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Views: The Weaponisation of Anti-Terrorism Laws Against LGBTQIA+ Communities in Egypt and Libya

Ritaj Ibrahim

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The application of anti-terrorism laws across North Africa over the last decade or so raises critical questions: Why is such wide-ranging legislation created? How are the laws applied? And on whom are they applied the most harshly against? While seemingly tailored to protect national security, in countries like Libya and Egypt, anti-terrorism laws have been strategically utilised to suppress political dissent and target marginalised groups, specifically LGBTQIA+ communities. This calculated exploitation of the law has thus served to facilitate gross human rights abuses in the guise of fighting against extremism, masking state motives most often rooted in maintaining social control and silencing diversity.

The article discusses ways in which state power permeates the private and the social by focusing on Libya and Egypt, considering that state authorities conceptualise queer identities along with LGBTQIA+ organising as challenges to national stability. In fact, the anti-terrorism laws have now reached the status of a standard weapon wielded by authoritarian regimes to keep themselves in power, including by repressing any opposition in today's current configuration of geopolitics. These laws, once tools to protect national security and fight terrorism, have increasingly turned into tools for the systematic targeting of civil society, human rights defenders, and marginalised communities, among whom are LGBTQIA+ individuals. This article will unpack such weaponisation under authoritarian states focusing on legal, social, and human rights implications for these practices in Libya and Egypt.

Although resorting to legal frameworks as a means of suppressive control over populations is not necessarily new, post-9/11 global counterterrorism efforts have helped give regimes worldwide a convenient justification, often proffered to the international community, for quelling dissent and insisting on social submission. Anti-terrorism laws have turned into powerful tools of repression in North Africa, where the legal system is entangled with political and religious ideologies. LGBTQIA+ communities, already rendered vulnerable by prevailing social stigmas and discriminatory laws, are at the forefront of these targeted crackdowns. This article attempts to answer a number of questions, including: How are anti-terrorism laws being used against LGBTQIA+ individuals in Egypt and Libya? What specific legal mechanisms provide for this kind

of misuse? What does that say about the broader practice of human rights? Addressing these questions, the article will attempt to contribute to the ongoing discussion on human rights in North Africa and support efforts toward the protection of marginalised communities against state-sponsored violence and legal persecution.

Authoritarianism, Anti-Terrorism Laws, and Human Rights Violations

The issue of counterterrorism and human rights has been one of the most debated areas in both academic and policy-making circles. Scholars have also noted that though anti-terrorism laws are needed to ensure security among nations, they deny civil liberty, particularly in authoritarian states. Among scholars who have contributed critically to the study of the effects of anti-terrorism laws on civil liberties in authoritarian states is Aziz Rana.

Rana explains that such laws, even if genuinely conceptualised for national security, are turned into tools for authoritarian states to suppress political dissent and target vulnerable communities. He underlines such a paradox-wherein the law meant to protect society actually hinders the evolution of freedoms in that society. Anti-terrorism laws, their vague definitions of terrorism, and the resulting human rights violations are among the key concerns discussed in the literature on the subject.¹

Due to such ambiguous definitions, scholars such as Donohue (2008) argue that wide-ranging interpretations can be made to encompass virtually any target activity that governments do not want to see.² The author argues that such flexibility becomes particularly dangerous in authoritarian regimes, where matters remain unchecked by the courts and often operate without the oversight of a balanced separation of powers.³ Anti-terrorism laws therefore become used not only to criminalise violent acts but also peaceful dissent and any manifestation of minority identities. Human rights groups have documented numerous cases of anti-terrorism laws being used to justify arbitrary detention, torture, and execution. Reports by Human Rights Watch (2015)⁴ (2018)⁵ highlight disproportionate impacts of these laws on marginalised groups, including ethnic and religious minorities, political dissidents, and LGBTQIA+ persons. The organisation argues that the misuse of anti-terrorism laws fosters fear and repression, shrinking civic space and undermining the rule of law. Additionally, LGBTQIA+ people in North Africa must navigate a very adverse and complicated legal landscape. Most countries criminalise same-sex relationships, with punishments that vary between several years in prison to a death sentence. These harsh legal sentences are aggravated by a situation in which societal attitudes are much influenced by conservative religious and cultural norms, breeding widespread stigma against LGBTQIA+ persons.

