’s many foreign terrorist fighters coming home as well as the continuous resentments among parts of the population that feel socioeconomically disadvantaged underline just how tenuous these victories are.¹⁹²

Tunisia has experienced a growing civil society and a reverberating understanding in the country of a human-rights-led political system has taken hold, but although democratic gains have been made during the transition, the culture of human rights is not yet ingrained in all institutions. For example, among the law enforcement sector, judges and police are partially the same personnel as during the previous regime and carry with them what some analysts

187 Italy-Tunisia: Alfano initiates collaboration with Tunisia on strategic sectors”, Italian Ministry of Foreign Affairs, 9 February 2017, http://www.esteri.it/mae/en/sala_stampa/archivionotizie/comunicati/2017/02/italia-tunisia-alfano-stringecollaborazione.html#; Belgium, Norway, and Japan have supported a UN Development Programme pilot project to rebuild trust between the citizens and police through the development of community-focused police stations. The EU, along with France, has supported the modernisation of Tunisia’s judiciary, improving its capacity to prosecute terrorism cases. Dworkin and El Malki, “The Southern Frontier”.
188 The European Union Agency for Law Enforcement Training (CEPOL) organised operational trainings in order to fight radicalisation. Europol also strengthened the strategic direct cooperation with Tunisia without any prior agreement to be able to respond immediately to the country’s needs, for instance. Thomas and Pick. *Home-grown Terrorism: Understanding and Addressing the Root Causes of Radicalisation Among Groups with an Immigrant Heritage in Europe*. Amsterdam: IOS Press BV, 2019.
189 For instance, before 2011, U.S. ties with Tunisia were as good as non-existent. Yerkes, “The Tunisia Model”.
190 Ruth Hanau Santini and Simone Tholens, “Security Assistance in a Post-interventionist Era: The Impact on Limited Statehood in Lebanon and Tunisia”, *Small Wars and Insurgencies*, 29.3 (2018): 491–514.
191 Hella Lahbib, “Est-ce une recrudescence du terrorisme en Tunisie?”, *La Presse*, 8 September 2020, <https://lapresse.tn/72839/analyse-est-ce-une-recrudescence-du-terrorisme-en-tunisie/>
192 Boukhars, “The Geographic Trajectory”.

describe as a “Ben Ali mindset”. Furthermore, the continuing state of emergency provides loopholes for exploitation and human rights abuses.

Recommendations

1. For its future counterterrorism work, the Tunisian government should pay more attention to long-lasting strategies, such as paying sufficient attention to the legal and judicial framework for handling people detained on terrorism charges, alongside the prevention of attacks and the disruption of terrorist cells. While these are structural as well as mindset issues, the country is now ready to engage with them and international partners should broaden their current focus on technical and operational security assistance to devote more resources to such areas as the treatment of arrested suspects and the state’s broader relationship with communities that are disproportionately vulnerable to terrorist recruitment.¹⁹³

2. Additionally, Tunisia should make its counterterrorism work more transparent. While some aspects naturally need to be veiled, others, such as the country’s CT strategy, should be available to the public in order to win back public trust. With these steps, the government’s CT work could work towards (re-)building trust in Tunisian democracy that has been lost over recent years, mainly due to little socioeconomic improvement for most Tunisians. In line with this, reported flaws and abuses should also be addressed, such as holding law enforcement agents accountable for corruption – even if they claim to be crucial actors for CT work.

3. Furthermore, some CT policies have proven themselves to be double-edged swords, such as the heightened efforts to increase border security. On the one hand, border security has increased significantly due to increased attention by Tunisian security forces, immense international support with training and technology and better intra-Tunisian cooperation; on the other hand, these security measures have negatively impacted local populations who have been severely restricted in their informal cross-border trade.¹⁹⁴ Many people depend on this source of income and the government has been unable or willing to compensate for these losses. Therefore, these security measures cause economic paralysis; clashes with security forces and some locals actually point to the more secure borders as a source of conflict and insecurity.¹⁹⁵ Therefore, the Tunisian government, together with its international partners, should conduct an evaluation of the recent measures and draft corresponding reactions given the multidimensional picture.

4. Over recent years, reports started to emerge that relate the exploitation of Tunisian CT to the authoritarian times of Ben Ali. Some abusive and repressive tactics, for instance related to the state of emergency, have increased people’s resentment towards and distrust of the state and, in particular, the security sector.¹⁹⁶ Since these sentiments can be exploited by extremist groups, a sustainable Tunisian CT strategy should try to address them. For instance, the UN Special Rapporteur recommended the introduction of reforms to guarantee the presence of lawyers

¹⁹³ Dworkin and El Malki, “The Southern Frontier”.

¹⁹⁴ Meddeb, “Precarious resilience”.

¹⁹⁵ Aliaga and O’Farrell, “Counter-Terror in Tunisia”.

¹⁹⁶ Ibid.

immediately as of the first hour of detention and not after 48 hours, as in the current legislation, as well as the instalment of video cameras in detention and interrogation facilities.¹⁹⁷ These and similar reforms carry particular relevance for Tunisia’s future CT challenges, prominently among them the issue of returning foreign fighters to their families.¹⁹⁸ Finally, Tunisia needs to be careful not to fall into the trap that so many countries in the region have already fallen into, namely that many deradicalisation programmes have been “constructed with the deliberate goal of gaining specific intelligence for counter-terrorism operations, oftentimes with the direct involvement of security agencies in the program itself.”¹⁹⁹

5. For Western policymakers it is important not to let CT concerns dominate their engagements with Tunisia. While the previously described support for the Tunisian government to address security threats has been substantial and largely effective, some members of civil society have criticised Western interventions in Tunisia for their lack of coherence and long-term vision, warning them against reinforcing the problems they most need to address.²⁰⁰

6. Finally, the institutionalisation of regular meeting mechanisms should be pursued further. The G7 plus six is an example of how the EU could serve as a platform to discuss CT policies in developing world countries. These kinds of activities should continue and be expanded into South-South cooperation. A cooperation mechanism involving South-South relations should be promoted in order to better tackle terrorism and radicalisation in the area. One example is the Trans-Sahara Counterterrorism Partnership (TSCTP), an initiative promoted by the USA in 2005 aimed at enhancing the capacities of governments in the Pan-Sahel region of Africa (Mauritania, Mali, Chad, Burkina Faso and Niger, as well as Nigeria and Senegal) to confront terrorism and facilitate cooperation between the Pan-Sahel countries and Maghreb partners (Morocco, Algeria and Tunisia) in combating terrorism. Since 2013, Tunisia and Algeria have improved their bilateral cooperation in sectors like military-to-military cooperation and information sharing. In May 2016, the Tunisian government launched a CT cooperation programme with Morocco as well. South-South cooperation is crucial for establishing a relationship of mutual trust and EU institutions should encourage it.²⁰¹

197 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21156&LangID=E>

198 Returning fighters or others who support jihad in Syria are treated simply as criminals to be prosecuted rather than rehabilitated, they are more likely to form a future threat. Malka, “Tunisia”.

199 Koehler, “Understanding deradicalization”.

200 Aliaga and O’Farrell, “Counter-Terror in Tunisia”.

201 Torelli, “The European Union”

d. Algeria

Counterterrorism with a Military Prerogative

In 2021, Algeria’s political system remains dominated by a strong presidency and security apparatus; the country’s natural resource wealth insufficiently trickles down and the pressures of unemployment weigh on many families.²⁰² Algeria’s brutal struggle for independence that had it emerge as a republic with military-backed governments affects the country’s politics up to the present.²⁰³ Counterterrorism and CVE programming in Algeria are militarily driven and state-controlled.²⁰⁴

In 1992, the Algerian army intervened to prevent the Islamic Salvation Front from winning a majority in parliament and the party was subsequently banned. Since then, the country has been plagued by varying degrees of bloody battles between armed Islamists and state security forces.²⁰⁵ Over recent years, however, Algeria has proven a successful terrorism deterrent: it was in 2016 that the most recent al-Qaeda-related attack occurred and there have only been a handful of Islamic State-inspired attacks since.²⁰⁶ The Algerian government furthermore claims counterterrorism success with regard to its number of Foreign Terrorist Fighters: unlike neighbouring Tunisia, which has produced several thousand foreign fighters, Algeria’s number seems closer to 200.²⁰⁷

Still, Algeria continues to be plagued by bouts of violence. While attacks are down substantially compared to the mid-1990s, terrorist groups continue more low-key activities.²⁰⁸ Instead of major attacks on civilians, jihadist groups in Algeria put pressure on security forces, attack governmental entities and kidnap international workers, including through the increased use of suicide attackers.²⁰⁹ In the midst of these CT challenges, popular signs of dissatisfaction and questioning of the government’s legitimacy flared up in 2019.²¹⁰ While the coronavirus pandemic largely stopped these mass protest movements in early 2020, questions remain about the future of Algeria’s political system and the potential disruption of the deeper power dynamics within the opaque politico-military elite networks that Algerians refer to as *Le Pouvoir* (the powers-that-be).²¹¹ If these state structures were to be uprooted, the effect on Algerian counterterrorism would be immense.

202 Ariell Arief, “Political Transition in Tunisia”, *Congressional Research Service* 7-5700, 2013.

203 Bouteflika ruled the country from 1999 until his death in April 2019. Islamists were left out of the new government. <https://www.wilsoncenter.org/algeria>

204 Select Committee on International Relations. “The Middle East: Time for New Realism, 2nd Report of Session 2016–17.” UK Parliament, HL Paper 159, 2 May 2017, <https://publications.parliament.uk/pa/cm200405/cmselect/cmfaaff/36/3609.htm#a33>

205 International Crisis Group, “Islamism, Violence and Reform in Algeria: Turning the Page”, 30 July 2004. In the early 2000s analysts assessed a shift, however, and claimed that Algeria has “long been a focal point of domestic terrorism and is now a major source of international terrorism. (...) [e.g.], twenty-six Algerians were held at the US base at Guantanamo Bay, and several Algerians have been arrested on terrorism charges in the past few years across the world.” Bartolucci, “Assessing Terrorism and Counterterrorism”.

206 Al-Qa’ida in the Islamic Maghreb (AQIM) may be growing and becoming more active elsewhere in the Sahel, but it is struggling in Algeria and has been for some time. This is not to say that Algeria is now free of the threat of terrorism. Geoff D. Porter, “AQIM Pleads for Relevance in Algeria”, CTC Sentinel, 12.3 (March 2019).

207 R Kim Cragin. “Preventing the next wave of foreign terrorist fighters: Lessons learned from the experiences of Algeria and Tunisia.” *Studies in Conflict & Terrorism* 44.7 (2021): 543–564.

