



# Human rights and the Countering of Armed Terrorist Groups

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This Study focuses on one of the most important issues currently being discussed at the international level; that is how to achieve balance between the sovereign right of the State to encounter the threat of terrorism and the respect for human rights, fundamental freedoms and the principles of the rule of law during the counter-terrorism process. Accordingly, the United Nations General Assembly has adopted number of measures in several resolutions and documents addressing that issue.

Meanwhile, this Study focuses on the confrontations with the armed terrorist groups, especially in the context of the growing phenomenon of terrorism that seek to undermine the sovereignty and integrity of States territories by committing the most heinous crimes against humanity.

## **Basic Topics of the Study:**

- i. The extent to which the State is obliged to countering terrorism in general as part of its commitment to the international human rights system, and the applicable means to carry out this obligation to overcome armed terrorist groups.
- ii. The extent to which the armed terrorist groups enjoy the rights provided in the international instruments relevant to "the respect for human rights in the context of countering terrorism". Also, the Study discusses the nature of the members of those groups, and the rules of engagement during the military operations.
- iii. The legal rules relevant to the protection and remedy of victims of clashes, highlighting the key international rules applicable in this area,



and the rights of victims of armed terrorist attacks. The Study defines the term of victims and the extent to which the international conventions and legal instruments provide protection to victims of armed confrontations between the State armed forces and the armed terrorist groups, with distinction in this regard between intended victims of terrorist attacks and victims who fall incidentally during the military operations.

In the context of identifying the above issues, the Study addresses some topics of high importance, such as:

- How to strike a balance between the obligations of defending the national security in case of encountering terrorism and the respect for international human rights norms.
- The precise definition of terms used in the context of the confrontation of armed terrorist groups taking into account their legal connotations.
- The justifications for the use of brute force against armed terrorist groups.
- The approach to address foreign media outlets that promote misconceptions about the nature and objectives of such groups and the nature of the armed forces' confrontations with them as well.
- The clarification of what is happening on the ground in the Sinai Peninsula and other parts of Egypt, from a human rights perspective, within the frame of the overall process of countering terrorism: Sinai 2018.
- The determination of the legal and human rights system that shall be applied to victims of clashes with armed terrorist groups.

**The Study ends up with the following results:**

- The State authorities have positive obligation to protect the lives of citizens from the threat of terrorism, in defense of the right of human to life and security. This obligation extends to all individuals residing in or within the territory of the State.
- The State authorities have the right to resort to armed force when confronting armed terrorist groups, as practicing their legitimate right to self-defense. This may include the right to draw on the law enforcement forces to launch pre-emptive strikes against armed terrorist



groups to prevent further terrorist attacks.

- The State's positive obligation to the fight against terrorism is not limited to targeting terrorist elements and carrying out military operations against armed terrorist groups, but also extends to the development of effective prevention strategies that counteract radical ideologies that lead to violent extremism and terrorism. This obligation also includes the adoption of strategies to "renew religious discourse" in accordance with well-defined action plans and policies.
- The respect of the Egyptian army for norms and laws of warfare and moral values, even in dealing with elements of armed terrorist groups.
- The keenness of the law enforcement forces, throughout the military operations against members of armed terrorist groups, on the preservation of the lives of civilians who are surrounded by these terrorists. This would lead the Egyptian forces to use well-developed tactics to target terrorists and avoid accidental civilian casualties in the meantime.
- The thwarting of attempts by some parties to protect terrorists in the Sinai Peninsula, or to invoke the protection of the rights of those who carry out terrorist operations.
- The obligation of the State to provide protection and compensation to intended victims of terrorist attacks along with incidental victims who fall during military operations.
- The need to develop an integrated national strategy to deal with the victims of terrorism, providing them and their families with all the necessary protection and assistance, allowing them to move on with their lives.
- The competent national authorities should respond to international reports of United Nations human rights organizations concerned with the issue of "protection of human rights while countering terrorism", particularly those issued by the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the context of the fight against terrorism, taking into consideration the legal framework provided in this Study.