This bias is embedded within the legal system, which not only punishes LGBTQIA+ individuals but also seeks to erase their presence from public life. According to a 2018 Human Rights Watch (HRW) report, same-sex relationships are criminalised across North Africa, with severe penalties and societal attitudes contributing to an increasingly hostile climate for LGBTQIA+ individuals, affecting their personal lives and public visibility.⁶

In many Arab countries, the legal landscape creates a repressive environment for LGBTQIA+ activism. Activists face harassment, arrests, and violence from both state and non-state actors, limiting advocacy and community support initiatives.^{7 8} This isolation, coupled with a lack of open discourse on LGBTQIA+ issues, reinforces a culture of silence and stigma, further hindering visibility and resilience among LGBTQIA+ persons. The introduction of anti-terrorism laws exacerbates these challenges by providing governments with tools to suppress LGBTQIA+ organising under the pretext of national security. These laws, in the hands of authoritarian regimes, become instruments of social control, weaponising legal frameworks to silence dissent and target marginalised communities with minimal resistance.⁹

The use of anti-terrorism laws in Egypt and Libya validates long-standing speculations about authoritarianism, demonstrating that legal frameworks primarily function to consolidate state authority rather than protect it. Broad and poorly defined terrorism laws allow for selective enforcement, disproportionately targeting marginalised groups, such as LGBTQIA+ individuals, for persecution.¹⁰ Beyond legal repression, these laws establish an environment of surveillance, fear, and political compliance. In Libya, publicly broadcasted forced confessions under anti-terrorism charges serve as a tool of social coercion, sending a powerful message that any deviation from state-imposed moral codes will have catastrophic consequences. In Egypt, the Rainbow Flag Incident exemplifies how such regimes not only repress minorities but also seek to erase visibility, mobilising conservative societal forces as a demonstration of moral supremacy. By characterising LGBTQIA+ presence and expression as threats to national security, these governments divert public attention from real social and economic grievances while consolidating their hold on power.

The literature on authoritarianism underlines the strategic role of laws in consolidating power, where repressive measures are framed to be necessary in the interest of public safety. This has gained momentum, especially in the post-9/11 era, where stringent anti-terrorism measures are being globally accepted as imperatives for security. Thus, Levitsky and Way write that authoritarian regimes exploit legal frameworks to legitimise their actions by extending control under the cloak of law and order.¹¹ This dynamic emboldens regimes to target LGBTQIA+ communities, presenting them as threats to public morality and national security. By uniting public opinion against a scapegoated minority, governments deflect attention from pressing issues, such as economic instability or political unrest.

Academic analyses of authoritarianism identify legal frameworks in repressive regimes not as neutral tools of governance but as political instruments of control. As Hannah Arendt writes, totalitarian regimes rely not only on violent coercion but also on legal manipulation to institutionalise repression.¹² In both Egypt and Libya, the use of anti-terrorism laws to target LGBTQIA+ individuals illustrates how legal tools are wielded to support ideological discourses that sustain authoritarianism and entrench such regimes in power. The conflation of LGBTQIA+ advocacy with national security concerns serves two key purposes: it delegitimises advocacy by associating it with criminality and provides legal cover for state repression and human rights violations under the guise of counterterrorism. By embedding repression within legal frameworks,

these regimes normalise persecution, making it not an extraordinary abuse of power but a routine function of governance.

Therefore, the study of authoritarianism situates the practice of anti-terrorism laws within the context of state repression. As outlined above, laws in authoritarian regimes are co-opted for the consolidation of power, suppression of dissent, and maintenance of social control. Additionally, the broad and vague definitions of anti-terrorism laws enable governments to criminalise any undesirable activity. The following analysis examines how legal systems in North Africa, shaped by persistent authoritarian governance, serve to reinforce state power rather than uphold justice.

The Case of Libya

The legal system in Libya has always reflected a combination of civil law, Islamic law, and authoritarian governance informed by its colonial legacy and the long rule of Muammar Gaddafi. Under his rule, laws were used as tools of repression to suppress opposition and maintain the regime's iron grip on power. Since the 2011 revolution that saw the ousting of Gaddafi, Libya's legal framework has seen immense change. However, the shadow of authoritarianism lingers on, most specifically in the country's anti-terrorism laws.