208 Bartolucci, “Assessing Terrorism and Counterterrorism”.

209 Reuters, “Suicide bomber attacks Algerian barracks, killing a soldier: defense ministry,” 9 February 2020, <https://www.reuters.com/article/us-algeria-security/suicide-bomber-attacks-algerian-barracks-killing-a-soldier-defense-ministry-idUSKBN203005>

210 Fahmi, “Are We Seeing a Second Wave”.

211 Ariell Arief, “Algeria: Current Issues”, *Congressional Research Service* 18 January 2013.

Parliament

The Algerian parliament is structurally very weak and dominated by two parties: The National Liberation Front (FLN), which led the fight for independence from France, and the National Rally for Democracy (RND), which is considered close to the military.²¹² Given the weak position of parliament in Algeria’s political system, this institution has been non-essential with regard to the country’s CT policies.

In the instances where Algeria’s CT legal framework needed parliament’s approval, it was largely granted, and occasionally parliament even tightened the measures. For instance, in 2006, the government instigated steps towards the abolition of the death penalty, introducing a draft law limiting the number of offences punishable by death in the penal code, but the Algerian parliament voted against the abolition of the death penalty.²¹³

The latest significant changes with regard to Algeria’s CT legal framework occurred in 2015 and 2016 when the legislature made the financing of terrorism a separate crime independent of the terrorist act itself. In practice, Algeria’s penal code received an addition clarifying that anyone who “praises, encourages, or finances by any means” terrorism will receive imprisonment (five to ten years) and a fine.²¹⁴ Furthermore, in the summer of 2016, Abdelaziz Bouteflika, Algeria’s president at the time, signed a new law that broadened criminal liability regarding FTFs, supporters of terrorism, the use of information technology for terrorist recruiting and internet service providers who fail to comply with legal obligations to store information for a certain period or to prevent access to criminal material.²¹⁵

In general, even now in 2021, the dark legacy of Algeria’s civil war weighs heavily on the Algerian people as no part of society was left untouched by the violence. However, Algerian authorities have established a system of impunity for members of the security forces and gross human rights abuses continue in the country without parliamentary intervention or accountability. While there have been forays into introducing legal provisions criminalising torture – for example, in 2004 – these did not restrict torture by members of the *Département du Renseignement et de la Sécurité*, a branch of the Algerian intelligence service, in a significant manner.²¹⁶ Furthermore, in 2015, state authorities asserted that penal code reforms reduced the use of pretrial detention, but human rights organisations continued to report the heavy reliance and overuse of Algerian authorities of pretrial detentions.²¹⁷

212 The bicameral Parliament consists of Council of the Nation (upper house with 144 seats; one-third of members appointed by the president, two-thirds indirectly elected by simple majority vote by an electoral college composed of local council members; members serve 6-year terms with one-half of the membership renewed every 3 years) and National People’s Assembly (lower house with 462 seats including 8 seats for Algerians living abroad), <https://www.cia.gov/the-world-factbook/countries/algeria/#government>

213 Amnesty International, *Algeria: Briefing to the Human Rights Committee*, 2007.

214 Stefano Maria Torelli, “Jihadism and Counterterrorism Policy in Algeria: New Responses to New Challenges,” *Terrorism Monitor* 11.19 (2013).

215 The legislation was intended to implement UN Security Council resolutions (UNSCR) 2178 (2014) and 2199 (2015), and the UN Security Council (UNSC) ISIL (Da’esh) and al-Qa’ida sanctions regime. US State Department, “Country Reports on Terrorism: Algeria”, 2017.

216 Amnesty International, *Algeria*.

217 US State Department, “Country Reports on Terrorism: Algeria”, 2017.

Overall, Algeria's parliament does not constitute a serious check on power but instead is mostly a rubber stamp parliament focused on its own interests; often these are in line with demands from the executive and/or security services – which is unsurprising given the parliament's make-up.²¹⁸

Executive and Judiciary

Institutionally the Algerian political system is centred around the president and hence the president plays an important role for CT policies as well. This was obvious on multiple occasions, one of them in 2011 when the Algerian government lifted the state of emergency that had been in place since 1992, as a premeditated concession against the backdrop of Arab uprisings sweeping North Africa.²¹⁹

In 2012, Bouteflika developed an updated CT strategy with the army's chief-of-staff General Ahmed Gaid Salah.²²⁰ On the one hand, this strategy was in line with previous CT efforts and bolstered Algeria's military-heavy CT focus. On the other hand, this new CT strategy was informed by an updated understanding of terrorist threats in and to Algeria, so, for example, 20,000 additional troops (including special forces and other elite units) were deployed to the south-eastern borders, concentrating on the Sahel region and Libya, instead of the Moroccan border. Additionally, these new strategic alignments seemingly broke with a long-standing red line in Algerian politics, namely the sanctity of non-interference in the internal affairs of its neighbours. Instead, Bouteflika authorised operations with the aim of eradicating jihadists within Tunisian and Libyan territory.²²¹ In line with these new steps, Algeria increased its CT cooperation after the Aménas attack in 2013, in which at least 39 foreign hostages were killed. Shortly afterwards, it signed new security agreements with the USA and UK. David Cameron was the first British prime minister to visit Algeria since its independence, signalling that joint CT operations and agendas were central to British-Algerian relations.²²²

With regard to the judicial sector, a new law in September 2017 triggered significant changes to the country's criminal procedures. While increasing the number of jurors in many serious criminal cases, the amendments specified that in cases involving terrorism, trials and appeals would be heard before judges alone. The new law provided for greater prosecutorial control by judicial police, including judicial police within the armed forces.²²³ A main feature of Algerian CT law that has come under repeated criticism is the regulations around pretrial detention: if authorities need more than 48 hours to accumulate the necessary evidence, they can extend a suspect's time in police detention with the prosecutor's authorisation. For charges related to terrorism and other subversive activities, this can be renewed up to five times for a maximum of twelve days.²²⁴ While the Algerian penal code prohibits the detention of suspects

218 Hamid Ould Ahmed, “Algeria dissolves lower house of parliament, calls early elections”, *Reuters*, 19 February 2021, <https://www.reuters.com/article/us-algeria-parliament-dissolution-idUSKBN2AJ00K>

219 Bartuloacci, “Assessing Terrorism and Counterterrorism”.

220 Torelli, “Jihadism and Counterterrorism Policy in Algeria”.

221 Ibid.

222 In 2006 a parliamentary UK report concluded that to date the United Kingdom has put insufficient effort into engaging Algeria and is on the verge of missing an important opportunity there. <https://publications.parliament.uk/pa/cm200405/cmselect/cmfaif/36/3609.htm#a31>

223 US State Department, “Country Reports on Terrorism: Algeria”, 2018.

224 15 Criminal Procedure Code, Order No. 155–66, June 8, 1966, http://www.droit.mjustice.dz/portailarabe/legisl_de_06_au08/code_proc_penale_modif_ar_06.pdf; US State Department, “Country Reports on Human Rights: Algeria,” 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/algeria/>

in any facilities not designated for that purpose, in 2019 four prisons (out of 49 nationwide) had an inmate population that was between 7% and 10% above capacity, according to the Ministry of Justice. Some observers, including government-appointed human rights officials, attributed overcrowding in pretrial detention facilities to continued overuse of pretrial detention.²²⁵

A final feature of Algerian governmental CT policy is its strict “no concessions” policy with regard to individuals or groups holding its citizens hostage. However, this has been undermined by other states that continue to pay ransoms for abducted nationals.²²⁶

Military and Intelligence

Since the 1990s, Algeria has had a military-focused approach to CT and this prerogative has survived into the 21st century. Facing the changes of terrorism in the country and neighbourhood,²²⁷ however, Algeria’s *Armée nationale populaire* (ANP – People’s National Army) has adapted its tactics and operations.²²⁸ In general, Africa watchers are well aware that the ANP is one of the most advanced, both qualitatively and quantitatively (second only to Egypt), not only in North Africa but throughout Africa. The defence budget is already the largest in Africa but rose further after the Arab revolts in 2011.²²⁹ Against the backdrop of this powerful military build-up, the army is unsurprisingly the country’s most important CT actor and some analysts assess that it has been successful as well: “Algeria’s steady drumbeat of sweeping operations substantially diminished the capacities of terrorist groups to operate within Algeria.”²³⁰ As important as military strength is coordination: hence Geoff D. Porter accredits Algeria’s successful suppression of AQIM to the healing of political schisms in the Algerian security services.²³¹

In line with this strong military prerogative, Algeria continues to import a considerable number of weapons with Algeria’s top supplier of defence arms being Russia, from which it buys items such as T-90 tanks, Su-30MK aircraft, anti-ship and anti-tank missiles, AS/ASW torpedoes and air search radar.²³²

225 Ministry of Justice’s General Directorate for Prison Administration and Resettlement (DGAPR) maintained different categories of prisons that also separated prisoners according to the lengths of their sentences. The government acknowledged that some detention facilities were overcrowded but reported it used alternatives to incarceration such as releasing prisoners with electronic bracelets, conditional release, and replacing prison terms with mandatory community service to reduce overcrowding. Convicted terrorists had the same rights as other inmates but were held in prisons of varying degrees of security, determined by the danger prisoners posed. *Ibid.*

226 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

227 The recent attacks by jihadist groups on the Tunisian army and National Guard along the border with Algeria have had an impact on the security of Algeria itself.

228 In January 2019, the Algerian Ministry of Defence published National Popular Army (ANP) statistics for the year 2018 in the ministry’s monthly journal, *El Djeich*. The statistics show 32 terrorists killed; 25 terrorists arrested; 132 terrorists surrendered; 170 support elements disrupted; and 22 members of terrorists’ families identified. In addition, the army seized more than 1,000 weapons of different types (assault rifles, mortars, grenades, IEDs, etc.) as well as other materiel (including 11 drones and seven GPSs.) Porter, “AQIM pleads”.

229 The active military force contains about 150,000 soldiers and the Ministry of Defence budget is the largest in Africa. Moreover, defence spending has risen sharply as a result of the so-called Arab Spring, a symptom of the connection between the new regional scenario and the country’s security. Between 2010 and 2011, the defence budget grew by 44 percent (the highest rate in the Middle East/North African region), while in 2013 it increased by a further 14 percent to over \$10 billion. International Institute for Strategic Studies (IISS), *The Military Balance 2012*, Routledge, London, 2012; *Journal Officiel de la République Algérienne*, 72, 30 December 2012, http://www.mf.gov.dz/article_pdf/upl-37bf45efdf8412a00de028b8d7e5427c.pdf

230 AQIM, AQIM-allied groups, and ISIS’s Algeria branch – including elements of the local group known as *Jund al-Khilafah* in Algeria (or Soldiers of the Caliphate in Algeria) – remained in the country but were under considerable pressure by Algerian security authorities. US State Department, “Country Reports on Terrorism: Algeria,” 2019; But also, the pace of AQIM’s attacks in Algeria began to diminish. In part, this was possibly due to the opening of other areas of operation for AQIM, particularly in northern Mali. Tanguy Berthemet, “Comment l’Aqmi a pris place dans le désert malien,” *Figaro*, 22 September 2010.