The Libyan Penal Code was originally promulgated in 1953 and over the years came to include wide anti-terrorism provisions. For instance, Article 207 criminalises 'actions aimed at overthrowing the political or social order' and Article 291 punishes individuals involved with activities deemed to promote terrorism or threaten national security.¹³ These provisions are intentionally broadly drafted to allow for wide-ranging interpretations that could be used to target a wide range of activities, including LGBTQIA+ advocacy.

In 2014, the Libyan government took it a step further with the implementation of Law No. 3 on Combating Terrorism¹⁴, which gave more power to the state to crack down on perceived threats. The legislation also employs broad and ambiguous definitions of terrorism, extending beyond acts of violence to include anything perceived as threatening public order. As such, various factions within Libya's fragmented political landscape have widely used this law to suppress opposition and maintain their hold on power.

Case analysis: The Confessions Incident of 2023

A striking example of the misuse of anti-terrorism laws in Libya is the Libyan Internal Security Agency's release of online videos since the end of 2023, featuring the forced 'confessions' of twenty-four men.¹⁵ These individuals were charged with offences including illicit sexual intercourse and promoting views or principles aimed at overthrowing the political, social, or economic order of the state, wholly or partly. The anticipated sentences are severe, ranging from life imprisonment to the death penalty.¹⁶

These men were obviously under duress, and their 'confessions' are widely believed to have been coerced. These forms of public shamings and forced confessions not only punish those who engage in prohibited relations but also warn the greater LGBTQIA+ community, and anybody who

might stand against the state, of potential severe consequences. These cases are not isolated but indicative of a trend that is going from bad to worse in the use of counterterrorism legislation against civil society and minorities in Libya. Such a legal framework, with very ambiguous and broadly defined terms, equips the state with tremendous power to subdue any manifestation of dissent-particularly the simple existence of LGBTQIA+.

Many incidents where anti-terrorism laws are weaponised against the LGBTQIA+ community take place in Libya. The resulting atmosphere of pervasive fear for being in the crosshairs of state aggression compels people to silence themselves about their lives and refrain from mobilising in groups and raising demands for themselves. Being unprotected under the law and facing the threat of strict punishments further creates a highly precarious situation for the already marginalised LGBTQIA+ individuals in Libyan society.

The international community has remained tight-lipped over the issue, with very little being done to hold the Libyan government accountable for its actions. The lack of international scrutiny, along with the fragmented nature of Libya's political arena, makes it difficult to effectively deal with these violations of human rights. The case study outlined above shows the urgent need for legal reform and more active international action in order to protect the rights of LGBTQIA+ individuals in Libya.

The Case of Egypt

Anti-terrorism laws in Egypt have undergone rapid developments in recent decades, especially with the continuing political turmoil in the country. The cornerstone of Egypt's current anti-terrorism legal framework is the Anti-Terrorism Law No. 94 of 2015¹⁷, enacted after the assassination of Prosecutor General Hisham Barakat.

This law provides broad definitions of terrorism to include any act that uses force or violence with the intent of disrupting public order, national unity, peace, or security. It also criminalises incitement to terrorism, even in private communication, and responds with heavy penalties including the death penalty, to a variety of terrorism-related offences.

Complementing the Anti-Terrorism Law, the Terrorist Entities Law of 2015 further extends the government's authority by allowing the courts to designate individuals or groups as terrorists using vague criteria. The law's loose wording allows the authorities to target a wide range of peaceful activities as pretexts for clamping down in the name of fighting terrorism. These have been used by the Egyptian government in the crackdown against political opposition and civil society. Similar to Libya, the legal framework in Egypt allows the criminalisation of practically any act the state perceives as threatening to its authority. This not only includes violent acts but also peaceful protests, social media postings, and even the performance of sexualities outside of the cis-heteronormative paradigm.

Case analysis: The Rainbow Flag Incident of 2017

One of the most publicised instances of the improper enforcement of anti-terrorism laws in Egypt was in the case that came to be referred to thereafter as the 'Rainbow Flag Incident'¹⁸. It took place during a concert by the Lebanese band Mashrou' Leila, which has an openly gay lead vocalist, when some audience members waved rainbow flags -a symbol of LGBTQIA+ pride. This provocative display of the flags elicited an unprecedented backlash from the Egyptian government, which resulted in the arrest of at least seventy-five people. Those arrested were accused of promoting 'sexual deviancy' and 'debauchery' - offences falling within the broad outlines of Egypt's anti-terrorism laws. Of the many arrests, most suffered forced anal exams, which human rights organisations condemn as a form of torture.¹⁹ Seen broadly, this was a method by which the Egyptian government could regain control over public morality in an attempt to divert attention away from other more serious political and economic issues.

The Rainbow Flag Incident underlines how Egypt's anti-terrorism laws serve to entrench a specific moral order-one that excludes and punishes LGBTQIA+ individuals. What was being advanced as necessary for the protection of public order and national security was actually an attempt to suppress a marginalised community and consolidate conservative social norms.²⁰

The Rainbow Flag incident had an immense impact on the Egyptian LGBTQIA+ community. This wave of arrests and publicity, along with many other similar incidents, has driven most LGBTQIA+ individuals into hiding or exile. The Egyptian state has also silenced any active public work and activities of organisations and activists of LGBTQIA+ identification. Repression by the Egyptian government has left lifelong scars on activists and the wider community. The torture inflicted on activists like Sarah Hegazi and Ahmed Alaa after their arrests was so brutal that they fled Egypt; Hegazi's trauma later contributed to her tragic suicide in exile.²¹ Misused anti-terrorism and 'debauchery' laws force organisations underground, stifle community gatherings, and create a climate of fear for LGBTQIA+ people.

This is part of a broader, more sinister policy by the Egyptian government, condemned by international human rights organisations but with little real concrete action taken on the ground to hold the government accountable. The lack of legal protections for LGBTQIA+ persons in Egypt, coupled with the state's willingness to use extreme measures to enforce social conformity, has created a climate of fear and repression that shows no signs of abating.

Libya and Egypt: A Comparative Lens on Repression

While both countries use anti-terrorism laws as a tool of repression, the contexts in which those laws are used are very different. In Libya, a protracted civil war and the resulting fragmentation has that meant competing factions apply anti-terrorism laws to maintain and expand their control by suppressing opponents. The use of such laws against LGBTQIA+ people is part of a larger strategy of maintaining power in the context of shifting legal and political norms.

The government in Egypt uses anti-terrorism laws in a more centralised and systematic manner. The state applies these laws within a larger framework of dominating public morality and quelling

any kind of dissent. The Rainbow Flag Incident is exemplary in this respect, where the state targets LGBTQIA+ individuals as a way of enforcing conservative social mores but also to deflect attention from other political and economic challenges.

Despite these differences, there are numerous similarities in how these respective laws are then utilised in targeting LGBTQIA+ communities in both countries. Similarly, in both Libya and Egypt, the broad definition of terrorism allows, in practice, for the criminalisation of a wide range of activities that authorities may consider threatening to state interests. This also includes peaceful demonstrations of activism the LGBTQIA+ populations. What results is a climate of fear and repression where persons of homosexual orientation are forced to live in hiding or leave the country, with their basic human rights denied.

The case of using anti-terrorism laws against the LGBTQIA+ communities in Libya and Egypt could, therefore, reflect a larger pattern of an increasingly vicious use of legal frameworks in North Africa as a tool of suppression against civil society and enforcement of social conformity. Other similar legislation, like that of Saudi Arabia, Iran, and the United Arab Emirates, criminalise LGBTQIA+ identities and activities as a purported deterrent against public immorality and national security²². This, in turn, portends a grim future for human rights in the region. This misuse of antiterrorism laws targets marginalised communities in ways that have resulted in a breakdown of rule of law and erosion of civil liberties. It also creates conditions where human rights abuses are tolerated, if not institutionalised, into legality. The ineffective international response to such issues has only emboldened these authoritarian regimes in pursuing repressive measures with impunity.

Conclusion

The misuse of anti-terrorism legislation in Egypt and Libya demonstrates that these laws are not genuinely intended to protect national security but instead serve as tools of repression for authoritarian states. Rather than safeguarding citizens, such legislation is weaponised to enforce conformity, silence dissent, and disproportionately target LGBTQIA+ individuals under the guise of combating extremism. In both countries, security concerns have been exploited as a pretext for persecution, with governments portraying queer identities as threats to national morality. Addressing this issue requires urgent and comprehensive legal reform to prevent the continued abuse of anti-terrorism laws. Additionally, effective international action is essential, including decriminalisation advocacy, holding governments accountable, and establishing mechanisms that prevent the manipulation of legal frameworks to justify human rights violations.