231 That had resulted in disagreements about law enforcement and security priorities and incoherent counterterrorism policies from 1999 to 2010. Porter, “AQIM pleads”.

232 In recent years, Algiers has diversified its import sources, buying A200 frigates produced in Germany by the Thyssen Krupp Marine Group and Augusta-Westland Super Lynx helicopters from Italy. According to the SIPRI Arms Transfer Database, Algeria ranked sixth in the world for arms imports between 2008–2012. <https://www.dw.com/en/russian-arms-exports-to-africa-moscows-long-term-strategy/a-53596471>

Again, border management is a crucial factor for counterterrorism. Terrorist activity in Libya, Mali, Niger and Tunisia, as well as human, weapons and narcotics trafficking, exacerbate Algeria's terrorist threat.²³³ After 2011, Algeria shifted its CT attention due to a changing terrorist environment: originally Algeria had security problems with Morocco to the west because of disputes over Western Sahara but the focus shifted to Algeria's south-eastern borders. In addition, jihadist terrorism in North Africa underwent a transformation, a “Sahelisation” in the sense that the new groups operating in the region are staffed not only by Algerians, but also other Maghrebi and West African fighters. Corresponding threats are no longer confined to Algeria, but instead emanate from border security issues and criminal activities.²³⁴ This has led Algeria to shift away from its traditional focus on internal CT efforts and it started to disperse its military forces.²³⁵ For instance in 2017, Algeria created a berm along the southern part of its border with Tunisia, deployed 3,000 additional troops to the Libyan border and placed surveillance equipment and a concrete wall along the Moroccan border as well as generally aimed to increase use of aerial surveillance technologies.²³⁶ The cumulative effect of these and other measures is that it is burdensome for terrorists to operate within Algeria and it is difficult for terrorists outside Algeria to penetrate the country's borders.²³⁷ Nevertheless, as Algeria is the largest country in Africa in terms of landmass, and therefore the country's borders are long but also remote, it will always be challenging to control such borders tightly with any permanence.²³⁸

Algeria also started more enhanced intelligence sharing in order to protect its borders more effectively.²³⁹ Currently, Algeria is considered to lead the region's CT efforts.²⁴⁰

While so far, the strong military capacities of Algeria have been portrayed in a positive light due to their operational CT effectiveness, there are serious doubts about mid- to long-term CT successes of this internally focused military-heavy approach. For instance, Boukhars argues that the hard-line Algerian CT policies have resulted in the internationalisation of the conflict and increased terrorist threats in the Sahel region as Algerian jihadists moved to Mali, for instance, having been forced out of Algeria by the ANP.²⁴¹ In addition, the previously mentioned culture of impunity

233 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

234 Torelli, “Jihadism and Counterterrorism Policy in Algeria”.

235 Ibid.

236 US State Department, “Country Reports on Terrorism: Algeria”, 2018.

237 Airborne surveillance has indicated that groups engaged in illicit activity (criminal organisations or violent non-state actors) have deliberately skirted Algeria's borders when moving among Libya, Niger, and Mali. Porter, “AQIM pleads”.

238 Additional efforts by the Algerian government are to closely monitor passenger manifests of inbound and outbound flights. Algeria also has a national API and PNR strategy and is setting up an API/PNR commission. As of 2019, Algeria has a Passenger Information Unit operating under the General Directorate of Customs. Government officials made active use of INTERPOL databases at ports of entry. US State Department, “Country Reports on Terrorism: Algeria”, 2019.

239 Algeria already cooperates in this regard with the US at the intelligence level in order to counter terrorism in neighboring Libya, northern Mali and within the Algerian borders themselves. Within the framework of cooperation between both sides, Algerian authorities provided Washington with two lists of over 1,000 suspects linked to terrorist groups, offering its cooperation in terms of security and information exchange. In return, Algeria hoped that the US and Europe would do the same by delivering wanted Algerian terrorists. The first list included 350 names of suspects linked to the al-Qaeda organization active on European and U.S. territories, while the other list contained around 1,000 names of active terrorists in Algeria. <https://www.washingtoninstitute.org/policy-analysis/us-algeria-cooperation-transnational-counterterrorism>

240 In April 2011, Algeria launched a sweeping counterterrorism offensive, entitled ‘Operation Ennasr’ (“victory”), targeting AQIM. Bartolucci, “Assessing Terrorism”.

241 Algerians constitute the majority of the leadership of Islamist Jihadist groups in Northern Mali. The Algerian government has focused on negotiating political settlements in Mali rather than opting for military intervention. B Sèbe, Algeria's long and complex battle against the Islamists, and its relationship with Mali. University of Birmingham, 2013, <http://www.birmingham.ac.uk/news/latest/2013/01/18-Jan-Algerias-long-and-complex-battleagainst-the-Islamists-and-its-relationship-with-Mali-by-Dr-Berny-S%C3%A8be.aspx>

among the Algerian security services has proliferated and reports of misuse of powers are plenty, which in turn can lead to grievances and potential radicalisation by recipients of such maltreatment.²⁴²

CVE and Deradicalisation Programmes

While the Algerian CT approach has always been military-heavy and largely continues to be so, the government has also started to invest in CVE measures to address the underlying factors of radicalisation in Algeria. Under the banner of a deradicalisation programme, it has taken steps to confront the religious and ideological foundations of jihadism,²⁴³ with the Algerian Ministry of Religious Affairs and Endowments trying to strengthen the influence of the local Maliki School ideologically and practically as a means of deterring the infiltration of “foreign” Islam.²⁴⁴ In this regard, controlling mosques to ensure that they are “de-politicised” and “de-ideologized” is at the heart of the Algerian approach: government representatives monitor mosques for possible breaches; the use of mosques as public meeting places outside regular prayer hours is prohibited.²⁴⁵ The Algerian government does not allow anyone to preach in mosques other than those appointed by the government and it also oversees the training and pays the salaries of imams.²⁴⁶ Fines and prison sentences await anyone preaching in mosques who is not a government-assigned preacher. This makes Algeria the strictest MENA country with regard to religious oversight, even compared to Saudi Arabia.²⁴⁷

In 2015, Algeria started to tackle the online space and established a national taskforce on cybercrime, which works with the police to prevent online recruitment. The government also pushed for greater cooperation between the Ministries of the Interior, Communications, Education and Religious Affairs, and set up specialised websites to counter what it considers extremist fatwas. Additionally, posting photographs and videos of terrorist acts on the internet is generally prohibited in order to stop terrorists from receiving any publicity. In addition to the online space, the government also airs content through Radio Quran aimed at countering religious extremism.²⁴⁸

In addition to tackling ideological challenges, the Algerian government tries to address socioeconomic grievances in order to prevent radicalisation. The government introduced programmes targeting the youth that provide tuition, job placements and paid internships to university students.²⁴⁹ The extent and success of

242 This includes secret detention and torture by the Department for Information and Security (Département du Renseignement et de la Sécurité, DRS), a branch of the Algerian intelligence services, in the context of the government’s counter-terrorism operations. Amnesty International, “Algeria”.

243 As part of its counterterrorism activities, Algeria has also launched a “deradicalisation programme”, and it tries to exercise control over the content of religious sermons. Anna Louise Strachan, “Conflict analysis of Algeria”, *GSDRC University of Birmingham*, 2014.

244 Bartolucci, “Assessing Terrorism”.

245 The government periodically imposes restrictions on other variants of Islam for failure to abide by administrative procedures required of all religious institutions. US State Department, “Country Reports on Terrorism: Algeria”, 2019.

246 Algeria acknowledges the crucial role of women and families in CVE efforts, and of its *mourchidates*, female Muslim clerics who work with young girls, mothers, and prisoners. US State Department, “Country Reports on Terrorism: Algeria”, 2019.

247 The Ministry of Religious Affairs warns Algerians against foreign violent extremism (including ISIS), and heeding fatwas (judicial rulings) that originate outside Algeria. Plans announced in 2015 to establish an “Academy of Fatwas.”

248 The MND released communiqués from its website on captured or eliminated terrorists, indicating where the operation occurred and where arms were recovered, with no further commentary or analysis. The MND excluded group affiliation to deny terrorists publicity. <https://www.marw.dz/index.php/2015-03-24-12-01-30/2015-03-24-12-33-34.html>; Another example: On 7 November 2007, in an attempt to counter radicalisation at mosques, this ministry proposed an ‘anti-suicide bomber’ programme. According to this programme, all religious and cultural institutions need to be mobilised as ‘relay stations’ to listen to the preoccupations of the youth. <https://issafrica.org/chapter-6-assessment-of-counter-terrorism-strategies>

249 US State Department, “Country Reports on Terrorism: Algeria”, 2017.

these programmes are impossible to determine given the current opacity of the Algerian government. Similarly, whereas the goal to control all official mosques in Algeria is apparent, the reality of doing so is harder to gauge; Algeria has over 300 inspectors to monitor activities at official mosques, but the fact that there are over 14,500 mosques in the country demonstrates the hyperbole intrinsic to the government’s stated goal.²⁵⁰

Finally, Algeria aims to follow a whole-of-government approach to CVE and hence includes rehabilitation and reintegration programmes in its portfolio.²⁵¹ Under the 2006 Charter for Peace and National Reconciliation, Algeria provides terrorists who disavow from violence ideologically and lay down their weapons practically with amnesty. Subsequently, Algerian authorities extend judicial assistance and job market integration measures to repentant terrorists.²⁵² With regard to Algeria’s prisons, the General Directorate of National Security reported it conducted investigations into 83 allegations of mistreatment in 2019. The government finally allowed an international organisation, the International Committee of the Red Cross, to visit prisons and detention centres, together with local human rights observers. As with other prisons in the region, overcrowding and mixing of prisoners with different backgrounds are pressing problems for Algerian counterterrorism. In 2019, Algerian authorities reported that they alleviated overcrowding by increasing the use of minimum-security centres that permit prisoners to work and by using electronic monitoring.²⁵³

To conclude, Algerian CVE efforts have ramped up over recent years but are of negligible value compared to the government’s security approach, which is led by the military. Furthermore, virtually all CVE work in Algeria is also government-controlled with the space for civil society initiatives almost non-existent.²⁵⁴

International and Regional Cooperation

In terms of international and regional CT cooperation, Algeria is involved heavily in regional CT efforts and hosts the counterterrorism centre of the African Union (AU) and the African Centre for the Study and Research on Terrorism.²⁵⁵ In 2017, the AU named Algeria coordinator of its counterterrorism efforts; Algeria also sits on the UN Counter-Terrorism Centre’s Advisory Board and hosts the headquarters of the AU’s Mechanism for Police Cooperation, a pan-African organisation to foster police training and cooperation.²⁵⁶ Significantly, Algeria is the author of the “Tamanrasset” plan, a regional initiative to counter terrorism and crime that includes the military chiefs of Algeria, Mali, Niger, Mauritania and Libya.²⁵⁷ Some analysts argue that these allegedly

250 Anelli Botha, “Terrorism in The Maghreb: The Transnationalisation of Domestic Terrorism”, *Assessment of Counter-Terrorism Strategies*, Institute for Security Studies (ISS), 144, 2008.

251 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

252 Exceptions are made for perpetrators of particularly egregious acts, such as rape, murder, and bombings. US State Department, “Country Reports on Terrorism: Algeria”, 2017.

253 US State Department, “Country Reports on Human Rights: Algeria,” 2020.

254 Jasmin Lorch and Bettina Bunk. “Using civil society as an authoritarian legitimization strategy: Algeria and Mozambique in comparative perspective.” *Democratization* 24.6 (2017): 987–1005.

255 Statement Ambassador Sabri Boukadoum, Permanent Representative of Algeria to the United Nations. Before The Sixth Committee 73 session of the General Assembly Under Agenda Item 111: “Measures to Eliminate international Terrorism”, September 2018.

256 US State Department, “Country Reports on Terrorism: Algeria”, 2018.

257 This resulted in the establishment of CEMOC (Joint Operational Chiefs of Staff Committee).

fervent attempts at CT cooperation are often undermined by the fact that Algeria is fearful of its neighbours acting independently or possibly to the detriment of its interests.²⁵⁸

On a global level, Algeria is not a member of the Global Coalition to Defeat ISIS but is a member of GCTF.²⁵⁹ With regard to countering the financing of terrorism, Algeria is a member of the Egmont Group, MENAFATF and its Financial Intelligence Processing Unit.²⁶⁰ Generally speaking, Algeria keeps a relatively low profile on the international stage, mainly because the country wants to avoid scrutiny and meddling in its internal affairs, including CT policies. International and local observers alleged repeatedly that Algeria occasionally uses antiterrorism laws to suppress dissident voices. While Algeria joined the UN Human Rights Council in 2014, it continues to refute requests for visits from the UN special rapporteurs on extrajudicial executions (pending since 1998) and CT and human rights (pending since 2006) or from the UN Working Group on arbitrary detention (pending since 2009).²⁶¹

With regard to the United States, Algerian law enforcement agencies participated in training and exchanges offered by the US government and by third parties. The USA is acutely aware of Algerian jihadism as AQIM has been a designated foreign terrorist organisation since 2001.²⁶² In general, as the USA learned in 2001 that terrorism does not respect borders, Algeria seemed to have plenty to offer with regard to this new threat.²⁶³ Within the framework of US-Algerian cooperation to counter terrorism, US authorities endeavoured via the AFRICOM to support the CT capabilities of Algerian army units, training them, for instance, in neutralising explosives.²⁶⁴ To further intelligence cooperation, the FBI opened a field office in Algiers and Algerian officers have been trained in the USA.²⁶⁵ Generally, Algeria is a controversial partner for the US administration as the country's foreign policy has often conflicted with that of the United States.²⁶⁶

EU assistance to Algeria is mainly focused on revising legislation, enhancing human resources, modernising the prison system and technical assistance in justice reform. In addition to efforts to reform the Algerian justice system, the European Commission and EU member states have also supported ACSRT/CAERT.²⁶⁷ Some European projects also strive to promote human rights

258 L.A. Ammour, “Algeria’s role in the Sahelian security crisis.” *Stability: International Journal of Security and Development*, 2.28 (2013), 1–11.

259 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

260 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

261 The MFA stated that even during the 1990s, the country did not record many extrajudicial executions, but the perception caused numerous human rights groups to request special rapporteurs. US State Department, “Country Reports on Human Rights: Algeria,” 2020.

262 <https://www.state.gov/foreign-terrorist-organizations/>

263 <https://www.washingtoninstitute.org/policy-analysis/us-algeria-cooperation-transnational-counterterrorism>

264 L-3 Communications, a spin-off from Lockheed Martin, will provide specialized training courses in order to support analysis and terrorism prevention capabilities, especially those involving conventional explosives.

<https://www.washingtoninstitute.org/policy-analysis/us-algeria-cooperation-transnational-counterterrorism>
265 Moreover, Algeria was the US’ “partner of choice” in its Pan-Sahel Initiative from 2004 onwards and also for the Africa Command (Africom) mission, which was established in 2007 to monitor terrorism, organised crime, and trafficking networks across the region. In addition, the FBI has opened a field office in Algiers, Algerian officers have been trained in the US, and there have been a number of joint intelligence missions between high-ranking DRS officers and their counterparts from the US. Ammour, “Algeria’s role”.

266 For example, Algeria has close ties to Russia and China, is highly critical of Israel, opposed the 2011 NATO-led intervention in Libya, and maintains relations with the Assad government in Syria. In addition, Algeria recognises the Polisario’s Sahrawi Arab Democratic Republic as a state (which the US does not; on the contrary the Trump administration embraced Morocco’s claim over Western Sahara).

267 See Court of Auditors’ Special Report No. 6/2007 on the effectiveness of technical assistance in the context of capacity development together with the Commission’s replies’. <http://eca.europa.eu/portal/pls/portal/docs/1/673583.PDF>
The Council of the European Union: ‘The EU and Africa: Towards a Strategic Partnership’, 19 December 2005, www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/87673.pdf

inside Algerian civil society through training seminars and meetings involving judges, lawyers and NGOs.²⁶⁸ Given the fact that Algeria also constitutes a transit country for immigration to the EU and the management of migratory flows is a major EU concern, the EU provides Algeria with technical assistance for maritime and airport security.²⁶⁹ Overall, however, there are few concrete EU-Algerian CT projects, mostly because the Algerian authorities prefer bilateral cooperation with their established partners, especially France and Spain.²⁷⁰ Furthermore, effective CT cooperation is often undermined by other policy issues, such as the Western Sahara conflict (EU support to ACSRT may also be impeded by Algerian opposition to France’s insistence on including Morocco as a partner in the programmes), as well as Algeria’s repeated unwillingness to undertake reforms and implement projects proposed by the Commission in support of UN Security Council Resolution 1373.²⁷¹

Overall, Algeria is keen to prevent foreign, particularly non-African CT intervention in the region but welcomes indirect support. Furthermore, given its historical trajectory, Algeria might be suspicious of French and US intentions in the Sahel, but over the years Algeria allowed France to use its airspace and, for example, cooperated with French military operations in Mali in 2013.²⁷² Algeria is also a member of the NATO Mediterranean dialogue, which aims to promote regional security and stability.²⁷³

Conclusion and Recommendations

Overall, recent Algerian counterterrorism, with its mix of heavy military suppression, strict control over Islamic teachings and increased regional but also international (particularly French) CT cooperation, has resulted in few attacks in the country over recent years,²⁷⁴ as well as additional CT successes, such as the killing of Adbelmalek Droukdel, an Algerian national and the emir of AQIM, in Talhandak, Mali, near the Algerian border.²⁷⁵ Nevertheless, the jihadist terrorist threat in Algeria is ubiquitous and includes assaults on government and security services.²⁷⁶ Additionally, the underlying factors that can lead to radicalisation, such as grievances and socioeconomic problems, are basically unaddressed. This paints a grim picture for Algeria’s future.

However, jihadism seems to be on retreat in Algeria’s population: after two decades of fighting the Algeria government, the political system remains structurally unchanged since its 1990s equivalent. In 2019, Algeria elected another president, the seventh such poll since terrorist organisations first started to attempt toppling

268 For example, “Supporting the Algerian Penal and Penitentiary System”, “Supporting a Better Access to Justice for the Most Vulnerable Populations in Algeria”, “Dhakira” and “Avicenne”.

269 For additional information see Euromed Police II at the website of the European Police College, <http://www.cepol.europa.eu/index.php?id=97>

270 This is especially true in Algeria and Morocco, which because of historical ties and a tradition of intelligence cooperation, maintain close ties to France and Spain, respectively.

271 Peter Wennerholm, Erik Brattberg and Mark Rhinard, “The EU as a counter-terrorism actor abroad: finding opportunities, overcoming constraints”, *EPC Issue Paper 60*, September 2010.

272 Arief, “Algeria”.

273 Strachan, “Conflict analysis of Algeria”.

274 Since its formation in 2007, AQIM has carried out more than 600 attacks in Algeria, including bombings, ambushes, and raids targeting Algerian nationals, foreigners, and military installations. <https://carnegieendowment.org/2016/03/23/why-is-aqim-still-regional-threat-pub-63121>; <https://www.reuters.com/article/us-sahara-crisis-idUSBRE90F1JJ20130121>

275 On June 4, 2020, French troops killed Algerian national, and top al-Qaeda leader, Adbelmalek Droukdel, in Talhandak, Mali, near the Algerian border. Droukdel, *nom de guerre* Abu Musab Abdel Wadoud, was the emir of AQIM. The United States provided intelligence that helped the French soldiers locate Droukdel. <https://www.treasury.gov/press-center/press-releases/Pages/hp708.aspx>

276 US State Department, “Country Reports on Terrorism: Algeria”, 2019.

Algeria’s government. The lack of popular support for jihadist organisations shows that few Algerians believe this to be the right way to change their political system. Especially poignant for recent Algerian developments is the fact that Islamists of any colour have been conspicuously absent from the large-scale demonstrations that took place in Algeria in early 2019 and have carried momentum into 2021. Geoff D. Porter assesses therefore that this, in “conjunction with the complete absence of any Islamist rhetoric supporting the demonstrations, suggests that Algeria may be moving into a post-jihad phase.”²⁷⁷

Recommendations

1. First, to bolster these promising developments, it is crucial that international powers not focus solely on counterterrorism strategies but broaden engagements with Algeria to convey that only power-sharing and inclusion of all parts of society in the political and economic system of the country will stabilise Algeria in the long term. Therefore, Algeria’s international partners should also support efforts to bring about political and economic reform and work towards reducing the role of the military in Algerian politics.