In order for this to take place, international human rights organisations must go beyond monitoring these abuses and take meaningful action, such as diplomatic pressure, policy interventions, and direct solidarity with grassroots activists. Ultimately, anti-terrorism laws must be restored to their rightful purpose—protecting all citizens from genuine security threats—while upholding human rights. These laws should not serve as instruments of oppression, while in authoritarian contexts, they are often used for persecution. Through sustained global advocacy and

judicial intervention, repressive legal structures can be dismantled, paving the way for a future where fundamental rights are upheld and LGBTQIA+ individuals are no longer criminalised under the pretext of national security.

About the Author

Ritaj Ibrahim is a researcher on gender and SWANA Politics, and the co-founder of Kun organisation.

¹ Rana Aziz, *The Two Faces of American Freedom* (Harvard University Press, 2010), 142-143.

² Laura K. Donohue, *The Cost of Counterterrorism: Power, Politics, and Liberty* (Cambridge University Press, 2008), 273 - 332.

³ Ibid.

⁴ Human Rights Watch “Egypt: Counterterrorism Laws Continue to Erode Basic Rights,” 19 August 2015, <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>.

⁵ Neela Ghoshal, “Egypt: More Arrests in LGBT Crackdown, No International Outcry,” *Human Rights Watch*, 22 January 2018, <https://www.hrw.org/news/2018/01/22/more-arrests-egypts-lgbt-crackdown-no-international-outcry>.

⁶ Human Rights Watch, “Audacity in Adversity: LGBT Activism in the Middle East and North Africa,” *Human Rights Watch*, 16 April 2018, <https://www.hrw.org/report/2018/04/16/audacity-adversity-lgbt-activism-middle-east-and-north-africa>.

⁷ Alimi Y. Eitan and Avraham Sela and Mario Sznajder, *Popular Contention, Regime, and Transition: The Arab Revolts in Comparative Perspective* (Oxford University Press, 2016).

⁸ Serene J. Khader, *Decolonizing Universalism: A Transnational Feminist Ethic* (Oxford University Press, 2018).

⁹ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (Cambridge University Press, 2010).

¹⁰ Ricarda Ameling, “Constructing the National Body Through Public Homophobia: A Discourse Analysis of Egyptian Media Coverage of the ‘Rainbow Flag Case’ in 2017,” *Rowaq Arabi* 27, no.1 (2022): 23–38. <https://doi.org/10.53833/PXDI8870>.

¹¹ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism*.

¹² Hannah Arendt, *The Origins of Totalitarianism*, (Harcourt Brace & Co., 1976).

¹³ Libyan Penal Code, Articles 207 & 291 (1953), <https://shorturl.at/CQFZX>.

¹⁴ Amnesty International, ‘Libya Internal Security Agency Must End Abuses in the Name of “Guarding Virtue”’, 14 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/libya-internal-security-agency-must-end-abuses-in-name-of-guarding-virtue/>.

¹⁵ Libyan Internal Security Agency, “Fraud and Infiltration of Organizations and the Ease of Handling Tools,” 13 May 2023, <https://isa.gov.ly/ar/thaelalmondmat/>.

¹⁶ Libyan Internal Security Agency, “Fraud and Infiltration”.

¹⁷ Human Rights Watch, “Egypt: Counterterrorism Law Erodes Basic Rights,” *Human Rights Watch*, 19 August 2015, <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>.

¹⁸ Human Rights Watch “Imprisoned for Raising a Rainbow Flag”, *Human Rights Watch*, 30 September 2020, <https://www.hrw.org/video-photos/video/2020/09/30/imprisoned-raising-rainbow-flag>.

¹⁹ Ibid.

²⁰ Ricarda Ameling, “Constructing the National Body”.

²¹ Human Rights Watch “Egypt: Mass Arrests Amid LGBT Media Blackout: ‘Rainbow Flag’ Activists Face Death Threats, Ill Treatment,” 6 October 2017, <https://www.hrw.org/news/2017/10/06/egypt-mass-arrests-amid-lgbt-media-blackout>.

²² ILGA World, “State-Sponsored Homophobia: Global Legislation Overview,” 15 December 2020, <https://ilga.org/state-sponsored-homophobia-report>.