2. Second, Algeria continues to experience widespread human rights violations and restrictions on freedom of expression, association and assembly implemented by the authorities due to the necessity to combat terrorism.²⁷⁸ Furthermore, the country experiences high levels of corruption and money laundering and therefore Algeria should be incentivised to put into practice an international monitoring mechanism to review the implementation of the UN Convention against Corruption.²⁷⁹

3. Third, Algeria has been a coronavirus hotspot in Africa and the pandemic has already had a devastating economic impact, including continued downward pressure on global energy prices. As a consequence, Algerian policymakers should take to heart economic reforms and scale down military spending.

²⁷⁷ On March 10, 2019, al-Andalous Media, disseminated a tape of Anabi again trying to insert AQIM into Algerian events by encouraging demonstrators in Algiers and other cities not to give up and to cause the Algerian government to fall in order to allow for the implementation of Islamic governance. But Anabi’s encouragement seems to have fallen on deaf ears, and the demonstrations remained free of Islamist or jihadi discourse. If, of course, Algeria’s political transition to a new presidency does not go smoothly, it could open the door to a potential terrorist revival, but any attacks would be unlikely to represent a structural change in favour of terrorism’s re-emergence in the country. Porter, “AQIM”.

²⁷⁸ Bartolucci, “Assessing Terrorism”.

²⁷⁹ Transparency International, “Corruption Perceptions Index”, 2008, www.transparency.org/policy_research/surveys_indices/cpi/2008; Transparency International, “Towards effective anti-corruption tools in Africa”, 18 April 2007, www.transparency.org/news_room/in_focus/2007/uncac_africa; World Bank, “Governance Matters”, Governance indicators for Algeria, 2009, http://info.worldbank.org/governance/wgi/sc_chart.asp

e. Morocco

Counterterrorism in a Monarchic System

Morocco’s counterterrorism is embedded in a security-heavy approach that the government and many of its international partners have deemed successful due to the high rates of uncovered “cells” every year,²⁸⁰ as well as the country’s influential intelligence apparatus, on which many European countries rely.²⁸¹ Morocco in 2021 is a centuries-old monarchic state that still experiences relatively high levels of legitimisation (especially compared to other countries in the region); the king is the highest authority in terms of both politics and religious authority.²⁸² As a result, Morocco’s official discourse portrays the fight against terrorism as guided by the nearly omnipotent figure of King Mohammed VI, including a multidimensional strategy covering national and international aspects of terrorism that takes in security and soft power/CVE measures, especially with regard to Islam.²⁸³ In addition, the propulsion and ascent of security services under Abdellatif Hammouchi, head of the Moroccan national police directorate (DGST) as well as head of the domestic secret services largely contributed to the successful communication of Morocco’s CT strengths.²⁸⁴

For the region’s CT aims, the unresolved border issues with Algeria remain a main impediment and overarching issues, such as the Western Sahara dispute, further complicate matters as they also regularly feature into international CT cooperation with Morocco.²⁸⁵

For the country’s CT policy and efforts, 2003 was a watershed year: al-Qaeda-inspired terrorists conducted multiple, coordinated suicide bombings in Casablanca, killing 45 people. These attacks came as a shock to Morocco and attacked the notion that the country’s monarchy made it immune to Islamist extremism.²⁸⁶ Since then, the country has ramped up its CT efforts immensely and the last major terrorist attack was in April 2011, when a bombing in Marrakesh killed 17 people. The abduction and killing of two Scandinavian tourists in 2018, however, highlighted the painful reverberations terrorist attacks can have as Morocco, in a similar fashion as Tunisia, includes tourism as an important

280 What Moroccan authorities consider a terrorist cell is not clearly defined.

281 Middle East Online, “France foils terror attack after cooperation with Morocco”, 6 April 2021, <https://middle-east-online.com/en/france-foils-terror-attack-after-cooperation-morocco>.

282 Morocco, on the contrary, has made a more peaceful transition from French control. It is a centuries-old monarchic state with a high level of public legitimization, in which the king is both the highest political and religious authority. Valentina Bartolucci, “Assessing Terrorism and Counterterrorism in the Maghreb” in *Terrorist Threats in North Africa from a NATO Perspective*, J. Tomolya, and L.D. White (eds), IOS Press, 2015.

283 Paradoxically, the expansion of radical Islam in Morocco was aided by the regime’s support for Wahhabism for its own political advantage. On the development of political Islam in Morocco see Malika Zeghal, *Les Islamistes Marocains: Le De’ fi à la Monarchie*, Paris: La Découverte, 2005; Ahmed Chaarani, *La Mouance Islamiste au Maroc: Du 11 Septembre 2001 aux Attentats de Casablanca du 16 Mai 2003*, Paris: Editions Karthala, 2004; Mohamed Darif, *Al Islamiyun al Maghariba: Hisabat al Siyasa fil Amal al Islami 1969–1999*, Casablanca: Al Najah al Jadida, 1999; M. Cooper, “The Islamist Movement in Morocco,” *Arab Studies Journal* 1.1 (1993): 4–52. For a more detailed elaboration of the broader ties between the Moroccan monarchy and the Saudis see Karim Boukhari and Khalid Tritki, “Nos Amis les Saoudiens,” *Tel-Que!*, June, 2004: 20–28. Moreover, the Moroccan regime has been unable to exert control over Algerian Salafists, who often seek refuge in Morocco, to prevent them from becoming involved in terrorist activities. The activities of these radicals, which include weapons-smuggling, have contributed to weakening the Algerian state, an adversary of the Moroccan regime in a number of territorial disputes, such as in the Western Sahara. Rogelio Alonso and Marcos García Rey, “The Evolution of Jihadist Terrorism in Morocco”, *Terrorism and Political Violence*, 19:4 (2007): 571–592.

284 General Directorate for National Security or DGST (French: Direction Générale de la Sureté Nationale) and the General Directorate for Territorial Surveillance or DGST (Direction de surveillance du territoire)

285 The border with Algeria closed 17 years ago, following retaliation for Moroccan accusations of Algeria’s involvement in the 1994 Marrakech terrorist attack. Bartolucci, “Assessing Terrorism and Counterterrorism.”

286 Dworkin and El Malki, “The Southern Frontline”.

sector of the economy.²⁸⁷ However, in 2021, Moroccan CT challenges are mostly linked to the high numbers of Moroccan FTFs, who mostly still remain abroad,²⁸⁸ its tensions with its neighbour Algeria and instabilities in the Sahel region.²⁸⁹

Parliament

The 2003 terrorist attacks not only shocked Moroccan authorities but also Moroccan society more broadly. Hence, while the parliament had previously reworked CT legislation following 9/11 and argued that terrorist attacks such as these were distant from Moroccan reality, the body approved a stringent antiterrorism law quickly this time around.²⁹⁰

The 2003 CT legislation added and amended articles to the already existing Penal Code and Criminal Procedure Code.²⁹¹ The first article (218) of the law on combating terrorism explains which offences are considered to be acts of terrorism and criminalises acts as terrorism when they are regarded as “intentionally linked to an individual or collective plan to seriously breach public order by intimidation, terror or violence”.²⁹² Generally speaking, the 2003 antiterrorism legislation widened the definition of terrorism and assigned more leverage to the security services, such as giving them the power to hold suspected terrorists for up to twelve days without granting suspects access to a lawyer.²⁹³ In the immediate aftermath, Moroccan authorities prosecuted and imprisoned several hundred people for their alleged links to Islamist extremism.²⁹⁴ The sweeping use of these new powers becomes evident when one looks at the staggering number of people arrested following the Casablanca bombings. The country’s justice minister stated that only one year later, over 2,000 suspects had been charged with terrorist offences related to the Casablanca attacks.²⁹⁵ In the midst of this, Human Rights Watch pointed out that various restrictions were disregarded and security forces ignored the rights of suspects.²⁹⁶

Over the years, local activists, such as those related to the pro-democracy movement of 20 February 2011, became more vocal about the law’s application and the reported excesses of security services, which include, for instance, the alleged torture and mistreatment of detainees in Temara, the alleged black site

287 Assmae Slaoui Benani Dakhama. “The development of tourism in Morocco: Between national politics and international geopolitics”, *Sociétés*, 143.1 (2019): 81–91.

288 Richard Barrett, “Beyond the Caliphate: Foreign Fighters and the Threat of Returnees”, *Soufan Centre*, October 2017, <http://thesoufancenter.org/research/beyond-caliphate/>; Thomas Renard (ed), “Returnees in the Maghreb: Comparing Policies on Returning Foreign Terrorist Fighters in Egypt, Morocco and Tunisia”, *Egmont Paper* 107, 2019; Abdelhak Khiam, head of the BCIJ, stated in 2018 that the Moroccan authorities have arrested and brought to justice more than 200 returnees, with the suspects serving sentences ranging from 10 to 15 years in prison. “Morocco Cracks Down on Returning IS fighters”, *The North Africa Post*, May 2018, <http://northafricapost.com/23511-morocco-cracks-returning-fighters-official.html>

289 Hassam Toumi, “Morocco’s ‘FBI’ boss decries lack of anti-terrorism cooperation with Algeria”, *The Africa Report*, <https://www.theafricareport.com/71894/we-regret-there-is-no-cooperation-with-algeria-in-the-fight-against-terrorism-says-new-head-of-bcij/>

290 J. Woods, “What We Talk When We Talk about Terrorism: Elite Press Coverage of Terrorism Risk from 1997 to 2005,” *International Journal of Press/Politics* 12.3 (2007): 3–20.

291 Human Rights Watch, “Morocco: Human Rights at Crossroads”, 2004, <https://www.hrw.org/reports/2004/morocco1004/index.htm>.

292 Kingdom of Morocco, “Official Bulletin: no.5112”, 29 May 2003, 416. Law No 03.03 on the fight against terrorism was established by Dahir (law) no. 1-03-140 and was published in No. 5112 of the Official Bulletin of the Kingdom of Morocco on 29 May 2003.

293 Dworkin and El Malki, “The Southern Frontline”.

294 Ibid.

295 Of which 903 had been convicted, and 17 sentenced to death. These figures have since increased. There are no official figures that would establish the exact number of Islamist who are still under detention. Alonso and García Rey, “The Evolution of Jihadist Terrorism”.

296 Human Rights Watch, “Morocco”.

in the outskirts of Rabat.²⁹⁷ Criticism of these measures has also been voiced by Islamist organisations, including the Moroccan Justice and Development Party (PJD), which is heading the government since 2011. As a consequence, Moroccan authorities decided to alleviate some of the pressure by releasing some prisoners and granting a Royal Pardon.²⁹⁸ In legal terms, Moroccan authorities acted in answer to criticism and, in 2006, the Moroccan government tried to eliminate torture by making amendments to the law.²⁹⁹

Next to the 2003 antiterrorism law, parliament also approved social assistance programmes and a thorough reform of the religious sector, in accordance with the government’s multidimensional CT strategy.³⁰⁰ Finally, in 2015, Morocco expanded existing legislation to address the foreign terrorist fighter threat by broadening the definition of terrorist offenses to cover terrorist acts or attempts to join a terrorist group and involvement in recruitment and training activities, in order to comply with UN Security Council resolution 2178 (2014).³⁰¹ In general parliament challenged executive prerogatives occasionally but ultimately passed legislation largely within envisioned executive parameters with the main criticism coming from the PJD.³⁰²

Executive and Judiciary

The Moroccan government proved its determination to make counterterrorism a top priority since 2003, a commitment reinforced by attacks in 2007 and 2011, and upheld up to the present.³⁰³ This prioritisation is regularly underscored by governmental reports of the threats from various independent violent extremist cells uncovered in Morocco.³⁰⁴ The 2003 CT laws had sweeping consequences for Morocco as the country decided on a new security strategy, including such steps as setting up a biometric ID system and the creation of community-based police units and joint units comprising police personnel and soldiers, which all demonstrated an increasing securitisation of Moroccan society.³⁰⁵

297 These accusations were strongly linked to the site’s alleged use in the US’ rendition program. Otherwise, it is not known as a “black site” for domestic issues. In fact, the site is actually the HQ of DGST. Jason Burke, “Secret world of US jails,” *The Guardian*, 13 June 2004, <https://www.theguardian.com/world/2004/jun/13/usa.terrorism>; Alonso and García Rey, “The Evolution of Jihadist Terrorism”.

298 Furthermore, the regime decided not to execute any of the prisoners on death row on grounds that the executions could enhance the popularity of Islamists and further discredit the authorities. However, the man who blew himself up at an internet cafe in Casablanca in March 2007 had been jailed in 2003 after the suicide bombings that year, and subsequently released in 2005 as a result of the royal amnesty. *Ibid.*

299 Before 2006 torture was already prohibited in its Penal Code, but no definition of torture was presented. After 2006 the Penal Code did include a definition of torture which made it easier to punish the offence. Amnesty International, “Shadow of Impunity: Torture in Morocco and Western Sahara”, 19 May 2015 <https://www.amnesty.org/en/documents/mde29/001/2015/en/>

300 As regards terrorism financing, a number of antiterrorism laws have been introduced to reduce bank secrecy, and to provide for freezing suspect accounts, forfeiture of terrorist assets, and prosecution of terrorist financing through related crimes. Although Morocco’s anti-money laundering law has been strengthened, the European Union and Spain have pressed for tighter legislation to fight money laundering associated with drug trafficking. Alonso and García Rey, “The Evolution of Jihadist Terrorism”.

301 This law also extended the jurisdiction of national courts to allow the prosecution of foreign nationals who commit terrorist crimes outside Morocco if they are present on Moroccan soil. US State Department, “Country Reports on Terrorism: Morocco”, 2016, <https://www.refworld.org/docid/5bcf1f91a.html>

302 Michael J. Willis, “Containing Radicalism through the Political Process in North Africa,” *Mediterranean Politics* 11.2 (2006): 137–150.

303 US State Department, “Country Reports on Terrorism: Morocco”, 2016.

304 *Ibid.*

305 BCIJ head Dimanche underlined that the Moroccan method relies on anticipation: “We arrest people before they act. Those who return from a center of tension are systematically arrested, questioned and could be sentenced from 5 to 10 years in prison.” MENA Report, 28 September 2016, <https://www.proquest.com/docview/1824219472?OpenUrlReflid=info:xri/sid:primo&accountid=11862>

In addition, Morocco made several amendments to its Criminal Procedure Code, which included granting investigators more powers when the crime being investigated is classified as a terrorist crime.³⁰⁶ Some of these amendments undermined the judiciary: for instance, normally it is only the investigative judge who has the power to order the interception of communications, but this prerogative has been extended to the General Representative of the King when the matter relates to a terrorist crime.³⁰⁷

Organisationally, the Central Bureau of Judicial Investigation (BCIJ) remains the primary law enforcement agency responsible for CT prosecutions.³⁰⁸ In 2019, under the direction of the Public Ministry and the judicial police, Moroccan authorities pursued and claimed to have arrested more than 125 individuals, with this uncovering over 25 terrorist cells in the early stages of planning attacks against a range of targets, including public buildings, public figures and tourist sites.³⁰⁹ European officials, however, noted that the Moroccan definition of a cell appears to be rather loose.³¹⁰

The Moroccan King Mohammed VI emphasised from his first public utterances after the 2003 Casablanca attacks that terrorism is foreign to Morocco. With regard to the Islamic background of the attackers, the king distinguishes between “good” Islam, identified in the Maliki School, and a “bad” type, of foreign, particularly Salafi branches, that needs to be ostracised. In line with this, the king has stressed his control over the Ministry of Islamic Affairs and over the imams, devoting more attention to the teaching of “good” Islam. The Dahir (law) no. 1-03-193 of December 2003, which established the roles and organisation of the Minister of the Habous and Islamic Affairs, stated in article 8 that one of the functions of the Directorate of the Islamic Affairs is to “spread the authentic concepts of the Muslim religion and to work to diffuse the Islamic precepts of tolerance and its true values”.³¹¹ The Moroccan Imam training programme followingly acted as a blueprint and was exported to the EU as well as Africa and Asia.

Military and Intelligence

Given the security-heavy approach of Moroccan CT, this sector has been at the centre of increased Moroccan CT efforts.

With regard to the military, 2018 saw further efforts to streamline Moroccan CT work: the Moroccan Royal Armed Forces created the Joint Standing Committee on Special Operations, a single organisation responsible for organising, training, developing and equipping of all the Moroccan military forces responsible for conducting CT operations.³¹² In terms of the intelligence

306 Economist Intelligence Unit, “Country Watchlist: Morocco,” July 16, 2011.

307 Criminal Procedure Code, Dahir 1-58-261 of 1959, as amended to 27 October 2011, article 108, <http://adala.justice.gov.ma/production/legislation/ar/Nouveautes/الجنائية%20المسطر%20قانون20.pdf>

308 The BCIJ reports to the General Directorate for Territorial Surveillance and operates under the supervision of the public prosecutor of the Court of Appeals. US State Department, “Country Reports on Terrorism: Morocco”, 2019, <https://www.state.gov/reports/country-reports-on-terrorism-2019/morocco/>

309 Ibid.

310 There is little clarity about the degree of organisation needed to constitute a cell, or the activities that lead to charges of planning an attack. According to European diplomats, the Moroccan authorities break up suspected cells at the earliest possible stage – even before members of the cell have developed any meaningful plan of action. Dworkin and El Malki, “The Southern Frontier”.

311 Law 03-03, “Loi relative à la lutte contre le terrorisme,” *Bulletin Officiel No. 5114* (Royaume du Maroc: Ministère de la Justice, 2003).

312 US State Department, “Country Reports on Terrorism: Morocco”, 2018, <https://www.ecoi.net/en/document/2019345.html>

services, Morocco has proven its advanced levels of humans and signals intelligence and in 2021 operates as a tight and effective security state, working through an extensive network of security officials and informants that blankets the nation. For CT purposes, Moroccan authorities apply extensive territorial mapping of the whole country, which proved successful in detecting changes in citizens’ habits that may signal their radicalisation.³¹³ Contributing to Moroccan intelligence operation successes are over 50,000 *mqadmin* (auxiliary agents) chosen by the Mol and deployed across the entire country – these *mqadmin* act as informants who report back on any “unusual behaviour” by local residents.³¹⁴ Additional reforms in the intelligence services after 2003 included the appointment of an expert on jihadism as director of the domestic intelligence service,³¹⁵ as well as significantly expanding the country’s work signals intelligence with European assistance, particularly from France, the UK and Germany.³¹⁶

Overall, the Moroccan authorities are believed to use up to twenty human and digital platforms to monitor their citizens (including the dark web) and, in November 2017, Morocco became the first North African country successfully to employ a high resolution surveillance satellite.³¹⁷ The satellite has many uses, including monitoring activity near Morocco’s border with Algeria or the movement of migrants northwards to Europe or even Moroccan citizens protesting amongst the state’s most marginalised regions.³¹⁸ In July 2021, Morocco found itself in the midst of a surveillance scandal after an international journalistic investigation cited Morocco for having allegedly compiled thousands of national and international phone numbers, including those of foreign government representatives and journalists, to be potentially infected by the highly invasive spyware (Pegasus by the NSO Group).³¹⁹

In line with all North African states, border security remains a top priority.³²⁰ Moroccan border authorities have dramatically scaled up their capabilities with regard to detecting fraudulent documents and furthermore police, customs officers and the Royal Gendarmerie operate mobile and fixed checkpoints along the roads in border areas and at the entrances to major municipalities.³²¹ Morocco works very closely with the Spanish security services to understand extremist (and criminal, for that matter) groups operating throughout the region and has

313 Dworkin and El Malki, “The Southern Frontier”.

314 Nicknamed “the eyes and ears of the state” by the citizenry, the *mqadmin* have become a crucial element in Morocco’s security apparatus. Yet, the *mqadmin*’s role and duties are not clearly defined in law. They have an ambiguous status as both official and temporary public servants, a situation that is convenient for the authorities, which avoid accountability by keeping the *mqadmin*’s role and potential role unregulated. As pillars of the state’s intelligence network, they have since 2011 received significant salary increases, as well as official recognition of their work. Dworkin and El Malki, “The Southern Frontier.”

315 Alonso and García Rey, “The Evolution of Jihadist Terrorism”.

316 Dworkin and El Malki, “The Southern Frontier.”

317 Named after King Mohammed VI and built secretly in France, the satellite’s specifications and full range of capabilities are not publicly known.

318 Ghaila Kadir, “Satellite marocain en orbite: un lancement secret qui inquiète”, *Le Monde*, 19 November 2017, https://www.lemonde.fr/afrique/article/2017/11/19/satellite-marocain-en-orbite-un-lancement-secret-qui-inquiete_5217299_3212.html

319 Moroccan authorities have denied using Pegasus, and said the allegations were “unfounded and false”. BBC NEWS, “Pegasus Spyware”, 23 July 2021, <https://www.bbc.com/news/world-europe-57937867>

320 The General Directorate for National Security has primary responsibility for conducting border inspections at ports of entry such as Casablanca’s Mohammed V Airport. US State Department, “Country Reports on Terrorism: Morocco,” 2019.

321 Ibid.

established effective extradition mechanisms.³²² In most instances, Moroccan intelligence agencies now operate to the same standards as their European counterparts.³²³

CVE and Deradicalisation Programmes

In line with what the government perceives as the dangerous importation of violent Islamist extremist ideologies, Morocco has developed a national strategy to bolster and further institutionalise Morocco’s Maliki-Ashaari school of Sunni Islam.³²⁴ In other words, state control of the religious sphere is a cornerstone to Morocco’s security strategy.³²⁵ The king plays a concrete role in this effort as the “commander of the faithful” with the legitimacy to decide which religious practices and interpretations are considered acceptable.³²⁶ Over recent years, Morocco has launched a far-reaching imam training programme with the overall aim to counter radicalisation, as well-trained imams should curtail the proliferation of extremist thought among the religious establishment and subsequently the wider population.³²⁷ Due to this training programme’s success and positive public image, Morocco has been expanding its scope and sought partnerships with several African and European states.³²⁸ These efforts can be classified, together with its sophisticated intelligence cooperation, as Moroccan security diplomacy efforts.³²⁹ Apart from the high numbers of imams who have undergone the training and the popular successes the Moroccan regime has managed to score, some analysts including Waincott make a different assertion: that Morocco has applied bureaucracy as a strategy to control the religious sphere. This “bureaucratization of Islam” co-opted religious elites and facilitated the formation of new, loyal religious elites.³³⁰ In addition, the Ministry of Endowments and Islamic Affairs has also created a television channel and a radio station to preach accepted versions: these are further efforts to control the interpretation of Islam conveyed to the general public, but they cannot influence what individuals do in private.³³¹

In an ideal world for the Moroccan authorities, the efforts described above and the state’s effective monopoly on the religious sphere would result in Morocco’s control of its citizens’ views on religion. However, such efforts are unlikely to reach disenfranchised young Moroccans, many of whom have little trust in the state and its institutions.³³² Two indicators illustrate this assessment. First, the Moroccan security services have emphasised the high number of terrorist cells they have

322 On the ground, Morocco and Spain have participated in joint operations to prevent extremist violence and arrest those responsible for attacks, particularly since 2013. Morocco and Spain regularly exchange intelligence through coordinators, with agents co-located in both countries. Dworkin and El Malki, “The Southern Frontier”.

323 Partly due to cooperation that has enabled each side to develop skills, adopt new techniques and methods, and make use of the other’s resources. *Ibid.*

324 US State Department, “Country Reports on Terrorism: Morocco,” 2019.

325 Dworkin and El Malki, “The Southern Frontier”.

326 Valentina Bartolucci, “Analysing elite discourse on terrorism and its implications: the case of Morocco,” *Critical Studies on Terrorism*, 3:1 (2010): 119–135.

327 The Ministry of Endowments and Islamic Affairs has developed an educational curriculum for Morocco’s nearly 50,000 imams, as well as for female clerics (*mourchidates*). In 2019, Morocco’s imam training center in Rabat trained more than 2,700 religious leaders, mostly from West Africa, which included more than 400 women graduates. US State Department, “Country Reports on Terrorism”, 2019.

328 Moreover, Morocco has established a religious council for the Moroccan diaspora in Europe, aiming to assist host countries with religious education. Dworkin and El Malki, “The Southern Frontier”.

329 *Ibid.*

330 Ultimately, this strategy contains potential opposition from religious leaders, who become a new “loyal class of bureaucrats” embedded in government ministries, think tanks, and institutes Ann Marie Waincott, *Bureaucratizing Islam: Morocco and the War on Terror*. New York: Cambridge UP, 2017.

331 This has proved a difficult task, since satellite television broadcasting makes it possible for certain outside media to proselytize non-Moroccan official Islam, such as in the case of the Saudi Arabian station Iqra. Alonso and Garcia Rey, “The Evolution of Jihadist Terrorism”.

332 Dworkin and El Malki, “The Southern Frontier”.

dismantled every year since at least 2011, which points towards a continuous terrorist threat in the country. Second, the relatively high numbers of Moroccans who travel abroad to join terrorist organisations also points to the fact that the country’s population is susceptible to extremist messaging. In a pattern similar to that visible across the region, the Moroccan government falls into the trap of lauding its tactical CT successes while downplaying the underlying conditions that make these operations necessary. For instance, with regard to the new wave of returnees and necessary corresponding measures that the state will need to contain their return into society a lot of work remains to be done.

The discussion so far has shown us the strong grip of Moroccan authorities have over their CT/CVE measures. While some civil society groups try to engage in CVE programming, these are side-lined by the Moroccan security state.³³³ There is considerable variety in community-targeted programmes addressing socioeconomic problems, including those that build subsidised apartments in neglected areas (*Villes Sans Bidonvilles* – Cities Without Slums) and that set up community liaison offices in slum areas in an attempt to develop contacts between citizens and the state.³³⁴ However, these measures are all state-controlled and hence leave little room for the emergence of effective multidimensional approaches to counterterrorism.³³⁵

Finally, in line with CT challenges described with regard to other North African countries, Morocco’s prisons are characterised by overcrowding, generally poor conditions and maltreatment as well as corruption. But in this regard Morocco has proven willing to reform and genuinely work with international organisations to address such issues, including implementing reconciliation programmes (such as one that led to the pardoning of 14 prisoners by the king in 2018). The major one, *Moussalaha*, is defined by an approach of repent jihadis preaching in prisons.³³⁶

International and Regional Cooperation

Morocco, like Egypt,³³⁷ is a founding member of the Global Counterterrorism Forum (GCTF) but the only African nation that contributed military assets to the Global Coalition to Defeat ISIS campaign in Syria and Iraq.³³⁸ Morocco is an active member of numerous international and African CT initiatives, among them the Middle East and North Africa Financial Action Task Force

333 Ibid.

334 Alonso and García Rey, “The Evolution of Jihadist Terrorism”.

335 Even though the international community and bodies such as USAID continue to address youth marginalisation in areas of Morocco that are deemed more vulnerable to recruitment by terrorist organisations. US State Department, “Country Reports on Terrorism: Morocco”, 2018.

336 For instance, the UN Development Programme, in partnership with the Japanese government and the General Commission for the Management of Prisons and Reintegration, has led a large-scale project to modernise the Moroccan prison system. Moreover, Morocco has announced that it will create 36 new prisons by 2020. Mouna Qacimi, “Le Gouvernement Prévoit 36 Nouveaux Pénitenciers pour Désengorger les Prisons”, *Le360*, 30 April 2017, <http://fr.le360.ma/societe/le-gouvernement-prevoit-36-nouveaux-penitenciers-pour-desengorger-les-prisons-117405>. In prisons, the US Department of State has supported the General Delegation for Prison Administration and Reintegration’s (DGAPR’s) efforts to modernise prison management, develop prisoner classification tools, and construct more secure facilities. In August 2018, King Mohammed VI pardoned 14 detainees following their renunciation of terrorist views after their successful completion of the DGAPR rehabilitation program. The DGAPR has conducted four offerings of its deradicalization program, *Moussalaha* (Reconciliation) and plans to open the program to female prisoners in 2020. US State Department, “Country Reports on Terrorism: Morocco”, 2019.

337 The Global Counterterrorism Forum (GCTF) is an informal, apolitical, multilateral counterterrorism platform. It is currently co-chaired by Canada and Morocco, see <https://www.thegctf.org/>

338 US State Department, “Country Reports on Terrorism: Morocco”, 2019.

(MENAFATF),³³⁹ and new initiatives, such as the first African UNOCT programme office in Rabat, which was established in 2020.³⁴⁰

Furthermore, the USA declared Morocco a major non-NATO ally and Morocco hosted the annual African Lion exercise and participated in multilateral regional training exercises in 2018.³⁴¹ Morocco is also a member of the Trans-Sahara Counterterrorism Partnership (TSCTP) and trains security and law enforcement officials from what it considers friendly nations, such as Chad, Cote d’Ivoire, Mali and Senegal.³⁴² The USA in particular considers Morocco a strong security partner and the country participates in a wide range of US-sponsored programmes to improve its CT capabilities, from both technical and investigative angles and covering various aspects from terrorism-financing to cybersecurity, which the Moroccan army oversees.³⁴³ Still, according to Moroccan security practitioners, the country needs more expertise in cybersecurity as it is a weak spot in its security apparatus.³⁴⁴

Morocco has also nurtured strong CT cooperation with European countries, including Belgium, France and Spain in particular.³⁴⁵ This cooperation builds on shared incentives and European interests to thwart new terrorist attacks in Europe with Moroccan linkages.³⁴⁶ Overall, Morocco has benefitted from substantial European capacity-building support with regard to the security sector and development funds targeting community programmes, which ultimately aim to curb the drivers of extremism. The close partnership between Morocco and France and Spain has been longstanding. However, especially with regard to CT, the Moroccan state has been significantly increasing its cooperation with “non-traditional” European allies, such as Germany and the UK.³⁴⁷

Affecting all CT cooperation, however, is the Moroccan government’s overriding concern to prevent outside interference regarding the status of Western Sahara, which Morocco considers to belong to the country.³⁴⁸ One instance where these concerns obstructed CT operations was in 2013 when Morocco cancelled

339 Its FIU, known as the Unité de Traitement du Renseignement Financier, is a member of the Egmont Group. In August 2018, MENAFATF published a Mutual Evaluation Report that reviewed Morocco’s compliance with FATF standards and the effectiveness of Morocco’s AML/CFT system; the report contained several recommendations to enhance its AML/CFT regimes. *Ibid.*

340 Moroccan Ministry of Foreign Affairs and UNOCT, “UNOCT and the Kingdom of Morocco conclude Agreement on the establishment of a UNOCT Programme Office in Rabat to build counter-terrorism capacities and cooperation in Africa,” 6 October 2020, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/201006_morocco-unoct_press_release_signing_of_hca_rabat_hub_final.pdf

341 As Mediterranean Dialogue (5+5) partner in the EU’s Barcelona Process, Morocco participates in the 5+5 Defence Initiative, which brings together five European and five North African countries to address security issues in the Mediterranean. US State Department, “Country Reports on Terrorism: Morocco”, 2018.

342 *Ibid.*

343 Through the Trilateral Initiative funded by the Department of State’s Antiterrorism Assistance program, Morocco and the United States continued to deliver critical incident management training to African partners. In partnership with the Department of Defense and the Defense Threat Reduction Agency, Morocco’s Royal Armed Forces are taking tangible steps to protect critical infrastructure from cyber-attacks, control and protect logistical hubs, and ensure readiness to prevent or respond to a catastrophic chemical, biological or nuclear terrorist attack. US State Department, “Country Reports on Terrorism: Morocco”, 2017.

344 Created in 2011, the General Directorate of Information Systems was initially tasked with responding to emerging cyber threats, but its mission quickly evolved to include “securing and controlling” cyber traffic and web activities. Dworkin and El Malki, “The Southern Frontier”.

345 Following the August attacks in Barcelona, Morocco assisted the Spanish investigation and promised to expand cooperation to track terrorists of Moroccan origin radicalised abroad. The government remained concerned about the threat posed by the return of Moroccan foreign terrorist fighters (estimated at approximately 1,660) and their families. US State Department, “Country Reports on Terrorism: Morocco”, 2017.

346 Assaults in Paris in November 2015 and in Brussels in March 2016 involved a cell led by Belgians of Moroccan descent, while that in Barcelona in August 2017 involved a cell largely composed of Moroccan citizens – most of whom were the sons of immigrants. Dworkin and El Malki, “The Southern Frontier”.

347 *Ibid.*

348 Eric V. Thompson and Will McCants, “Partners Against Terror: Opportunities and Challenges for U.S.-Moroccan Counterterrorism Cooperation”, *CNA Institute for Public Research*, November 2013.

the bilateral US-Moroccan military exercise African Lion in response to the US Department of State raising the issue of human rights monitoring in Western Sahara.³⁴⁹ Furthermore, Morocco's CT efforts include the portrayed pursuance of international cooperation, particularly with the USA and European partners, but Algeria has taken the lead in promoting regional cooperation to counter terrorism and excludes Morocco.³⁵⁰ The US Department of State summarised the situation: “Both Morocco and Algeria participate in the TSCTP, 5+5 Dialogue, and the GCTF; however, political disagreement over the status of Western Sahara remained an impediment to bilateral and regional counterterrorism cooperation.”³⁵¹ Finally, the Western Sahara dispute also influences Moroccan threat assessments: for instance, in March 2021 Cherkaoui Habboub, the head of the BCIJ (also known as the Moroccan FBI), emphasised that “several members of the Polisario Front are involved in terrorist groups, either within AQIM or ISGS.”³⁵² However, it is difficult to find analysts outside Morocco who share this view.³⁵³

In general, Moroccan CT cooperation is embedded within the government's broader foreign policy efforts to strengthen its international partnerships and alleviate criticism over the Western Sahara issue as well as increase economic growth, such as by attracting more tourists.³⁵⁴ Over the course of 2021, Morocco has an increasingly acrimonious relationship with some Western powers, such as Germany as well as spats with close partners such as Spain mainly over Western Sahara politics.³⁵⁵ These developments carry relevance domestically as well as internationally – domestically a crackdown on dissenting voices is paramount when facing external criticism (already) in order to maintain stability in the eyes of the Moroccan authorities; and internationally deteriorating CT cooperation might be the result of souring diplomatic relations.

Conclusion and Recommendations

In general, Morocco has been using the pervasive regional instabilities following the 2011 Arab uprisings as an opportunity to overhaul its international image and present itself as a model of political stability and work towards regional integration in Africa and the Middle East.³⁵⁶ These efforts were revamped after 2019, when protests that some analysts called a “second wave of Arab uprisings” swept Algeria in particular.³⁵⁷ In the midst of

349 Ibid.

350 The Law Library of Congress, “Algeria, Morocco, Saudi Arabia: Response to Terrorism”, September 2015, <https://www.loc.gov/item/2016295702/>

351 US State Department, “Country Reports on Terrorism: Morocco”, 2019

352 Hassan Toumi, “Morocco's ‘FBI’ boss decries lack of anti-terrorism cooperation with Algeria”, *The Africa Report*, 16 March 2021, <https://www.theafricareport.com/71894/we-regret-there-is-no-cooperation-with-algeria-in-the-fight-against-terrorism-says-new-head-of-bcij/>

353 Thompson and McCants, “Partners Against Terror”.

354 Observers believe that Morocco will benefit from the UNOCT program office diplomatically by adding to its political and security record, in turn strengthening its close relations with the UN as well as Arab and African countries. Mohamed Alaoui, “UN establishes counterterrorism office in Morocco”, *The Arab Weekly*, 9 October 2020, <https://theArabweekly.com/un-establishes-counterterrorism-office-morocco/>

355 <https://www.europarl.europa.eu/news/en/press-room/20210604IPR05533/human-rights-breaches-at-the-spanish-moroccan-border-in-russia-and-in-sri-lanka>; <https://ecfr.eu/article/spain-morocco-tensions-how-the-eu-can-make-progress-on-western-sahara/>; <https://www.bloomberg.com/opinion/articles/2021-03-02/germany-pays-for-europe-s-hypocrisy-over-morocco-and-western-sahara>

356 Dworkin and El Malki, “The Southern Frontier”.

357 Georges Fahmi, “Are We Seeing a Second Wave of the Arab Spring?”, *Chatham House*, 22 March 2019.

all this, Morocco has managed to have no terrorist attacks on record since 2011 and has been reliably obtaining intelligence to the benefits of its European partners. Due to this, Morocco has established itself as a capable security actor and hence resists most suggestions for reforms from abroad with international cooperation taking place along defined Moroccan parameters.³⁵⁸

Domestically, however, some Moroccans worry that the regime's hard-line approach, often couched in CT language, and aims are increasingly leading to the creation of a police state more focused on widespread surveillance of the population than on improving the lives of Moroccan citizens.³⁵⁹ The Moroccan handling of the coronavirus pandemic seems to have exacerbated these fears.³⁶⁰ Additionally, the pandemic also emphasised Morocco's economic struggles and the country's underdevelopment with both poverty and unemployment increasing.³⁶¹ Accompanying all the high-scale work by the security services is an uneven human rights record. A number of abuses have been documented along with constraints on freedom of expression, some under the stipulation of terrorism offences.³⁶² In July 2021, the recent trials of Moroccan journalists and concurrent exposures of Moroccan alleged usage of Pegasus spyware push the country dangerously close to this vision.

Recommendations

1. Morocco's European and American partners should speak up against any exploitation of the security capabilities for regime repression and human rights violations.³⁶³ Morocco's CT policies create an incentive for its international partners to overlook domestic repression in order to secure the continuous flow of intelligence. This advanced security state stands at odds with Morocco's economic deficiencies. In addition, the state regularly uses terrorism to justify restrictions on civil liberties and the king's role as religious authority automatically works to quell religious dissent of any type.³⁶⁴

2. Morocco's European and American partners should become more acutely aware of the interconnectedness between the Western Sahara dispute and all other policy areas, including CT, and factor this into their policies. For instance, in May 2021, the consequences of the USA's recognition of Moroccan sovereignty over the disputed Western Sahara were evident in Moroccan

358 Morocco's security relationships with EU institutions have been complicated by the EU's promotion of a security strategy based on human rights, as well as the European Court of Justice's December 2016 ruling against the country's claim to Western Sahara. Dworkin and El Malki, "The Southern Frontier".

359 For instance, "Operation Hadar".

360 OECD, "The Covid-19 Crisis in Morocco", 6 May 2020, <https://www.oecd.org/mena/competitiveness/The-Covid-19-Crisis-in-Morocco.pdf>; Yasmina Abouzzohour, "Policy and Institutional Responses to COVID-19 in the Middle East and North Africa: Morocco", Brookings Doha Center, December 2020; Bauke Baumann and Antje Hoffmann, "Digitalisation and the coronavirus in Morocco: From care to control?" Henrich Boell Stiftung, 9 April 2020, <https://eu.boell.org/en/2020/04/09/digitalisation-and-coronavirus-morocco-care-control>.

361 Alonso and Garcia Rey, "The Evolution of Jihadist Terrorism".

362 The Law Library of Congress, "Algeria, Morocco, Saudi Arabia".

363 One of its most serious problems is corruption (see Transparency International).

364 Since promising reform following the onset of the Arab uprisings, Morocco has markedly increased restrictions on activists' and researchers' freedom of speech. The efforts made by the Association Marocaine des Droits Humains and other local grassroots civil society and human rights groups to secure greater democratic freedoms have met with increased state violence and harassment. Morocco's counter-terrorism strategy appears to be inseparable from its authoritarian political system. The state's far-reaching surveillance of its population and the king's role as the personification of religious authority may contribute to Morocco's image as a bastion of security, but they are also bound up with its resistance to genuine political accountability – with the all the limitations this involves. Dworkin and El Malki, "The Southern Frontier". More recently, cases such as Omar Radi further confirm this sentiment of the Moroccan state, <https://www.amnesty.de/mitmachen/urgent-aktion/marokko-omar-radi-prozessaufakt-2021-04-06>.

reactions to the migrant disputes with Spain; Rabat feels emboldened, and this boost may encroach on other policy areas, including terrorism.³⁶⁵

3. Morocco should take the underlying challenges of terrorism and radicalisation more seriously. Of course, these are complex problems but relying overwhelmingly on security-heavy CT/CVE measures impedes the genuine development of community-based programmes that develop independently from the state and contribute to a real multidimensional CT strategy. Beyond this, multiple researchers have accumulated evidence that in Morocco – and North Africa more broadly – grievances over a lack of economic opportunities and perceived inequalities as well as widespread corruption contribute to people joining terrorist groups (especially young people). Morocco’s CT partners should therefore insist on programmes that address these issues, including the reform of state structures in the country.

³⁶⁵ Ahmed Eljechimi, “Analysis: Morocco’s tougher stance emboldened by U.S. Sahara move”, *Reuters*, 19 May 2021, <https://www.reuters.com/world/africa/morocco-tougher-stance-emboldened-by-us-sahara-move-2021-05-19/>

3. Summary

Features of CT / Represented in countries	Egypt	Libya	Tunisia	Algeria	Morocco
National CT strategy					
Ministries involved in CT					
Parliament involved in CT					
Military courts					
Declared State of Emergency	Since 2017	In parts of the country	Since 2015	Reintroduced SoE because of COVID-19 pandemic	Reintroduced SoE because of COVID-19 pandemic
Death penalty			Not applied since 2010	Deliberations about reintroduction of death penalty since late 2020	
Reliance on local population for intelligence					
Muslim Brotherhood declared terrorist entity		In parts of the country			
Deradicalization programmes in prisons					
American CT cooperation					
European CT cooperation					
Regional CT cooperation					

yes
 partially
 no



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